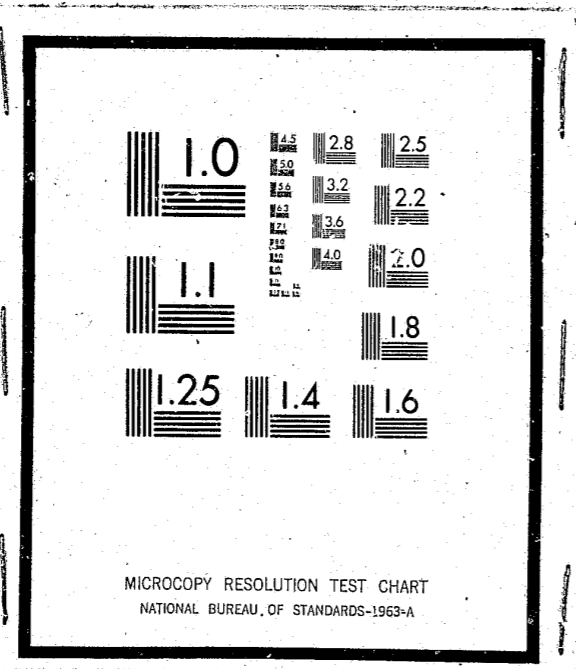


NCJRS

This microfiche was produced from documents received for inclusion in the NCJRS data base. Since NCJRS cannot exercise control over the physical condition of the documents submitted, the individual frame quality will vary. The resolution chart on this frame may be used to evaluate the document quality.



Microfilming procedures used to create this fiche comply with the standards set forth in 41CFR 101-11.504 .

Points of view or opinions stated in this document are those of the author(s) and do not represent the official position or policies of the U.S. Department of Justice.

U.S. DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION
NATIONAL CRIMINAL JUSTICE REFERENCE SERVICE
WASHINGTON, D.C. 20531

10/28/76

Date filmed

T Police Dup

Data base

GOVERNMENT OF JAPAN

SUMMARY OF THE WHITE PAPER ON CRIME

1974

30445
DUP

RESEARCH AND TRAINING INSTITUTE
MINISTRY OF JUSTICE

PREFACE

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

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

The White Paper on Crime, 1974, with the subtitle "Social Change and Criminality", is a detailed document of 528 pages. The Summary in English contains 64 pages. However, clarity has not been sacrificed for conciseness. The White Paper is as usual presented in three main parts, *Trends in Criminality*, *Treatment of Offenders and Special Crimes and Criminals*. The Summary preserves the identical form, and presents the salient facts and the essential statistical tables under each Part.

As indicated by the subtitle, special emphasis was placed on an attempt to disclose the relation between social change, concomitant with economic and social development, and criminality. Likewise, considerable attention was paid to the narcotic and stimulant drug offenses which had regained their increasing trends in recent years. I hope such examination and analyses would be of interest for other countries sharing similar problems.

This Summary was prepared by Mr. Minoru Shikita, Deputy Director of the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI), together with Mrs. Kinko Sato and Messrs. Tomiyoshi Kawahara, Takeo Osumi, Takuji Kawasaki, and Shozo Tomita, members of the faculty of UNAFEI. I gratefully acknowledge their valuable contributions.

Hisakazu Suzuki

Hisakazu Suzuki
Director,
Research and Training Institute,
Ministry of Justice,
Japan.

February, 1975

CONTENTS

PART ONE: TRENDS IN CRIMINALITY

I. Crime Trends and Statistical Review of Crime in 1973	1
A. Penal Code Offenses	1
1. General Trends	1
2. Non-Traffic Penal Code Offenses	1
3. Statistical Review of Penal Code Offenses in 1973	2
B. Special Law Offenses	6
1. Traffic Violations	6
2. Other Special Law Offenses	6
C. Female Offenders	6
D. Mentally Disturbed Offenders	7
E. Crimes Committed by Government Officials	8
F. Offenses Concerning Pollution	8
G. Violent Crimes Committed by Radical Students	8
II. Urbanization, Area Development and Criminality	10
A. Social Change and Criminality	10
1. Theft	11
2. Fraud	13
3. Murder	13
4. Bodily Injury	13
5. Rape	14
6. Professional Negligence Causing Death or Bodily Injury	14
B. Area Development and Criminality	15
1. Area Development in Japan	15
2. Trends in Criminality in Developing Areas	16
3. Impact of Area Development on Criminality	20
C. Trends in Criminality in Small Cities	21

PART TWO: TREATMENT OF OFFENDERS

I. Prosecution and Trial	24
A. Prosecution	24
1. Reception of Cases	24

2. Disposition of Cases	25
B. Trial	26
1. Outline of Final and Conclusive Judgments	26
2. Penalties Imposed	26
C. Speedy Trial	28
II. Correctional Institutions	28
A. Average Daily Population	29
B. Admissions and Releases	29
C. Treatment of Convicted Prisoners	30
1. Classification	30
2. Education	32
3. Prison Industry and Vocational Training	32
4. Security in Prison	34
D. Suspects and Defendants	34
E. Women's Guidance Home	34
III. Probation, Parole and Aftercare	35
A. Parole	35
B. Trends in the Use of Probation and Parole	36
C. The Results of Probation and Parole	37
D. New Programs in Probation and Parole	38
E. Aftercare	39
F. Pardons	39

PART THREE: SPECIAL CRIMES AND CRIMINALS

I. Juvenile Delinquency	41
A. Trends in Juvenile Delinquency	41
1. Penal Code Offenders	41
2. Special Law Offenders	43
3. Law-Breaking Children and Pre-Offense Juveniles	44
B. Special Features and Background of Juvenile Criminality	44
1. Juvenile Offenses by Type of Crime	44
2. Juvenile Offenders by Age-Group	45
3. School and Employment	45
4. Others	45
C. Disposition and Treatment	46

1. Disposition by Public Prosecutor	46
2. Adjudication by Family Court	47
3. Criminal Trial	47
4. Juvenile Classification Home	47
5. Juvenile Training School	48
6. Juvenile Prison	49
7. Juvenile Probation and Parole	49
II. Narcotic and Other Drug Offenses	50
A. General Trends	50
B. Recent Trends in Narcotic and Stimulant Drug Offenses	53
1. Narcotic Offenses	53
2. Stimulant Drug Offenses	54
C. Disposition of the Narcotic and Stimulant Drug Offenders	56
1. Narcotic Offenders	56
2. Stimulant Drug Offenders	57
III. Traffic Offenses	57
A. General Trends	57
1. Present Situation and Background of Traffic Offenses	57
2. Trends in the Road Traffic Law Violations	58
3. The Operation of the Traffic Infraction Notification System	59
B. Prosecution and Trial of Traffic Offenses	59
1. Prosecution of Traffic Offenses	59
2. Trial of Traffic Offenders	59
C. Juvenile Traffic Offenders	60
D. Treatment of Traffic Offenders	61
1. Correction	61
2. Probation and Parole	61

PART ONE: TRENDS IN CRIMINALITY

I. Crime Trends and Statistical Review of Crime in 1973

A. Penal Code Offenses

1. General Trends

The trends in crime after World War II, as reflected in the statistics giving the number of Penal Code offenses known to the police, showed that the total number of such offenses amounted to 1,387,080 in 1946. The figure rose sharply to over 1,603,265 in 1948, and then decreased to 1,344,482 in 1953. The figures showed an increase in 1954 and kept steadily rising until 1964 when Penal Code offenses exceeded the 1948 peak and reached 1,609,741. After showing a slight decrease in the following two years, they started to show an annual increase till they reached another peak in 1970, when they were 1,932,401, the highest figure since the end of the war. However, since 1971, they decreased continuously and in 1973 the figure dropped to 1,728,726 representing a decrease of 89,346 from the figure of the previous year.

The rate of clearance in respect of Penal Code offenses was 71% of the total cases known to the police in 1973. The annual figures of such rate in the last ten years have been between 67 and 71. Thus, the number of offenses cleared by the police more or less paralleled that of offenses known to them and it was 1,226,504 in 1973. This represented a decrease of 68,404 over the previous year and the number of offenders investigated (not necessarily arrested) by the police decreased to 931,316 in 1973, 45,376 less than that of the previous year.

2. Non-Traffic Penal Code Offenses

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

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

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

1953. The figures fluctuated somewhat in the following years. Since 1971 the number kept on decreasing steadily and in 1973 it was 1,187,936, the lowest figure in the post-war years representing a decrease of 33,523 from that of the previous year.

The clearance rate of non-traffic Penal Code offenses was 58% of the total cases known to the police in 1973. The annual figures of such rate for the last ten years have been between 54 and 64.

The numbers of non-traffic Penal Code offenders investigated by the police have shown more or less a constant decrease, with an occasional increase, since 1950, when they were 578,152. In 1973 such offenders amounted to 354,461 which was 8,260 more than in the previous year. The rates of non-traffic Penal Code offenses known to the police and of non-traffic Penal Code offenders investigated by the police computed per 100,000 criminally responsible population (fourteen years old and above) for 1973 were 1,416 (cases) and 423 (persons), respectively; the former was the lowest figure in the post-war years, and the latter the second lowest. These rates together with the rates for prosecuted and convicted persons in selected years are shown in Table 1.

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

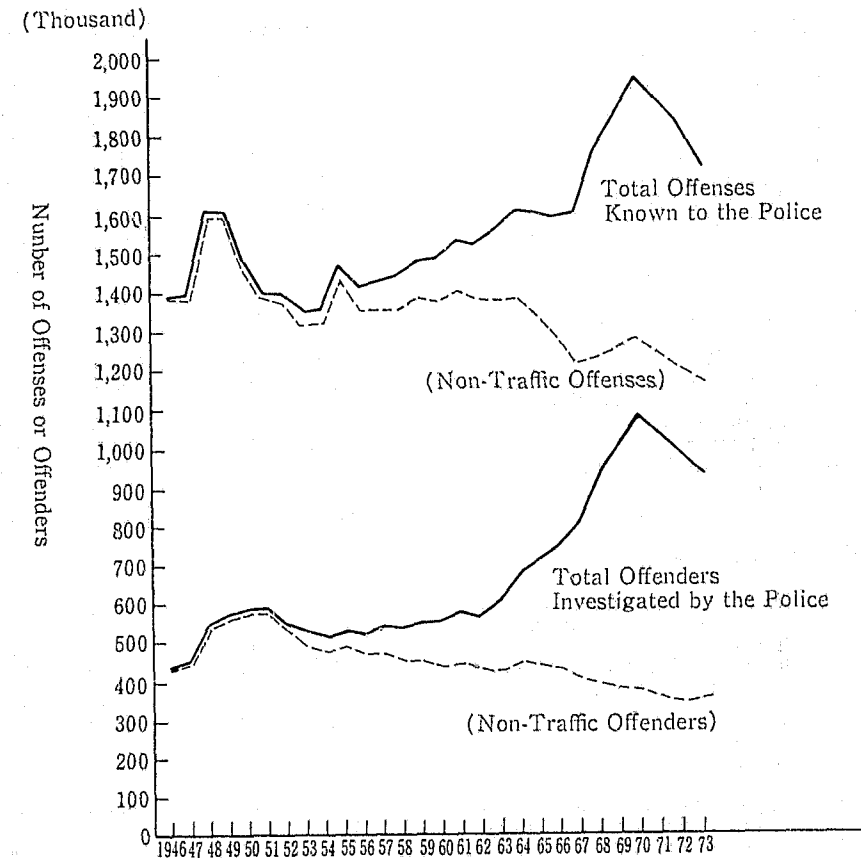
3. Statistical Review of Penal Code Offenses in 1973

Of the total Penal Code offenses known to the police in 1973, theft was the largest standing for 56.3%, which was followed by professional or gross negligence causing death or bodily injury with 31.3%, fraud with 3.2%, bodily injury including those resulting in death (manslaughter) with 2.5%, assault with 1.6% and extortion with 0.8%. Murder (homicide with an intent to kill) accounted for 0.1% of the total.

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

Year	Criminally Responsible Population Unit: 1,000	Rate Computed per 100,000 of the Criminally Responsible Population			
		Offenses Known	Suspects	Persons Prosecuted	Persons Convicted in the Court of First Instance
1946	49,572	2,792	868	319	...
1956	62,840	2,155	749	309	265
1966	76,459	1,690	564	245	206
1969	79,740	1,570	470	204	167
1970	80,500	1,587	470	198	159
1971	81,364	1,526	442	182	148
1972	82,947	1,473	417	185	151
1973	83,885	1,416	423	166	...

Figure 1. Trends in Penal Code Offenses and Offenders



Of the total Penal Code offenders investigated by the police in 1973, those who were charged with professional or gross negligence causing death or bodily injury were far the largest accounting for 61.9%. This was due to the fact that the clearance rate of such negligent cases was nearly 100% while that of theft was 50.5% in 1973. This was followed by the alleged offenders of theft with 18.7%, bodily injury including those resulting in death with 5.7%, assault with 3.5%, and fraud with 1.7%. The alleged murderers stood for 0.2% of the total.

In 1973, the numbers of offenses known to the police increased in such offenses as embezzlement, assault and bodily injury including injury caused death. Likewise, theft, embezzlement and injury including injury resulting in death increased in the numbers of suspects investigated by the police.

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

Table 2. Trends in Penal Code Offenders Investigated by

Offenses	Year		1963		1969	
	Number	Index	Number	Index	Number	Index
I. Property Offenses						
1. Theft	187,065	117	160,356	100		
2. Fraud	21,441	132	16,245	100		
3. Embezzlement	8,006	145	5,536	100		
4. Stolen Property	5,447	211	2,582	100		
5. Breach of Trust	223	69	321	100		
Total	222,182	120	185,040	100		
II. Offenses of Violence						
A. "Non-heinous" Crimes						
6. Assault	41,702	108	38,657	100		
7. Bodily Injury (including those resulting in death)	73,612	111	66,533	100		
8. Intimidation	4,470	146	3,055	100		
9. Extortion	24,289	180	13,511	100		
10. Unlawful Assembly with Weapon	939	50	1,871	100		
Total	145,012	117	123,627	100		
B. "Heinous" Crimes						
11. Murder (including patricide, infanticide and attempt)	2,452	104	2,351	100		
12. Robbery	2,269	182	1,247	100		
13. Robbery involving Homicide, Injury or Rape	1,931	114	1,688	100		
Total	6,652	126	5,286	100		
III. Sex Offenses						
14. Pape (including those resulting in injury and death)	7,579	111	6,843	100		
15. Indecent Assault	3,374	156	2,163	100		
16. Obscene Matters (distributing, selling, etc.)	1,831	40	4,586	100		
Total	12,784	94	13,592	100		
IV. Offenses of Negligence						
17. Professional Negligence causing Death or Bodily Injury	181,176	29	624,849	100		
18. Simple Negligence causing Death or Injury	1,627	161	1,013	100		
19. Fire caused by Negligence	7,986	130	6,148	100		
Total	190,789	30	632,010	100		
V. Miscellaneous						
20. Arson	936	70	1,342	100		
21. Gambling	7,530	59	12,707	100		
22. Kidnapping	295	92	320	100		
23. Forgery and Counterfeiting	1,836	116	1,578	100		
24. Others	18,633	76	24,479	100		

the Police by Crime Categories (1963, 1969-1973)

	1970		1971		1972		1973	
	Number	Index	Number	Index	Number	Index	Number	Index
	173,616	198	168,847	105	166,932	104	174,003	109
	16,434	101	14,993	92	15,963	98	15,908	98
	5,973	108	5,267	95	6,600	119	8,089	146
	2,566	99	2,325	90	2,082	81	2,070	80
	255	79	219	68	226	70	203	63
	198,844	107	191,651	104	191,803	104	200,273	108
	37,832	98	35,065	91	32,314	84	32,408	84
	61,675	93	56,215	84	51,715	78	53,008	80
	3,026	99	2,698	88	2,272	74	2,199	72
	14,979	111	14,656	108	13,197	98	11,930	88
	1,250	67	1,553	83	910	49	1,006	54
	118,762	96	110,187	89	100,408	81	100,551	81
	2,146	91	2,134	91	2,188	93	2,113	90
	1,175	94	1,039	83	984	79	910	73
	1,670	99	1,517	90	1,414	84	1,168	69
	4,991	94	4,690	89	4,586	87	4,191	79
	6,430	94	5,831	85	5,464	80	4,786	70
	2,054	95	1,981	92	1,915	89	1,816	84
	5,165	113	4,620	101	4,412	96	3,644	79
	13,649	100	12,432	91	11,791	87	10,246	75
	695,447	111	667,032	107	630,491	101	576,855	92
	689	68	641	63	542	54	546	54
	5,937	97	5,043	82	4,454	72	4,828	79
	702,073	111	672,716	106	635,487	101	582,229	92
	814	61	1,341	137	799	60	702	52
	14,258	112	12,508	98	15,078	119	15,631	123
	268	84	278	87	276	86	224	70
	1,878	119	1,954	124	1,558	99	1,857	118
	17,933	73	17,942	73	14,906	61	15,412	63

Table 2 shows the trends of such offenders in which the 1969 figures are used as a base index of 100, and deviations annually up to 1973 are indicated.

B. Special Law Offenses

1. Traffic Violations

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

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

The Government met this disproportionate increase of traffic violations with the adoption of a new system of Traffic Infraction Notification Procedure, a planned partial decriminalization of less serious violations. This procedure was brought into effect in July 1968. Thus the figures dropped sharply to 1,470,620 or 54.4% in 1969, and to 1,460,054 or 54.2% in 1970. However, a constant increase was seen in the ensuing years and the number of such violators reached 1,850,052, or 62.9% of the total in 1973. (For detailed analysis of the violations in 1973, refer to the PART THREE below.)

2. Other Special Law Offenses

A total number of violators of special laws other than traffic violators stood for 57.5% of the total offenders received in the Public Prosecutors' Offices in 1947. Most of them were violators of the Food Control Law and the Price Control Ordinance characterizing a chaotic post-war conditions. The number of violators of special laws has been on a decreasing trend since 1950 and it was 142,627, or 4.8% of the total, in 1973. This number was 857 more than the number of the previous year. While an increase was observed in respect of the violators of the Stimulant Drugs Control Law, the Narcotics Control Law, the Horse Race Law, a considerable decrease was recorded in the violations of the Public Office Election Law, the Anti-Prostitution Law and the Child Welfare Law.

C. Female Offenders

The number of female non-traffic Penal Code offenders investigated by the police has tended to increase for the past several years. Such number increased from 47,408 in 1972 to 51,133 in 1973 which accounted for 14.3% of the total non-traffic

Penal Code offenders. The rate of such offenders per 1,000 female criminally responsible population (fourteen years old and older) was, however, remained stable, namely 1.1 to 1.2. Table 3 compares the number of males and females investigated by the police and the percentage of female to the total offenders. The most common Penal Code offenses committed by female offenders was theft (81.0%), followed by fraud (2.6%), gambling (2.2%), bodily injury (1.8%) and public indecency (1.5%).

The total number of female violators of special laws excluding traffic violation amounted to 24,394 in 1973. Of 24,394 female offenders, the violation of the Law Regulating Any Business Affecting Public Morals accounted for 23.6%, which was

Table 3. Number and Rate of Non-Traffic Penal Code Offenders Investigated by the Police by Sex, 1969-1973

Year	Female		Male		Percentage of Female
	Number	Rate*	Number	Rate*	
1969	45,057	1.1	332,769	8.6	11.9
1970	47,506	1.1	333,344	8.5	12.5
1971	48,234	1.2	313,738	7.9	13.3
1972	47,408	1.1	301,380	7.5	13.6
1973	51,133	1.2	306,605	7.5	14.3

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

followed by the violation of the Public Office Election Law (20.1%), the violation of the Anti-Prostitution Law (10.9%) and the violation of the Stimulant Drugs Control Law (4.8%).

Of 53,386 female suspects disposed of by public prosecutors in 1973, only 45.9% were prosecuted compared with 64.7% in respect of the male suspects. About 73.7% of the 1,891 females sentenced to imprisonment received a suspended sentence in 1972, compared with 56.7% in respect of males. A total of 549 women were committed to prisons, accounting only for 2.1% of the total admission in 1973.

D. Mentally Disturbed Offenders

As of the end of March 1974, some 270,000 patients were being hospitalized in mental institutions or psychiatric departments of general hospitals throughout Japan. Approximately 70,000 of them were compulsorily committed under the Mental Health Law.

During three years of 1971 to 1973, those who were acquitted or not prosecuted because of insanity, in the District Courts or District Public Prosecutors' Offices, or those whose sentences were mitigated by the District Courts, because of their mental deficiency, amounted to a total of 1,388 persons. Of this total, 35% were accused for murder, 17% for arson, 14% for assault and bodily injury.

The examination of these 1,388 persons by the psychiatrist showed that 769

(55%) were suffering from schizophrenia and 136 (10%) were alcoholic.

Of these 1,388 persons, 571 had previous criminal records and it was observed that they showed a strong tendency to repeat the same kind of offenses in their criminal career. It was found that the most recent criminal records of 54% of those who committed rape or indecent assault, 50% of arsonists, 39% of robbers and 36% of murderers, respectively, were identical with the present charge.

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

E. Crimes Committed by Government Officials

In 1973, the number of government officials referred to the Public Prosecutors' Offices, under the charges other than traffic violation, amounted to 19,912 which was almost equal to the number of the previous year. Of the total, some 74.2% were charged with professional or gross negligence causing death or bodily injury. Those who were suspected for a crime of accepting bribe amounted to 863. In 1972, it was 748.

Approximately 56% of the total bribery cases disposed of by Public Prosecutors in 1973 were brought to trial. The ratio of suspended sentences to the total sentences rendered in respect of bribery cases was 94.8% in 1972. Such percentage has long been remarkably high.

F. Offenses Concerning Pollution

In 1973, the Public Prosecutors' Offices throughout Japan received a total of 3,999 violators of laws and regulations concerning control of pollution. This was an increase of 1,386 (53%) over the figure in 1972.

The most frequent violation was that of the Law Controlling Disposition of Exhaustion and Environmental Disruption accounting for 40% of the total, which was followed by the violations of the Oceanic Pollution Control Law (32.0%), the Harbor Regulation Law (11.3%) and the Water Pollution Control Law (7.3%).

Laws concerning pollution control were disposed of severely by Public Prosecutors. The percentage of institution of public prosecution in such cases was 71% in 1973. This was higher than the average percentage of special laws excluding road traffic violation cases which was 60.6%.

G. Violent Crimes Committed by Radical Students

Violent crimes committed by the radical ultra-leftist groups started to increase since around the end of 1967. The overwhelming majorities were university students. The number of radicals apprehended by the police increased from about 6,600 in

1968 to 14,700 in 1969. However, the firm but flexible legislative and administrative counter-measures against student unrest proved to be successful and most university campuses regained their peace in 1970. Thus the number of the apprehended students decreased to about 5,000 in 1970. After some fluctuations, it was 1,560 in 1973.

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

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

In 1973, their activities were not so rampant, but on account of power struggle and reorganization movement among themselves, violent fights so-called "inner struggle violent fights" took place very frequently. Namely, in 1973, there were 238 such fights known to the police which became more and more deliberate and premeditated, and the means and instruments employed in fighting became even more brutal. Time and again it involved innocent passers-by.

Due to the 238 incidents of inner struggle violent fights, two persons were killed and 573 persons were injured in 1973. A total of 385 suspects were received in the Public Prosecutors' Offices for these fights, the number being 163 more than that of the previous year. Of these 385 offenders, 112 were prosecuted, 119 got the disposition of non-prosecution and twenty-nine juveniles were referred to Family Courts.

During 1973, seventy-eight persons were disposed of at the courts of first instance of which fifty-four (69.2%) were sentenced to imprisonment with labor, though forty-nine of them got suspension of the execution of their sentences, and twenty-four (30.8%) were imposed penalty of fine.

II. Urbanization, Area Development and Criminality

Criminality seems to change as society changes. A special attention has been paid to this relationship in the White Paper on Crime since 1972. The movement of population and criminality was studied in the 1972 White Paper. A geographical analysis of criminality and an international comparison of urban criminality were reported in the 1973 White Paper.

In this issue the change in criminality, caused by social change, will be analyzed by examining various social factors in relation to the general trends in criminality after World War II. Likewise, an analysis will be carried out in order to reveal the relations between stages of development and trends of crime in the small cities and other areas where such rapid social changes as urbanization and industrialization are progressing. Since area development is primarily for the acceleration of industrialization and urbanization, the trends in criminality in the developing areas offer most useful suggestions for the planning of economic and social development in the future without a concomitant increase of crime. In Japan today crime prevention is a more urgent problem in the smaller cities than in the ten major cities where criminality is about to become stabilized.

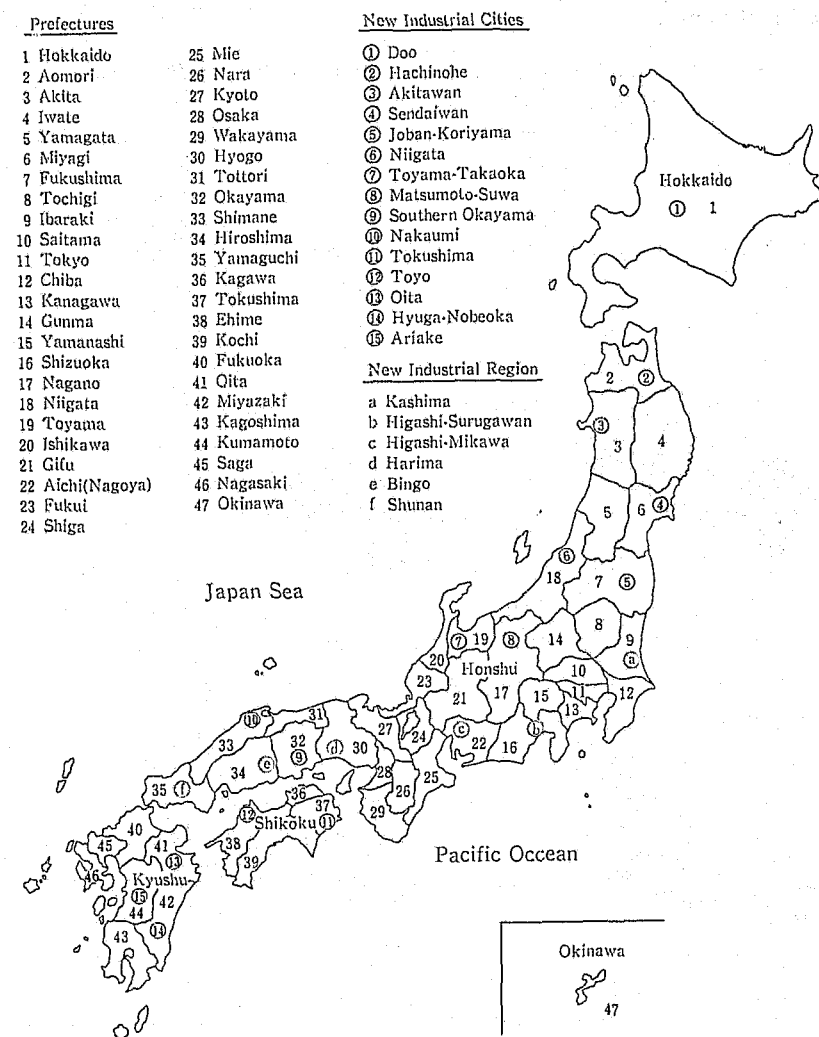
A. Social Change and Criminality

The volume of crimes known to the police changes from year to year and place to place, the rate of such a change differing also by the type of crime. In order to reveal such interrelated trends theft and fraud, murder, bodily injury, rape and professional or gross negligence causing death or bodily injury were selected as the key crimes of, respectively, property offenses, "heinous crimes", violent crimes, sex offenses and offenses of negligence. The trends of the total criminality and of each crime are as follows:

The number of all Penal Code offenses known to the Police per 100,000 criminally responsible population recorded the highest figure in 1948 and the lowest in 1973. The ratio of the lowest to the highest was 100:146. For theft, the highest was recorded in 1948 and the lowest in 1973, the ratio being 100:201. For fraud, the highest was recorded in 1950 and the lowest in 1971, the ratio being 100:535. For murder, the highest was in 1950 and the lowest in 1971, the ratio being 100:226. For bodily injury, the highest was in 1958 and the lowest in 1946, the ratio being 100:664. For rape, the highest in 1960 and 1961 and the lowest in 1946, the ratio being 100:783. For professional negligence, the highest was in 1970 and the lowest in 1946, the ratio being 100:13,567. These figures show that increase or decrease, magnitude of change and time of change differ from crime to crime. In this context reference should be made to a study on the crime incidence by regions inferred from indices

of social change, which is being conducted by the Research and Training Institute of the Ministry of Justice, where the relationships between crime incidence and social situations have been analyzed in the years of 1950, 1955, 1960, 1965, 1970 and 1973, and related to the prefectures of the country. (The prefectural division of Japan is shown as Figure 2.)

Figure 2. Prefectural Division of Japan

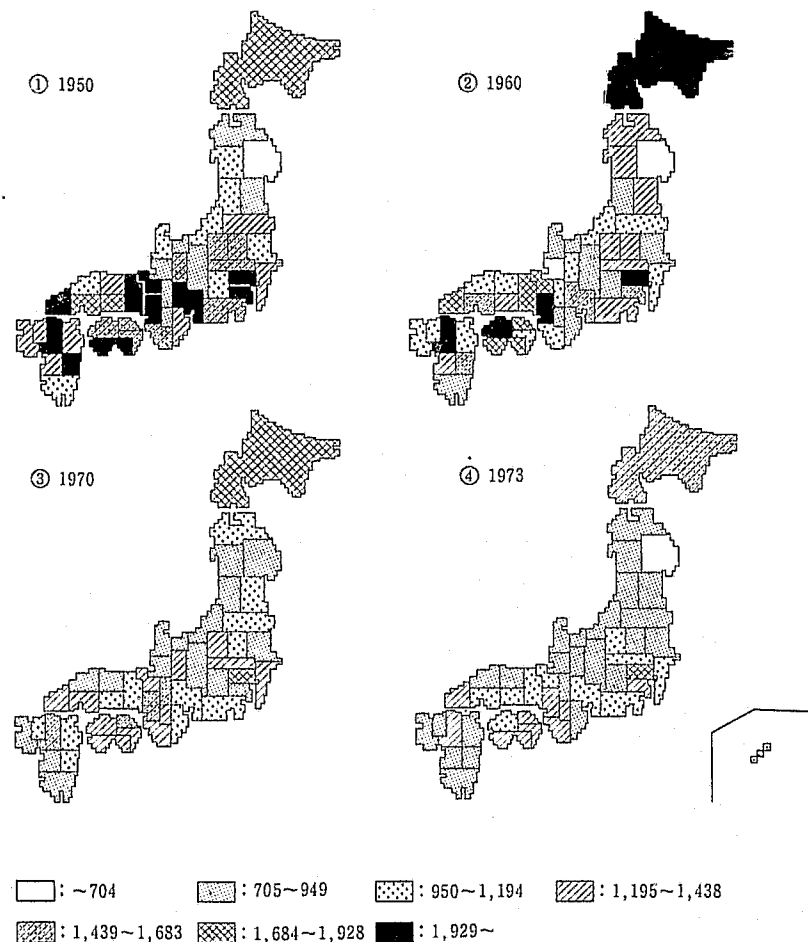


1. Theft

Figure 3 shows the general trend of theft in the post-war years. It indicates a general decline but varies from prefecture to prefecture. A high incidence was found in such prefectures as Tokyo, Kanagawa, Osaka, Yamaguchi and Fukuoka throughout the whole period, and in Hokkaido and Kochi after 1960. A low incidence

was found in northern Honshu (Iwate, Yamagata and Akita), Japan Sea Coast (Niigata, Toyama, Ishikawa, Fukui and Shimane), Nagano in central Honshu and Nara in mid-western Honshu. It seems likely that a crime of theft is committed more often in the prefectures where big industrialized cities are located and less often committed in the prefectures where the primary industry is dominant. But the decreasing rate is more prominent in high incidence prefectures than in low incidence prefectures.

Figure 3. Number of Thefts Known to the Police, by Prefecture:
1950, 1960, 1970 and 1973
(Computed per 100,000 Criminally Responsible Population)



Based on the intermediate result of a multivariate study on criminality and social factors, the above-mentioned trends of theft were interpreted as follows: The incidence of theft coincides positively with a high score in the "social unstableness

factor" or the "sociopathological factor", extracted from such indices as high rates of unemployment, divorce, those receiving livelihood assistance and those having no houses of their own. It negatively associates with a high score in the "economic affluence factor", extracted from such indices as the total amount of school expenses, construction expenses, the amount of post office life insurance, living space in the house per person, ratio of the number of hospital beds to the population, number of cars registered. In other words, the incidence of theft seems to be relevant to a spiritually and economically stable and secure life of an individual person.

2. Fraud

The number of frauds known to the police per 100,000 criminally responsible population has curved down from the peak of 1950, throughout the country. It was committed at high rates in Tokyo, Tottori, Okayama, Miyazaki and at low rates in Ibaraki, Chiba, Mie, Shiga, Nara, Tokushima and Kagoshima. It shows a sharp decrease from the above-average to the below-average in Tochigi, Gunma, Saitama, Fukuoka and Kumamoto. It was reversed in Akita and Yamagata. It can be inferred from the foregoing that; a) a decreasing trend emerged first in the prefectures of prosperity, and b) the prefectures belonging to the same economic or cultural region show a similar tendency in the incidence of frauds.

3. Murder

The number of murders known to the police per 100,000 criminally responsible population has declined with slight fluctuations from the peak of 1950 throughout the country. It was committed at rates above average in Fukuoka, Nagasaki, Saga, Kumamoto and Miyazaki of Kyushu Island, Ehime and Kochi of Shikoku Island, Hiroshima, Yamaguchi, Osaka, Hyogo and Wakayama of western or mid-western Honshu. Rates below average were observed in Yamagata, Fukushima and Miyagi of northern Honshu, Niigata, Toyama, Ishikawa, Fukui and Shimane on Japan Sea Coast and Nagano in central Honshu. Generally, every prefecture showed a downward trend but, specifically, it decreased rapidly in Fukuoka, Nagasaki, Kumamoto and Saga beginning in 1960 through 1965. It appears to be negatively related to a high score in the "economic affluence factor" and living and cultural stability, and to be positively related to a high score in the "culturally influenced sociopathological factor", extracted from such indices as divorce rate, livelihood assistance rate, admission rate to theaters.

4. Bodily Injury

The incidence of bodily injuries began to slow down its rapid increasing tendency in 1950 and it has been decreasing since 1958. Geographically, a high incidence was marked in Kumamoto, Nagasaki, Fukuoka and Miyazaki of Kyushu Island, Tokyo and Osaka, whilst a low incidence was observed in Gifu, Aichi, Fukui,

Nagano, Niigata, Toyama of central Honshu and Mie of mid-western Honshu. In all these prefectures it turned from an increase to a decrease in 1955 to 1960. A decreasing rate is higher than average in Miyazaki and lower in Oita.

In relation to the social factors, it seems probable that the incidence is negatively related to such factors as the "economic affluence factor" and the "productive capacity or latent productive capacity factor".

5. Rape

The revision of the relevant article in the Penal Code, necessitating no complaint to be lodged by the victim if and when it is committed in group, caused a sharp increase in the number of rapes recorded in 1958. A high incidence continued until 1966. It has been decreasing gradually since 1967.

Hokkaido, Gunma, Saitama and Fukuoka showed a high incidence, while Ishikawa, Shimane, Kyoto and Gifu showed a low incidence. Aichi and Yamanashi showed a rapid decrease. Kochi and Kagoshima showed a slight decrease. Fukui, however, still shows an increasing trend.

It appears that a high score in the "urbanism factor", extracted from such indices as rate of policemen, length of road per square kilometers, number of newspaper circulation and rate of medical doctors, functions as a suppressing factor. It also suggests a possibility that the local historic mores might be relevant to the incidence of rape.

6. Professional Negligence Causing Death or Bodily Injury

An increase in the number of professional or gross negligence causing death or bodily injury was seen in early 1950's. The increase had been accelerated since 1963, leading to the peak in 1970 and then began to decline throughout the country regardless of continued increase in the number of registered motor vehicles.

A higher incidence was recorded in Fukuoka and Saga, and a lower incidence in Aomori, Akita, Yamagata and Shimane. A sharper increase was recorded in Aichi, Wakayama, Hiroshima, Fukui, Ishikawa, Tokushima, Shiga and Kyoto, while a rapid decrease was recently recorded in Aichi, Osaka, Shiga and Okayama. Contrary to the general decrease in the country, an increasing trend is still observed in Niigata and Kagoshima.

These figures about professional negligence demonstrate opposite trends to the figures in frauds. In other words, an increase in professional negligence is associated with the economic development of the locality. In order to understand the recent decrease, however, the function of social control such as more effective law enforcement has to be taken into consideration.

In conclusion, crimes may be classified into the following categories in relation

to social factors; 1) crimes which increase in number primarily with economic growth and industrialization (e.g. professional negligence causing death or bodily injury), 2) crimes which are aggravated by sociopathological factors accompanied by economic development (e.g. theft and fraud), 3) crimes which relate closely to cultural and moral factors (e.g. murder, bodily injury, rape). With the progress of social change multiple dimensions of the social structure exerted their influence on criminality differently with regard to time and extent, depending on the category of crimes. As economic development, migration of population and changes in the social structure progressed in the area, crimes were spread from the core city to the outskirts sometimes in the shape of a doughnut. It might be possible to say that the complex of these factors has formed the trends of criminality in Japan.

B. Area Development and Criminality

1. Area Development in Japan

The basic law for promoting the area development in Japan is the Comprehensive Land Development Law of 1950 which describes the purpose of the law as "to utilize, develop and secure the country's land comprehensively, considering the natural conditions of the country from the comprehensive viewpoint of economic, social and cultural policy, etc., and to devise effective conditions for the proper allocation of industries, and also to promote social welfare." This law is also to be the foundation of the developmental policies centering around the following four poles: (1) nation-wide comprehensive developmental planning; (2) comprehensive local development planning; (3) comprehensive prefectural development planning; and (4) comprehensive development planning for the selected regions. Based on this Law, the National Comprehensive Land Development Project of 1962, etc., fifteen new industrial cities and six industrial regions, a total of twenty-one, were designated. (Hereinafter, both cities and regions will be called areas.)

In order to examine the trends in the amount of industrial production and the total population for the past ten years, five typical areas were selected for comparison. Economic and social development in these areas is considered to be progressing intensively and smoothly in comparison with other areas.

In Kashima Area, representing a new industrial development project along coast line with highly modernized installations, the central towns have been rapidly expanding but the achievement ratio (the ratio of achievements to the goal) is not so high. Industrial production showed a remarkable increase but it was suggested that industrialization had been concentrated in the central area. In Harima Area, industrial production reached 91% of the goal and the population reached 88% of the expected figure. This is an example of well-balanced development of an inland-redevelopment project without highly modernized installations. In Doo Area, central

Hokkaido, representing an industrial re-development project with highly modernized installations, 75% of the goal in industrial production and 93% of the goal in the population have been attained. It is characterized by a high achievement ratio in the population. In Southern Okayama Area, representing also an industrial re-development project with highly modernized installations, a higher achievement ratio has been attained in industrial production (110%) than in the population (81%). Lastly, in Joban-Koriyama Area, representing an industrial re-development project of inland area without highly modernized installations, the achievement ratios were 71% in industrial production and 81% in the population. The population of the central city has been increasing very slowly and industrialization is progressing moderately.

2. Trends in Criminality in Developing Areas

(1) General Trends

The numbers of non-traffic Penal Code offenses known to the police and such offenses per 100,000 criminally responsible population in 1973 were compared with the figures for 1963 in the twenty-one new industrial areas. (Three of these areas bestride the boundary between two prefectures and were studied separately. Therefore, twenty-four localities were actually surveyed.)

- 1) In 1973, the rate of offenses was higher in fifteen areas including Tokushima and lower in nine areas including Higashi-Mikawa than the average of the nation.
- 2) In the period of the past ten years, the number of offenses has increased in eleven areas including Kashima and decreased in thirteen areas including Harima. Of these thirteen areas, more decrease than the national average was recorded in nine areas.
- 3) In the same period, the rate of offenses in general has increased in six areas including Kashima, not changed in Bingo and decreased in seventeen including Hyuga-Nobeoka. It has decreased more sharply than the national average in nine areas including Harima.

(2) Trends in Criminality in Representative Developing Areas

The trends in criminality were more thoroughly investigated with respect to the above-mentioned five areas, namely, Doo, Joban-Koriyama, Harima, Southern Okayama and Kashima.

i) Trends in Non-traffic Penal Code Offenses

The numbers of non-traffic Penal Code offenses known to the police per 100,000 criminally responsible population in 1973 were 1,849.7 in Doo, 1,211.8 in Joban-Koriyama, 1,206.6 in Kashima, 1,110.0 in Southern Okayama, and 780.3 in Harima. It was 1,100.2 in the whole nation.

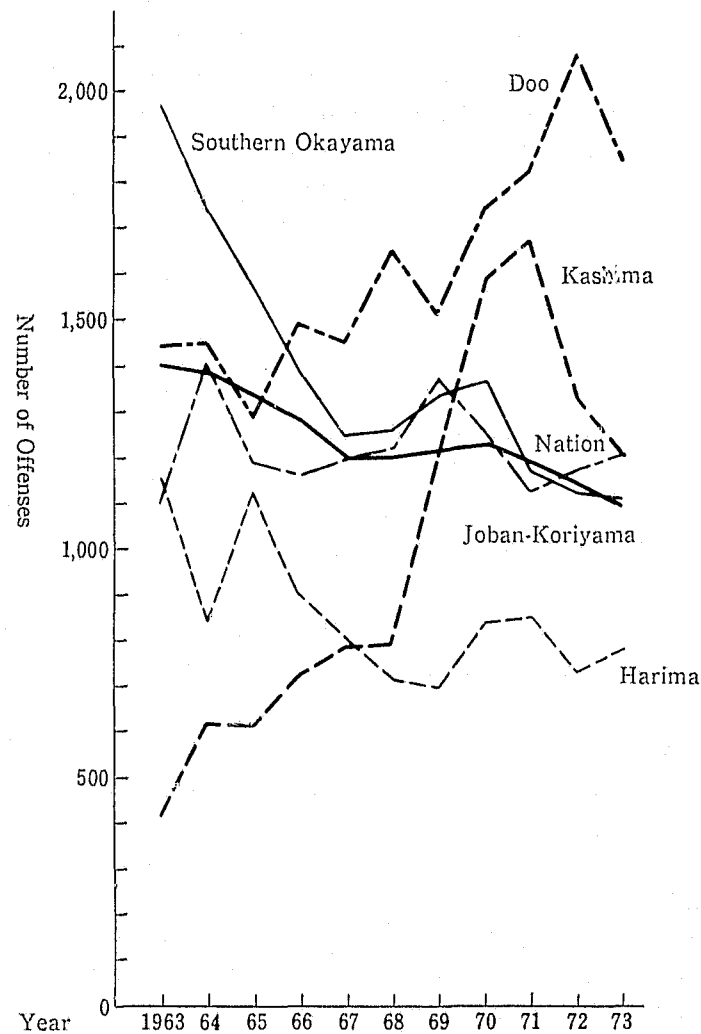
An examination of the rates of different types of offenses in 1973 revealed the following: the rate of "heinous crimes" to the population was higher in Doo and Kashima, and lower in Joban-Koriyama, Harima and Southern Okayama than the average rate of the nation. Violent crimes were committed at high rates in Doo, Joban-Koriyama and Southern Okayama, and at low rates in Harima and Kashima. As for property offenses, Harima marked a lower rate than the average in the country, meanwhile, the other four marked higher rates. Joban-Koriyama was the only one which exceeded the average rate of the country in sexual offenses.

The numbers of non-traffic Penal Code offenses and rates of such offenses in these representative developing areas in 1973 were compared with the numbers and rates for 1963, using the figures for 1963 as the base index of 100. The indices in the number and rate showed decreasing trends in the country as a whole. The indices showed an increase in Doo with the index of 168 for the number and with the index of 128 for the rate, in Joban-Koriyama with 124 and 110, and in Kashima with 407 and 291, respectively. A decrease was observed in Harima with the index of 98 for the number and with the index of 68 for the rate, and in Southern Okayama with 72 and 56 respectively.

The numbers of non-traffic Penal Code offenses known to the police per 100,000 criminally responsible population in the five areas in the period of the past ten years from 1963 to 1973 are shown in Figure 4. It reveals that the incidence of non-traffic Penal Code offenses has decreased in Southern Okayama and Harima, slightly increased with fluctuations in Joban-Koriyama, and sharply increased in Doo and Kashima.

The trends by type of crime in the same period are as follows (the 1963 figures were likewise used as the base index of 100): The 1973 indices for "heinous crimes" were 64 for the number and 57 for the rate in the whole nation, 58 and 45 in Doo, 69 and 61 in Joban-Koriyama, 30 and 21 in Harima, 33 and 26 in Southern Okayama, respectively, all showing decreasing trends, while they increased in Kashima with the indices of 200 and 143. As for violent crimes, the indices for 1973 against 1963 were 58 for the number and 52 for the rate in the whole nation, 87 and 77 in Joban-Koriyama, 76 and 52 in Harima, 42 and 33 in Southern Okayama, which showed decreasing trends, but 217 and 166 in Doo which showed an increasing trend, and 123 and 88 in Kashima, which showed an increasing trend in the rate. The index figures in property offenses were 90 for the number and 81 for the rate in the whole nation, 75 and 59 in Southern Okayama, the only one area where the both indices for the number and rate decreased, 154 and 118 in Doo, 127 and 113 in Joban-Koriyama, and 493 and 352 in Kashima, respectively. Property offenses have increased in these three areas. There were no change in the number but a decrease in the rate in Harima with the indices of 100 and 69.

Figure 4. Trends in Non-Traffic Penal Code Offenses in the Five Selected Areas, 1963-1973



* Computed per 100,000 Criminally Responsible Population

As for sexual offenses, the index figures were 90 for the number and 68 for the rate in Doo, 95 and 84 in Joban-Koriyama, 35 and 24 in Harima and 39 and 30 in Southern Okayama, which showed decreasing trends as the nation did with the indices of 94 and 85. But in Kashima, the figures went up to 180 and 130.

The trends in criminality in these five areas might be summarized as follows:

- 1) In Doo Area, it has increased in the numbers and rates in the total non-traffic Penal Code offenses, violent crimes and property offenses.
- 2) In Joban-Koriyama Area, it has increased in the numbers and rates in the total non-traffic Penal Code offenses and property offenses. The

decreasing rates in "heinous crimes" and violent crimes were smaller than the averages for the nation.

- 3) In Harima Area, the numbers of cases have decreased in the total non-traffic Penal Code offenses and all types of offenses except property offenses. The rates have decreased in the total offenses and all types of offenses.
- 4) In Southern Okayama Area, it showed a more rapid decrease in both the numbers and rates in the total non-traffic Penal Code offenses and all types of crimes than in the whole nation.
- 5) In Kashima Area, it has sharply increased in the numbers in the total non-traffic Penal Code offenses and all types of crimes. It has significantly increased in the rates in the total offenses and all types of crimes with the exception of violent crimes.

ii) Trends in Professional Negligence Causing Death or Bodily Injury

The numbers of professional negligence causing death or bodily injury per 100,000 criminally responsible population amounted to the followings in 1973: Kashima was the highest with the number of 702.0 which was followed by Joban-Koriyama with 697.8, Harima with 696.8, Southern Okayama with 668.1 and Doo with 608.0. All these figures exceeded the national average of 497.4.

The increasing rates in these areas over 1963 also exceeded the average rate of the nation. Regarding the index of the number of such cases for 1973 (against 100 for 1963), it stood at 591 in Kashima, 550 in Joban-Koriyama, 288 in Harima, 254 in Southern Okayama and 230 in Doo. The index for the nation was 298. Similarly, the index number of such cases per 100,000 criminally responsible population stood at 489 in Joban-Koriyama, 414 in Kashima, 199 in Harima, 199 in Southern Okayama and 176 in Doo. The index for the nation was 269 which was significantly less than those for Joban-Koriyama and for Kashima.

iii) Population Increase and Criminality in Developing Areas

The 1973 indices of non-traffic Penal Code offenses and the population in the representative developing areas were as follows (base index of 100 for 1963): In Harima Area, criminality has decreased against an increase in the population with the index of 145 for the population and the index of 98 for the number of non-traffic Penal Code offenses. In Southern Okayama, it also has decreased with 127 and 72. The other areas showed an increase in criminality accompanied by an increase in the population: Doo with 131 and 168, Joban-Koriyama with 112 and 124, Kashima with 140 and 407, respectively. Particularly in Kashima Area the increase in criminality went far beyond the increase in the population.

As shown in Figure 4 above, along with the progress of industrialization and

urbanization in the past ten year period of area development, the rates of non-traffic Penal Code offenses have fluctuated differently in one area to another. The fluctuations being due to a number of factors, more comprehensive further researches might disclose the relationships between criminality and social change caused by development. However, since non-traffic Penal Code offenses have sharply increased in rapidly developing areas, it clearly indicates the importance of taking effective measures for crime prevention in the course of area development and furthermore to set up a plan for harmonious progress of industrial development and social development in order to minimize the increase in criminality usually accompanying economic development.

3. Impact of Area Development on Criminality

Criminality and other sociopathological phenomena seem to become pressing on the community where industrial development is over-emphasized and social development, for example, an advancement of the welfare for the residents, is ignored in the overall development planning or in its implementation. Industrialization entices a number of people into the developing community and thus leads to an increase in population, which accelerates urbanization of the community. The family ties are often weakened in materialism-oriented families with high social and geographical mobility which are commonly seen in industrially developing communities. Various modes of life-consciousness, value-systems and behaviour patterns are brought about by migration of people of different social backgrounds and by changes of the social structure. It tends to cause conflicts among residents and weaken the informal social control. All kinds of commodities like construction materials, raw materials, industrial products and other goods are accumulated to a very large amount. It pushes the prices up for such real properties as land and buildings. Nevertheless, there are few well experienced persons to take charge of the accumulated wealth and to prevent crimes against property. Sociopathological phenomena, including crimes, appear to be precipitated by inappropriate measures in social welfare and crime prevention which no longer fit the changed social structure, caused by development.

The number of non-traffic Penal Code offenses has increased in eleven newly designated industrial areas out of the twenty-four in the past ten years. But only six areas showed an increase in the rate of such offenses to the population. It may be said crime prevention has been carried out fairly effectively in other areas. In spite of the fact that the number of non-traffic Penal Code offenses has been recently decreasing throughout the country, some industrial areas still show increasing trends in the rate of such offenses. This fact indicates how important an effective crime prevention is in the developing areas. The prevention of property offenses

and traffic offenses is particularly essential in such areas. It is a matter of the first importance to incorporate effective measures for crime prevention and control into the development planning from the initial stage, in order to minimize criminogenic factors and maximize crime-suppressing factors, so that area development may be achieved without undesirable ill-effects.

C. Trends in Criminality in Small Cities

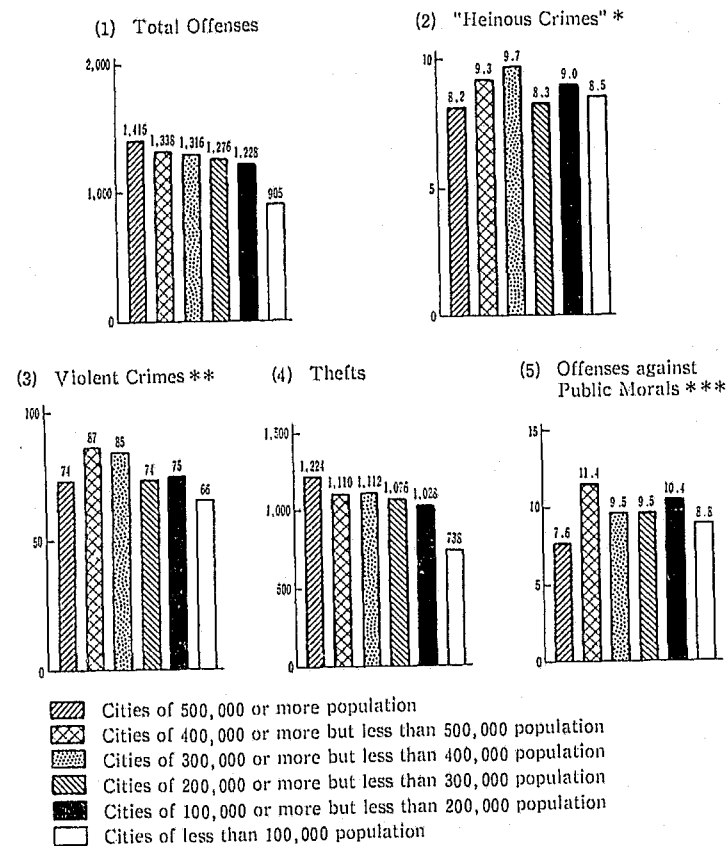
The number of non-traffic Penal Code offenses known to the police per 100,000 criminally responsible population in small cities (cities excluding the ten major cities of approximately one million or more population) was 1,131 in 1973 which was less than that of the ten major cities where the rate amounted to 1,644 in the same year. However, the total amount of such crimes in small cities far exceeds the total of ten major cities.

Figure 5 shows the numbers of different types of crimes known to the police per 100,000 criminally responsible population in different size of cities in population. It is clear from the Figure that the larger the population is, the higher the crime rate is in the numbers of the total non-traffic Penal Code offenses and property offenses. Violent crimes and "heinous crimes" do not reveal any clear trend but seem to be committed at a high incidence in the middle size cities.

An analysis was carried out as for the numbers of non-traffic Penal Code offenses per 100,000 criminally responsible population and its breakdown by type of crime in the following types of cities; a) eleven cities of the large daytime population (the ratios of the day population to the night population were over 110 according to the 1970 census and the populations were more than 100,000 but less than 300,000 in 1973), b) twenty-seven cities of the small daytime population (the ratios of the day population to the night population were below ninety and the populations were more than 100,000 but less than 300,000 in 1973), c) thirteen cities of the tertiary industry (the ratios of the numbers of the workers engaged in tertiary industries to the total numbers of workers were over sixty-five according to the 1970 census and the populations were more than 100,000 but less than 300,000 in 1973), and d) twelve cities of the primary and secondary industries (the ratios of the numbers of workers engaged in tertiary industries to the total numbers of workers were below forty and the populations were more than 100,000 but less than 300,000 in 1973).

The cities of the large day population showed 1.5 times higher incidence (1,463 per 100,000 criminally responsible population) in the total Penal Code offenses than the incidence in the cities of the small day population (958). The incidences by type of crime varied from 1.3 to 3.3 times as high in the cities of the large day population as those in the cities of the small day population. The number of Penal Code offenses in the cities of the tertiary industry was 1,865 per 100,000

Figure 5. Non-Traffic Penal Code Offenses in Small Cities, by Type of Crime and Population, 1973



- * "Heinous Crimes" include murder (including patricide, infanticide and attempt) robbery, robbery involving homicide, injury or rape, arson, rape (including those resulting in injury or death).
- ** Violent Crimes include assault, bodily injury (including those resulting in death), intimidation, extortion, compulsion and unlawful assembly with weapon.
- *** Offenses against Public Morals include gambling, indecent assault (including those resulting in injury or death), public indecency and obscene matters (distributing, selling, etc.).

criminally responsible population. It was 2.1 times higher than the figure in the cities of the primary and secondary industries. The numbers by type of crime in the cities of the tertiary industry amounted to two to three times as large as the numbers in the cities of the primary and secondary industries.

A breakdown by type of crime in each group of cities revealed that violent crimes and intellectual crimes comprise higher proportions on the total and thefts comprise a lower proportion in the cities of large day population and in the cities of the tertiary industry than the other two groups of cities.

The numbers of non-traffic Penal Code offenses per 100,000 criminally responsible population decreased to ninety-six in the ten major cities, ninety-five in the other small cities and ninety-seven in the towns and villages in 1973 against 100 as the base index for 1972. There were no significant differences in the decreasing rates among the three.

Grouping the small cities into the six categories according to the size of population, a comparison was made between the 1972 and 1973 figures in the rates of the total non-traffic Penal Code offenses, "heinous crimes," violent crimes, theft, intellectual crimes and offenses against public morals. It was noticed that all groups of cities demonstrated decreasing trends but that it was more prominent in the cities of more than 500,000 population in the total crimes and also in all types of crimes. It is said in the recent years that there is a tendency changing from the concentration of the population into the giant cities like Keihin (Tokyo-Yokohama Area), Chukyo (Nagoya Area) and Keihanshin (Osaka-Kobe Area) to the concentration of the population into the local core cities like the cities where the prefectural governments are located. The population in such local core cities increased 3.6% in 1973 over the previous year, compared with 1.2% in the whole country, according to the Resident Register as of the end of March, 1972 and 1973, excluding Okinawa Prefecture. It indicates that many persons having migrated from rural areas to giant cities have returned to the local core cities in their native prefectures. Some people say this is a beginning of "J-Turn Phenomenon" instead of "U-Turn Phenomenon" (this is called "J-Turn" because it is not a full "U-Turn" back to their home towns but to the cities on the way). It is noticeable how the criminality would be influenced by the change in the social structure accompanied by this new movement of the population.

PART TWO: TREATMENT OF OFFENDERS

I. Prosecution and Trial

A. Prosecution

1. Reception of Cases

In 1973, Public Prosecutors' Offices throughout Japan received³⁹ a total of 2,943,086 suspects, of whom 950,407 or 32.3% were Penal Code offenders, 1,850,052 or 62.9% were the violators of the Road Traffic Law and 142,627 or 4.8% were the violators of all other special laws. This total was 45,604 more than that of 1972.

A detailed comparison of 1973 figures with those of 1972 reveals the following: the number of persons suspected of Penal Code offenses in 1973 represented a decrease of 67,797 as compared with the previous year. This decrease is mainly due to a decline in cases of professional or gross negligence causing death or bodily injury. On the other hand, the number of suspects of Road Traffic Law violations has increased by 112,544 in 1973. This increase would be a reflection of the increase in the number of motor vehicles and the policy of increasingly more strict law enforcement. The number of persons suspected of other special law offenses has increased by 857 in 1973.

Of all the Penal Code offenders received in the Public Prosecutors' offices in 1973, those suspected of professional or gross negligence causing death or bodily injury accounted for 61.7% of the total and the vast majority of these were automobile accidents. This group was followed by persons suspected of theft (16.8%), injury and assault (8.6%), fraud (2.0%) and extortion (1.4%).

It should also be noted that in 1973, of a total of 1,123,466 suspects who were investigated and disposed of by the Public Prosecutors (excluding all Road Traffic Law violators), only 11.6% were arrested, while the remainder produced themselves on a voluntary basis. Of all suspects investigated by the Public Prosecutor, 80,949 or 7.2% were detained prior to prosecution, and 79.7% of the suspects thus detained

³⁹The responsibility for criminal investigation is vested by law with the police, the Public Prosecutor and his assistants. However, after having conducted an investigation of a crime the police must send the case with all documents and evidence to the Public Prosecutor (Article 246, Code of Criminal Procedure), and only the Public Prosecutor has the power to institute prosecution (Article 247, Code of Criminal Procedure). As at the end of 1973, there were 1,066 Public Prosecutors and 879 Assistant Public Prosecutors assigned to a total of 634 Public Prosecutors' Offices of four different levels distributed among eight major administrative regions.

were confined for less than ten days.⁴⁰ In 1973, a total of 59,673 suspects or 73.7% of those detained were prosecuted. The ratio of the arrested persons to the total number of suspects has been decreasing in recent years.

2. Disposition of Cases

The total number of suspects disposed of at the Public Prosecutors' Offices in 1973 was 4,157,922 which represented an increase of 94,661 over the previous year. The number of suspects who were disposed of at the Offices excluding the transfer of cases from one Office to another, was 3,039,748 in the same year. The breakdown of the disposition of these cases was as follows:

Prosecution	2,187,032	(71.9%)
Non-prosecution	421,668	(13.9%)
Referral to Family Court	403,267	(13.3%)
Stay of Disposition	27,781	(0.7%)

Of the total number prosecuted, 104,609 (4.8%) were prosecuted through formal public trial procedure, 2,078,889 (95.1%) through summary order⁴¹ procedure and 3,534 (0.2%) through summary trial proceedings for minor traffic violation cases.

A Public Prosecutor is empowered to suspend prosecution at his discretion. He may suspend prosecution even if the evidence is sufficient, if he believes it to be in the best interest of society and the offender to do so, after a careful review of the character, age and situation of the offender, the gravity of the offense, the circumstances under which the offense was committed, and the conditions subsequent to the commission of the offense (Article 248, Code of Criminal Procedure). Thus the exercise of discretionary power by a Public Prosecutor is based on criminological considerations which aim at the rehabilitation of the offender by avoiding stigmatization as a criminal. Of all decisions of non-prosecution made by Public Prosecutors in 1973, 345,560 or 82.0% of the total non-prosecution cases were based on this discretion, while 53,846 or 12.8% were based on insufficiency of evidence and 22,262 or 5.3% were for such other reasons as death of the suspect or withdrawal of complaint. Table 4 shows percentage of suspension of prosecution by five categories in recent years.

⁴⁰The initial period of detention is, in principle, ten days. However, an additional extension of detention not exceeding ten days, and still another of five days for certain serious crimes, may be made by a court upon separate application by the Public Prosecutor (Article 208, 208-2, Code of Criminal Procedure).

⁴¹This is an order given by a Summary Court following informal criminal action initiated by a Public Prosecutor with the consent of the accused. The court considers and decides the case on documentary and material evidence submitted by the Prosecutor, without a public hearing or hearing any evidence from the defendant. The Court cannot, however, impose a sentence heavier than a fine of 200,000 yen (approximately 300 yen is equivalent to U.S. \$1). Upon being notified of the disposition by the court, the defendant, if he wishes, may request a formal trial. If a formal trial is not requested by the defendant within two weeks of the receipt of such notification, the court order becomes final.

Table 4. Percentage of Suspension of Prosecution, 1969-1973

Year	All Offenses	Penal Code Offenses (All)	Penal Code Offenses (Non-Traffic)	Traffic Violations	Other Special Law Offenses
1969	18.6	29.3	40.9	7.8	40.6
1970	17.9	29.7	41.3	6.1	39.1
1971	16.3	30.4	40.9	4.7	40.3
1972	14.3	30.6	38.4	4.1	35.4
1973	13.6	31.8	40.0	3.7	36.2

B. Trial

1. Outline of Final and Conclusive Judgments

The total number of the accused who received final and conclusive judgments in 1973 was 2,114,930 indicating an increase of 80,221 in comparison with the number of 1972. Of those accused, 2,028,150 or 95.9% were sentenced to fine, 60,503 or 2.9% to imprisonment with labor, 9,224 or 0.4% to imprisonment without labor, 12,375 or 0.6% to minor fine, while 464 or 0.02% were found not guilty. Convictions were obtained in 99.98% of all individuals brought before the courts. This rate of convictions has been more or less stable in recent years.

Table 5 shows the trends in final dispositions by courts during the period from 1969 to 1973.

2. Penalties Imposed

It has been a tendency in Japan that terms of imprisonment with or without labor are relatively short. In 1973 slightly more than half (50.8%) of the persons had received final and conclusive sentences of one year or less, followed closely (39.5%) by sentences of more than one year but less than three years. This means that 90.3% of the persons committed to prison had received sentences of imprisonment with labor of less than three years. The use of short sentences is even more pronounced in the case of imprisonment without labor where 92.9% received sentences of one year or less.

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

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

Table 5. Trends in Dispositions by Courts, 1969-1973

Dispositions	1969	1970	1971	1972	1973
Death	11 (0.0)	14 (0.0)	6 (0.0)	8 (0.0)	4 (0.0)
Imprisonment with Labor	57,709 (3.5)	56,755 (3.4)	58,695 (3.3)	63,996 (3.1)	60,503 (2.9)
Imprisonment without Labor	8,771 (0.5)	9,054 (0.5)	10,447 (0.6)	10,716 (0.5)	9,224 (0.4)
Fine	1,567,357 (95.3)	1,590,826 (95.5)	1,727,702 (95.7)	1,951,263 (95.9)	2,028,150 (95.9)
Temporary Penal Detention*	143 (0.0)	72 (0.0)	90 (0.0)	87 (0.0)	67 (0.0)
Minor Fine**	3,174 (0.2)	2,709 (0.2)	2,477 (0.1)	3,771 (0.2)	12,375 (0.6)
Not Guilty	521 (0.0)	623 (0.0)	466 (0.0)	532 (0.0)	464 (0.0)
Dismissal of Public Prosecution	7,309 (0.4)	5,236 (0.3)	4,641 (0.3)	4,301 (0.2)	4,079 (0.2)
Acquittal & Others	19 (0.0)	19 (0.0)	24 (0.0)	35 (0.0)	64 (0.0)
Total	1,645,014 (100.0)	1,665,308 (100.0)	1,804,546 (100.0)	2,034,709 (100.0)	2,114,930 (100.0)

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

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

*** Figures in parentheses show percentages.

In 1973, of the 60,503 persons who were sentenced conclusively to imprisonment with labor, 35,005 or 57.9% (57.8% in 1972) received suspension of execution of sentence while of the 9,224 persons who were sentenced conclusively to imprisonment without labor, 7,074 or 76.7% (75.3% in 1972) received such sentences.

Of those persons who were sentenced to fine by either summary order or by summary trial proceedings for traffic violation cases in 1972, 63.9% (61.7% in 1971) were imposed fine of more than 10,000 yen but less than 50,000 yen. On account of the partial amendment to the Law for Temporary Measures Concerning Fine, the maximum amount of fine that may be imposed either by summary order or by summary trial proceeding for minor traffic violations has been raised from 50,000 yen to 200,000 yen. However, 28,935 persons or only 1.4% of the total were imposed fine which exceeded 50,000 yen in 1972. The rate of suspended sentence in the case of fines was only 0.01%.

The courts revoked 3,378 or 8.4% of the total 40,132 suspended sentences (excluding the sentences to the Road Traffic Law violation cases) in 1973. Of those persons whose suspended sentences were revoked due to additional offenses committed dur-

ing the suspension period, 60.1% committed such offenses within one year of the date of the initial sentence.

C. Speedy Trial

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

The time taken from the institution of the prosecution in a case to its disposition by the courts of first instance⁹⁾ was as follows: Of the total number of the accused disposed of by the District Courts, the percentage of those disposed of within six months was 74.6% in 1972 (73.8% in 1971) and 90.1% within one year (90.9% in 1971). The average interval between the institution of a case and its disposition in the District Courts has shown an increasing trend yearly which was 6.6 months in 1972 almost one month longer than that in 1968.

In the Summary Courts, 85.4% had their cases disposed of within six months (89.1% in 1971), 94.2% within one year. The details of the interval between the institution of the prosecution in the first instance court and its disposition by the High Courts in 1972 were as follows:

six months or less	12.9%
one year or less	45.6%
three years or less	33.0%
over three years	6.3%
over seven years	2.2%

The percentage of the accused disposed of within one year amounted to 58.5%. As to the interval between the date of institution in the first instance court and the final disposition by the Supreme Court, 21.4% of the accused were disposed of within one year, and 70.5% were within two years.

II. Correctional Institutions

Correctional institutions are not only a place where penalties imposed by courts are carried out but a place where offenders may learn the attitudes and skills needed

⁹⁾Summary Courts and District Courts are first instance trial courts and there are 50 District and 575 Summary Courts in Japan. The District Courts handle all cases in the first instance except those specifically coming under the jurisdiction of other courts. The Summary Courts handle minor cases and may impose imprisonment with labor not exceeding three years in certain specific cases enumerated by law.

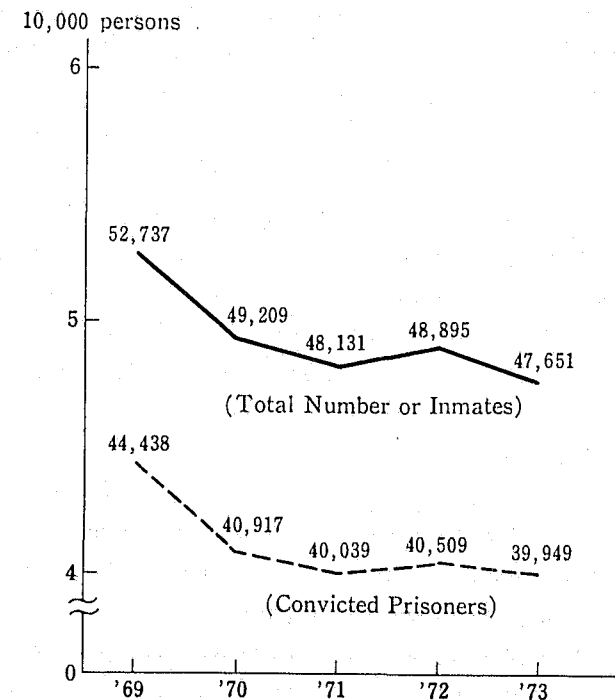
A party who is not satisfied with the decisions rendered by trial courts of the first instance, may appeal to the High Court as a reviewing court. Appeal may be made from the decisions of the High Court, provided that certain reasons prescribed by law exist. This second appeal is to the Supreme Court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

for a successful community reintegration upon release. Since 1948, in order to make this dual purpose apparent, prisons, juvenile training schools as well as other penal institutions have been referred to as "correctional institutions". In Japan, there are seven major detention houses in the larger cities, 106 branch detention houses in smaller cities, fifty-eight main prisons, nine branch prisons, and nine juvenile prisons.

A. Average Daily Population

The average daily population in prisons and detention houses in 1973 was 47,651, indicating a decrease of 1,244 compared with the previous year. Included in this 47,651 were 1,085 females or 2.3% of the total. Limiting the average daily census to sentenced prisoners, the figure is reduced to 39,949, which was 560 less than the daily average sentenced prison population in 1972. The trends in the average daily population in the last five years are shown in Figure 6.

Figure 6. Trends in the Average Daily Population in Detention Houses and Prisons, 1969-1973



B. Admissions and Releases

In 1973, a total of 62,700 persons were admitted to all types of correctional institutions. Of this number, 25,150 were initially admitted as suspects and 15,989 of them became defendants while in the institution, and 29,181 were initially admitted as defendants. Consequently, only a relatively small number of persons were in-

initially admitted as convicted prisoners.

The total number of admissions as convicted prisoners in 1973 was 26,266. Of this number, women accounted for 549 or 2.1%. The annual admission of convicted prisoners had been on a downward trend with some fluctuations since 1948 when there were 69,899 persons admitted as convicted. The figure for 1973 showed a decrease of 2,157 from the 1972 figure.

Of the total such admissions in 1973, a total of 24,140 or 91.9% were sentenced to imprisonment with labor and 2,102 or 8.0% were sentenced to imprisonment without labor. Of persons sentenced to imprisonment with labor, 49.3% had a sentence of no more than one year; 28.9% over one year but no more than two years; 11.5% over two years but no more than three years; 10.3% over three years and 0.1% a life term. Of this 26,266 new admissions as convicted prisoners, 47.6% were serving a prison sentence for the first time, 17.0% the second time; 10.7% the third time; 7.1% the fourth time; 4.8% the fifth time; while 12.9% had a history of serving more than five sentences. Of the 12,505 first timers, 11.5% had once been retained in a Juvenile Training School, and 5.1% placed under probation. Of the same total, 32.9% had previously received a suspended prison sentence.

The breakdown of offenses for which these prisoners were newly convicted shows that larceny is the dominant type of offense amounting to 32.0% of the total. Next comes professional negligence causing death or injury (14.8%), followed by bodily injury and assault (9.6%), fraud (6.7%), extortion (4.6%) and rape (4.4%).

In 1973, a total of 28,196 prisoners were released from prisons or detention houses after serving all or a portion of their sentences. Of this total, 16,008 persons or 56.8% were released on parole, and 12,188 persons or 43.2% were discharged on the expiration of term.

C. Treatment of Convicted Prisoners

1. Classification

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

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

of prisoners were newly introduced in addition to those for allocation.

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

(1) Categories for Allocation

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

(Sex)

Class W: Female

(No designation of class is made for male)

(Nationality)

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

(Kind of Penalty)

Class I: Imprisonment without labor

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

(Age)

Class J: Juveniles under twenty years of age

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

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

(Span of the Term of Imprisonment)

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

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

b) Categories by degree of criminal tendency

Class A: Those whose criminal tendencies are not so advanced

Class B: Those whose criminal tendencies are advanced

c) Categories by mental and physical disorder

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

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

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

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

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

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

(2) Categories for Treatment

a) Categories by specially required treatment

Class V: Those who need vocational training

Class E: Those who need school education

Class G: Those who need social education or living guidance

Class T: Those who need specialized therapeutic treatment

Class S: Those who need special protective treatment

b) Categories by specially recommended treatment

Class O: Those who are suitable for open treatment

Class N: Those who are suitable for maintenance work

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

Indicated as Figure 7 are the major classification categories under the newly introduced system and distribution of inmates among them at the end of 1973.

2. Education

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

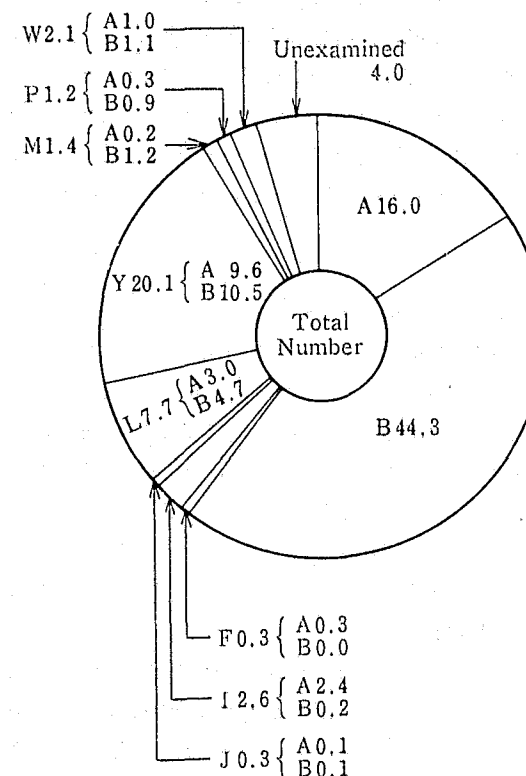
Cultural and recreational activities are organized within prisons with the participation of the authorized public. In 1973, there were 1,001 Voluntary Prison Visitors who made a total of 9,476 visits to assist prisoners in cultural, educational and social welfare programs as well as with individual problems. The number of Voluntary Prison Chaplains in 1973 was 1,317 who conducted 8,787 individual and 7,153 group interviews with inmates.

3. Prison Industry and Vocational Training

On December 31, 1973, a total of 91.8% of the prisoners sentenced to imprison-

ment with labor and 86.3% of the workhouse detainees were assigned to work.⁷⁾

Figure 7. Percentage of Prisoners in Classification Categories, as of 31 December 1973



* Figures except for the total indicate corresponding percentage.

Of the inmates sentenced to imprisonment without labor and of the persons awaiting trial and judgment, 90.5% and 2.8%, respectively, were permitted on application to do work which they preferred.⁸⁾

The total value of the products of prison industries including agricultural production for fiscal year 1972 (April 1972—March 1973) was approximately 8,851 million yen (equivalent to some 28,738,000 U.S. dollars), while the operational cost of those industries was approximately 2,745 million yen (equivalent to some 8,909,000 U.S. dollars).

Classifying the value of production and the cost of operation by type of industry reveals that metal work industry earned 2,380 million yen (26.9% of the total value)

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

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

with the cost of 386 million yen, while wood-craft industry raised 2,076 million yen (23.5%) with the cost of 1,162 million yen. Similarly, 1,348 million yen (15.2%) and 905 million yen (10.2%) were earned in printing and tailoring industries with the cost of 399 and 104 million yen, respectively.

On account of the prison's vocational training programs in 1973, a total of 1,305 prisoners passed national or municipal examinations and were qualified or obtained licenses in such fields as welding, driving, auto repairing, boiler operation, electric wiring, babering, etc. Also, 265 prisoners attained certification of vocational training authorized by the Minister of Labor in such fields as wood-craft, printing, plastering, etc.

4. Security in Prison

In 1973, those prisoners prosecuted for offenses committed during their imprisonment amounted to 192, of whom 146 were on a charge of bodily injury. The same figures for 1972 was 231 of whom 181 were on the same charge.

During 1973, there were 30,787 instances of disciplinary action and the main charges included; assault against an officer or a prisoner (18.0%), disobedience to officials (13.9%), possession or trafficking of contraband (11.7%), refusal to work (9.9%), and possession of cigarettes (3.9%).⁹⁹ Also, there were light escapes in 1973 in all prisons throughout Japan, which was five less than in the previous year.

D. Suspects and Defendants

The average daily population of suspects and defendants in 1973 was 7,471. The number of defendants was 7,070 which represented a decrease of 645 from the 1972 figure. The number of suspects, on the other hand, was 401, which was also forty-eight less than in the previous year.

E. Women's Guidance Home

There are three Women's Guidance Homes in Japan, including the one the operation of which was suspended in March 1971, because of insufficiency of inmates therein. The Homes were established in 1958 to provide programs for women over twenty years of age convicted under the Anti-Prostitution Law. Persons convicted under this statute may be confined for maximum period of six months. The number of admissions to the women's guidance homes has declined from the high of 408 in 1960 to only forty persons in 1973.

Treatment in these institutions includes medical care, daily guidance, and vocational training.

⁹⁹Major disciplinary punishment authorized are (1) reprimand, (2) prohibition of reading books for less than three months, (3) suspension of physical exercise for less than five days, and (4) solitary confinement for less than two months. In Japan, smoking is legally prohibited for prison inmates.

III. Probation, Parole and Aftercare

A. Parole

Parole is granted by one of the eight District Offenders Rehabilitation Commissions. An inmate is eligible for parole when he meets the following requirements:

- (1) Served at least one-third of his given sentence or ten years of a life sentence;¹⁰⁰
- (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 his release on parole.

The head of a correctional institution may file a request for parole on behalf of the inmates under his charge, or the 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. Upon examination of the case, a final decision will be made by majority vote.

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

There are fifty Probation Offices in Japan. These offices received a total of 34,112 requests for investigation and environmental adjustment from correctional institutions during 1973. These offices provided 31,024 initial reports and 45,619 follow-up reports as a part of the basic data used in parole examinations. The number of these reports were less than the previous year by 2,445 and 1,971, respectively.

During 1973, a total of 16,008 prisoners were released on parole, a slight decrease from the previous year. During the year, 11.4% of all applications for parole were rejected as compared with 11.0% in 1972. Inmates rejected from parole are discharged upon expiration of full term of their sentences. Of the 28,196 prisoners discharged during 1973, a total of 56.8% were released on parole and 43.2% at

¹⁰⁰In case of juveniles the period will be shortened to:

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

the expiration of terms of their sentences. The percentage of persons released on parole during 1972 was 58.2%.

In general, the supervision periods for prison parolees are very short. Of the total prisoners released on parole during 1973, 58.1% were under supervision for two months or less and only 4.5% were under supervision for one year or more.

The parole rejection rate from Juvenile Training Schools has been very low for the past years. In 1973, only eleven out of the 2,271 applications for parole were rejected.

Parolees from prisons tend to remain longer in the community and less likely to return to correctional institutions than inmates released upon termination of their prison terms. For example, within the same year as their release, only 3.7% of the parolees committed another crime, compared to 10.3% of the full-termers. Only 29.0% of parolees committed another crime within five years of release as compared with 51.5% of the full-termers. The main reasons for this wide difference could be found in strictness in granting parole to recidivists and the use of improved parole supervision techniques.

B. Trends in the Use of Probation and Parole

All types of probationers as well as parolees are under the supervision of the fifty Probation Offices. There are 782 probation officers assigned to these offices. Also involved in probation and parole supervision services are the unpaid volunteer probation officers appointed by the Minister of Justice. In the 787 probation areas throughout Japan, there are nearly 47,000 appointed volunteer probation officers whose main function is to "make up for what is not sufficient in the work of professional probation officer" (Article 20, the Offenders Rehabilitation Law). Professionals and volunteers work in close cooperation in supervising cases.

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

Category 1: (Juvenile probationers)

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

Category 2: (Training School parolees)

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

Category 3: (Prison parolees)

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

Category 4: (Adult probationers)

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

Category 5: (Guidance Home parolees)

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

Indicated in Table 6 are total number of persons in each of the above categories received at the Probation Offices throughout Japan in the last five years.

Table 6. Trends in Probation and Parole, 1969-1973

Category	1969	1970	1971	1972	1973
1 Juvenile Probationers	25,999	27,383	25,403	23,900	20,686
2 Training School Parolees	3,895	3,167	2,888	2,540	2,188
3 Prison Parolees	19,171	17,861	17,458	16,427	16,024
4 Adult Probationers	7,161	6,908	6,771	7,228	7,187
5 Guidance Home Parolees	2	1	5	1	3
Total	56,228	55,320	52,525	50,096	46,088

Of those 46,088 probationers and parolees, 29.6% were charged with larceny, 20.8% with the Road Traffic Law violation and 17.0% with professional or gross negligence causing death or injury. In the case of juvenile probationers, as much as 40.7% were traffic violators.

As at the end of 1973, there were 72,572 probationers and parolees under the supervision, which was 5,583 less than that of the same day of the previous year.

C. The Results of Probation and Parole

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

Of 25,602 juvenile probationers terminated their probation in 1973, 45.8% expired their full terms, 47.6% were discharged from supervision by the decision of the chief of Probation Office because of their good community adjustment, and 6.2% were revoked of their probation orders because of additional misbehaviors. Of 6,984 adult probationers terminated during the same year, 75.6% expired their full terms and 22.7% were revoked of their probation orders because of reconviction or other misbehaviors.

With regard to parolees terminated during 1973, 13.2% of 2,627 juvenile training school parolees and 4.2% of 16,158 prison parolees were revoked of their parole

because of reconviction or other misbehaviors.

The numbers of probationers and parolees disposed of by the various courts because of crime or delinquency committed during their supervision and their break-down by the type of disposition are given in Table 7.

Table 7. Details of Reconvictions of Probationers and Parolees, 1973

Disposition	1 Juvenile Probation- ers	2 Training School Parolees	3 Prison Parolees	4 Adult Probation- ers	Total
Imprisonment with labor	331	92	325	1,556	2,304
Imprisonment without labor	3	—	—	1	4
Committal to Juvenile Training School	1,023	382	—	1	1,406
Committal to Child Education Home	4	2	—	—	6
Fine	872	19	77	262	1,230
Penal Detention or Minor Fine	10	8	32	13	63
Probation	809	99	—	—	908
Prosecution	52	40	251	101	444
Total	3,104 (12.1)*	642 (24.4)	685 (4.2)	1,934 (27.7)	6,365 (12.4)

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

The rate of absconders from supervision has gradually been decreased for the past five years and the average ratio of absconders was 7.0% in 1973.

Of the total cases received by the Probation Offices in 1973, 19.0% were referred to from other Probation Offices by way of transfer. In other words, it was 24.9% of the total in respect of the juvenile probationers, and 22.5% of the training school parolees. The corresponding figures for prison parolees and adult probationers were 6.5% and 23.3%, respectively.

D. New Programs in Probation and Parole

The average caseload per professional probation officer engaged in treatment of offenders is approximately 200 cases. On account of heavy caseload of professional probation officers, volunteer probation officers are mobilized to assist the supervision and treatment of probationers and parolees. Usually, two probationers or parolees are assigned to one volunteer who, under the guidance of a professional, does actual supervision and treatment.

In order to enhance the effectiveness and efficiency of supervisory services, several new programs have been implemented. For example, a system started in

October 1971 in which probationers and parolees are classified into two groups by use of a classification table consisting of twenty problem items. Offenders classified as group A are supervised intensively both by the professional and volunteer probation officers. Of the 70,420 cases pending at all Probation Offices as of the end of March 1974, 5,481 cases were classified as group A and 44,970 cases as group B (juvenile traffic violators and short term parolees were excluded from this scheme). Group interaction programs has been incorporated into supervision and treatment. Group techniques were firstly adopted in order to cope with the rising number of juvenile traffic violators, and has gradually been expanded to include a part of non-traffic juvenile probationers and parolees as well as their family members. In 1973, group interaction meetings were conducted in almost all Probation Offices.

E. Aftercare

In addition to supervisory works for probationers and parolees, the Probation Offices provide assistance to offenders in need. In 1973, a total of 8,868 persons requested aftercare services. Of this number, 84.3% were discharged from prisons at the expiration of their sentences and 11.9% were suspended prosecution by the Public Prosecutor's discretion.

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 111 Rehabilitation Aid Hostels operated by the same number of Rehabilitation Aid Associations, with a total capacity of 3,194 beds, as of May 1, 1974. These associations are voluntary in nature but are established with the approval of the Minister of Justice. During 1973, a total of 4,242 discharged offenders, in addition to 4,195 probationers and parolees, were referred to, and accommodated in, these hostels. These aftercare services are provided on the basis of the State responsibility to help each offender achieve a good community adjustment.

F. Pardons

The Cabinet grants pardons on a general as well as individual basis. General (collective) pardons are granted by a specially issued ordinance in commemoration of special occasions of national significance. In the case of the individual pardon comprising both ordinary pardon and special pardon, the Public Prosecutor, the chief executive officer of a Prison or a Probation 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.

In 1973, no general pardon was granted but a total of 414 offenders was granted

an ordinary pardon as shown in Table 8. In this connection it should be mentioned that, on April 4, 1973, the Article 200 of the Penal Code which provided death penalty or life imprisonment for murder of lineal ascendants was declared unconstitutional by the Supreme Court. Out of ninety-two applications for those serving their sentences under this article, twenty-two were granted commutation of penalty and fifteen were granted remission of execution of penalty.

Table 8. Trends in Ordinary Pardon, 1969-1973

Year	Special Amnesty	Commutation of Penalty	Remission of Execution of Penalty	Restoration of Rights	Total
1969	410	170	106	166	852
1970	35	45	36	55	171
1971	33	29	54	109	225
1972	133	19	46	116	314
1973	105	47	97	165	414

PART THREE: SPECIAL CRIMES AND CRIMINALS

I. Juvenile Delinquency

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

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

1. JUVENILE OFFENDER is one under twenty and not less than fourteen years of age who has committed an offense provided for in the Penal Code or special laws;
2. LAW-BREAKING CHILD is a child under fourteen years of age (not criminally responsible) who has committed an act in violation of a criminal statute; and
3. PRE-OFFENSE JUVENILE is a person under twenty years of age who is deemed likely to commit an offense or an act in violation of a criminal statute in future in view of his character or surroundings because of the presence of specific factors stipulated in the Juvenile Law.¹³⁾

Juvenile delinquents over sixteen years may be referred by the Family Court to the Public Prosecutor for criminal trial. Figure 8 presents the flow of cases in the juvenile justice system of Japan.

A. Trends in Juvenile Delinquency

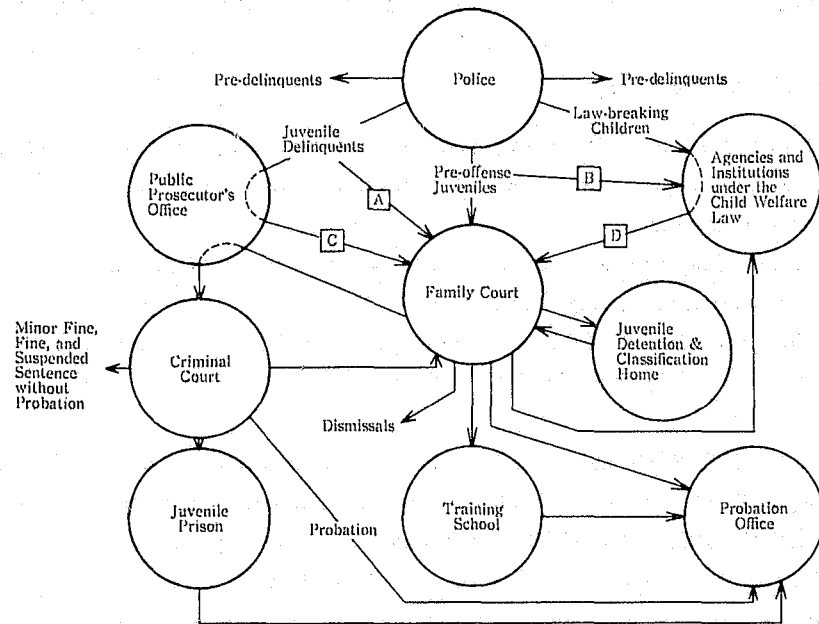
The description of general trends in juvenile delinquency in 1973 will be divided, for the purpose of convenient analysis, into the following three categories: (1) Penal Code Offenders, (2) Special Law Offenders, and (3) Law-Breaking Children and Pre-Offense Juveniles.

1. Penal Code Offenders

During 1973, a total of 163,944 juveniles were investigated by the police on suspicion of violation of Penal Code offenses, which was 1,221 more than that of 1972. In other words, there were 16.8 juvenile offenders per 1,000 juvenile population, a rate 0.5 higher than the 1972 figure. The number of juvenile suspects in-

¹³⁾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 8. Juvenile Justice System of Japan

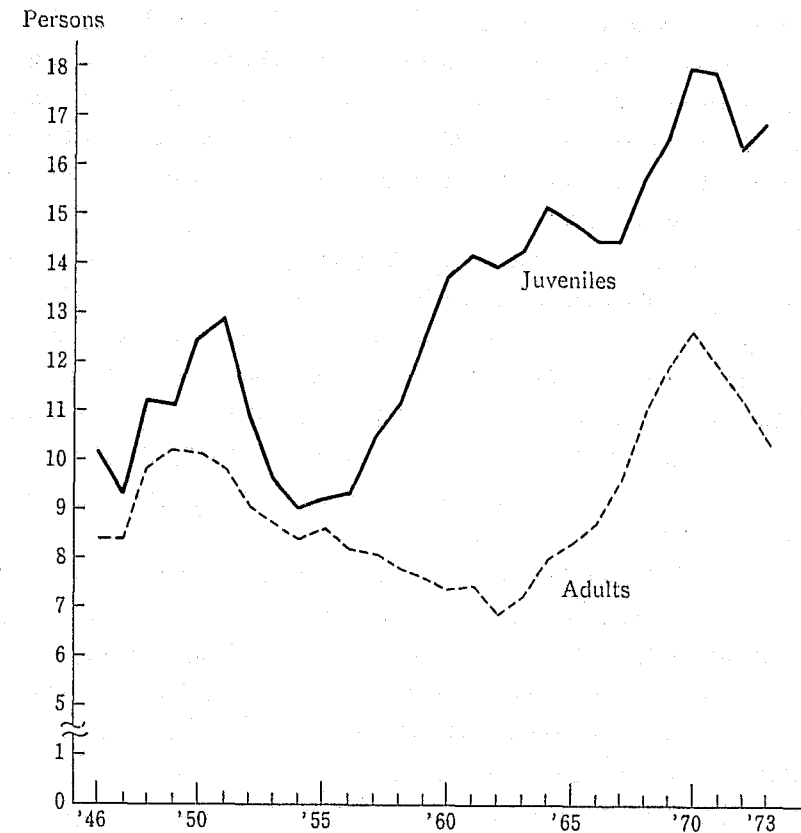


- [A] The police shall send the case of juvenile delinquent to a Public Prosecutor. However, if the case concerns an offense punishable with a fine or lesser penalty, he shall send the case to a Family Court (Article 41, the Juvenile Law; Article 246, the Code of Criminal Procedure).
- [B] If a police officer or a guardian deems that measures under the Child Welfare Law will be more advisable than immediately sending the information to the Family Court, he may directly notify a Child Guidance Center of any case which involves a pre-offense juvenile under 18 (Paragraph 2, Article 6, the Juvenile Law). Also see [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 center deems it necessary to take compulsory measures for a juvenile to whom the Child Welfare Law is applicable, such as restricting the freedom of his conduct or depriving him of liberty, he shall be referred to the Family Court (Paragraph 3, Article 6, the Juvenile Law). The Family Court has jurisdiction over a law-breaking child or a pre-offense juvenile under 14 years of age only when the prefectural governor or chief of the child guidance center refers him to the Family Court (Paragraph 2, Article 3, the Juvenile Law).

investigated by the police reached a peak of 133,656 in 1951 and then decreased for several years. It regained an upward trend in 1955 and reached a high point of 193,121 in 1966. The number stabilized below 190,000 from 1967 to 1969, but exceeded 190,000 in 1970. However, it decreased to 181,446 in 1971, and further to 162,723 in 1972. Figure 9 shows the trends of the rate of juvenile offenders computed per 1,000 juvenile population, with the corresponding trends of that of adults.

An examination of the trends in non-traffic major Penal Code offenders who violated provisions of the Penal Code in property, sex and violence, and investigated by the police reveals that although the number of juvenile suspects decreased from

Figure 9. Trends in Penal Code Offenders Investigated by the Police: Juvenile and Adult, 1946-1973



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

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

126,505 in 1951 to 85,496 in 1954, this trend was reversed starting in 1955 and peaked at 151,083 in 1964. Since 1965 the number decreased each year and reached a low of 101,412 in 1969. In 1970 there was an increase in excess of 7,000 over the 1969 low. The number decreased again to 102,335 in 1971 and further to 97,031 in 1972. It increased to 104,007 in 1973.

2. Special Law Offenders

During the year 1973, the Public Prosecutors' Office received a total of 238,915 juveniles suspected of violating penal statutes other than the Penal Code. Of this number, 231,142 or 98% were suspected of violating the Road Traffic Law. The non-traffic special law offenders received in the Public Prosecutors' Offices in 1973 amounted to 7,835 which was 606 more than in the previous year. Approximately 10% of the non-traffic special law offenders were suspected of violating the Firearms and Swords Possession Control Law.

3. Law-Breaking Children and Pre-Offense Juveniles

In 1973, the police investigated and gave guidance to 38,746 children under fourteen years old who would have been referred either to the Family Court or to the Public Prosecutor, had they been fourteen years old or older. This figure was 2,617 more than that of the previous year. The rate per 1,000 population of the age group of 8—13 years was 3.9 in 1973 representing 0.2 increase over the previous year. Larceny has always been the major delinquency of children in this category, comprising 86.2% of the total.

In addition to children in the law-breaking category, the police gave guidance or direction to pre-delinquent juveniles who were indulging in smoking, drinking, unwholesome pastimes, truancy, keeping bad associates, loitering in entertainment areas, inhaling paint-thinner, etc. The estimate for such juveniles would reach several hundred-thousands in all. The number of juveniles of whom the police actually referred either to the Child Guidance Center or to the Family Court was 5,871 in 1973. The number of pre-delinquent juveniles in this category appears to have been declining since 1965.

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

Of the 16,220 juveniles who were suspected by the police and given guidance as abusers of paint-thinner or glue in 1973, 43.1% were employed, 36.8% were students, and 20.1% were unemployed. Nearly one half of these juveniles were concentrated in the Kanto Area which includes Tokyo and Yokohama.

B. Special Features and Background of Juvenile Criminality

1. Juvenile Offenses by Type of Crime

A breakdown of 163,944 juvenile Penal Code offenders by type of offense, those who committed larceny outnumbered all other types, comprising 47.8% of the total juvenile Penal Code suspects in 1973. Next, professional negligence causing death or injury comprised 33.8%, followed by bodily injury (4.6%), assault (4.0%) and extortion (3.2%). The crimes which showed increase over the previous year were embezzlement, larceny, intimidation and bodily injury. The remainders declined from the previous year. It should be noted, however, that juveniles comprised more than 30% of the total offenders in such crimes as larceny, extortion, robbery and rape.

When compared with the figures for 1955, the number of juvenile offenders alleged to commit assault increased by 1.75 times in 1973, followed by indecency

(1.68), extortion and larceny (1.34, respectively), and embezzlement (1.03). On the other hand, the numbers of fraud, murder, robbery, arson and rape had declined.

2. Juvenile Offenders by Age-Group

Of the total juveniles of 14—15 age group who were investigated by the police, larceny accounts for 80.8%. This was followed by extortion (4.6%), assault (4.5%) and bodily injury (3.2%). In case of 16—17 age group, larceny was also the dominant type of offense amounting to 71.8%. Next came bodily injury (7.2%), followed by assault (6.3%) and extortion (5.0%). In 18—19 age group, larceny accounted for 57.6% of the total, followed by bodily injury (13.4%), assault (8.1%) and extortion (4.9%). For young adult offenders of 20—24 years old, larceny accounted for 42.4%, followed by bodily injury (21.8%), assault (12.1%) and extortion (3.4%). It is noted that the larceny accounts for a majority of the charges in the lower age groups, while in the older age groups crimes of violence comprise a high ratio in the total.

3. School and Employment

Approximately 89% of the graduates from junior high schools entered senior high schools, while 31% of senior high school graduates entered colleges and universities in 1973.

The percentage of students among juvenile non-traffic offenders has been increasing since 1968, although it has always been smaller than the percentage of students to the total population of the corresponding age group. In 1973, 68% of juvenile suspects investigated of non-traffic Penal Code offenses were students of junior or senior high schools, colleges, or universities. Compared with the 1969 figures, offenders who were in junior or senior high schools increased, while those who were in colleges or universities decreased both numerically and proportionately. By type of offense, every age group of students had increasing rates in property and violent offenses and decreasing rates in sexual offenses in 1973.

In 1973, a total of 24,824 working juveniles were investigated by the police for non-traffic offenses. This comprises 22.9% of the total juvenile offenders. However, when compared with the 1969 figures, this reflects a decrease by 34%. Of the total, more than 60% were manual laborers including drivers and drivers' assistants. Clerical workers, farmers and fishermen were smallest in number.

4. Others

Statistics gathered by the police revealed that in 1973, a total of 34.9% of juvenile non-traffic Penal Code offenders had co-defendants while the corresponding figure was 12.7 in the case of adult. In regard to juvenile cases, the ratio was notably high for extortion (50.6%), robbery (47.2%), assault (41.8%), bodily injury (41.5%), rape (39.7%) and larceny (35.2%).

Family Court statistics indicate that among the non-traffic juvenile offenders disposed of in 1972, 24.2% of Penal Code offenders excluding professional or gross negligence causing death or injury, and 20.9% of special law violators excluding the Road Traffic Law violators, had previous records of dispositions by the Family Court. Approximately 45% of juveniles charged with robbery, and 40% with fraud and rape, respectively, had previous records of referral to such an agency. In brief, those charged with violent types of crime tended to have more extensive criminal records, whereas the ratio of persons with previous offenses were lower with embezzlement and arson which showed less than 15%, respectively. Fifteen percent of juvenile delinquents between fourteen and fifteen years old, 20% of those between sixteen and seventeen, and 26% of those between eighteen and nineteen have previous delinquency records.

A survey made by the Ministry of Justice revealed that 76% of juveniles committed to training schools had previous records of legal disposition; 39% were previously placed under probation, and 40% were discharged at the Family Court either with or without court hearings. A total of 65% of the juveniles who were referred back to the Public Prosecutors' Office by the Family Court for possible prosecution had previous records.

C. Disposition and Treatment

1. Disposition by Public Prosecutor

The Public Prosecutors' Office received 405,704 juvenile suspects in 1973, which was 346 less than that of the previous year. Of this number, 166,789 (41.1%) were suspected Penal Code offenders, a decrease of 4,032 from 1972; 231,142 (57.0%) were violators of the Road Traffic Law, an increase of 3,073 from 1972; and 7,773 or 1.9% were special law violators (other than Road Traffic Law violators), also an increase of 613 from the previous year. A continually decreasing tendency of professional negligence causing death or bodily injury from 1970 was also observed in 1973 when it stood for 34.9% of the total while larceny accounted for 46.8%.

The Public Prosecutor is not empowered to determine whether or not to institute prosecution if the suspect is a juvenile. He sends the case, after investigation, to the Family Court with a recommendation for the treatment of the juvenile. Thus, a total of 403,296 juveniles were referred from the Public Prosecutor to the Family Court in 1973.

The Public Prosecutor is, in principle, required to institute prosecution when a case is referred back to his office by the Family Court for criminal prosecution. Of 45,896 juvenile offenders thus prosecuted in 1973, a total of 36,762 or 80.1% were Road Traffic Law violators, and 9,011 or 19.6% were Penal Code offenders, 93.2% of whom were charged with professional or gross negligence causing death or injury.

2. Adjudication by Family Court

The Family Court is empowered to determine the treatment measures for a juvenile delinquent. The Family Court can apply one of three protective measures provided for in the Juvenile Law (e.g. placing under probationary supervision, committing either to juvenile training school or to child education and training home), refer the case to the Public Prosecutor for criminal prosecution, or discharge him before or after a hearing without any further action.

In 1973, a total of 455,376 juveniles were referred to the Family Court, representing an increase of 248 from the previous year. Approximately 57% of them were Road Traffic Law violators. Among the non-traffic violators cases, Penal Code offenders stood for 38.8%, followed by special law violators (3.9%) and those engaged in the pre-offense activities (0.7%).

Family Court Probation Officers investigate the juvenile, his family or other persons involved in his case. The Family Court may place a juvenile under "tentative probation." During this period, the Family Court Probation Officer observes the delinquents' conduct for the purpose of obtaining more information to assist an appropriate court determination. In 1972, 12.7% of the total non-traffic offenders, and 24.7% of traffic offenders were placed under "tentative probation." Ninety percent of non-traffic offenders and 97% of traffic offenders were discharged from "tentative probation" within six months.

Final dispositions of all non-traffic cases for 1963 and 1973 are shown in Table 9. It will be noted that those juveniles committed to the Juvenile Training School accounts for only 1.3% of the total in 1973; the corresponding figure for 1963 was 4.0%.

3. Criminal Trial

During 1973, a total of 41,567 juveniles were convicted in courts of first instance. Of this number, 829 were sentenced to imprisonment, 550 of which were given suspended sentence. A total of 40,738 (98%) were sentenced to fine. Of those who were imprisoned without suspension, traffic offenders numbered largest (71), followed by those committed rape (57) and theft (52).

4. Juvenile Classification Home

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

Table 9. Final Dispositions of Non-Traffic Offenders by Family Court, 1963 and 1973

Disposition	1963		1973	
	Number	Percentage	Number	Percentage
A. Dismissal without Hearing	103,847	54.8	74,057	44.1
B. Dismissal after Hearing	42,966	22.7	64,799	38.6
C. Referral to Child Guidance Center	801	0.4	290	0.2
D. Probation	18,933	10.0	12,553	7.5
E. Commitment to Child Education & Training Home	358	0.2	153	0.1
F. Commitment to Juvenile Training School	7,644	4.0	2,244	1.3
G. Referral to the Public Prosecutor	15,077	8.0	13,660	8.1
Total	189,626	100.0	167,756	100.0

Their findings and a treatment recommendation are reported to the referring family court judge.

In 1973, a total of 11,235 juveniles, including 1,157 girls were committed to these classification homes. There has been a gradual decline in referrals for the past several years, and the number of 1973 was 2,695 smaller than that of the previous year.

The Juvenile Classification Homes also make available testing and classification services on an outpatient basis. These youths are not referred by Family Courts but by interested persons or agencies from outside. Requests for these services have steadily increased and totaled 24,596 in 1973.

5. Juvenile Training School

Commitment to a juvenile training school is one of the three protective measures provided for in the Juvenile Law. The program at juvenile training schools includes discipline of inmates in a friendly atmosphere, academic and vocational training, medical treatment, cultural and recreational activities. A total of sixty-two juvenile training schools including two branch schools are administered by the Ministry of Justice. They are classified into four types; primary, middle, advanced and medical. Numbers of inmates in these schools by type of school at the end of December 1973 and their respective percentage out of the total inmates were as follows: middle school inmates outnumbered all other types amounting to 1,866 or 65.5%, followed by advanced school with 409 (14.4%), primary school with 327 (11.5%) and medical school with 245 (3.6%), respectively.

In 1973, 2,276 juveniles including 213 girls were admitted to such schools, a

decrease of 664 from the 1972 admissions. Nineteen-year-olds accounted for 27.5% of the admissions, eighteen years 25.4% and seventeen years 21.1%. The main offenses which resulted in commitment in 1973 were: larceny (51.8%), rape and indecent assault (12.4%), extortion (7.6%), bodily injury (5.9%), robbery (5.4%), and pre-offense (4.9%) among male delinquents. On the other hand, among female delinquents, pre-offense (46.9%) comes first, followed by larceny (35.2%), and special law offenses (4.7%) mainly including those who violated the Anti-Prostitution Law and the Stimulant Drugs Control Law.

During 1973, certificates for completion of compulsory education were rewarded to 81% of those in the training schools who had not completed compulsory education prior to the commitment. In addition, 1,773 boys and girls obtained, as a result of vocational training and guidance, qualifications or certificates in such fields as abacus, auto driving, welding, wood-craft, mechanics, printing, sheet metal work, architecture, electronics and others. So-called "evening meeting" activities by means of guided group interaction method have been emphasized in training schools for the past several years.

6. Juvenile Prison

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

There were 331 juvenile prisoners in juvenile prisons at the end of 1973, which was a decrease of 133 from the previous year. There are nine juvenile prisons in Japan which admitted 205 juveniles in 1973. This figure is twenty-seven smaller than the 1972 figure. Most of inmates of juvenile prisons have an indeterminate sentence. There is a higher percentage of professional negligence causing death or injury, rape, robbery and larceny among juvenile prisoners. Understandably, 99% of juvenile prisoners had no previous record of imprisonment. However, 38% had been subjected to protective measures by the Family Courts, 78% of whom had once been in juvenile training schools.

7. Juvenile Probation and Parole

Placing juveniles under a probationary supervision in the community for a specified period is one of the three protective measures that the Family Court may select. In 1973, a total of 20,686 juveniles were placed under probationary supervision by the Family Courts. This is a decrease of 3,214 from the 1972 figure. At the end of 1973, there were 41,603 juveniles on probation, comprising 57.3% of total number of probationers in Japan.

Those juveniles released on parole from juvenile training schools during 1973

numbered 2,188. At the end of the same year, 3,012 juveniles, or 4.2% of the total parolees were under parole supervision throughout Japan.

II. Narcotic and Other Drug Offenses

A. General Trends

Post-war days history of drugs abuse in Japan can be divided into the following three periods:

i) The stimulants period (1946—1956)

In the post-war turmoil of socio-economic chaos, large stockpiles of amphetamine and methamphetamine, originally held for the use of the military, were dumped on a disoriented Japanese population. The stimulants abuse thus spread throughout the country. The Stimulant Drugs Control Law was enacted in 1951 so as to provide a basis to control the stimulant drugs. Unfortunately, the prevalence of the stimulants abuse did not cease and the number of offenders referred to Public Prosecutors' Offices continued to increase, reaching the peak in 1954 (about 52,000 cases in that year). The Government, accordingly, took all-round countermeasures; first, by amending the Law two times:

- (a) expanded the scope of control to include handling of raw materials of stimulant drugs such as ephedrine;
- (b) intensified punitive provisions; and
- (c) established the new system of compulsory hospitalization of addicts.

It also carried out the nationwide educational campaigns to eradicate stimulant drug evils. As a result, the number of offenders referred to Public Prosecutors' Offices drastically decreased in and after 1955 and fell to as small as 265 cases in 1958, indicating almost complete eradication of these offenses.

ii) The heroin period (1957—1964)

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

With the decrease of the stimulants abuse, the heroin abuse began to increase, reaching the peak in 1962 and 1963 (the number of offenders referred to Public Prosecutors' Offices was about 3,700 in 1963 and that of heroin addicts was estimated at 40,000 in the peak years). These serious situations forced the Government to take the integrated countermeasures against heroin abuse in 1963. These countermeasures were:

- (a) intensification of punitive provisions by amending the Narcotics Control Law (for instance, the punishment was raised to life imprisonment in case of illicit import of heroin for gain);
- (b) strengthening control organs;

- (c) disbanding those criminal organizations which were the core of illicit transaction of heroin through most stringent law enforcement;
- (d) establishment of a system of compulsory hospitalization for narcotic addicts; and
- (e) nationwide campaigns to eradicate narcotic evils.

As a result, the number of offenders drastically decreased to 1,653 in 1964 and, generally, continued to decrease thereafter. The number of heroin addicts has also decreased year by year and now it is estimated to be negligibly small.

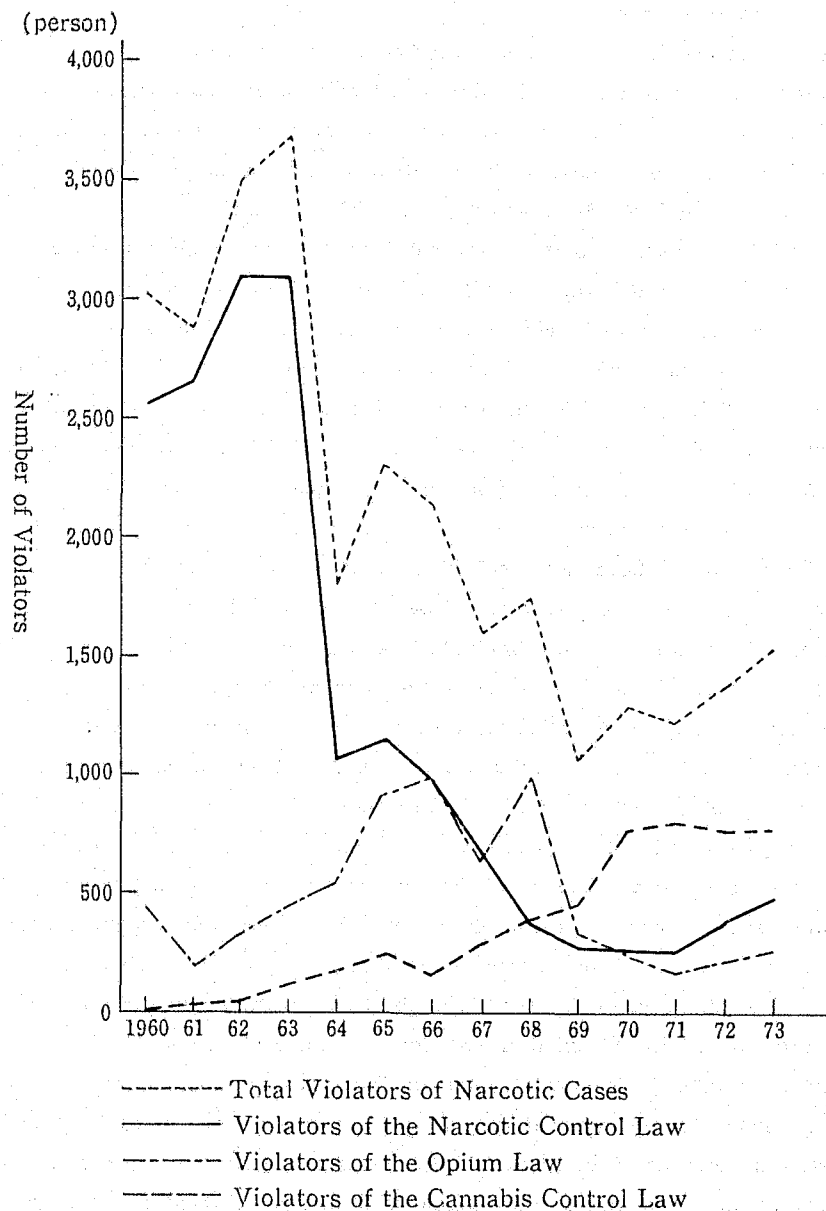
iii) The diversified drugs period (from 1965 onward)

Since 1965 up to now, only a very small number of heroin abusers have been detected even in the delinquency-infiltrated areas of large cities in Japan. Thus, the countermeasures against heroin problems have proved to be effective. However, the abuse of hallucinogenic drugs such as cannabis and LSD (legally included in narcotics in February 1970) and organic solvents such as thinners and glues have gradually been increasing among the young generation lately. Fortunately, cannabis and LSD abuse are not very popular as yet among the Japanese and offenders of this kind are not large in number; annual number of cannabis cases referred to Public Prosecutors' Offices have not been more than several hundreds and LSD cases have been about fifty a year. These trends are shown in Figure 10.

As mentioned before, the stimulants offenses once seemed almost eradicated. In 1970, however, the number of these offenders suddenly rose to 2,142, two and a half times as many as it was in the previous year and it again tended to increase, being doubled every year, reaching about 12,000 in 1973. Such a trend is shown in Figure 11. The abusers, unlike before, have spread to almost all localities throughout Japan and even to ordinary citizens such as housewives. This phenomenon is believed to be a reflection of the prevalent pleasure-seeking habits probably related to a rapid economic growth. It can also be related to the escapism noticeable among certain sections of the younger generation. This sudden revival of stimulants abuse is also attributed to the organized gangsters intending to get unlawful funds for their organizations by illicit transaction of stimulant drugs.

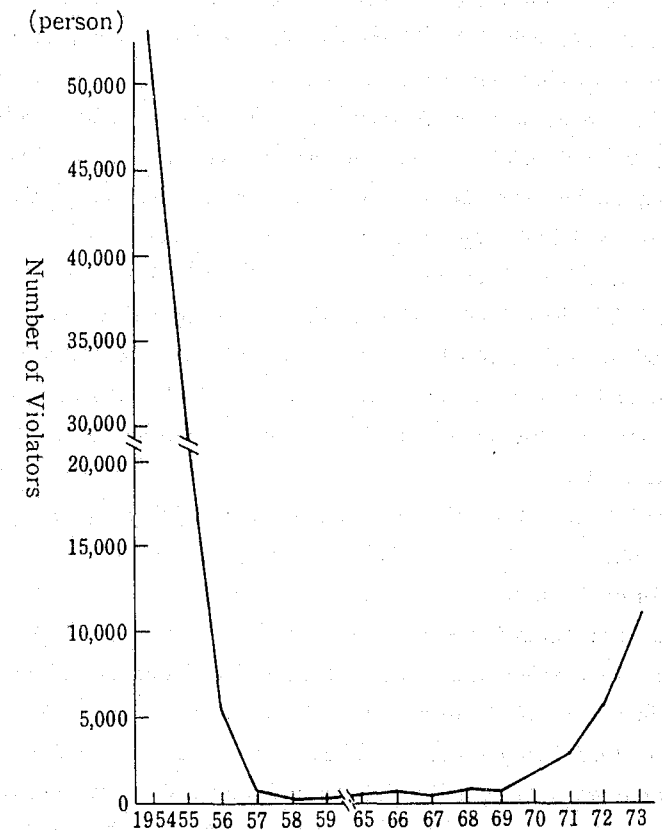
The abuse of organic solvents such as thinners and glues became explosively prevalent among the teenagers during the past several years. In 1971, about 50,000 youngsters were found to be abusing them, recording a 25% increase over the previous year. Accidental deaths attributable to the abuse of these solvents were also numerous (the peak year was 1969 when the number of accidental deaths reached 84). Such grave consequences of so-called "glue-sniffing" urged the Government to take stringent countermeasures. Selling thinners and glues knowing that they would be abused as well as glue-sniffing itself has been outlawed since August

Figure 10. Trends in Narcotic Offenders Received in the Public Prosecutors' Offices, 1960-1973



1972, when an amendment to the Poisonous and Injurious Substance Control Law was passed by the Diet. The overall effects of this amendment are yet to be seen, but it appears that the number of glue-sniffing cases known to the police has decreased

Figure 11. Trends in the Stimulant Drugs Control Law Violators Received in the Public Prosecutors' Offices, 1954-1959, 1965-1973



remarkably (36,054 were found abusing organic solvents in 1972 which decreased to 16,220 in 1973). On the contrary, the number of accidental deaths attributable to such abuse has increased which suggests that a considerable number of latent habitual abusers still exists.

B. Recent Trends in Narcotic and Stimulant Drug Offenses

1. Narcotic Offenses

The number of the Narcotics Control Law violators received in the Public Prosecutors' Office was 469 in 1973. In the same year, the number of the Opium Law violators was 264. That of the Cannabis Control Law was 776.

Among the total Narcotics Control Law violators investigated by the police in 1973, possession accounted for 59.7%, which was followed by transaction with 25.8%, smuggling with 7.4%, and administration with 4.3%. Violators of smuggling, possession, transaction have increased year by year since 1970.

Heroin cases have increased year by year since 1971. A considerable increase was marked due to the reversion of Okinawa Prefecture to this country where narcotics cases had been rampant. Of the total Narcotics Control Law offenders investigated by the police in 1973, 77.5% were the cases involving heroin and 16.3% were LSD cases. Cases of narcotics for medical purposes have showed a trend of decrease; the use of narcotic drugs for the purpose of addict treatment is prohibited in Japan, with an exception of methadone. The specialists in narcotic treatment in Japan, however, have come to the conclusion that neither methadone replacement nor methadone maintenance therapy are necessary. As a matter of fact, methadone is not used at all.¹²⁾

Of the total Cannabis Control Law violators investigated by the police in 1973, possession stood for 64.2%, which was followed by transaction with 22.0%, smuggling with 7.9%, and cannabis plants cultivation with 5.5%. Possession has showed a trend of increase, and especially in 1973 it showed a substantial increase compared with the previous year.

Of the total Opium Control Law violators investigated by the police, poppy cultivation accounted for 97.0% in 1973.

2. Stimulant Drug Offenses

1) Trends and Characteristics

The number of the Stimulant Drugs Control Law violators investigated by the police in recent years has increased drastically year by year since 1970, and it reached 8,301 in 1973, being 1.8 times as many as the amount in the previous year. Of the total violators investigated by the police in 1973, transaction accounted for 55.2%, which was followed by possession with 25.6%, use with 18.6%, smuggling with 0.3%, and illicit manufacture with 0.1%.

In the past years, smuggling was small in number but increased rapidly since 1972. Stimulant drugs are often smuggled on the large scale by the organized gangster groups and sold illicitly through their organizations. The increase in illicit manufacturing cases was observed in 1973 which had been decreasing until 1971. Possession, transaction and use have been increasing remarkably every year.

The seized amount of powder and tablets of stimulant drug has increased drastically year by year, and in 1973 it amounted to 9.3 times more than that of five years ago. The seized amount of raw materials of stimulant drugs had also increased since 1971.

¹²⁾In practice, narcotic drugs are prohibited immediately on hospitalization and patients undergo what is called "cold turgay". In case of severe withdrawal symptoms, major or minor tranquilizers, sedatives, etc., are given. After withdrawal symptoms have gone, psychological or occupational therapy is applied. Though such treatment might be considered harsh, Japan has obtained and is obtaining a good result.

Some of characteristic features of the recent stimulant cases are as follows:

(1) In 1969 the number of violators of stimulant cases received in the District Public Prosecutors' Offices under the jurisdictions of Osaka, Takamatsu and Hiroshima High Public Prosecutors' Offices amounted to 87.8% of the total violators, and there were none in the jurisdictions of Sendai and Sapporo High Public Prosecutors' Offices. In other words two out of eight High Public Prosecutors' Offices had no stimulant drugs cases within their jurisdictions. However, such cases spread throughout the country afterwards and since 1972 reached the extent that they have been received in every and all District Public Prosecutors' Offices in Japan.

(2) Of the total offenders investigated by the police in 1973, those who are in the twenties and thirties accounted for 83% of the total violators investigated by the police and the number of violators who are under nineteen years of age has increased.

(3) Of the total offenders investigated by the police in 1973, 45.4% had no jobs, which was followed by laborers with 10.0%, and those who are engaged in the business affecting public morals with 6.1%. The rates of the company employees and housewives of the total increased recently, which means that stimulant drugs abuse has been penetrating to the general citizen.

(4) The proportion of organized gangsters among the total offenders investigated by the police has been increasing drastically. In 1973, they accounted for 5,092 or 61.3% of the total, representing nearly fifteen times increase over the last five years. This resembles the situation around 1963 when criminal organizations of gangsters were the core of illicit transaction of heroin, and that severe and stringent law enforcement on them made it difficult for them to continue illicit transactions, thus eradicated heroin offenses almost entirely.

To cope with such an increase, the following amendments have been made to the Stimulant Drugs Control Law in 1973:

- (a) intensification of control over raw materials of stimulant drugs;
- (b) consolidation of punitive provisions and making statutory penalties heavier to include a life imprisonment.

The law enforcement agencies, based on their successful experiences before, have continued rigorous control. For example, even if it is a simple offense of an abuser possessing a small quantity of drugs, the authorities never fail to investigate the case thoroughly to scent out the boss of the organization responsible for the illicit transaction and punish him most severely. It is called "Up to the Top" operation in Japan.

2) Offenses Committed by Stimulant Drug Abusers

Offenses committed by abusers of stimulant drugs include property offenses

committed for the purpose of procuring funds to obtain stimulant drugs and the offenses of violence and "heinous offenses" committed under the influence of stimulant drugs, in addition to violations of the Stimulant Drugs Control Law. Offenses committed by abusers are often impulsive or one-sided acts in a state of such mental disorder as delusions (persecution, jealousy, pursuit, etc.) and hallucinations (auditory, visual, etc.). The offenses committed by abusers under the influence of stimulant drugs in recent years included murder, bodily injury resulting in death, bodily injury, arson, robbery, extortion, rape, obstruction of performance of official duties, violation of the Firearms and Swords Possession Control Law, and so forth, which struck the general citizen with fear and anxiety.

C. Disposition of the Narcotic and Stimulant Drug Offenders

1. Narcotic Offenders

The number of the persons who were prosecuted for narcotic offenses (including cannabis and opium offenses) has increased gradually since 1970. In 1973, the number of the persons who were prosecuted for such offenses was 587. And 863 (including 628 of suspended prosecution) were not prosecuted.

The ratio of those prosecuted by the Public Prosecutor to the total investigated offenders under the same law varied by laws; in the case of Narcotics Control Law violators it was 77.9%, which was followed by the Cannabis Control Law violators with 47.3% and the Opium Law violators with 7.8%. The reason for being considerably low ratio in the Opium Law violators is that major part of the violation cases of poppy cultivation is mainly for the purpose of flower appreciation.

Among the total Narcotics Control Law violators sentenced in the courts of first instance through ordinary proceedings in 1972, those who were sentenced to imprisonment with labor for more than two years was 24.0% which was lower than that of the previous year (29.1% in 1971), but higher than that in 1970 when it was 13.6%. The execution of sentences were suspended for 72.6% of the total of violators who were sentenced to imprisonment with labor.

Of each total of the Cannabis Control Law and Opium Law violators disposed in the court of first instance through ordinary proceedings in 1972, the proportions of the persons who were sentenced to imprisonment with labor for more than two years, were 10.1% and 11.1%, respectively. The ratios of suspension of execution of sentences were high in 1972; they were 92.8% of the total Cannabis Control Law violators and 88.9% of the Opium Law violators.

The number of the Narcotics Control Law violators who were newly admitted to prisons has increased drastically since 1971. It amounted to 152 in 1973.

2. Stimulant Drug Offenders

In 1973, for the violation of the Stimulant Drugs Control Law, 8,115 persons were prosecuted and 2,718 persons got the disposition of non-prosecution, including 1,795 of suspended prosecution. The ratio of prosecution was 81.9%, which was not unusually high; it had always been exceeded 80% since 1960 except for 1969 when it was 79.7%.

In 1972, of the total Stimulant Drugs Control Law violators disposed of in the court of first instance, 9.4% were sentenced to imprisonment with labor for more than two years. In the same year, 53.2% of the total violators who were sentenced to imprisonment with labor received suspension of execution of sentence.

The number of inmates who were newly admitted to prisons for the violation of the Stimulant Drugs Control Law was 1,011 in 1973, which was 548 more than that of 1972 and 792 more than that of 1971. It has increased by more than ten times over the last five years.

III. Road Traffic Offenses

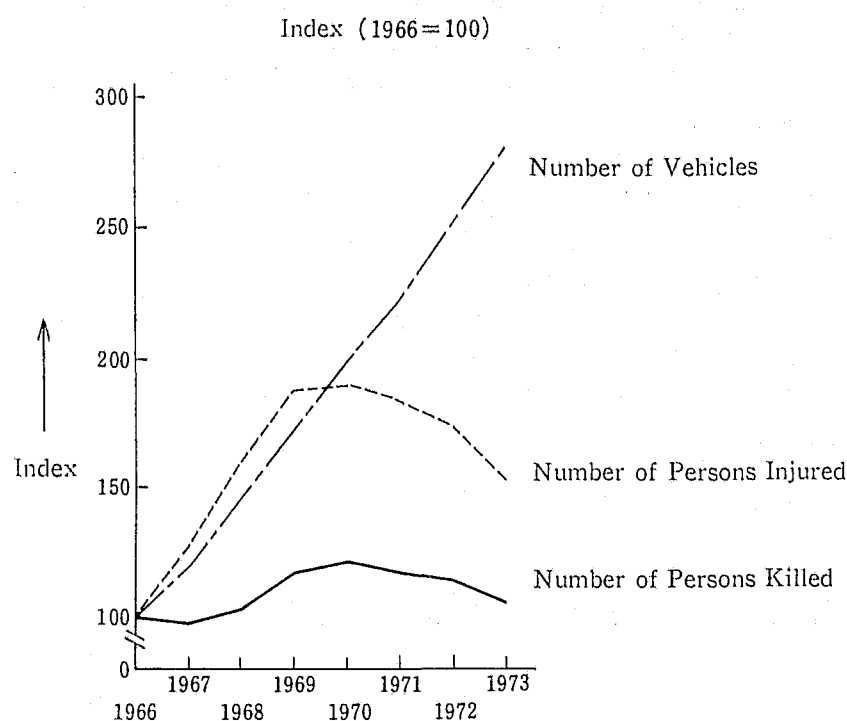
A. General Trends

1. Present Situation and Background of Traffic Offenses

Since World War II, the number of registered vehicles has increased year after year. In 1973, the number of automobiles reached 26,182,062 indicating an increase of about 2,600,000 over the previous year. The number of vehicles including motorcycles was 33,963,863 in the same year. The number of drivers has likewise grown. The number of licensed drivers reached about 30,780,000, approximately one-third of the population over sixteen years of age.¹⁰⁾ Figure 12 shows the trends of the numbers of incidence of traffic accidents, casualties in such accidents and vehicles (automobiles and motor-cycles), their number in 1966 being reckoned as the index of 100. It is observed that in 1973, the number of traffic accidents as well as the number of the casualties decreased in spite of an increase in the number of vehicles. In the same year, the number of traffic accidents causing death and bodily injury was 586,713 (72,570 less than in the previous year), the number of fatalities in traffic accidents was 14,574 (1,344 less than in the previous year) and the number of persons injured was 789,948 (99,250 less than in the previous year). However, since the number of fatalities per day amounted to 39.9 and the persons injured to 2,164.2, it should be said that the present situation in regard to traffic offenses is still serious.

¹⁰⁾ Age for licensing is 16 for motorcycles and specified types of compact cars, 18 for ordinary cars, and 21 (plus driving experience for three years or more) for such big vehicles as fleet trucks.

Figure 12. Trends in Numbers* of Vehicles, Casualties, and Incidence of Traffic Accidents



* The numbers of vehicles (registered) and casualties in 1966 were reckoned as the index of 100.

A diffusion of traffic accidents to rural areas was apparent. The percentage of the casualties occurring in the seven largest cities in Japan has continued to decline annually.

Regarding the type of accidents, car to car accidents were the most frequent. They amounted to 69.1% of the total in 1973.

2. Trends in the Road Traffic Law Violations

In 1973, the total number of violations of the Road Traffic Law was 8,069,481 which constituted an increase of 845,179 over the previous year. The most frequent violation was speeding standing for 37.5% of the total, which was followed by illegal parking (21.8%) and disregarding special restrictions (6.2%). The number of hit and run cases reached 30,978 (2,285 more than in the previous year), the number of casualties in such cases amounting to 35,909 in 1973. The ratio of hit and run cases to the total number of casualties in traffic accidents was 4.5%, indicating an increase of 0.9% over 1972. On the other hand, the clearance rate of hit and run

cases (including property destruction) was 86.0%. It was 90.4% in the previous year.

3. The Operation of the Traffic Infraction Notification System

The Traffic Infraction Notification Procedure, or the traffic infraction ticket system, was introduced in July 1968 to alleviate the heavy pressures on the agencies concerned caused by the sharp increase in traffic cases. This system also aims at avoiding stigmatizing millions of traffic violators as criminals, since a minor traffic violator may be exempted from prosecution if he pays a "non-penal fine" within a specified time. Those who have failed to pay the fine will be referred to the Public Prosecutors' Office for possible prosecution. In 1973, this system was applied to 5,928,216 or 81.2% of the total number of adult violators of the Road Traffic Law. The system was expanded in August 1970 to cover juvenile violators. In 1973, this system was applied to 533,586 (or 69.4%) juvenile violators of the Road Traffic Law. Since an average of only about 5% of the total violators notified by the police failed to pay the notified fine in the last five years, it seems safe to assert that the Traffic Infraction Notification Procedure has been operating very successfully ever since its establishment.

B. Prosecution and Trial of Traffic Offenses

1. Prosecution of Traffic Offenses

In 1973, the number of the suspects received by the Public Prosecutors' Offices for professional or gross negligence causing death or bodily injury (almost all of whom caused traffic accidents) amounted to 586,398 which indicates a decrease of 56,764 from the previous year. This number still constituted 61.7% of the total Penal Code offenders received in the Offices in 1973. Violators of the Road Traffic Law received in the Offices in 1973 was 1,788,035 indicating an increase of 117,021 over the previous year.

The rate of prosecution against traffic offenders was 67.3% in cases concerning professional negligence causing death or bodily injury, 53.1% in gross negligence causing death or bodily injury, and 95.9% in the Road Traffic Law violation. A summary order was requested in 96.3%, 84.3%, and 99.3% of these categories of cases, respectively. As a result, the rates of prosecution for public trial through a formal procedure in those cases were only 3.7%, 15.7%, and 0.5%, respectively. As to the case of professional or gross negligence causing death, however, the prosecution rate for public trial was 46.6% which was comparatively high.

2. Trial of Traffic Offenders

The number of persons found guilty for professional or gross negligence causing death or bodily injury had been increasing yearly till 1970 when they numbered 454,366. This figure decreased, however, to 409,877 in 1972. Of those convicted

persons, 4,422 were sentenced to imprisonment with labor, 1,884 or 42.6% of which were actually imprisoned while the remainder had their sentences suspended. Of 10,279 offenders sentenced to imprisonment without labor, 2,647 or 25.8% were imprisoned while the remainder had their sentences suspended. The length of sentence was relatively short for both categories of imprisonment with approximately 70% of them ranging from six to twelve months. Regarding the fines, the number of offenders imposed fines for professional or gross negligence causing death or bodily injury was 395,176 in 1972. As to the amount of fine imposed through a Summary Order, 82.2% of offenders for professional negligence causing death were imposed fines of between ¥30,000 and ¥50,000, and 14.4% of the total were of between ¥50,000 and ¥200,000, whereas 54.2% of offenders for professional negligence causing bodily injury were imposed fines of between ¥10,000 and ¥30,000.

C. Juvenile Traffic Offenders

Because of the age limit for being awarded a driver's license and the fairly limited opportunities for driving, the percentage of juveniles among traffic offenders has been relatively low. Table 10 indicates the number and percentage of juveniles among the total traffic offenders received in the Public Prosecutors' Offices. The large proportion of juveniles among gross (not professional) negligence offenders

Table 10. Juvenile Traffic Offenders Referred to the Public Prosecutor, 1971-1973

Year	Professional Negligence Causing Death or Bodily Injury		Gross Negligence Causing Death or Bodily Injury		Violation of the Road Traffic Law	
	Total	Juvenile (%)	Total	Juvenile (%)	Total	Juvenile (%)
1971	665,076	73,818 (11.1)	1,799	659 (36.6)	6,690,875	717,335 (10.7)
1972	641,687	65,796 (10.3)	1,475	525 (35.6)	7,224,302	687,243 (9.5)
1973	584,986	57,762 (9.9)	1,412	456 (32.3)	8,069,481	769,099 (9.5)

is explained by the extremely high rate of non-licensed drivers among juvenile traffic violators. Of the total juvenile violators of the Road Traffic Law, driving without license stood for 14.5% in 1973.

Among the juvenile traffic cases disposed of by the Family Court in 1972, 22.8% of the professional or gross negligence cases and 20.7% of the Road Traffic Law violation cases were referred back to the Public Prosecutors for possible prosecution. Also, 69.9% of the professional or gross negligence cases and 75.1% of the Road Traffic Law violation cases were discharged by the Family Court either with or without a court hearing, and 7.2% of the professional or gross negligence cases

and 4.1% of the Road Traffic Law violation cases were placed under probationary supervision.

D. Treatment of Traffic Offenders

1. Correction

As at the end of 1973, there were 2,345 traffic offenders serving their sentences, of which 1,099 were imprisonment without labor while 1,246 were with labor. The former represented a decrease of 17.3% from the previous year. Likewise it was 2.1% in the case of the latter.

It was revealed that 83.3% of the traffic prisoners had never been committed to any correctional institution previously.

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

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

In such institutions, the traffic offenders are placed in solitary cells during the orientation period of ten days. After then, they will be transferred to dormitories and are allowed to move freely within the buildings, not searched, and in principle are unguarded within the facilities. Receiving visitors and correspondence are not restricted but encouraged and counseling services are available to them. For those who will not be driving after leaving the institution, information on the labor market, advice on the selection of employment, and basic vocational guidance programs are made available to them. For those who wish to continue to drive and those who have aptitude for driving, lecture and field work to improve their driving techniques and increase their knowledge in traffic rules and regulations as well as skill in automobile engineering are provided. Three hundred hours over two months are allocated for this purpose.

As for a juvenile training school, three institutions have special treatment programs for traffic offenders. During 1973, forty-six boys were sent to one of the juvenile training schools by the disposition of the Family Court.

2. Probation and Parole

Of 46,088 probationers and parolees received at Probation Offices in 1973, traffic offenders amounted to 17,392 or 37.7% of the total. Of the total traffic offenders thus received, juvenile probationers comprised 70.1%, training school parolees 0.3%,

and prison parolees 22.2%, and adult probationers 7.3%. It is noteworthy that more than half of the total juvenile probationers were the traffic offenders.

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

LIST OF TABLES

Table 1.	Non-Traffic Penal Code Offenders—Suspected, Prosecuted, and Convicted: selected years	2
Table 2.	Trends in Penal Code Offenders Investigated by the Police by Crime Categories (1963, 1969-1973)	4
Table 3.	Number and Rate of Non-Traffic Penal Code Offenders Investigated by the Police by Sex, 1969-1973	7
Table 4.	Percentage of Suspension of Prosecution, 1969-1973	26
Table 5.	Trends in Dispositions by Courts, 1969-1973	27
Table 6.	Trends in Probation and Parole, 1969-1973	37
Table 7.	Details of Reconvictions of Probationers and Parolees, 1973	38
Table 8.	Trends in Ordinary Pardon, 1969-1973	40
Table 9.	Final Dispositions of Non-Traffic Offenders by Family Court, 1963 and 1973	48
Table 10.	Juvenile Traffic Offenders Referred to the Public Prosecutor, 1971-1973	60

LIST OF FIGURES

Figure 1.	Trends in Penal Code Offenses and Offenders	3
Figure 2.	Prefectural Division of Japan	11
Figure 3.	Number of Thefts, Known to the Police, by Prefecture: 1950, 1960, 1970 and 1973	12
Figure 4.	Trends in Non-Traffic Penal Code Offenses in the Five Selected Areas, 1963-1973	18
Figure 5.	Non-Traffic Penal Code Offenses in Small Cities, by Type and Population, 1973	22
Figure 6.	Trends in the Average Daily Population in Detention Houses and Prisons, 1969-1973	29
Figure 7.	Percentage of Prisoners in Classification Categories, as of 31 December 1973	33
Figure 8.	Juvenile Justice System of Japan	42
Figure 9.	Trends in Penal Code Offenders Investigated by the Police: Juvenile and Adult, 1946-1973	43
Figure 10.	Trends in Narcotic Offenders Received in the Public Prosecutors' Offices, 1960-1973	52

Figure 11. Trends in the Stimulant Drugs Control Law Violators Received in
the Public Prosecutors' Offices, 1954-1959, 1965-197353

Figure 12. Trends in Numbers of Vehicles and Casualties, and Incidence of
Traffic Accidents58

END

7. 10/2/1971