

GOVERNMENT OF JAPAN

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SUMMARY OF  
THE WHITE PAPER ON CRIME,  
1971

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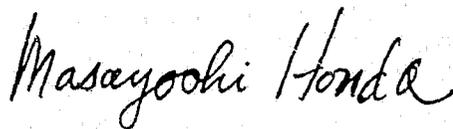
THE RESEARCH AND TRAINING INSTITUTE  
OF THE MINISTRY OF JUSTICE

## PREFACE

The Research and Training Institute of the Ministry of Justice has compiled and analyzed Japanese crime trends each year since 1960 as well as reviewing existing measures for the prevention of crime and the treatment of offenders. This information is first reported by the Ministry of Justice to the Cabinet and later released as a White Paper on Crime to the general public.

The first English summary translation of the White Paper on Crime appeared in 1963 making available to scholars and persons concerned with the administration of criminal justice in other parts of the world a summary of crime, prosecution, courts and correctional trends in Japan. The Japanese edition of the 1971 White Paper on Crime is subtitled "Trends in Crime and the Treatment of Offenders," and consists of 386 pages, while this summary has been reduced to 57 pages. The material presented is divided under three headings: General View of Crime, Treatment of Offenders and Special Crimes and Criminals. Although every effort was made to use 1970 statistics, in a few cases this was not possible. In instance where the 1970 statistics were not available, the most recent ones were used.

This English summary was prepared by Messrs. Osamu Takada, Kiyoshi Hara, Kazuo Takahashi, Masahiko Kikuchi and Mrs. Kyoko Tsunekawa, of the faculty of the Research and Training Institute of the Ministry of Justice, and who are currently assigned to the Asia and Far East Institute for the Prevention of Crime and Treatment of Offenders. This Institute which is operated by the Japanese Government with the co-operation of the United Nations makes available personnel training program and information services to individuals and countries in the Asian region. This year the staff at the Institute were able to give considerable time to the translation of the White Paper on Crime. Readers will note a rearrangement of materials which we hope will make them more useful. I would also like to express my appreciation to Dr. Lloyd W. McCorkle, a Visiting Expert at this Institute, for his assistance in preparing this English version of the White Paper on Crime 1971.



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To illustrate the trends in Special Law offenses, it may be helpful to relate the number of suspected Special Law violators received by the public prosecutor to Penal Code suspects received by him. The police must refer all cleared cases to the public prosecutor since he is the only person with authority to institute prosecution.

Figure I in page 1 shows the number of suspects received by the public prosecutor by type of offenses for selected post-World War II years.

When all Penal Code, Special Law, Traffic offenses are considered, the percent of Special Law suspects received by the public prosecutor comprised 34.6 percent of the total in 1946 and 57.5 percent in 1947, most of whom were violators of the Food Control Law and the Price Control Ordinance during the chaotic situation in post-World War II Japan. Traffic violators were only 0.5 percent in 1946 and 5.6 percent in 1947 but had increased to 61.192 in 1953. This figure reached 83.8 percent in 1965 when it numbered 4,965,062. In July 1968, traffic suspects started to decrease and dropped to 54.2 percent of the total in 1970. This is a reflection of the new system of Traffic Infraction Notification Procedure. This system permits traffic offenders who violate minor traffic laws and regulations to be exempt from prosecution if they pay upon notification by the police a "penalty fine" designated in law. On the other hand, the percentage of Penal Code offenders occupied only 40.5 percent of total suspects in 1970 when that of Special Law suspects comprised only 5.3 percent.

## II. Statistical Review of Crime in 1970

### A. Penal Code Offenses

Table 1 shows the number of Penal Code offenses, the number cleared by the police, the police clearance rate and the number of suspects investigated by the police for selected post-World War II years.

Table 1. Penal Code Offenses, Number Cleared and Number of Suspects Investigated by the Police, selected years

Year	Number of Offenses Known to the Police	Number of Offenses Cleared by the Police	Rate of Police Clearance (%)	Number of Suspects Investigated by the Police
1946	1,387,080	803,264	58	433,083
1948	1,603,265	811,907	51	539,467
1953	1,344,432	954,261	71	520,057
1963	1,575,803	1,045,417	67	606,649
1965	1,602,430	1,069,617	67	706,827
1966	1,590,681	1,051,608	66	740,055
1967	1,603,471	1,077,103	67	802,578
1968	1,742,479	1,205,371	69	923,491
1969	1,848,740	1,269,193	69	999,981
1970	1,932,401	1,362,692	71	1,073,470

Table 2 shows the Penal Code offenses excluding "professional negligence causing homicide and bodily injury" for the same selected years.<sup>2)</sup>

Table 2. Penal Code Offenses, Number Cleared and Number of Suspects Investigated by the Police Excluding Professional Negligence Causing Homicide and Bodily Injury, selected years

Year	Number of Offenses Known to the Police	Number of Offenses Cleared by the Police	Rate of Police Clearance (%)	Number of Suspects Investigated by the Police
1946	1,384,222	800,431	58	430,178
1948	1,599,968	808,619	51	535,918
1953	1,317,141	927,012	70	492,214
1963	1,377,476	868,207	63	425,473
1965	1,343,625	812,996	61	440,563
1966	1,292,091	754,462	58	431,324
1967	1,217,844	690,919	57	400,210
1968	1,231,886	695,101	56	391,091
1969	1,251,678	672,910	54	375,132
1970	1,277,459	707,770	55	378,023

Comparison of the above two tables indicates that the recent increase trends in Penal Code offenses can be traced to the sharp rise in offenses caused by professional negligence causing homicide and bodily injury, majority of which resulting from traffic accidents.

It is generally believed that incidence of crime is related to the number of persons in a population and in Table 3 and 4 Penal Code offenses without the number included in professional negligence are compared based on the criminally responsible population.<sup>3)</sup> These following trends are reflected in Table 3 and 4; the rate of suspects of Penal Code offenses, excluding professional negligence causing homicide and bodily injury, computed per 100,000 of the criminally responsible population and also the rate of those convicted in the court of first instance show a trend downward. However, it should be noted that the rate of the offenses known to the police moved slightly upward starting in 1969.

<sup>2)</sup>The Penal Code provides for three types of Negligent Offenses: Simple Negligent Homicide or Bodily Injury; Gross Negligent Homicide or Bodily Injury; and Professional Negligence causing Homicide or Bodily Injury. The punishments authorized for the latter two are more severe. "Professional" negligence causing homicide or bodily injury was originally adopted to cover negligent homicide or bodily injury in one's business or profession as a medical doctor or a professional car driver. Courts have enlarged the interpretation of "professional" to include reckless motorists whose occupations are other than that of car driver.

<sup>3)</sup>The criminally responsible population is the general population excluding all person under the age of 14.

Table 3. Penal Code Offense Suspects, Persons Indicted and Convicted per 100,000 of the Criminally Responsible Population, selected years

Year	Criminally Responsible Population Unit : 1,000	Rate Computed per 100,000 of the Criminally Responsible Population			
		Offenses Known	Suspects	Persons Indicted	Persons Convicted in the Court of First Instance
1946	49,572	2,798	874	322	293
1956	62,840	2,244	840	376	331
1967	77,638	2,065	1,034	592	547
1968	78,677	2,215	1,174	713	673
1969	79,740	2,318	1,254	755	717
1970	80,676	2,395	1,331	764	...

Table 4. Penal Code Offense Suspects, Persons Indicted and Convicted Excluding Professional Negligence Causing Homicide and Bodily Injury per 100,000 Criminally Responsible Population, selected years

Year	Criminally Responsible Population Unit : 1,000	Rate Computed per 100,000 of the Criminally Responsible Population			
		Offenses Known	Suspects	Persons Indicted	Persons Convicted in the Court of First Instance
1946	49,572	2,792	868	319	...
1956	62,840	2,155	749	309	265
1967	77,638	1,569	515	220	185
1968	78,677	1,566	497	217	181
1969	79,740	1,570	470	204	167
1970	80,676	1,583	469	197	...

In Table 5 the distribution of Penal Code offenses by number known to the police, cleared by them, and the number of suspects investigated in 1970 are presented.

Of Penal Code offenses known to the police, theft accounts for 53.8 percent of the total number of cases, followed by professional negligence causing homicide or bodily injury (33.4 percent), fraud (3.0 percent), and bodily injury resulting in death (2.6 percent). The clearance rate for theft was 47.5 percent, a 2.5 percent increase over the previous year. For all other offenses the clearance rate was higher and in such cases it was over 90 percent. Professional negligence causing homicide or bodily injury accounted for 64.8 percent of the suspects, followed by theft with 16.2 percent, the reverse of their relationship for offenses known to the police. This fact flows from the difference in the clearance rate between these two offenses. Until 1964 persons suspected of theft outnumbered all others, comprising 30 percent of the total but starting in 1964, professional negligence causing homicide or bodily injury has exceeded theft in number of suspects.

For the purpose of a more detailed examination of trends in Penal Code offenses, offenses were grouped under five headings: Property offenses, Offenses of Violence, Sex Offenses, Offenses of Negligence, and Miscellaneous. Table 6 shows recent

Table 5. Penal Code Offenses Known to the Police, Cleared by Them and Suspects Investigated by Type of Crime, 1970

Offenses	Cases Known		Number of Cases Cleared	Rate of Clearance (%)	Suspects	
	Number	Percent of Total			Number	Percent of Total
Theft	1,039,118	53.8	493,240	47.5	173,616	16.2
Robbery	1,451	0.1	1,130	77.9	1,175	0.1
Robbery involving Homicide, Injury or Rape	1,238	0.1	1,049	84.7	1,670	0.2
Fraud	58,340	3.0	52,766	90.4	16,434	1.5
Extortion	18,775	1.0	15,626	83.2	14,979	1.4
Embezzlement	9,362	0.5	8,898	95.0	5,973	0.6
Homicide	1,986	0.1	1,927	97.0	2,146	0.2
Bodily Injury (including those resulting in death)	50,836	2.6	46,179	90.8	61,675	5.7
Assault	32,028	1.7	29,501	92.1	37,832	3.5
Rape (including those resulting in death)	5,161	0.3	4,747	92.0	6,430	0.6
Arson	1,587	0.1	1,355	85.4	814	0.1
Professional Negligence causing homicide or bodily injury	654,942	33.9	654,922	100.0	695,447	64.8
Miscellaneous	57,577	3.0	51,352	89.2	55,279	5.1
Total	1,932,401	100.0	1,362,692	70.5	1,073,470	100.0

trends in major Penal Code offenses in relation to the number of suspects investigated by the police. In this table, the 1966 figures are used as an index of 100 percent, and deviations annually up to and including 1970 are shown. It is apparent from a quick inspection that negligent offenses have continued to escalate upward, while other offense categories generally have been downward. The number of suspects alleged to have committed fraud, embezzlement, or receiving or buying of stolen property, showed a continuous decrease between 1966 and 1970, while an increase was observed for theft in 1970 in contrast to the previous four years.

In general, offenses of violence have been downward and the number of suspects of unlawful assembly with weapons has also decreased slightly. In this connection, the offense "interference with a government official in the performance of his duties," frequently has a violent connotation. Although somewhat different from the more typical "conventional" violent offenses, it has also decreased in both cases known to the police and suspects investigated by them in 1970. The number of suspects investigated by the police has decreased sharply from 7,626 in 1969 to 3,641 in 1970. This decline was no doubt due to the decline of mass student movements in 1970.

Sex offenses have been downward for the last four years.

While offenses of negligence continues to increase in the case of death or injury

Table 6. Trends in Penal Code Offenders Investigated

Offenses	Year		1966	
	1960	Index	Number	Index
<b>I. Property Offenses</b>				
1. Theft	180,899	98	184,432	100
2. Fraud	28,743	130	22,075	100
3. Embezzlement	12,345	154	8,012	100
4. Stolen Property	8,352	174	4,793	100
5. Breach of Trust	241	81	296	100
Total	230,580	105	219,608	100
<b>II. Offenses of Violence</b>				
<b>A. "Non-heinous" Crimes</b>				
6. Assault	38,445	85	45,352	100
7. Bodily Injury (including those resulting in death)	83,449	112	74,222	100
8. Intimidation	4,388	102	4,320	100
9. Extortion	25,263	133	13,968	100
10. Unlawful Assembly with Weapon	568	72	787	100
Total	152,118	106	143,649	100
<b>B. "Heinous" Crimes</b>				
11. Homicide (including patricide, infanticide and attempt)	2,844	125	2,278	100
12. Robbery	2,983	164	1,824	100
13. Robbery involving Homicide, Injury or Rape	2,577	130	1,975	100
Total	8,404	138	6,077	100
<b>III. Sex Offenses</b>				
14. Pape (including those resulting in injury and death)	8,080	98	8,210	100
15. Indecent Assault	—	—	2,167	100
16. Obscene Matters (distributing, selling, etc.)	—	—	5,502	100
Total	12,118	76	15,879	100
<b>IV. Offenses of Negligence</b>				
17. Professional Negligence causing Homicide or Bodily Injury	118,937	39	308,731	100
18. Simple Negligent Homicide and Injury	2,087	179	1,166	100
19. Fire Caused by Negligence	8,476	122	6,940	100
Total	129,500	41	316,837	100
<b>V. Miscellaneous</b>				
20. Arson	969	138	700	100
21. Gambling	6,050	39	15,541	100
22. Kidnapping	133	52	258	100
23. Forgery & Counterfeiting	1,949	92	2,112	100

\* No figures were identified for 15 and 16 for 1960.

by the Police by Crime Categories, 1960 — 1970

1967		1968		1969		1970	
Number	Index	Number	Index	Number	Index	Number	Index
169,699	92	165,901	90	160,356	87	173,616	94
18,785	35	17,765	80	16,245	74	16,434	74
6,287	78	6,107	76	5,536	69	5,973	75
3,320	80	2,988	62	2,532	54	2,566	54
196	66	288	97	322	108	255	86
193,757	91	193,049	88	185,041	84	198,844	91
44,415	98	42,002	93	38,657	85	37,832	83
73,633	99	71,179	96	66,553	90	61,675	83
3,762	87	3,381	78	3,055	71	3,026	70
15,310	81	14,157	75	13,511	71	14,979	79
724	92	1,051	134	1,871	238	1,250	159
137,844	96	131,770	92	123,627	86	118,762	83
2,225	98	2,297	101	2,351	103	2,146	94
1,377	75	1,280	70	1,247	68	1,275	64
1,766	89	1,694	86	1,638	85	1,670	85
5,368	88	5,271	87	5,236	87	4,991	82
8,039	98	7,725	94	6,843	83	6,430	78
2,267	105	2,191	101	2,162	100	2,054	95
5,120	93	5,173	94	4,586	83	5,165	94
15,426	97	15,039	95	13,592	86	13,649	86
402,368	130	532,400	172	624,849	202	695,477	225
1,070	92	1,117	96	1,013	87	639	59
7,176	103	6,938	100	6,154	89	5,937	86
410,614	130	540,455	171	632,016	199	702,073	222
638	91	666	95	1,342	192	814	116
13,221	85	13,729	88	12,707	82	14,253	92
296	115	251	97	320	124	263	104
1,733	82	1,599	76	1,578	75	1,873	89

due to traffic accidents. This seems to be largely due to the increased number of motor vehicles as will be considered later.

#### B. Special Law Offenses

The distribution of Special Law offenders received in 1970 by the public prosecutor is shown below in Table 7. In 1970 a total of 142,460 suspects were received by the public prosecutor on suspicion of violating all Special Law offenses other than traffic offenses. This figure was slightly larger than the previous year and the violations with the greatest increase were the Stimulant Drugs Control Law, the Marihuana Control Law, the Horse Race Law, the Bicycle Race Law and the Public Office Election Law. Those that decreased from the previous years include the Car Damage Compensation Guarantee Law and the Aliens Registration Law. It is noteworthy that violators of the Marihuana Control Law have gradually increased each year since 1967, and sharply increased in 1970. The majority of suspects were investigated

Table 7. Special Law Offenses, 1970

Law Violated	Number of Suspects received by the Public Prosecutor	Percent of Total	Deviations from 1969 (%)
Public Office Election Law	20,892	14.7	+ 125.5
Road Transportation Law	1,428	1.0	- 17.4
Road Transportation Vehicle Law	1,094	0.8	- 19.9
Car Damage Compensation Guarantee Law	12,438	8.7	- 29.7
Anti-Prostitution Law	5,800	4.1	- 8.6
Law Regulating Business Affecting Public Morals	12,344	8.7	- 10.0
Bicycle Race Law	2,321	1.6	+ 40.5
Horse Race Law	1,574	1.1	+ 110.1
Hemp Control Law	771	0.5	+ 69.1
Narcotic Control Law	257	0.2	- 2.3
Stimulant Drugs Control Law	1,905	1.3	+ 130.9
Opium Law	241	0.2	- 27.2
Tabacco Monopoly Law	348	0.2	+ 6.1
Custom Law	1,252	0.9	- 2.1
Foreign Exchange and Foreign Trade Control Law	105	0.1	- 72.0
Aliens Registration Law	13,534	9.5	- 18.9
Immigration Control Order	316	0.2	- 7.3
Sword and Fire Arm Possession Control Law	12,602	8.8	- 10.3
Minor Offenses Law	3,641	2.6	- 8.4
Others	49,597	34.8	- 0.5
Total	142,460	100.0	+ 0.6
Road Traffic Law	1,460,052		- 0.7

for smuggling or possessing marihuana and 79.6 percent of them were juveniles or young adults under 24 years old. Also, increase of violators of Stimulant Drugs Control Law were observed in smuggling cases.

## PART TWO: TREATMENT OF OFFENDERS

### I. Prosecution and Trial

#### A. Prosecution

1. In 1970, Public Prosecutors' Offices in Japan received<sup>49</sup> 2,692,414 suspects of whom 1,089,900 were alleged to have violated the Penal Code, 1,460,054 the Road Traffic Law and 142,460 Special Laws. This total was 10,040 or 0.4 percent less than the number referred to the Public Prosecutors' Offices the previous year.

The number of persons suspected of Penal Code Offenses decreased by 352 or 0.04 percent in 1970. This slight decrease is mainly due to a decline in cases of professional negligence causing bodily injury and death in 1970. The number of suspects of special law offenses increased slightly by 878 in 1970. This seems related to an increase in violations of the Public Office Election Law. The number of persons suspected of Road Traffic Law violations decreased by 10,566 or 0.7 percent, which is related to the fact that certain juvenile traffic offenses were recently (August 1970) added to "the Traffic Infraction Notification Procedure". This procedure permits certain minor juvenile traffic offenses to be disposed of without reference to the Public Prosecutors' Office.<sup>50</sup>

Of all 1970 Penal Code suspects, those accused of professional negligence causing bodily injury and death accounted for 62.6 percent of the total and the vast majority of these involved automobile accidents. This offense was followed by persons accused of theft (15.9 percent), injury and assault (8.7 percent), fraud (2.1 percent) and extortion (1.5 percent).

It should also be noted that in 1970, of 1,291,437 suspects examined by the Public Prosecutor (excluding all Road Traffic Law violators), only 12.6 percent were arrested, the remainder appeared on a voluntary basis. Of suspects examined by the Public Prosecutor, 91,320 or 7.1 percent were detained prior to prosecution, and the vast majority 81.9 percent were detained less than 10 days.<sup>51</sup> In 1970, 62,628 suspects or

<sup>49</sup>The responsibility for criminal investigation is vested by law with the police, the Public Prosecutor and his assistants. However, after having conducted an investigation of a crime the police must send the case with all documents and evidence to the Public Prosecutor (Article 246, Code of Criminal Procedure), and only the Public Prosecutor has the power to institute prosecution (Article 247, Code of Criminal Procedure). In 1969, there were 1,049 Public Prosecutors and 800 Assistant Public Prosecutors in the Ministry of Justice assigned to 628 Public Prosecutors' Offices distributed among 8 major administrative districts.

<sup>50</sup>In detail, see Page 40.

<sup>51</sup>The period of detention authorized by the court is, in principle, 10 days. However, an additional extension of detention not exceeding 10 days, and still another of 5 days for certain serious crimes, is available upon separate application by the public prosecutor (Article 208, 208-2, Code of Criminal Procedure).

68.5 percent of those detained were prosecuted. The rate of persons arrested and detained to the total number of suspects has been decreasing the last five years.

2. The total number of suspects disposed of by the Public Prosecutors' Offices in 1970 (excluding transfer of cases from one public prosecutor to another) was 2,828,991. These cases were disposed of in 1970 as follows:

Prosecution	1,738,452 ( 61.5 percent)
Non-prosecution	459,463 ( 16.2 percent)
Referral to Family Court	602,003 ( 21.3 percent)
Stay of disposition	29,073 ( 1.0 percent)
Total	2,828,991 (100.0 percent)

Of the total number prosecuted, 108,317 (6.2 percent) were prosecuted through formal public trial, 1,622,454 (93.3 percent) through summary order,<sup>52</sup> and 7,381 (0.4 percent) through summary trial proceedings in traffic cases.

3. The Public Prosecutor may at his discretion suspend prosecution but he must follow certain legal guidelines in making this determination. He may decide to suspend prosecution even if the evidence is sufficient to convict, if after a careful review of the character, age and situation of the offender, the gravity of the offense, the circumstances under which the offense was committed, and the conditions subsequent to the commission of the offense (Article 248, Code of Criminal Procedure), he believes it to be in the best interest of society and the offender to do so. The exercise of discretionary power by the Public Prosecutor is based on criminological considerations which aim at the rehabilitation of the offender by avoiding stigmatization of him as a criminal. Of all decisions of non-prosecution made by Public Prosecutors in 1970, 378,786 or 82.4 percent were based on this discretion, while 11.5 percent were based on lack of evidence and 6.0 percent for other reasons. Table 8 shows percent of suspension of prosecution by five categories between 1966 to 1970.

Table 8. Percentage of Suspension of Prosecution, 1966 — 1970

Year	All Offenses	Penal Code Offenses	Penal Code* Offenses	Special Law Offenses	Traffic Offenses
1966	10.9	30.2	38.4	39.0	7.1
1967	10.6	30.2	38.6	41.8	6.1
1968	13.2	28.9	39.7	40.7	6.9
1969	18.6	29.3	40.9	40.6	7.8
1970	17.9	29.7	41.3	39.1	6.1

\* Excluding Professional Negligence causing Bodily Injury and Death.

<sup>52</sup>This is an order given by the Summary Court following informal criminal action initiated by the Public Prosecutor with the consent of the accused. The court considers and decides the case on documentary and material evidence submitted by the Prosecutor without a public hearing or hearing any evidence from the defendant. The court cannot, however, impose a sentence heavier than a fine of 50,000 yen (308 yen is equivalent to U.S. \$1). After he learns the disposition of the charge by the court, the defendant if he wishes may request a formal trial. If a formal trial is not requested by the defendant within two weeks, the court order becomes final.

B. Trial

1. In 1970, final and conclusive judgements were rendered on 1,665,308 defendants. Table 9 shows the trends in these final dispositions during the period 1966-70.<sup>8)</sup>

Table 9. Trends in Dispositions, 1966 — 1970

Dispositions		1966	1967	1968	1969	1970
Death	number	13	14	11	11	14
	index	(100)	(108)	(85)	(85)	(108)
Imprisonment with Prison Labour	number	72,616	65,579	62,718	57,709	56,755
	index	(100)	(90)	(86)	(79)	(78)
Imprisonment without Prison Labour	number	6,926	7,748	9,252	8,771	9,054
	index	(100)	(112)	(134)	(127)	(131)
Fine	number	4,149,588	4,342,014	3,010,518	1,567,357	1,590,826
	index	(100)	(105)	(73)	(38)	(38)
Temporary Penal Detention <sup>9)</sup>	number	253	239	209	143	72
	index	(100)	(94)	(83)	(57)	(28)
Minor Fine <sup>10)</sup>	number	4,230	3,960	3,216	3,174	2,709
	index	(100)	(94)	(76)	(75)	(64)
Not Guilty	number	399	414	492	521	623
	index	(100)	(104)	(123)	(131)	(156)
Dismissal of Public Prosecution <sup>11)</sup>	number	14,036	10,906	10,668	7,309	5,236
	index	(100)	(78)	(76)	(52)	(37)
Acquittal & Others <sup>12)</sup>	number	28	71	27	19	19
	index	(100)	(254)	(96)	(68)	(68)
Total	number	4,248,089	4,430,945	3,097,111	1,645,014	1,665,308
	index	(100)	(104)	(73)	(39)	(39)

<sup>8)</sup> Punishments prescribed by law are death, imprisonment with prison labour, imprisonment without prison labour, fine, temporary penal detention, and minor fine. Confiscation is a supplemental punishment (Article 9, Penal Code).

<sup>9)</sup> Temporary penal detention shall consist of confinement in a penal detention house for one day or more but less than 30 days (Article 16, Penal Code).

<sup>10)</sup> A fine shall be not less than 1,000 yen. A minor fine shall be 5 or more yen but less than 1,000 yen (Article 15 and 17, Penal Code, Article 2, Law of Temporary Measures Concerning Fine and Others).

<sup>11)</sup> Dismissal of prosecution shall be made by ruling in the following cases:

- i) Where the institution of prosecution has lost its effect because of failure to serve a copy of the information on the accused within two months after the prosecution has been instituted;
- ii) Where all the counts in the information, even if true, do not constitute any specific offense;
- iii) Where prosecution has been withdrawn by the public prosecutor;
- iv) Where the accused has died, or, being a judicial person, has ceased to exist;
- v) Where the same case is pending twice. (Article 339, Code of Criminal Procedure)

<sup>12)</sup> Dismissal of prosecution shall be made by judgement in the following cases:

- i) Where a court has no jurisdiction over the accused;
- ii) Where prosecution has been instituted after withdrawal without newly discovered material evidence;
- iii) Where, on a case in which a prosecution was instituted, another prosecution has been opened in the same court.
- iv) Where the procedure for instituting prosecution is void by reason of its having been contrary to the provisions relating thereto. (Article 338, Code of Criminal Procedure)

In 1970, 623 or 0.03 percent of all defendants were found not guilty and convictions were obtained in 99.6 percent of all individuals brought to trial. This rate of conviction has been more or less stable in recent years. The decrease in the number of imprisonments without prison labour in 1969 seems related to the many cases in which imprisonment with prison labour was imposed in cases of professional negligence causing bodily injury and death in traffic accidents following the amendment of Article 211 of the Penal Code, 1968 which authorized this penalty. The number of fines imposed in traffic violation cases, continued to decrease sharply in 1969 and this is probably related to the implementation of the new "Traffic Infraction Notification Procedure" system which has been functioning since July 1968. This procedure authorizes the disposition of minor traffic infractions without their being referred to the Public Prosecutor.

2. A total of 49,119 defendants were tried and processed through formal procedure in the District Courts in 1969.<sup>13)</sup> The average time between the referral of a case to the court and its disposition by the court is as follows; 49.9 percent within three months, 29.3 percent within six months, 12.3 percent within one year, 4.8 percent more than one year but less than two years while 1.5 percent required more than two years and 2.2 percent three years or more. The Summary Courts processed within six months 88.9 percent of the 27,352 defendants who were tried on minor charge during 1970.

3. Table 10 shows the distribution of sentences to imprisonment with and without prison labour in 1970. Slightly more than half, 50.1 percent of persons incarcerated with prison labour were for one year or less followed closely 40.4 percent by sentences of more than one year but less than three years. The use of short sentences is even more pronounced in imprisonment without prison labour where 93.4 percent of the individuals who received this disposition had sentences of one year or less.

<sup>13)</sup> A pronouncement of acquittal shall be made by a judgement in the following cases:

- i) Where a final judgement has already been rendered;
- ii) Where the punishment has been abolished by a law or ordinance enforced subsequent to the commission of the offense;
- iii) Where a general amnesty has been proclaimed;
- iv) Where the period of limitations has been completed. (Article 337, Code of Criminal Procedure)

<sup>14)</sup> Summary Courts and District Courts are first instance trial courts and there are 49 District and 570 Summary Courts in Japan. The District Courts handle all cases in the first instance except those specifically coming under the jurisdiction of other courts. The Summary Courts handle minor criminal cases. While in general, Summary Court do not incarcerate persons charged, they may impose imprisonment with prison labour not exceeding three years in certain specific cases enumerated by law.

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

Table 10. Distribution of Prison Sentence, 1970

Imprisonment for limited term	Total	1 year or less	3 years or less	5 years or less	10 years or less	10 years over
with prison labour	24,471 (100)*	12,257 (50.1)	9,879 (40.4)	1,590 (6.5)	663 (2.7)	82 (0.3)
without prison labour	2,440 (100)	2,280 (93.4)	160 (6.6)	...	...	...

\* Figures in parentheses show percentages.

4. The use of suspended sentence was introduced in Japan in 1905 and its use has been expanded by amendments to the Penal Code increasing the number of defendants eligible to receive a suspended sentence.<sup>14)</sup> Thus, the number of suspended sentences has increased yearly.

In 1969, of the 66,257 persons who were sentenced to imprisonment by courts of first instance, 37,694 or 56.9 percent received a suspended sentence. The use of suspended sentences by crime category in relation to total number of persons convicted is presented in Table 11.

Table 11. Percentages of Suspended Sentence within the Total Convicted Defendants by Category of Major Crimes, 1969

Offenses	Total Number of the Convicted (A)	Number of Suspended sentences (B)	B/A (%)	With Probationary Supervision (C)	C/B (%)
Interference in the Execution of Official Duties	579	504	87.0	31	6.2
Bribery: offering & accepting	359	338	94.1	—	0
Arson	190	94	49.5	18	19.1
Pape	1,207	571	47.3	228	39.9
Homicide	960	271	28.2	34	12.5
Bodily Injury	4,341	2,374	54.7	625	26.3
Bodily Injury Resulting in Death	366	133	36.3	16	12.0
Professional Negligence causing Homicide & Injury	10,277	6,825	66.4	543	8.0
Larceny	22,008	12,067	54.8	2,520	20.9
Robbery	467	133	28.5	73	54.9
Fraud	4,725	2,113	44.7	441	20.9
Extortion	3,728	2,166	58.1	662	30.6
Embezzlement	1,409	934	66.3	93	10.0

<sup>14)</sup> For example, any first offender who receives a sentence of imprisonment of three years or less may be granted suspension of his sentence by the court. A defendant who was convicted of an offence but who has not been sentenced to imprisonment within five years from the time when the execution of the former punishment was completed or remitted may be granted a suspended sentence by the court (Article 25, Penal Code).

The courts revoked 3,175 or 8.3 percent of the 38,204 suspended sentences given by them in 1970, 3,082 committed an additional offense within the period of the suspended sentence. Of those committing an additional offense, 34.8 percent did so within six months, and 60.1 within one year.

## II. Correctional Institutions

Correctional institutions are not only places penalties imposed by courts are carried out but places where offenders may learn the attitudes and skills needed for a useful community adjustment after release. Since 1948, to reflect this dual purpose prisons, reform and training schools as well as other penal institutions have been referred to as "correctional institutions." In Japan, there are 7 major Detention Houses in the larger cities, 104 branch detention houses in smaller cities, 57 major prisons, 9 branch prisons, and 9 juvenile prisons.<sup>15)</sup>

### A. Admissions and Releases

In 1970, 71,099 persons were admitted to all types of correctional institutions. Of this number, 33,933 were initially admitted as suspects and 19,975 of them became defendants while in the institution, and 27,584 were initially admitted as defendants. 21,307 of all defendants were eventually sentenced to imprisonment by the Court and incarcerated in some institution. Consequently, only a relatively small number of persons were initially admitted as convicted prisoners.

The total number of admissions as convicted prisoners in 1970 was 25,890 the smallest annual figure since World War II. Of this number, women accounted for 568 or 2.2 percent. The annual admission of convicted prisoners has been on a downward trend with some fluctuations since 1948, when there were 69,899 persons admitted as convicted.

Of the 1970 total, 23,401 or 90.4 percent were sentenced to imprisonment with prison labor and 2,418 or 9.3 percent were sentenced to imprisonment without prison labor. Of persons sentenced with prison labor, 48.7 percent had a sentence of 12 months or less; 30.6 percent 1-2 years; 10.5 percent 2-3 years; 9.9 percent over 3 years and 0.2 percent a life sentence.

Of the 25,890 new admissions as convicted prisoners in 1970, 47.3 percent were serving a prison sentence for the first time, 16.8 percent the second time; 10.3 percent the third time; 7.3 percent the fourth time; 5.2 percent the fifth time; while 13.2 percent had a history of serving more than five sentences. The 47.3 percent or 12,249

<sup>15)</sup> The total of 16,499 personnel were assigned to these institutions in 1970. The number of positions were divided as follows: Executives 332; Captains 761; Assistant Captains 1,170; Senior Guards 2,573; Guards 9,547; Vocational Instructors 560; Medical and Psychological Specialists 452; Teachers 116; and other kinds of workers 1,020. (The figures for Executives and other kinds of workers is for 1969.)

first termers included 20.0 percent who had a previous history of corrective educative measures, i.e. probation or retention in a reform and training school, and 30.3 percent had previously received a suspended prison sentence.

The breakdown of offenses for which these prisoners were newly convicted is given in Table 12.

Table 12. Admissions by Type of Offense, 1970

Offense	Number of Prisoners	Percent of Total
Penal Code Offenses:		
Theft	9,889	38.2
Robbery	782	3.0
Fraud	1,833	7.1
Extortion	1,199	4.6
Embezzlement	305	1.2
Rape	1,173	4.5
Sexual Indecencies	244	0.9
Bodily Injury and Assault	2,391	9.2
Professional Negligence Causing Death or Injury	3,817	14.7
Intimidation	67	0.3
Homicide	728	2.8
Arson	158	0.6
Intrusion Upon Habitation	155	0.6
Violation of the Law for Punishment of Violent Acts	917	3.5
Others	1,113	4.3
(Total)	(24,771)	(95.7)
Special Law Offenses: Violations of;		
Narcotics Control Law;	16	0.1
Stimulant Drugs Control Law;	120	0.5
Anti-Prostitution Law;	208	0.8
Road Traffic Law;	406	1.6
Other Laws.	369	1.4
(Total)	(1,119)	(4.3)
Gross Total	25,890	100.0

The average daily population in prisons and detention houses in 1970 was 49,209, down 3,528 from the previous year. Included in this 49,209 are 1,105 females or 2.2 percent of the total. Limiting the average daily census to sentenced prisoners, the figure is reduced to 40,917, 3,521 lower than the daily average sentenced prison population in 1969. The average daily population trends are shown in Table 13.

Table 13. Average Daily Resident Population, Prisons and Detention Houses, 1966 — 1970

Year	Prisoners Serving Sentences	Suspects & Defendants	Work-House* Detainees	Others	Total
1966	53,736	9,910	445	108	64,199
1967	51,928	8,444	356	109	60,837
1968	48,094	7,787	277	99	56,257
1969	44,438	7,968	234	97	52,737
1970	40,917	8,010	189	93	49,209

\* This is a place of detention within a prison, where a convicted person who failed within the specified period to make full payment of any fine imposed, serves a term in proportion to the amount of the fine which he was unable to pay. The legal maximum of such detention is 2 years.

In 1970, a total of 28,870 prisoners were released from prisons or detention houses after serving all of their sentence or a portion of it. Of this number, 17,848 or 61.8 percent were released on parole, and 13,263 persons or 45.9 percent had served 12 months or less when released; 9,135 or 31.7 percent 1-2 years; 3,533 or 12.2 percent 2-3 years; and 2,939 or 10.2 percent over 3 years.

Both of the number of inmates released after completing their sentence and those released on parole have been declining each year since 1968.

## B. Treatment of Convicted Prisoners

### 1. Classification

All inmates after admission receive a general orientation to institutional life as well as further classification and investigation to determine both a suitable institution and an appropriate treatment program. There are eleven major classification areas and corresponding types of institutions or sections of institutions for each classification. These classifications are based on sex, age, type of sentence (i.e. whether or not under prison labor), length of sentence, nationality, mental, physical and personality traits, and the prospect for reformation. The degree of security required as well as other factors are also considered as sub-divisions. The Major classification categories and distribution of inmates among them at the end of 1970 are given in Table 14.

### 2. Education

In prisons, opportunities are provided inmates to pursue correspondence courses and in 1970 a total of 4,429 prisoners took courses in bookkeeping, automechanics, mimeographing, electronic engineering and other vocational subjects as well as general academic courses for high school and college credits. Education in prisons itself is concentrated on certain basic tool subjects with its primary purpose to eliminate

Table 14. Inmate Classifications, As of December 20, 1970

Classification	Number of Prisoners	Percent of Total
A : Those of generally normal personality who have good prospects of reformation	6,693	17.2
B : Those of generally quasi-normal personality who have poor prospects of reformation	18,833	48.4
C : Those who have a long term sentence (generally more than 8 years)	3,463	8.9
D : Juvenile prisoners (under 20 years of age; the Juvenile Law applies to them)	623	1.6
E : Those generally under 23 years of age who need to be treated like juveniles	700	1.8
G : Of A-class prisoners, those under 25 years of age	4,397	11.3
H : Mentally disordered prisoners	1,323	3.4
J : Females	817	2.1
K : Those who need medical treatment and care due to physical diseases, defects or senility	700	1.8
M : Foreigners	39	0.1
N : Those sentenced to imprisonment without prison labor	1,323	3.4
Total	38,911	100.0

illiteracy. The only exception is in juvenile prisons where compulsory education courses are provided consistent with the requirements of the School Education Law.

Cultural and recreational activities are organized within prisons with participation by the authorized public. In 1970, there were 1,010 Voluntary Prison Visitors who made a total of 9,887 visits to assist prisoners in cultural, educational and social welfare programs as well as with individual problems. The number of Voluntary Prison Chaplains in 1970 was 1,224 who conducted 9,699 individual and 6,725 groups interviews with inmates.

### 3. Prison Industry and Vocational Training

On December 31, 1970, 91.7 percent of the prisoners sentenced to imprisonment with prison labor were assigned to work.<sup>16)</sup> 92.9 percent of inmates sentenced to imprisonment without prison labor elected to work; 3.1 percent of the persons awaiting trial and 83.8 percent of the workhouse detainees also elected to work.<sup>17)</sup>

The total value of the products of prison industries including agricultural pro-

<sup>16)</sup>The Penal Code provides that the prisoner sentenced to imprisonment with prison labor has an obligation to work and must do so. Those not assigned to work were temporarily exempted from labor because of sickness, disciplinary action, or transfer.

<sup>17)</sup>Prisoners sentenced to imprisonment without prison labor, and those awaiting trial are not obliged to engage in prison labor, but are allowed to work upon request.

duction in 1969 was 7,013 million yen (19,480,555 U.S. dollars).<sup>18)</sup> The operational cost of those industries was 2,317 million yen (6,436,111 U.S. dollars). In relating the value of production, cost of operation and man-days worked by type of industry, in woodcraft, for example, 987 million yen was invested with the value of production 1,710 million yen, 24.4 percent of the total of prison industries. The woodcraft industry during the same year had 8.1 percent of the total man-days worked as shown in Table 15.

The total production value by type of industry in 1969 was 48.6 percent manufacturing; 29.4 percent labor; 22.0 percent maintenance work.

Through the prison's vocational training programs in 1970, 1,514 prisoners passed national or municipal examinations and were qualified or obtained licenses in such fields as welding, driving, auto repairing, boiler operation, electric wiring, barbering, etc. Also, 293 prisoners attained certification of vocational training authorized by the Minister of Labor in such fields as woodcraft, printing, plastering, etc.

### 4. Security in Prison

In 1970, 246 prisoners were indicted for offenses committed while in the prison and 196 of them involved a charge of bodily injury. The same figures for 1969 was 257 inmates indicted and 203 on charge of bodily injury.

During 1970, there were 29,104 instances of disciplinary action and the main charges included; assault against an officer or prisoner (19.4 percent), possession or trafficking of contraband (13.0 percent), disobedience of officials (12.3 percent), refusal to work (10.3 percent), and possession of cigarettes (5.7 percent).<sup>19)</sup> Also, there were 19 escapes in 1970.

### C. Treatment of Alleged Suspects and Defendants<sup>20)</sup>

The average daily population in 1970 of suspects and defendants was 8,010. There were 53,517 defendants who were detained in institutions and whose trials were completed during 1969. Of this number, 40.6 percent had been in the institution less than one month when the trial was completed; 30.7 percent 1-2 months; 14.2 percent 2-3 months; 11.1 percent 3-6 months; 2.8 percent 6-12 months; and 0.6 percent more than 1 year.

### D. Women's Guidance Home

<sup>18)</sup>At the old exchange rate of 360 yen to one U.S. dollar.

<sup>19)</sup>Major disciplinary punishment authorized are (1) reprimand, (2) prohibition of reading books and seeing pictures for three months or less, (3) suspension of physical exercise for five days or less, and (4) solitary confinement for two months or less.

In Japan, smoking is legally prohibited for prisoners.

<sup>20)</sup>Alleged suspects and defendants are detained to insure their availability at the time of their trial and in some cases to prevent their destroying evidence. They are detained in a section separate from convicted prisoners, and the principles and methods of treatment for them are substantially different from those for convicted prisoners.

Table 15. Production Breakdown—Prison Industries, 1969

Type of Industry	Annual Cost* (¥ 1,000)	Annual Production Value* (¥ 1,000)	Percent of Total	Total Man-days Worked	Percent of Total
Woodcraft	987,807	1,710,638	24.4	982,588	8.1
Printing	298,484	1,000,848	14.3	661,483	5.5
Tailoring	92,091	744,406	10.6	1,316,396	10.8
Metal Work	330,488	1,628,940	23.2	2,094,340	17.3
Farming & Animal Husbandry	92,429	254,901	3.6	205,790	1.7
Felling & Charcoal Making	8,148	30,748	0.4	12,111	0.1
Forestry Conservation	2,105	37,852	0.5	9,761	0.1
Chemical Industry	39,906	108,167	1.5	122,113	1.0
Paper-making	133,715	202,502	2.9	84,931	0.7
Paper-craft	3,297	276,834	3.9	1,393,672	11.5
Knitting	392	33,962	0.5	87,491	0.7
Hosiery	67	15,505	0.2	111,521	0.9
Ceramics	50,146	104,884	1.5	72,769	0.6
Leather Work	82,184	333,693	4.8	412,124	3.4
Spinning & Weaving	14,337	97,532	1.4	225,012	1.9
Bamboo-craft	7,495	22,007	0.3	34,660	0.3
Straw-craft	1,139	3,323	0.0	13,692	0.1
Food Processing	4,892	3,133	0.1	7,728	0.1
Others	2,978	179,680	2.6	633,208	5.2
Works Outside Compound	986	100,023	1.4	135,719	1.1
Vocational Training	134,162	113,982	1.6	502,434	4.1
Clerical & Maintenance Works	—	—	0	3,017,456	24.8
Common to All works	30,713	—	0	—	0
Total	2,317,957	7,013,569	100.0	12,136,999	100.0

\* In this Table, fractional sums of less than 1,000 yen are not included.

There are three Women's Guidance Homes in Japan,<sup>21)</sup> established in 1958 to provide programs for women over 20 years of age convicted under the Anti-prostitution Law. Persons convicted under this statute may be confined for maximum period of 6 months. Treatment in these institutions includes medical care, daily guidance, and vocational training. All inmates may be released on parole.

The number of admissions to Women's Guidance Home has declined from the high of 408 in 1960 to only 49 persons in 1970. One factor in the decline of admissions appears to be the decrease in the number of investigations by the police. In 1970, police investigated only 4,720 approximately one-third of the 17,729 investigated cases for 1959.

<sup>21)</sup>One of them has suspended its operations during March, 1971 because of the decline in the numbers of convicted female inmates.

An average inmate in 1970 was between 30 and 44 years, serving her first term, and whose I.Q. was below 70.

### III. Probation, Parole and Aftercare

#### A. Parole

Parole is granted by one of the eight District Offenders Rehabilitation Commissions.<sup>22)</sup> An inmate is eligible for parole when he meets the following stipulations:<sup>23)</sup>

- (1) Served at least one-third of his given sentence or ten years of a life sentence;<sup>24)</sup>
- (2) When he is considered penitent;
- (3) When he is considered not likely to commit another crime during the parole period;
- (4) When it is believed that the community will emotionally accept him on parole.

The chief executive officer of a correctional institution can file a request for parole on behalf of inmates, or the commission itself may initiate a parole investigation. After a commissioner investigates the parole application, the case is presented to the commission consisting of three commissioners. The case is discussed and a final decision made by majority vote.

At any time after an inmate is admitted to a correctional institution, upon request from either the institution or the District Offenders Rehabilitation Commission, a probation officer at the Probation-Parole Supervision Office visits the inmate's family, or any other person named by him as having close ties to him. This process usually starts soon after the inmate has been admitted to a correctional institution. The probation officer investigates and starts to prepare the environment for the inmate's return to the community.

There are 49 Probation-Parole Supervision Offices in Japan. These offices received a total of 36,338 requests for investigations and adjustment from correctional institu-

<sup>22)</sup>District Offenders Rehabilitation Commissions are located in each of the eight administrative districts in Japan. Inmates are considered for parole by the D.O.R. Commission in the area where the institution where they are confined is located.

<sup>23)</sup>Parole from a Reform and Training School is authorized by the D.O.R. Commission. The general criteria utilized in making this determination is that an inmate has reached the highest degree of treatment and his rehabilitation through parole supervision can be expected based on an evaluation of his personality, behavior, attitude and ability, achievement in the institution, and from his surroundings in the community.

<sup>24)</sup>Parole may be granted for a juvenile sentenced to imprisonment with or without prison labor when the following stipulations are met:

- (1) seven years in case of lifetime sentence;
- (2) three years in case of a penalty for a fixed term imposed under the provisions of Art. 51 of the Juvenile Law;
- (3) one-third of minimum period in case of a penalty imposed under the provision of paras. 1 and 2 of Art. 52 of the Juvenile Law.

tions during 1970. These offices provided 33,180 initial reports and 48,858 follow-up reports as a part of the basic data used in parole examinations. The number of reports was slightly less than the previous year.

An experimental program was developed in 1966 in several of the juvenile correctional institutions to provide additional service to District Offenders Rehabilitation Commissions. A probation officer attached to the D.O.R. Commission<sup>20)</sup> visits the correctional institution on a regular, systematic basis to collect information for the parole hearing. He interviews inmates and discusses their problems with correctional officers. This investigation is started soon after inmates become legally eligible for parole even if a parole application has not been filed. This program was expanded in 1971 to include inmates in some adult correctional institutions.

During 1970, 17,861 inmates were released on parole, a slight decrease from the previous year. During the year, 7.8 percent of all applications for parole were rejected as compared with 8.2 percent the previous year. Inmates rejected for parole are discharged upon expiration of their sentences. Of the 28,870 prisoners discharged during 1970, 61.8 percent were released on parole and 38.2 at the expiration of their sentences. The percent of persons released on parole has gradually increased each of the past five years.

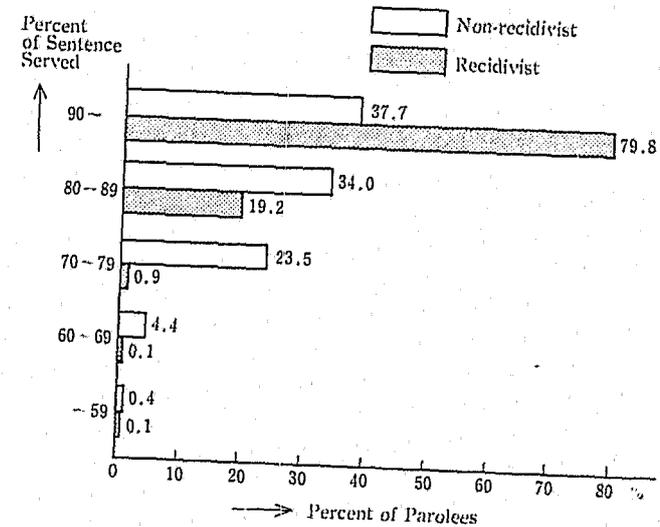
Figure 2 shows that prisoners who have served the major portion of their sentence are more likely to be granted parole than those who have served less of their sentence. It also expresses the greater caution in granting parole to recidivists. This phenomenon may be explained by the perceived increased risk of recidivists committing additional crimes and the greater likelihood that their backgrounds include deprived familial and social environment.

The parole rejection rate from Reform and Training Schools shows a slight changes in comparison with the previous year when it was 0.4 percent as compared with 0.2 percent for 1970.

Parolees from prisons tend to remain longer in the community and less likely to be recommitment to a correctional institutions than inmates released upon termination of their sentences. For example, within the same year as their release, only 4.3 percent of the parolees committed additional crimes, compared to 11.6 percent of the terminated cases. Only 29.4 percent of parolees committed another crime within five years of release as compared with 48.4 percent of the terminated cases. Strictness in granting parole to recidivists and the improved use of parole supervision techniques

<sup>20)</sup>A total of 80 probation officers were attached to District Offenders Rehabilitation Commissions at the end of 1970. They function to assist members of the D.O.R. Commissions in discharging their parole responsibilities. Their duties do not include either probation or parole supervision of either offenders or Volunteer Probation Officers, although they must possess the same qualification as probation officers attached to a Probation-Parole Supervision Office.

Figure 2. Parole by Percent of Sentence Served, 1970



may be advanced as the main reasons for this wide difference.

#### B. Trends in the Use of Probation and Parole

Probationers from the Family and Criminal Courts as well as parolees are under the supervision of the 49 Probation-Parole Supervision Offices and their 19 branch offices. There are 729 probation officers assigned to these offices who are responsible for supervisory services. Also involved in probation and parole supervision services are the unpaid volunteer probation officers appointed by the Minister of Justice. In the 768 probation areas throughout Japan, there are nearly 50,000 appointed volunteer probation officers whose main function is to "make up for what is not sufficient in the work of the professional probation officer."<sup>20)</sup> Professionals and volunteers work in close cooperation in supervising cases.

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

##### Category 1: (Juvenile probationers)

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

##### Category 2: (Juvenile parolees)

Parolees released from Reform and Training School; until they reach age twenty or for remainder of specified period of confinement;

##### Category 3: (Adult parolees)

<sup>20)</sup>Article 20 of the Offenders Rehabilitation Law.

Parolees released from prisons; for the remainder of their sentence;  
 Category 4: (Adult probationers)

Persons granted probation upon the suspension of execution of sentence; for the period of suspension;

Category 5: (Women's Guidance Home Parolees)

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

Indicated in Table 16 are total number of persons in each of the above categories received at Probation-Parole Supervision Offices throughout Japan from 1966 to 1970. 3.9 percent of the cases added in 1970 were female and 48.1 percent of them were juvenile probationers.

Table 16. Numerical Trends in Probation and Parole, 1966 — 1970

Category	1966	1967	1968	1969	1970
1 (Juvenile probationers)	30,647	29,055	28,549	25,999	27,383
2 (Juvenile parolees)	6,423	6,240	5,016	3,895	3,167
3 (Adult Parolees)	18,953	19,871	19,534	19,171	17,861
4 (Adult probationers)	8,513	7,779	7,542	7,161	6,908
5 (Women's Guidance Home parolees)	6	5	2	2	1
Total	64,542	62,950	60,643	56,228	55,320

C. The Results of Probation and Parole

Probationers and parolees who maintain a good community adjustment, may be exempt from supervision by the decision of the Probation-Parole Supervision Office or the District Offenders Rehabilitation Commission. In 1970, 10,355 juvenile probationers were discharged from probation orders by the decision of the chief of the Probation-Parole Supervision Office. This included 35.5 percent of the juvenile probationers who terminated their probation terms during the year. For the Road Traffic Law violators among juvenile probationers, the percentage of discharge on good behavior is even higher, 57.9 percent of total terminations of juvenile probationers in this category during the same year.

The chief of the Probation-Parole Supervision Office is also expected to take action against those persons who make a poor adjustment and appear to be serious risks likely commit another offense. The number of these determinations seems fairly small especially when compared with the number of probationers and parolees disposed of by the various courts because of crimes or delinquencies committed during their supervision. Table 17 indicates the number of probationers and parolees who committed additional offenses during their period of supervision by type of disposition.

Of the numbers listed in Table 17, 28.7 percent of the juvenile probationers, 43.2 percent of the juvenile parolees, 65.0 percent of the adult parolees, and 30.0 percent of the adult probationers committed additional offenses within 6 months after being placed on probation or parole. This reveals the crucial nature of the initial phase of supervision when a person may benefit from more intensive supervision. The rate of absconders from supervision has been more-or-less constant for the past five years as indicated in Table 18.

It is significant that the percent of transfer cases among probationers and parolees has steadily increased the past five years, reflecting the increased mobility of the Japanese population. This mobility was particularly high among juveniles. In 1970, 23.4 percent of the juvenile probationers, and 23.5 percent of the juvenile parolees were transferred from one Probation-Parole Supervision Office to another. The corresponding figures for adult parolees and probationers was 7.5 and 25.6 percent respectively.

D. New Programming in Probation and Parole

As mentioned earlier, probation and parole supervision is discharged by 729 professional probation officers in cooperation with almost 50,000 volunteer probation officers. The average caseload per professional probation officer at present is approximately 200 cases. Since careful, intensive supervision and treatment of individuals assigned to the caseload of professionals would be impossible, volunteer probation officers are utilized to assist the supervision and treatment of probationers and parolees. Usually, two probationers or parolees are assigned to a volunteer who under the guidance of a professional does a large part of the community supervision and treatment in probation and parole services.

To improve services to probationers and parolees as well as meeting the challenges to supervision created by changing social conditions, several new community approaches have recently been attempted.

1. A new project was started in 1965 in the Probation-Parole Supervision Offices in Tokyo, Osaka and Nagoya. In this project, for the first two months of supervision of selected juveniles and young adults, the professional probation officer assumed full responsibility for diagnosis and treatment, without referring them to volunteer probation officers. After the direct supervision and treatment by the professional probation officers, the individual is then assigned to a volunteer probation officer. The number of persons who have participated in this program has been relatively small to date.

2. The second program was started in September 1967 and is referred to as a "Differential Treatment Program." In this experimental project, the persons on the caseload are differentiated into three groups according to their need for the time and

Table 17. Disposition of Probation and Parole Offenders, 1970

Disposition	1 (Juvenile Probationers)	2 (Juvenile Parolees)	3 (Adult Parolees)	4 (Adult Probationers)	Total
Imprisonment with labor:					
A*	220	118	567	1,576	2,481
B*	—	—	—	8	8
C*	213	54	—	18	285
D*	77	12	—	1	90
Imprisonment	4	—	—	4	8
Committal to Reform & Training School	1,631	679	—	4	2,314
Committal to Child Education and Training Home	3	—	—	—	3
Fine	656	17	49	169	891
Penal Detention and Minor Fine	7	10	16	13	46
Probation	369	145	—	—	1,014
Prosecution	104	83	207	98	492
Total	3,789 (13.0)**	1,118 (25.1)	839 (4.6)	1,891 (24.7)	7,637 (12.8)

- \*A: Imprisonment without suspension of execution  
 \*B: Suspension of execution of sentence with confinement in Women's Guidance Homes.  
 \*C: Suspension of execution with probationary supervision.  
 \*D: Suspension of execution without probationary supervision.  
 \*\* The Number in the parentheses shows the percent of the total of those who terminated probation or parole supervision in the same years.

Table 18. Percent of Absconders to Total Probationers and Parolees, 1966 — 1970

Category	1966	1967	1968	1969	1970
1 (Juvenile Probationers)	5.3	5.9	6.2	6.0	5.1
2 (Juvenile Parolees)	9.9	10.5	11.7	11.5	12.4
3 (Adult Parolees)*	21.2	20.8	19.8	22.0	23.3
4 (Adult probationers)	11.5	11.6	11.3	10.7	10.1
5 (Women's Guidance Home Parolees)	—	—	—	—	—
Total	8.3	8.3	9.0	9.0	8.4

- \* The percent of absconders in Category (3), or parolees from prisons, has partly been cumulative as a result of decisions made by the commissions to suspend the sentence until the absconders are located.  
 attention of a professional probation officer. Thus, the caseload are matched to the differential types and degrees of treatment. This project has been applied to selected

juvenile and young adult offenders on a national basis. A total of 337 persons were under intensive treatment by professional probation officers at the end of 1970.

3. The third is the introduction of group interaction programs into supervision and treatment. Group techniques were first attempted with the rising number of juvenile traffic violators, and has gradually been expanded to include non-traffic juvenile probationers and parolees. In 1970, 289 group interaction meetings were conducted in 39 Probation-Parole Supervision Offices. A total of 9,940 juvenile probationers or parolees, 1,523 volunteer probation officers and 790 guardians or employers were involved in the various meetings.

4. The fourth experimental program requires the professional probation officer to make himself available at fixed regular intervals to specific places within his probation area. This schedule is known to probationers, parolees and volunteer probation officers in the area who can consult with him in their own communities. In 1970, 5,649 fixed, scheduled community consultative visits were conducted throughout Japan. Each of the 49 Probation-Parole Supervision Offices scheduled an average 115 consultative meetings and an average meeting provided consultation to 4.1 probationers or parolees, 3.2 volunteer probation officers and 1.5 guardians or other concerned persons.

#### E. Aftercare and Pardons

In addition to services for probationers and parolees, the Probation-Parole Supervision Offices provide within six months following discharge from confinement help to offenders who request aftercare service.<sup>27</sup>

In 1970, 9,805 persons requested aftercare services. Of this number, 83.9 percent were discharged from prisons at the expiration of their sentence. The services provided included:

1. Certificates for travel on trains at half-fare;
2. Providing money for meals and authorized travel expenses;
3. Providing clothing;
4. Arranging immediate medical care.

There were 119 Rehabilitation Aid Hostels operated by the same number of Rehabilitation Aid Societies with a total capacity of 3,388 beds at the end of 1970. These Societies are voluntary but are established with the approval of the Minister of

- <sup>27</sup> Eligibility for aftercare services is open to persons who have:
- (1) Completely served their sentences of imprisonment;
  - (2) Been released from prisons upon remission of their sentences;
  - (3) Been granted suspension of sentence without probationary supervision;
  - (4) Been granted suspension of sentence, though not finalized as yet;
  - (5) Received the disposition of "not instituting prosecution" because prosecution was unnecessary;
  - (6) Completely served the term of confinement in Women's Guidance Homes.

Justice. During 1970, 4,649 discharged offenders, probationers or parolees were referred to and accommodated in these hostels. These aftercare services are provided on the basis of the states responsible to assist all offenders achieve a good community adjustment.

Crime prevention is also a main function of the Probation-Parole Supervision Office. They have a major role in the public education drive, entitled "Campaign to Enlighten the Society" organized under the auspices of the Ministry of Justice every year since 1951. During this campaign in July of each year, various mass media as well as other information and education resources are mobilized on a national basis to direct public attention to crime prevention and the purification of society. The crime prevention activities involved include not only public agencies but also voluntary organizations concerned with crime and the offenders. For instance, the Volunteer Probation Officer's Associations, Women's Associations for Rehabilitation Aid, and Big Brothers and Sisters Associations organize various crime prevention activities in their areas as a part of this program.

The Cabinet grants pardons on a collective and on an individual basis. General (collective) pardons are granted by a specially issued ordinance. In the case of the individual, the Public Prosecutor, the chief executive officer of a prison or a Probation-Parole Supervision Office can apply for remissions on behalf of an individual. Applications are processed through the National Offenders Rehabilitation Commission before the Cabinet makes any decision.

## PART THREE: SPECIAL CRIME AND CRIMINALS

### I. Juvenile Delinquency

In Japan, persons under age 20 are considered juvenile delinquents when they commit offenses, and are subject to special procedures aimed at their protection, education and treatment. Juvenile delinquents are referred by the police to the Family Court either directly or through the Public Prosecutors' Office depending on the gravity of offense. If it is a serious offense it is likely to be referred to the Court through the Prosecutors' Office.

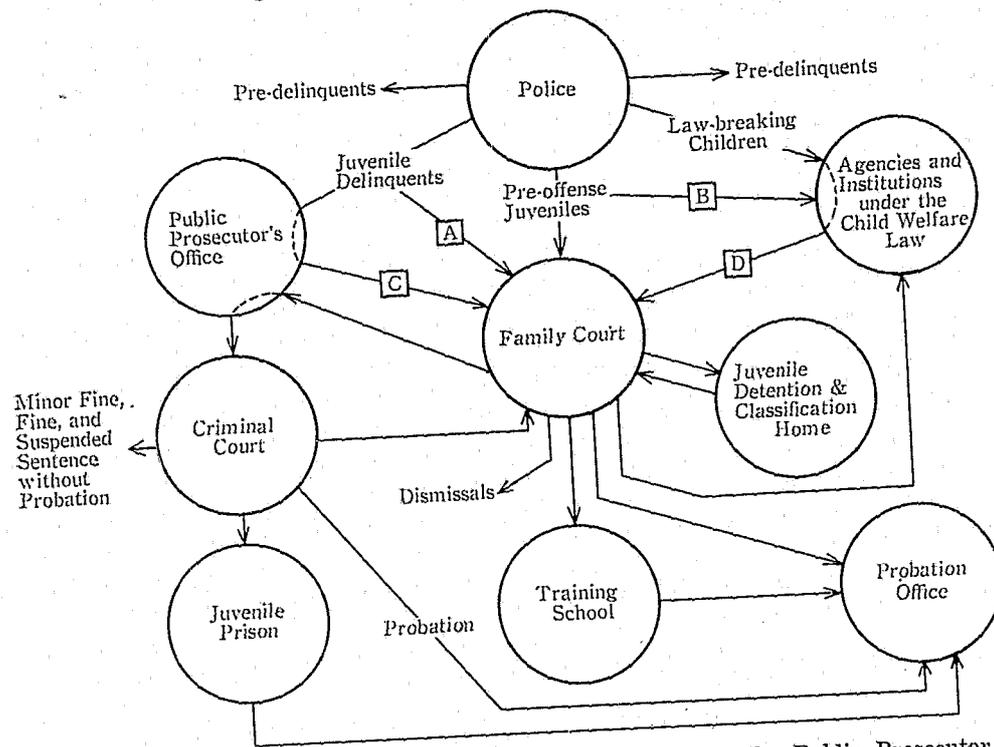
Juvenile delinquents are classified by the Family Court into the following categories:

1. Juvenile offender is one aged 14 to under 20 who has committed an offense provided for in the Penal Code or Special Laws (frequently referred to a Penal Code offenders and Special Law offenders respectively);
2. Law-Breaking child is a child under age 14 who is exempt from criminal responsibility but who has committed an act in violation of a criminal statute. These children are sent to the Family Court under the Child Welfare Law; and
3. Pre-Offense juvenile is a person under age 20 who it is believed is likely to commit an offense or an act in violation of a criminal statute. The definition of delinquent personality and surroundings based on specific factors is stipulated in the Juvenile Law.<sup>28)</sup>

Juvenile delinquents over 16 years may be referred by the Family Court to the Public Prosecutor for criminal trial. Figure 3 presents the flow of cases in the juvenile justice system of Japan.

<sup>28)</sup> Definition of being "Pre-offense" is given in Article 3 of the Juvenile Law which reads in part: "The Family Court shall have jurisdiction over the following juveniles ... (3) Any juvenile who is prone to commit an offense or violate a criminal law or ordinance in view of his character or surrounding circumstances, because of the existence of the following reasons; (a) That he habitually disobeys the reasonable control of his guardian; (b) That he repeatedly deserts his home without good reason; (c) That he associates with a known criminal or an immoral person, or frequents any place of dubious reputation; and (d) That he habitually acts so as to injure or endanger his own morals or those of others."

Figure 3. Juvenile Justice System of Japan



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

#### A. Trends in Juvenile Delinquency

The description of general trends in juvenile delinquency in 1970 are divided

for purpose of this analysis into three categories: (1) Juvenile Penal Code Offenders, (2) Juvenile Special Law Offenders, and (3) Law-Breaking Children and Pre-Offense Juveniles.

#### 1. Penal Code Offenses

During 1970, a total of 191,002 juveniles were investigated by the police on suspicion of violation of Penal Code offenses, an increase of a 3,164 over 1969. The number of juvenile suspects investigated by the police reached a peak of 134,000 in 1951 and then decreased for several years, but in 1955, it turned back up and reached a high point of 193,000 in 1966. The number stabilized below 190,000 from 1967 to 1969 but in 1970, passed 190,000. These trends and the rate of suspects per 1,000 population 14-19 years of age are presented in Table 19.

Table 19 reflects the steady decline during the last several years in the percentage of juvenile suspects to total suspects. However, the rate of juvenile offenders has increased when related to the number of juveniles of 14-19 years of age in the population. The increase in the adult rates can be explained by the increase in professional negligence causing homicide or bodily injury in traffic accidents, and when professional negligence cases are excluded a different picture emerges. Table 20 shows that although the number of juvenile suspects investigated decreased from 127,000 in 1951 to 85,000 in 1954, this trend was reversed starting in 1955 and peaked at approximately 151,000 in 1964. Since 1964 the number decreased each year and reaching a low of 101,000 in 1969. In 1970 there was an increase in excess of 7,000 over the 1969 low. The same table shows that the number of investigated adult suspects, excluding negligent homicide and bodily injury, peaked at 380,000 in 1951, and thereafter gradually decreased to 236,000 in 1969 but in 1970, it exceeded the 1969 figure.

Table 20 also indicates that the rate of suspects per 1,000 persons in the corresponding population shows in adult cases a yearly decrease from 1955 to 1964 when the rate increased to 4.3 from 4.1 the previous year. In the case of juvenile it was 12.0 in 1964 with a yearly decline from that year until 1970. In 1970, the adult rate remained the same as the previous year 3.4, but the juvenile figure 10.1 represented a 1.2 increase over the previous year. This increase in juvenile major Penal Code suspects and the increased tendency of juveniles under 14 years to become involved with law enforcement agencies does not allow for overly optimistic projections of future delinquency trends.

#### 2. Juvenile Special Law Offenses

During the year 1970, the Public Prosecutors' Offices received 408,256 juveniles suspected of violating special offense statutes. Of this number, 398,596 or 97.6 percent were suspected of violating the Road Traffic Law. The 9,660 non-traffic special law

Table 19. Juvenile and Adult Penal Code Suspects, 1946 — 1970

Year	Juvenile		Adult		Juvenile Percentage of Total Suspects
	Number Investigated	Rate*	Number Investigated	Rate**	
1946	99,389	10.0	333,694	8.4	22.9
1947	92,551	9.3	354,510	8.4	20.7
1948	113,763	11.2	425,704	9.8	21.1
1949	113,531	11.1	453,412	10.2	20.0
1950	123,809	12.4	453,297	10.1	21.9
1951	133,656	12.8	452,602	9.8	22.8
1952	114,331	10.9	432,605	9.1	20.9
1953	98,604	9.6	421,453	8.7	19.0
1954	94,342	9.0	419,376	8.4	18.4
1955	96,956	9.2	437,104	8.6	18.2
1956	100,753	9.3	427,192	8.2	19.1
1957	114,302	10.4	430,255	8.1	21.0
1958	124,379	11.1	420,893	7.8	22.3
1959	139,618	12.4	417,455	7.6	25.1
1960	147,899	13.7	413,565	7.4	26.3
1961	153,884	14.1	422,430	7.4	27.3
1962	162,941	13.9	406,925	6.9	28.6
1963	174,351	14.2	432,298	7.2	28.7
1964	190,442	15.1	433,080	8.0	28.1
1965	190,864	14.3	515,963	8.3	27.0
1966	193,121	14.4	546,934	8.7	26.1
1967	186,000	14.4	616,578	9.5	23.2
1968	189,787	15.6	733,704	11.0	20.6
1969	187,838	16.5	812,143	11.9	18.3
1970	191,002	17.7	882,468	12.6	17.8

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

\*\* Rate per 1,000 population over 20.

offenders received by the Public Prosecutors in 1970 was a decrease of approximately 800 from the previous year. Approximately 23 percent of the non-traffic special law offenders were suspected of violating the Guns and Swords Possession Control Law.

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

In 1970, the police investigated and gave guidance to 34,727 children under 14 years old who would have been referred to either the Family Court or Public Prosecutor had they been over 14 years. The rate per 1,000 of the population 8-13 years of ages is 3.7 and in 1970 cases increased by 3,298 and the rate by 0.4 from the previous year. Larceny has always been the chief offense of children in this category comprising 88 percent of the total.

In addition to children in the law-breaking category, the police in 1970 gave guidance or direction to approximately 800,000 to 900,000 pre-delinquent juveniles who

Table 20. Juvenile and Adult Major Penal Code Suspects, Excluding Traffic Negligence Cases, 1951 — 1970

Year	Juvenile		Adult		Percentage of Juveniles of the Total
	Number	Rate*	Number	Rate**	
1951	126,505	12.1	380,142	8.2	25.0
1952	106,828	10.2	359,182	7.6	22.9
1953	90,583	8.8	343,764	7.1	20.9
1954	85,496	8.2	340,436	6.8	20.1
1955	87,286	8.2	353,335	7.0	19.8
1956	89,684	8.3	336,660	6.5	21.0
1957	100,646	9.2	327,638	6.2	23.5
1958	107,333	9.6	309,261	5.7	25.8
1959	117,938	10.5	296,664	5.4	28.4
1960	121,408	11.2	279,911	5.0	30.3
1961	131,044	11.7	273,810	4.9	32.0
1962	135,584	11.6	255,301	4.4	34.6
1963	141,800	11.5	246,910	4.1	36.5
1964	151,083	12.0	260,635	4.3	36.7
1965	145,335	11.3	253,262	4.1	36.0
1966	141,333	10.6	254,541	4.0	35.7
1967	123,702	9.6	243,008	3.8	33.7
1968	111,819	9.2	243,716	3.7	31.5
1969	101,412	8.9	235,729	3.4	30.1
1970	108,696	10.1	233,806	3.4	31.3

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

\*\* Rate per 1,000 population over 20.

were indulging in smoking, drinking, unwholesome pastimes, truancy, keeping bad associates, loitering in entertainment areas, inhaling paint-thinner, etc.<sup>20)</sup> Of this number, the police referred to the Family Court 10,200 the ones 14 to 19 years they regarded as pre-offense juveniles. The number of pre-delinquent juveniles has been declining slightly since 1965. Twenty-eight percent of the pre-offense juveniles were 17 years, 24 percent were 16 years, 17 percent were 18 years and 14 percent were 15 years. Thirty-five percent were unemployed, 34.6 percent were employed, and 29.3 percent were students.

Recently considerable attention has been paid to the sniffing of paint-thinner or glue of plastic models by juveniles which has become more frequent since 1967. In 1970, the police gave guidance to 40,045 juveniles indulging in these activities. This number reflected an increase of 29 percent over the previous year and almost doubled

<sup>20)</sup>In this context, all youths who receive guidance from the police because of either their observed behavior or reported behavior are classified as "pre-delinquent juveniles." When the police consider this serious enough to be officially recorded they are classified as "pre-offense" juveniles. Of the 10,200 youths as referred by the police to the Family Court, statistics are not available on their dispositions. In 1969, however, the police referred 10,282 "pre-offense" juveniles to the Family Court and the Court recorded formal dispositions on 6,399 of them.

the number in 1968. In 1970, 53 juveniles reportedly lost their lives as a result of the abuse of paint-thinner or similar substances.

Of the 40,045 juveniles who were suspected by the police and given guidance as abusers of paint-thinner or glue, 41.2 percent were employed, 38.4 percent were students, and 20.4 percent were unemployed. A new trend observed in this group is the increase in the number employed compared to the previous year, and the number of junior high school students increased by more than 140 percent from the previous year. Although 55 percent of these juveniles are concentrated in the Kanto Area which includes Tokyo, thinner-sniffing cases increased markedly in Shikoku and Kyushu Islands as well as western Honshu.

## B. Special Features and Background of Juvenile Crime and Delinquency

### 1. Juvenile Offenses by Type of Crime

The breakdown of the total juvenile Penal Code Offenders by type of offense is shown in Table 21.

Table 21. Breakdown of Juvenile Penal Code Suspects, 1970

Type of Crime	Juvenile Offenders	Total Offenders	Percentage of Juvenile of Total
Larceny	76,814	173,616	44.0
Fraud	714	16,434	4.3
Embezzlement	764	5,973	12.8
Robbery	1,097	2,845	38.6
Extortion	6,632	14,979	44.3
Intimidation	443	3,026	14.3
Assault	8,721	37,832	23.1
Bodily Injury	10,101	61,675	16.4
Rape	2,213	6,430	34.4
Indecent Assault	1,049	7,219	14.5
Homicide	198	2,146	9.2
Arson	152	814	18.7
Professional Negligence Causing Homicide or Bodily Injury	77,008	695,447	11.1
Others	5,608	45,034	12.5
Total	191,002	1,073,470	17.8

Professional Negligence causing homicide or bodily injury outnumbered the remainders, comprising 40.3 percent of the total juvenile Penal Code suspects. Next, larceny increased to comprise 40 percent of the total in 1970, followed by bodily injury, assault and extortion. These three types of violent crimes plus intimidation cases comprised 13.6 percent of the total. The crimes which showed increase from

1969 were larceny, extortion, assault, intimidation and embezzlement. The remainders declined from the previous year. It should be noted, however, that juveniles comprised higher percentages of such crimes as extortion, larceny and robbery.

When compared with figures for 1955, juvenile professional or gross negligent offenders causing casualties were eight times greater in 1970, followed by indecency (250 percent), assault (236 percent) and extortion (170 percent). On the other hand, the numbers of fraud, embezzlement, robbery and homicide had declined.

### 2. Age Range of Juvenile Offenders

A demographic analysis of population of Japan may contribute to a clearer view of juvenile delinquency. The number of juvenile and youth population and their indexes are shown in Table 22. Juvenile population stood at a peak in 1966, when

Table 22. Transition of Juvenile and Youth Population, 1960 — 1972, 1975  
(Unit: 1,000)

Year	Juvenile Population (14-19)					Youth Population (20-24)	
	14-15	16-17	18-19	Total	Index	20-24	Index
1960	3,114	3,846	3,856	10,816	100	8,318	100
1961	3,847	3,556	3,835	11,238	104	8,484	102
1962	4,795	3,107	3,836	11,739	109	8,721	105
1963	4,922	3,840	3,549	12,311	114	8,967	108
1964	4,696	4,791	3,103	12,590	116	9,397	113
1965	4,278	4,876	3,752	12,906	119	9,069	109
1966	3,980	6,474	4,716	13,370	124	8,634	104
1967	3,738	4,275	4,871	12,884	119	9,016	108
1968	3,503	3,980	4,672	12,155	112	9,588	115
1969	3,386	3,740	4,275	11,401	105	10,148	112
1970	3,299	3,507	3,981	10,787	100	10,813	130
1971	3,114	3,379	3,721	10,214	94	11,390	137
1972	3,065	3,292	3,493	9,850	91	11,013	132
1975	3,103	3,145	3,107	9,355	86	9,117	110

those who were born in the postwar periods were about to reach their maturity. From 1967 and on, the juvenile population has been on a gradual decline as the youth population has expanded. This trend will continue in the coming years.

Juvenile Penal Code offenders by age groups, together with the rates per 1,000 population of the corresponding ages, are shown in Table 23. The notable phenomena for 1970 is that actual numbers of Penal Code offenders among 14-15 and 16-17 age groups showed an increase. The offenders in 14-15 age group, in particular, were 21.8 percent greater than 1969. In parentheses in Table 23 are given non-traffic cases of the total figures for 1970. When compared with corresponding figures since 1966,

non-traffic cases, which had declined steadily until 1969, showed an increase in 1970 except among the older age groups.

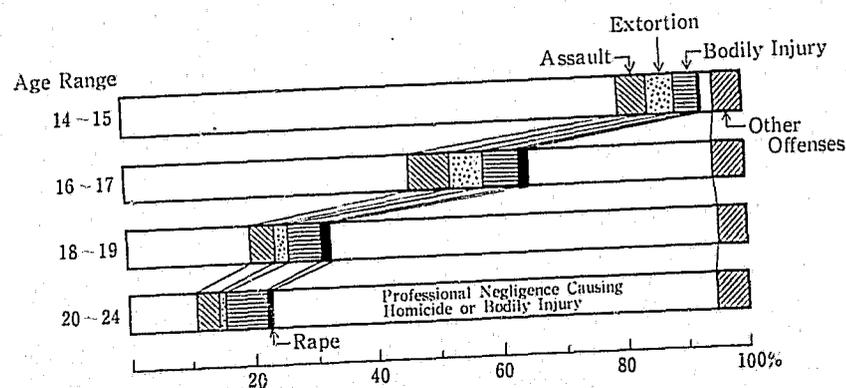
Table 23. Penal Code Offenders Investigated by Age Group, 1960 — 1970

Year	14-15		16-17		18-19		20-24	
	Number	Rate*	Number	Rate	Number	Rate	Number	Rate
1960	35,375	11.4	50,558	13.1	61,966	16.1	140,455	16.9
1961	44,909	11.7	51,217	14.4	62,758	16.4	141,130	16.6
1962	60,615	12.6	43,089	13.9	59,237	15.4	134,515	15.4
1963	65,957	13.4	50,000	13.0	58,394	16.5	142,617	15.9
1964	65,883	14.0	69,451	14.5	55,108	17.8	163,470	17.4
1965	56,063	13.1	73,297	15.0	61,504	16.4	167,739	18.5
1966	48,849	12.3	66,971	14.3	77,301	16.4	170,974	19.8
1967	39,831	10.7	58,636	13.7	87,533	18.0	193,959	21.5
1968	35,076	10.0	56,604	14.2	98,107	21.0	241,601	25.2
1969	31,511	9.3	55,111	14.7	101,216	23.7	277,496	27.3
1970	38,379	11.6	57,564	16.4	95,059	23.9	305,716	28.3
1970**	(37,818)	(11.5)	(40,606)	(11.6)	(35,657)	(9.0)	(87,816)	(8.1)

\* Rate per 1,000 population of the corresponding age.

\*\* In parentheses is the figure for non-traffic cases of the above-mentioned figures for 1970.

Figure 4. Penal Code Offenders Investigated by the Police by Age and Type of Offense, 1970



As shown in Figure 4, larceny accounts for 79.1 percent of the total cases investigated within 14-15 age group. With 16-17 age group, larceny is also the dominant type of offense totaling 46 percent. Next comes professional negligence causing homicide or bodily injury with 29.5 percent, followed by assault (6.2 percent), bodily injury (5.7 percent) and extortion (5.1 percent). In 18-19 age group, professional negligence causing homicide or bodily injury accounts for 62.5 percent of the total, followed by larceny (20.5 percent), bodily injury (5.5 percent), and assault (3.5

percent). For young adult offenders of 20-24 years old, professional negligence cases account for 71.3 percent of all investigated cases. Aside from professional or gross negligence cases, it is noted that larceny accounts for a majority of the cases in the lower age groups, while in the older age groups crimes of violence comprise a higher ratio in the total.

### 3. Family

Forty-five percent of non-traffic cases handled at the Family Court while in 1955 had both parents. In 1969, the figure increased to 63.2 percent. The so-called broken homes in which one or both parents were absent comprised less than 16 percent of the total. The occupational status of parents of 9,127 non-traffic delinquent children surveyed in 1970 by the Research and Training Institute (hereafter referred to as "special survey") was as follows: 35 percent of the working parents were engaged in manual labor; 22 percent in agriculture or fishery and 15 percent were classified as white-collar workers. The children of manual laborers were more likely to have committed violent crimes such as robbery or murder. Statistics developed by the Family Court revealed that in non-traffic cases 29.8 percent were middle class in 1965 but 73.2 percent in 1969. It seems reasonable to conclude from these figures that the intra-familial relations and functions of the family appear more significant as causal factors of delinquency than the socio-economic classification and financial aspects of the family. Also, sociological and cultural factors should not be overlooked in analyzing juvenile delinquency.

### 4. School and Employment

Yearly, the Japanese people have attained a higher level of education. Approximately 70 percent of the graduates from junior high school entered senior high school each year while 23.3 percent of senior high school graduates entered colleges and universities in 1970.

The percent of students among juvenile offenders has been increasing since 1968, although it has always been smaller than the percent of students to the total population of the corresponding age group. In 1970, 56.2 percent of juvenile suspects investigated were students of junior or senior high schools, colleges, or universities. Compared with the 1966 figures, those who were in junior high schools decreased, while senior high school, college and university students increased both in actual numbers and rate. By type of offense, the lower age group of students had higher theft rates, and an increase in such violent crimes as extortion, intimidation and assault among senior high school students was apparent in 1970.

In the meantime, the working population has become smaller among 15 to 19 year old youth, as more people have come to enter either senior high schools or universities. In 1970, a total of 35,254 working juveniles were investigated by the police for non-traffic cases, 12.0 per 1,000 working population of the same age group.

Of the total, more than 60 percent were manual laborers including drivers and assistant drivers. Clerical workers, farmers or fishermen did not loom too large in the picture. The special survey of youthful offenders by the Ministry of Justice indicated that 60.5 percent of juvenile offenders who presently work or who were once employed had changed their place of work while this figure for the previous year was 59 percent.

#### 5. Community

It has been generally believed that delinquency and crime occurs more frequently in metropolitan areas. This assumption, however, needs some modification in recent years. The movement of population from overcrowded urban areas to surrounding areas has been observed as was the tendency of juvenile crime and delinquency to decentralize from urban areas to the middle-size or smaller cities and especially those areas where new industries are growing. Little difference was observed between the type of offenses which were committed in urban and rural areas, although the incidence of rape and indecency was somewhat higher in rural areas. Approximately 75 percent of the juvenile delinquents committed their offense in the same community where they lived. Less than 10 percent of juvenile crime were committed in prefectures other than the offenders home prefecture. By type of offense, robbery was more likely to be committed in communities other than offenders native towns or cities.

#### 6. Others

Statistics gathered by the Police revealed that in 1970, 33.1 percent of juvenile Penal Code offenders and 15.4 percent of adult Penal Code offenders, excluding negligent offenders, had co-defendants. Relating to juvenile cases, the rate was notably high for extortion, robbery and assault. The complicity rate for juveniles outnumbered that of adults in such crimes as larceny and assault. A survey conducted in 1970 by the police on 112,616 juvenile Penal Code offenders revealed that 34.9 percent were affiliated with some kinds of delinquent groups. This was a 2.7 percent increase from the previous year. Senior high school students had the highest rate of affiliation (42 percent), with junior high school students (40 percent) a close second, and the third university or college students (35 percent). By type of delinquent groups, 48 percent were affiliated with school groups, and the remainder with groups organized either in their neighborhood, street corners or in where they worked.

Family Court statistics indicate that among the non-traffic juvenile offenders disposed of in 1969, 28.9 percent of Penal Code offenders, and 19.2 percent of special law violators had previous records of dispositions either by the Public Prosecutor's Office or the Family Court. Approximately 45 percent of juveniles charged with robbery and 44 percent charged with intimidation had previous records of referral to

such agencies. In brief, those charged with violent types of crime tended to have more extensive criminal records, whereas the rate of persons with previous offenses were lower with arson, special law violations and indecency. At the same time, it should be noted that 22 percent of juvenile delinquents between 14 and 15 years old has previous delinquency record.

Finally, the special survey by the Ministry of Justice revealed that 77 percent of juveniles committed to training schools had previous records of legal disposition. These included: 40 percent were previously placed on probation, and 38 percent were discharged at the Family Court either with or without court hearings. Seventy-one percent of the juveniles who were referred back to the Public Prosecutor's Office by the Family Court for criminal trial had previous records. These facts seem to indicate that the Family Court takes into consideration previous delinquencies when they commit juveniles to training schools. The survey also revealed that 82 percent of juvenile probationers were earlier referred at least once to the Family Court and were discharged with or without court hearings. The survey also indicated that the year immediately following a delinquent act is the most crucial for rehabilitative efforts. A total of 86 percent of juvenile delinquents in the study committed another offense within one year following their dispositions.

The increase in the number of persons driving automobiles in Japan has contributed not only to an upsurge in traffic offenders but also to an increase in other types of crimes in one way or another associated with motor vehicles. According to the special survey mentioned earlier, 22 percent of urban juvenile crimes and 26 percent of rural juvenile crimes were in some way connected with automobiles. This rate both in urban and rural areas has been on a constant increase. The use of motor vehicles in the offense of rape was observed in 43.6 percent of the cases in urban areas and 36.8 percent in non-metropolitan areas. Also, 35.5 percent of robbery cases in urban areas and 38.5 percent in rural areas were associated with the use of motor vehicles. In larceny, 27.4 percent of urban cases and 33.2 percent of rural cases involved automobiles. Motor vehicles tend to become the crime targets in such property crimes as larceny, fraud and embezzlement, whereas they were used as means of crime in robbery, rape or indecency.

Victimology has received more attention from researchers in recent years. According to the special survey referred to above, 76.3 percent of 9,127 juvenile offenders had no personal relations with the victims of their crimes: 12.1 percent "knew of" the victims prior to the crimes; 4.7 percent had friends or acquaintances as victims; families or relatives were made victims in 0.3 percent of the total crimes. There were

no previous relations between juvenile offenders and victims in more than 86 percent of the cases of larceny and robbery. The offenders "knew of" the victims in more than 30 percent of the cases of intimidation, rape and violations of the Law for the Punishment of Violent Acts. Friends or acquaintances were the victims in more than 10 percent of the case of intimidation, violation of the Law for the Punishment of Violent Acts, injury, and fraud. The most conspicuous phenomenon of offender and victim concerned homicide where family members were the victims in 9 out of 20 cases.

In 45 percent of property crimes, the monetary damage was between ¥1,000 and ¥10,000, although in some theft cases the damage was over a million yen. It remained less than ¥1,000 in 32 percent of the extortion cases.

### C. Treatment of Juvenile Delinquents

This section is concerned with the treatment of juvenile delinquency at various stages of the juvenile criminal justice system. Descriptions of treatment activities will be included in the following subsections: (1) Police; (2) Public Prosecutor; (3) Family Court; (4) Criminal Trial; (5) Juvenile Detention and Classification Home; (6) Juvenile Training School; (7) Juvenile Prison; (8) Juvenile Probation and Parole.

#### 1. Police

There were 191,002 juveniles suspected of violating the Penal Code who were investigated by the police in 1970, a figure slightly larger than the previous year. Professional negligence causing homicide or bodily injury in traffic accidents accounted for 76,921 of these cases in 1970 compared with 79,717 in 1969. The remaining 114,081 1970 cases represent a 5,960 increase over 1969. In 1970, 503,112 juveniles came to the attention of the police for violations of special criminal statutes, the majority as violators of the Road Traffic Law. The decrease of 57,801 cases in this category when compared with the previous year results the marked decline in Road Traffic violation cases since the "Traffic Violation Report System" described earlier was applied to juveniles in August 1970.

Juveniles who commit an offense punishable by a fine or lesser penalty and those who are alleged to be pre-offense juveniles are directly referred by the police to the Family Court while those who commit an offense punishable by imprisonment without prison labor or graver punishments are sent by them to the Public Prosecutor.

#### 2. Public Prosecutor

The Public Prosecutors' Office received 606,150 juvenile suspects in 1970, a 46,260 decrease from the previous year. Of this number, 197,394 (32.6%) were suspected Penal Code violators a 2,789 increase over 1969, 398,596 (65.8%) were violators of the Road Traffic Law, a 48,233 decrease from 1969, and 9,660 or 1.6 percent were special criminal statutes violators (other than Road Traffic Law violators) a 816

decreas from the previous year. A conspicuous phenomenon in 1970 was, on the one hand, a 569 decline of those received for professional negligence causing homicide or bodily injury when compared with the previous year a reversal of a long term trend, but on the other hand, an increase of 5,379 of those received for theft when compared with the previous year, a change from the past several years when this number was declining.

The Public Prosecutor is not authorized to determine whether or not to institute prosecution if the suspect is a juvenile. He sends the case, after investigation, to the Family Court with a recommendation for the treatment of the juvenile. Thus, a total of 601,933 juveniles were referred from the Public Prosecutor to the Family Court in 1970.<sup>200</sup>

The Public Prosecutor is, in principle, required to institute prosecution when a case is sent back to his Office by the Family Court for criminal prosecution. Of 66,363 juvenile offenders thus prosecuted in 1970, 47,545 or 71.6 percent were Road Traffic Law violators, and 18,737 or 28.2 percent were Penal Code offenders, 92.0 percent of whom were charged with negligent homicide or bodily injury.

#### 3. Family Court

The Family Court is empowered to determine the treatment measures for juvenile delinquents. The Family Court can apply one of three protective measures provided for in the Juvenile Law, refer the case to the Public Prosecutor for criminal prosecution, or may discharge the offender before or after a hearing without any further action.

In 1970, 785,926 juveniles were referred to the Family Court, 79,671 less than the previous year. Approximately 70 percent of these were Road Traffic Law violators.

Probation officers are employed by the Family Court to investigate the juvenile, his family or other persons involved in his case. The Family Court may place a juvenile on "tentative probation" i.e., observation by the family court probation officer. During this period, the family court probation officer observes the delinquents conduct for the purpose of obtaining more information to assist an appropriate court determination. In 1969, 8.0 percent of the total non-traffic cases, and 6.7 percent of traffic cases were placed on "tentative probation". Of the juveniles placed on "tentative probation", 45.2 percent were requested to be employed in appropriate workshops, hostels or homes during the peiriod of "tentative probation"; the remained were allowed to stay home under specific conditions to be observed by the youth. Eighty-five percent of non-traffic cases and 97 percent of traffic cases were discharged from "tentative probation" within six months.

The Family Court can also refer a juvenile to the Juvenile Detention and Classifi-

<sup>200</sup>The difference between juvenile cases referred to the Public Prosecutor and those referred by them to the Family Court is explained by the investigations of the Public Prosecutors' Office.

cation Home or other agencies for mental and physical examination. During 1969, 32,296 juveniles or 17.0 percent of the total non-traffic cases underwent such examinations.

Final dispositions of all non-traffic cases for 1969 and 1970 is presented below in Table 24.

#### 4. Criminal Trial

While in principle the Public Prosecutor must prosecute juveniles referred back to his Office from the Family Court, the law does provide the following exceptions: (1) When the evidence is insufficient to support a prosecution; (2) when additional facts are uncovered which extenuating circumstances; (3) when new facts are discovered after referring the case which suggest that prosecution is improper.

During 1970, 61,503 juveniles were convicted in courts of first instance and of this number, 524 were sentenced to imprisonment; 813 given suspended sentence; and 60,166 or 97.8 percent were fined.

Table 24. Final Dispositions of Family Court for Non-Traffic Cases, 1969 — 1970

Disposition	1 9 6 9	1 9 7 0
A. Dismissal without Hearing	77,852 (39.6)	79,302 (40.0)
B. Dismissal after Hearing	68,747 (35.0)	70,976 (35.8)
C. Referral to Child Guidance Center	391 (0.2)	341 (0.2)
D. Probation	18,046 (9.2)	17,985 (9.1)
E. Commitment to Child Education & Training Home	191 (0.1)	210 (0.1)
F. Commitment to Juvenile Training School	4,395 (2.2)	3,942 (2.0)
G. Referral to the Public Prosecutor	26,758 (13.6)	25,276 (12.8)
Total	196,380 (100)	198,032 (100)

Note: Figures in parentheses are percentages of the total for each year.

#### 5. Juvenile Detention and Classification Home

Juvenile Detention and Classification Homes complete a pre-hearing investigation and classification on juveniles referred by the Court. The average stay is 20 days. There are 50 Juvenile Detention and Classification Homes in Japan operated by the Ministry of Justice. There is at least one in each of Japan's 46 prefectures. The classification of the juveniles is completed by staff specialists from medicine, psychology, sociology, and education. Their findings and a treatment recommendation are reported to the referring Family Court Judge.

In 1970, a total of 19,633 juveniles, including 1,722 girls were committed to these Classification Homes. There has been a gradual decline in referrals for the past several years, and the 1970 were 3,480 smaller than the previous year.

The Juvenile Detention and Classification Homes also make available testing and classification services on an outpatient basis. These youths are not referred by Family Courts but by interested persons or agencies from adjacent communities. Requests for these services have steadily increased and in 1970 totaled 32,700 cases.

#### 6. Juvenile Training School

Commitment to a Juvenile Training School is one of the three protective measures provided for in Juvenile Law. The program at Juvenile Training Schools includes discipline of inmates in a friendly atmosphere, academic and vocational training, medical treatment, cultural and recreational activities. The 60 Juvenile Training Schools are administered by the Ministry of Justice. They are classified into four types; primary, middle, advanced, and medical. Numbers of inmates resident in these Schools at the end of 1969 and 1970 are given below by type of School.

Table 25. Number of Inmates in Training School, as of December 31, 1969 — 1970

Year	Primary	Middle	Advanced	Medical	Total
1969	472	3,537	931	458	5,398
1970	454	3,252	757	397	4,860

In 1970, 3,965 residents including 307 girls were admitted to Training Schools, a 440 decrease from the 1969 admissions. Nineteen-year-olds accounted for 29.5 percent of the admissions and eighteen years 27.4 percent. The main offenses which resulted in commitment in 1970 were: Larceny (51.1 percent), rape and indecent assault (11.4 percent), pre-offensive activities (7.7 percent), extortion (7.5 percent), robbery (6.5 percent), and bodily injury (5.6 percent). In 1970, 5,294 juveniles were released from Training Schools of whom 3,163 were released on parole. The average length of stay in 1970 in a Training School was 452 days for those released on parole and 397 days for those released without parole supervision.

During 1970, certificates for completion of compulsory education were rewarded to 87 percent of those in the Training Schools who had not completed compulsory education in the society. In addition, 4,126 boys and girls obtained, as a result of vocational training and guidance, qualifications or certificates in such fields as abacus, auto driving, welding, woodcraft, mechanics, printing, sheet metal work, architecture and others.

#### 7. Juvenile Prison

Juvenile offenders convicted in Courts other than the Family Courts are committed to Juvenile Prisons. Juvenile Prisons are more treatment-oriented than adult prisons.

An inmate of a Juvenile Prison may be institutionalized until he reaches the age of 26.

At the end of 1970, 891 juvenile prisoners were in Juvenile Prisons, a decrease of 343 from the figure for the previous year. In 1970, 338 juveniles were admitted to the nine Juvenile Prisons in Japan. This figure is a 145 decrease from the 1969 figure. Most of inmates of Juvenile Prisons have an indeterminate sentence. There is a higher percentage of rape and robbery among juvenile prisoners than adult prisoners. Ninety-eight percent of juvenile prisoners had no previous record of imprisonment, however, 46.7 percent had previous contacts with the Family Courts and 37.4 percent had previously been treated in Juvenile Training Schools.

#### 8. Juvenile Probation and Parole

Probation or placing juveniles on supervision in the community for a specified period, as stated earlier, is one of the three protective measures that the Family Court may select to avoid institutionalization. In 1970, 27,383 new cases were placed under probation supervision by the Family Courts. This is a 1,384 increase from the 1969 figure and it is the first time in several years that the figure exceeded that of the previous year. At the end of 1970, there were 53,417 juveniles on probation, comprising 60.6 percent of total number of probationers and parolees in Japan.

Those juveniles released on parole from Juvenile Training School during 1970 numbered 3,167. At the end of the same year, 4,468 juveniles, or 5.1 percent of the total probation and parole population, were under parole supervision throughout Japan.

## II. Traffic Offenses<sup>31)</sup>

### A. General Trends

The highest number of casualties in traffic accidents was recorded in 1970, breaking the same unhappy record set in the previous year. As shown in Table 26, there were 508 more fatalities than 1969 while the number of persons injured increased 14,096. Thus 46 persons were killed and 2,688 injured in traffic accidents in Japan each day of 1970.

As Table 26 indicates there was a 434 percent increase in the number of automobiles in 1970 from 1961. Also, the driving population has grown in proportion to the increase of vehicles. The number of licensed drivers has reached 26,449,229, approximately one-third of the population over 16 years.<sup>32)</sup>

<sup>31)</sup> "Traffic Offense" is hereafter used to mean an offense in which vehicles including motorcycles are involved. The term is to cover two main categories of traffic offenses: (1) A Penal Code offense, in which a person kills or injures another through professional negligence; (2) the so-called "administrative offense," in which one violates the Road Traffic Law or other related laws and regulations.

<sup>32)</sup> Age for licensing is 16 for motorcycles and specified types of compact cars, 18 for ordinary cars, and 21 (plus driving experience for three years or more) for such big vehicles as fleet trucks and dump-trucks.

Table 26. Number of Vehicles and Casualties Resulting from Traffic Accidents, 1945 — 1970

Year	Automobile		Motorcycle		Incidence Of Traffic Accidents		Death*		Injury	
	Number	Index	Number	Index	Number	Index	Number	Index	Number	Index
1945	144,351	3	—**	—	8,706	2	3,365	26	9,904	3
1950	387,543	9	—**	—	33,212	7	4,202	33	25,450	8
1955	1,463,749	34	504,875	17	93,981	19	6,379	50	76,501	25
1960	3,453,116	81	1,999,163	67	449,917	91	12,055	94	289,156	94
1961	4,282,542	100	2,968,311	100	493,693	100	12,865	100	308,697	100
1962	5,193,697	121	3,938,529	133	479,825	97	11,445	89	313,813	102
1963	5,722,037	134	4,900,463	165	531,966	108	12,301	96	359,089	116
1964	6,775,971	153	5,853,630	197	557,133	113	13,318	104	401,117	130
1965	7,897,499	184	6,721,763	226	567,286	115	12,484	97	425,666	138
1966	9,339,191	218	7,364,040	248	425,944	86	13,904	108	617,775	168
1967	11,275,859	263	7,715,516	260	521,481	106	13,618	106	655,377	212
1968	13,594,859	317	7,988,064	269	635,056	129	14,256	111	823,071	268
1969	16,167,272	378	8,123,378	274	720,880	146	16,257	126	967,000	313
1970	18,586,503	434	8,159,171	275	718,080	145	16,765	130	981,096	318

\* "Death" is used to mean a person who dies within 24 hours following the accident.

\*\* No reliable statistics are available for the number of motorcycles before 1954.

Recent trends of traffic accidents can be characterized as follows:

First, the incidence of fatalities was greater in months in the latter part of the year. The number of deaths per day was highest in November, followed by December, and August. Injuries per day were highest in August, followed by July and September.

Secondly, private cars (automobiles for the private use) were involved in 74.6 percent of the total accidents. This may increase as more people purchase automobiles for their own use. However, taxis were first when the ratio of accidents is calculated per 10,000 motor vehicles by type of vehicles.

By type of accidents, car-to-car accident was the most frequent as shown in Table 27. Also, rear-end collision was the most frequent when classified by type of collision, being followed by head-on collision. In case of accidents involving pedestrians, the highest occurred with persons crossing streets or roads, followed by those in which persons were hit when they suddenly rushed into the street.

Table 27. Traffic Accidents by Type of Accidents, 1966 — 1970

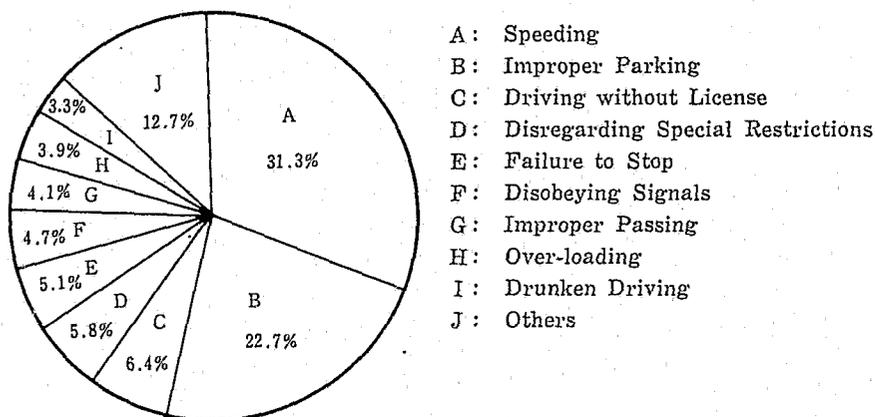
Year	Pedestrian-Car Accidents	Car-to-car Accidents	One Car Accidents	Others	Total
1966	132,582(31.3)*	252,010(59.5)	37,027(8.7)	1,995(0.5)	423,614(100)
1967	145,347(27.9)	332,257(63.7)	42,016(8.1)	1,861(0.4)	521,481(100)
1968	161,563(25.4)	462,290(67.1)	45,368(7.1)	1,815(0.3)	635,056(100)
1969	174,348(24.2)	494,364(68.6)	50,300(7.0)	1,868(0.3)	720,880(100)
1970	171,027(23.8)	492,921(68.6)	52,427(7.3)	1,705(0.2)	717,080(100)

\* In parentheses is shown the percentage of the total.

Third, decentralization of traffic accidents was apparent. The percentage of the casualties occurring in the seven largest cities has continued to decline annually.

The total number of violations of the Road Traffic Law was 5,309,424 in 1970. This was an increase in excess of one million from the previous year. The type of violations are shown in Figure 5.

Figure 5. Type of Violation of the Road Traffic Law, 1970



Finally, there was a 182 percent increase in hit-run cases in 1970 when compared with 1966. The ratio of hit-run cases to total casualties in traffic accidents has increased slightly but 89.4 percent, or the highest percentage recorded to date, were arrested in 1970.

The Traffic Infraction Notification Procedure, or the traffic infraction ticket system, was established in July 1968 to alleviate the heavy pressures on the agencies concerned by the sharp increase in traffic cases. This system also aims at avoiding stigmatizing millions of traffic violators as criminals, since a minor traffic violator may be exempted from prosecution if he pays a "penalty fine" within a specified time. In 1970, this system was applied to 78.8 percent of the total adult violators of the Road Traffic Law and only 4 percent notified by the police failed to pay the penalty fine within the specified time. Cases that fail to pay the fine are referred to the Public Prosecutor's Office. The system was expanded in August 1970 to cover juvenile violators of the Road Traffic Law. From August 20, 1970 to the end of the year, the system was applied to 145,974 juvenile violators of the Road Traffic Law and only 1.6 percent failed to pay the fine. It seems safe to assert on the basis of this experience that the Traffic Infraction Notification Procedure has been operating successfully since its establishment.

#### B. Dispositions of Traffic Offenders

In 1970, the number of suspects received by the Public Prosecutor's Office for

professional negligence causing homicide and bodily injury and grossly negligent homicide and injury amounted to 680,336, or 62.4 percent, of the total Penal Code offenders received during the year. Also, violators of the Road Traffic Law and other traffic laws constituted 92 percent of the total suspects for violations of special laws.

The rate of prosecution against traffic offenders was 71.6 percent in cases concerning with professional negligence causing homicide and bodily injury, 68.6 percent in grossly negligent homicide and bodily injury cases, and 93 percent for the Road Traffic Law violators. Summary orders, however, were requested for 96.5 percent, 78.7 percent, and 98.9 percent respectively of these cases. It is noted that more and more traffic offenders who cause fatalities are being formally indicted. Thus a total of 47.1 percent of all offenders prosecuted for causing fatalities in professional or gross negligence were formally indicted in 1970, twice the percent in 1960.

As Table 28 indicates, persons found guilty for professional negligence or gross negligence in 1969 was approximately 50,000 greater than the previous year.

Table 28. Dispositions by the Court of First Instance of Cases Resulting from Professional or Gross Negligence Causing Homicide and Bodily Injury, 1959, 1966 - 1969

Year	Total(A)	Imprisonment without Labor		Imprisonment with Labor		Fine	B + C A (%)
		Total(B)	Unsuspended	Total(C)	Unsuspended		
1959	73,237	1,233	303 (24.6)*	—	—	71,999	1.7
1965	202,197	6,489	1,884 (29.0)	—	—	195,708	3.2
1966	230,970	7,249	2,213 (30.5)	—	—	223,721	3.1
1967	281,455	7,930	2,418 (30.5)	—	—	273,525	2.8
1968	387,019	9,540	2,894 (30.3)	310	177 (57.1)	377,169	2.5
1969	438,685	8,637	2,537 (29.4)	1,939	1,043 (53.8)	428,109	2.4

\* In parentheses are the percentages of the total (B) or (C).

Of 8,637 professional or gross negligent offenders causing fatalities sentenced to imprisonment without prison labor, 2,537, or 29.4 percent, were imprisoned and the remainder had their sentence suspended. Imprisonment with prison labor was expanded to include professional negligence when the revised Article 211 of the Penal Code was enacted on June 10, 1968. Of 1,939 offenders sentenced to imprisonment with prison labor in 1969, 1,043, or 53.8 percent, were actually imprisoned and the remainder had their sentence suspended. The length of sentence was relatively short for both categories of imprisonment with approximately 70 percent of them ranging from 6 to 12 months.

Regarding the fines, 93.9 percent of offenders fined for professional negligence causing fatalities paid fines of between ¥30,000 and ¥50,000, whereas 57 percent of

those who were fined for incurring injuries in professional negligence paid between ¥10,000 and ¥30,000.

The Research and Training Institute completed a survey in 1970 on 1,452 traffic offenders who were sentenced to imprisonment by 25 selected District Courts. This survey revealed a disparity in the suspension of sentences among different types of traffic crime. The terms of sentences tended to become longer as the damages to victims in traffic accidents became more serious. Also, sentences tended to be more severe in cases where victims or other persons did not make a contribution to the accident. Of the 294 persons in the sample who were sentenced to imprisonment with prison labor, 47 percent were involved in hit-run accidents. The rest committed at least one or several of the following three types of violations: Drunken driving, driving without license, and speeding.

### C. Juvenile Traffic Offenders

Because of the age limit for licensing, and the fairly limited opportunities for driving, the percent of juveniles among traffic offenders has been relatively low. Table 29 indicates the number and percent of juveniles among traffic offenders received at the Public Prosecutor's Office.

Table 29. Juvenile Traffic Cases Referred to the Public Prosecutor, 1969 — 1970

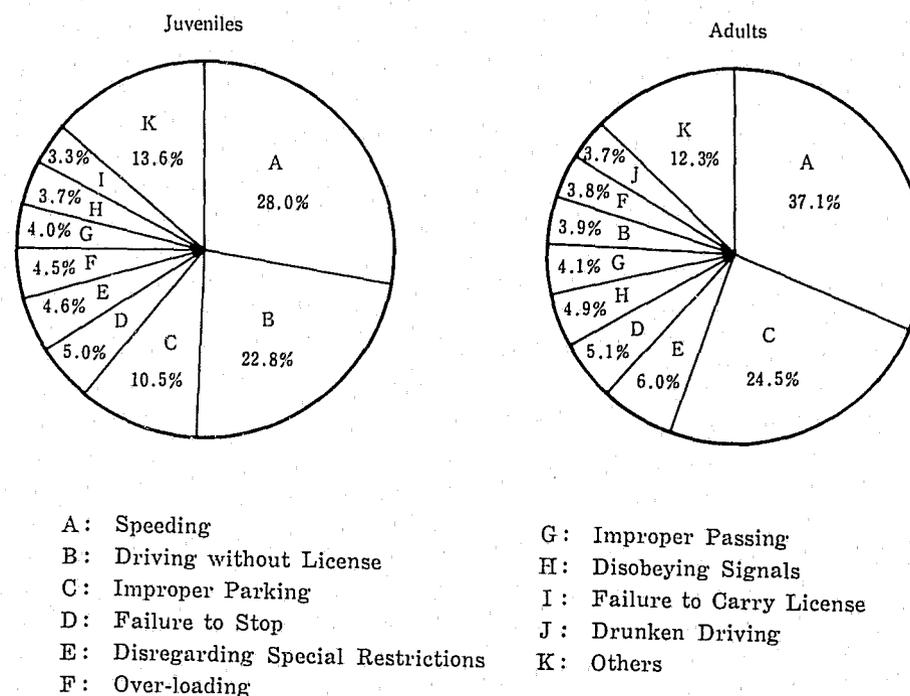
Year	Professional Negligent Homicide and Bodily Injury		Gross Negligent Homicide and Bodily Injury		Violation of the Road Traffic Law	
	Total	Juvenile (%)	Total	Juvenile (%)	Total	Juvenile (%)
1969	671,623	80,606 (12.0)*	2,912	1,122 (38.5)	4,135,109	581,979 (14.1)
1970	678,031	80,224 (11.8)	2,305	935 (40.6)	5,309,424	675,849 (12.7)

\* In parentheses are the percentages of juveniles among the total.

Among the total juvenile Penal Code offenders, however, traffic offenders comprised 40.3 percent of the total, and 97.4 percent of the juvenile Special Law violators. The large proportion of juveniles among gross negligent offenders is explained by the extremely high rate of non-licensed drivers among juvenile traffic violators. Figure 6 shows the juvenile violators of the Road Traffic Law by type of violation. The adult traffic violators are also shown for the sake of comparison.

Among the juvenile traffic cases disposed of by the Family Court, 29.8 percent of violators were referred back to the Public Prosecutor's Office for possible criminal the professional or gross negligent cases and 9.3 percent of the Road Traffic Law prosecution in 1969. This is a considerable decrease in both categories from the previous year. Also, 4.6 percent of the professional or gross negligent cases and 89.2 percent of the Road Traffic Law violators were discharged by the Family Court either with or without a court hearing.

Figure 6. Juvenile and Adult Traffic Violators by Type of Violation, 1970



A survey conducted by the Research and Training Institute of the Ministry of Justice indicated that more than 70 percent of the juvenile traffic offenders were either 18 or 19 years old. More than 60 percent committed minor Road Traffic Law violations without causing casualties. The majority were charged with being either non-licensed drivers or speeding. Personality-wise, juvenile traffic offenders were found to be non-inhibitive, hyper-active and outgoing. A test battery of intelligence, personality, and driving aptitude tests were found to be effective in revealing their special personal features.

Matsuyama Training School started to operate in January 1969 as a short term training school for traffic offenders and in March, 1970, the Uji Training School started operating as a driving training center for juvenile traffic offenders.

### D. Treatment of Traffic Offenders

#### 1. Correction

During 1970, a total of 3,817 persons convicted for professional negligence causing casualties, and 406 Road Traffic Law violators were admitted to correctional facilities. Since 1968 when imprisonment with prison labor was introduced to include traffic

offenders, the number of traffic offenders in institutions has increased constantly. Table 30 below shows traffic offenders imprisoned as of the end of 1970.

Table 30. Traffic Prisoners by Type of Offense, as of December 31, 1970

Type of Offense	Imprisonment without Prison Labor	Imprisonment with Prison Labor	
		Traffic Offense Only	Combined with other Penal Code Offenses
Professional Negligence Causing Casualties	1,361 (97.3)*	797 (75.2)	238 (26.6)
Gross Negligence Causing Casualties	32 (2.3)	26 (2.5)	21 (1.9)
Road Traffic Law Violators	6 (0.4)	235 (22.2)	772 (71.4)
Total	1,399 (100)	1,058 (100)	1,081 (100)

\* In parentheses are the percentages of the total.

Fifty-six percent of traffic offenders imprisoned without labor and 42 percent of those imprisoned with prison labor received sentences of between 6 and 12 months. Prisoners sentenced to imprisonment for less than one year have increased from the previous year both in actual numbers and rate. The age of traffic offenders confined in prisons are predominantly in their twenties with 67 percent of traffic offenders imprisoned without prison labor, and 59 percent of those imprisoned with prison labor under 30 years. It was also revealed by the survey that very few traffic prisoners had previous record of imprisonment. 92.5 percent of traffic offenders imprisoned without prison labor and 83.4 percent of those imprisoned with prison labor had never previously been committed to a correctional institution.

The research and Training Institute of the Ministry of Justice conducted two special research studies of traffic offenders. One covered 1,825 male prisoners who committed traffic offenses and were confined in prisons as of November 10, 1970. The other covered 368 traffic offenders confined in correctional institutions within the jurisdiction of the Tokyo Correctional Headquarters. The two studies indicated that approximately 80 percent of the subjects were below I.Q. 100. Over 30 percent of these had I.Q. below 79, and 14.4 percent of the hit-run cases and 15.6 percent of those who failed to report to police after causing an accident were below I.Q. 69. The I.Q. of traffic offenders, however, was found to be higher than the I.Q. of non-traffic offenders. The studies tried to determine the levels of social adjustment of traffic offenders in prisons as well as in the community by use of Sentence Completion Test. The traffic offenders were found to be more adjusted than non-traffic prisoners in their family life as well as in their employment. However, comparison of traffic offenders imprisoned without prison labor to those imprisoned with prison labor suggested that those imprisoned with labor had more social maladjustment problems.

This tendency was more apparent in their adjustments within prisons. When asked their view of the accidents, 44 percent of traffic offenders imprisoned without labor responded that the victim was also to blame. The majority of traffic offenders without labor answered that the accident were due to their being in a hurry while driving, whereas those imprisoned with labor claimed they were absent-minded or irritated at the time of the accident. Approximately one-third of traffic offenders were dissatisfied with their sentence. It was noteworthy that those imprisoned with prison labor expressed more resentment at "Choeki" or imprisonment with prison labor. This term implies that they committed heinous crimes and traffic offenders regard themselves as negligent offenders and want to be treated differently. Their attitudes while driving reflected more problems than average drivers and it was conspicuous among the traffic offenders that they tended to ignore traffic rules and regulations. More personal problems were found among those offenders who committed either non-licensed driving, hit-run cases, drunken driving or speeding, whereas more visual and physiological problems were identified with those who failed to yield or to pass properly. The life history of traffic offenders indicated that before coming to prisons they maintained more stable work and family life than non-traffic offenders. Also, they had higher educational background than that of non-traffic offenders.

Open correctional treatment has been developed on traffic offenders without prison labor, who are predominantly negligent offenders, with less personal problems and who are not security problems. Since 1964, persons who satisfied the following conditions have been sent to one the six institutions in Japan for specialized treatment of traffic offenders:<sup>39)</sup>

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

On December 31 of 1970, 49 percent or 696 traffic offenders without labor were assigned to the six prisons, with the remainder being confined either one of the four other prisons with specified services for traffic offenders or in the other ordinary prisons.

After ten days in solitary cells during the orientation period, traffic offenders in six institutions live in dormitories, are allowed to move freely within the buildings, not searched, and in principle are unguarded within the facilities. Receiving visitors

<sup>39)</sup>The six prisons are: Ichihara Prison, Kakogawa Prison, Toyohashi Branch of Nagoya Prison, Saga Prison, Yamagata Prison, and Saijo Branch of Matsuyama Prison.

and correspondence are encouraged and counseling services are available to them. For those who wait employment not requiring driving after leaving the institution, information on the labor market, advice on the selection of employment, and basic vocational guidance programs are available to them. For those who wait to be engaged in driving again and those who have aptitude for driving, lectures and field work to improve their driving techniques and increase their knowledge in traffic rules and regulations as well as skill in automobile engineering are provided. Three hundred hours of institution distributed over two months are allocated for this purpose. Only 10 percent of traffic prisoners with labor and 6 percent of those without labor received disciplinary punishment for violations of prison regulations during their stay in prison. The behavior of traffic offenders both within prisons and after release seem to be more acceptable than non-traffic prisoners. For instance, a follow-up study of the Correctional Bureau indicated that among the 3,047 separations from Ichihara Prison for traffic offenders, only 28, or 0.9 percent, came back to prisons. This attempt of more open treatment for traffic offenders is presently operated as a pilot study with the hope that the same kind of treatment may expand to cover the other types of offenders in the future.

## 2. Probation and Parole

Of 55,319 probationers or parolees received at Probation Offices in 1970, 32.7 percent were traffic offenders. Of the total traffic offenders received at Probation Offices, juvenile probationers comprised 79.2 percent, training school parolees 0.3 percent, prison parolees 15.8 percent, and adult probationers 4.7 percent. It is noteworthy that more than half of the juvenile probationers admitted to the caseload were the traffic offenders and their number has been on an increase with slight modification.

Combined with ordinary probation or parole services, specified services for traffic offenders have been attempted at Probation Offices. New trends in treating traffic offenders within probation or parole services included the use of guided group interaction or group work methods.

As compared with non-traffic probationers or parolees, traffic offenders terminated their supervision periods more successfully in all categories of probation and parole.

## III. Female Offenders

The number of female suspects investigated by the Police as Penal Code offenders has tended to increase with minor fluctuations the past several years. The number of female Penal Code suspects in 1970 was 71,197, or 1.7 per 1,000 female population 14 years or older. Table 31 compares the number of males and females interrogated by the Police and the percent of female to the total, a stable percentage the past several years.

Table 31. Number and Rate of Suspects of Penal Code Offenders Investigated by the Police by Sex, 1966 — 1970

Year	Female		Male		Female Percent
	Number	Rate*	Number	Rate*	
1966	53,542	1.4	686,513	18.5	7.2
1967	54,403	1.4	748,175	18.7	6.8
1968	60,810	1.5	862,681	22.6	6.6
1969	65,062	1.6	934,919	24.1	6.5
1970	71,197	1.7	1,002,273	25.6	6.6

\* Rate per 1,000 population of 14 years or older.

The increase of female suspects is due to the increase in the cases of professional negligence causing casualties, since arrests for other Penal Code offenses have been negligence causing casualties, since arrests for other Penal Code offenses have been 1970 and professional negligence causing casualties 33.4 percent. Consequently, other types of offenses do not loom very large in the female crime picture. Approximately, one-half of the female Special Law offenses were violators of the Road Traffic Law.

Female offenders are not only small in number and as a percent of all offenders but they also tend to be treated more leniently at each stage of the criminal procedures. Of 48,804 females suspects disposed of by public prosecutors in 1970, only 46.3 percent were prosecuted compared to 67.0 percent of the male suspects. This lower rate of prosecution of female suspects has, however, steadily increased the past five years due to the increase of cases of professional negligence causing homicide or bodily injury in traffic accidents. About 71.5 percent of the 1,782 females sentenced to imprisonment received a suspended sentence, compared to 54.8 percent of males. A total of 568 women were committed to prisons, 2.2 percent of the total admission in 1970. The 20 to 25 years age group has the most male and female offenders. Table 32 compares suspected Penal Code offenders by age and sex in 1970. Females tend to retain a higher crime rate in the older age groups as compared with males.

Table 32. Penal Code Suspects by Age and Sex, 1970

Age Range	Female		Male		Percent of Female to Male
	Number	Percent	Number	Percent	
14—19	14,919	16.8	212,724	17.8	6.6
20—24	18,163	20.4	325,692	27.3	5.3
25—29	11,948	13.4	209,873	17.6	5.4
30—34	10,587	11.9	141,913	11.9	6.9
35—39	10,399	11.7	112,241	9.4	8.5
40—49	13,963	15.7	121,972	10.2	10.3
50—59	5,885	6.6	48,337	4.0	10.9
60&Over	3,112	3.5	20,965	1.8	13.0
Total	88,986	100.0	1,193,717	100.0	6.9

It is also noted that 89 percent of the female Penal Code suspects were considered first offenders, and only 59 percent of the male suspects were considered as first offenders.

#### IV. Crimes Committed by Government Officials

In 1970, a total of 16,826 public officials were called to the attention of the Public Prosecutors, excluding those who violated the Road Traffic Law, an increase of approximately 2,000 over 1969. This increase reflects an upsurge in persons charged with professional negligence causing bodily injury and death in traffic accidents. The highest prosecution rate concerned public officials charged with traffic offenses where negligent homicide or bodily injury was involved, however, the majority of these cases were disposed of by summary court orders.

Included are 648 persons referred to the Public Prosecutors for abuse of official authority, and majority of these complaints involved members of various law enforcement agencies. Of 722 cases disposed of by Public Prosecutors during 1970, where abuse of official authority was charged only one case was brought to trial. The evidence of abuse was determined to be either non-existent or insufficient for prosecution in the other cases. By way of contrast approximately 60 percent of the 574 bribery cases disposed of by Public Prosecutors during the year were brought to trial. The increase in the number of local governmental officials involved in these bribery cases is noteworthy, 34.6 percent of the 1773 suspects investigated by the police for bribery during 1967, 1968 and 1969, were local officials engaged in civil engineering and construction or were members of local assemblies. In 1969, the courts of first instance sentenced 34.1 percent of the cases where bribery was charged to a term of more than one year imprisonment. Of 211 persons charged with bribery and sentenced to imprisonment, 92.4 percent received a suspended sentence. This rate of suspended sentence is high when compared with the average rate of suspended sentences for all penal code offenses, approximately 50 percent. This can be explained by the fact that these public officials have experienced serious social sanctions and they can not repeat their offenses, since they have lost their positions as public officials by being sentenced to imprisonments.

#### V. Crime and Mental Disturbance

The Mental Health Law provides Prefectural Governors with the power to commit mentally disturbed persons a mental hospital upon the certification of mental illness by two psychiatrists. The same law provides that officials of law enforcement agencies have the right to inform the Prefectural Governor of any persons suspected of being mentally disturbed. A total of 7,590 persons were thus reported in 1970 by the law

enforcement agencies and 6,435 of them were found to be in need of care. Psychiatrists are employed to undertake mental examinations of suspects in nine District Public Prosecutor's Offices in metropolitan areas. A total of 2,730 suspects were referred for examination by psychiatrists during the past three years. Of persons referred, 2,339 (2,159 males and 180 females) were subsequently classified as having some mental disorder. The diagnosis of these 2,730 percents was as follows: 669 or 38.6 percent, as alcoholics or addicts of some sort, 538 or 2.3 percent schizophrenic, 405 or 17.3 percent as mentally retarded and 328 or 14 percent psychopathic personality disorders. Although approximately 36 percent had stable employment, only 32.1 percent lived with their families and 40.3 percent had previous records of hospitalization in mental hospitals. 71.1 percent had previous criminal records and 25.8 percent had previously been committed to prisons. Theft was the most common offense, next was bodily injury and assault followed by fraud and homicide. 67 percent were dropped without prosecution. The public prosecutor notified the Prefectural Governor of 1,351 cases of whom 945 were hospitalized. The public prosecutor dropped without prosecution 47 percent of the cases.

The percentage of the mentally disturbed among all offenders has not been worked out yet. Among juvenile cases, psychiatric examination determined that 10.3 percent of all cases examined had some form of mental disturbance. Of the juveniles classified as mentally disturbed 60 percent were classified as mental retarders, and 30 percent psychopathic personality disorder. Both the actual number and the rate of juveniles classified as mentally disturbed has been on a gradual decline. Table 33 shows, by type of offense, the juvenile mentally disturbed cases included in the Family Court dispositions (excluding violators of the Road Traffic Law) in 1969.

The table includes only those juveniles who were referred for mental examination and classification. The table indicates that about 40 percent of arson offenders are mentally disturbed, followed by 20 percent in indecency and 20.6 percent in homicide.

Acts by insome persons are not punishable by statutory penalty and punishment for a mentally deficient person is reduced (Article 39 of the Penal Code). Another survey of 620 recidivists who once found not guilty or not prosecuted because of mental disorders between the years of 1956 to 1970 reveals an example of the relation between mental disorders and recidivism. The notable phenomenon was the fact that 359, or 57.9 percent of the total repeated the same type of crime again. The rate was 100 percent for prostitution, 75.8 percent for theft, 68.0 percent for fraud, 64.3 percent for rape and indecent behavior, 51 for assault and bodily injury. Among the above 620 recidivists, 476 were hospitalized, of whom more than 50 percent were released in

six months, 80 percent were released in one year, that is relatively short period. and juvenile training schools is listed in Table 34.

Finally, the rate of the mentally disturbed among the inmates both in prisons and juvenile training schools is listed in Table 34 below.

Table 33. The Mentally Disturbed among Juvenile Non-Traffic Cases Disposed of by Type of Crime, 1969

Type of Crime	Total (A)	The Mentally Disturbed (B)	B/A (%)	Type of Mental Disturbance			
				Mental retardation	Psychopathic Personality Disorder	Neurosis	Psychopath
Penal Code Offenders	18,822	1,881	10.0	1,153	561	40	127
Larceny	9,434	1,155	12.2	778	282	21	74
Robbery	676	86	12.7	30	42	7	7
Fraud	187	30	16.0	19	7	1	3
Extortion	1,508	99	6.6	51	43	1	4
Bodily Injury	1,743	112	6.4	54	50	1	7
Assault	289	22	7.6	10	8	—	4
Intimidation	67	12	17.9	8	4	—	—
Homicide	141	29	20.6	5	19	2	3
Rape	1,600	123	7.7	75	41	—	7
Indecency	272	59	21.7	33	17	2	7
Arson	80	32	40.0	20	8	3	1
Others	2,825	122	4.3	70	40	2	10
Special Law Violators	940	92	9.8	52	29	3	8
Pre-delinquent Juveniles	1,950	272	13.9	169	84	1	18
Total	21,712	2,245	10.3	1,374	674	44	153

Table 34. The Mentally Disturbed among Inmates of Correctional Institutions, as of December 20, 1970

Type of Institution	Inmate (A)	Mentally Disordered (B)	B/A (%)	Breakdown of Mental Disorder			
				Feeble Mind-edness	Psycho-path	Neu-rosis	Psy-chosis
Prison	38,911	5,622 (100)	14.4	2,184 (38.8)*	2,914 (51.8)	99 (1.8)	425 (7.6)
Juvenile Training School	4,814	826 (100)	17.2	494 (59.8)*	257 (31.1)	13 (1.6)	62 (7.5)

\* In parentheses are the percentages of (B).

## VI. Crimes Committed by Student Groups

One of the recent significant features of the crime phenomena in Japan is a

marked increase of violent group crimes committed mainly by student groups both on and off the campus. While the number of persons received by the public prosecutor for violent crimes of this kind was 6,200 in 1968, it jumped to 13,292 in 1969, and in 1970 sharply decreased to 4,558 due to the normalization of school campus. However, it must be noted that the means and instruments used by these students in the commission of their crimes have become more and more radical and brutal. Airplane hijacking, bank-robbery and attacks on police box illustrate a recent tendency to adopt extreme forms and any means for political purposes. Of 4,558 suspects referred to the public prosecutor in 1970, 793 or 24.6 percent were prosecuted, 2,427 were not prosecuted, and 1,133 were referred to the Family Court as juveniles. The major types of crimes committed by these suspects were unlawful assembly with weapons and interference with a governmental official in the performance of his duty.

Of defendants who were tried for violent group crimes committed in 1968, 1969 or 1970 and sentenced by the court of first instance as May 1971, 2,274 were convicted, 18 were determined to be not guilty, 12 were dismissed, 2 were remitted. Table 35 shows the breakdown of dispositions against 2,242 convicted defendants.

Table 35. Breakdown of Dispositions of Radicals, 1970

Punishment	Number	Rate(%)
Imprisonment with Prison Labor	216	9.6
Imprisonment with Prison Labor followed by Suspension of Execution of Sentence	1,844	82.3
Imprisonment without Prison Labor followed by Suspension of Execution of Sentence	2	0.1
Fine	164	7.3
Minor Fine	15	0.7
Punitive Detention	1	0.0
Total	2,242	100.0

Family Court disposition of 2,257 juveniles who were involved in violent group crimes in 1970, 883 or about 39.1 percent were dismissed without hearing and 1,154 or nearly 51.1 percent were dismissed after hearing, 57 or 2.5 percent were sent to the public prosecutor for prosecution and 143 or 6.3 percent were placed under probation.

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