

CONTENTS

CHAPTER 1 STRUCTURE AND ORGANIZATION OF THE CRIMINAL JUSTICE

ADMINISTRATION	1
I. POLICE	1
A. Overview	1
B. National Police Organization	1
1. The National Public Safety Commission	1
2. The National Police Agency	1
C. Local Police Organization	2
1. The Prefectural Public Safety Commission	2
2. Prefectural Police Headquarters	2
II. PROSECUTION	2
A. Qualification	2
B. Organization	3
C. Functions and Jurisdiction	4
D. Status (Independence and Impartiality)	4
III. COURTS	5
A. Structure	5
1. Introduction	5
2. The Supreme Court	5
3. The High Court	5
4. The District Court	6
5. The Family Court	6
6. The Summary Court	6
B. Judges	6
1. Appointment of Judges	6
2. Categories and Qualifications of Judges	6
IV. CORRECTIONS	7
A. Organization of the Correctional Administration	7
1. Penal Institutions	7
2. Juvenile Correctional Institutions	8
B. Correctional Officials	8
V. REHABILITATION	8
A. Organization and Function	8
B. Personnel	9
1. Probation Officers	9
2. Rehabilitation Co-ordinators	9
C. Volunteers and the Voluntary Sector	9
1. Volunteer Probation Officers	9
2. Juridical Persons for Offenders Rehabilitation Services	10
3. Others	10

CHAPTER 2 THE CRIME SITUATION IN JAPAN	11
I. PENAL CODE OFFENCES	11
A. Trends in Penal Code Offences	11
B. Trends in Some Major Crimes	13
II. SPECIAL LAW OFFENCES	13
CHAPTER 3 CRIMINAL JUSTICE FLOW CHART	14
CHAPTER 4 PRE-TRIAL CRIMINAL PROCEDURE	15
I. INTRODUCTION	15
II. CONSTITUTIONAL SAFEGUARDS	15
III. INVESTIGATIVE AGENCIES	15
IV. INVESTIGATION PROCESS	16
A. Overview	16
B. Initiating a Criminal Investigation	16
C. Arrest	17
D. Post-Arrest Procedure	17
E. Collection of Evidence	18
1. Taking Statements	18
2. Interrogation of Suspects	18
3. Searches and Seizures	19
F. The Right to Counsel	19
G. Bail	19
V. DISPOSITION OF CASES	21
A. Responsible for Prosecution	21
1. Principle	21
2. Exception	21
B. Forms of Prosecution	21
1. Formal Prosecution (Indictment)	21
2. Summary Prosecution (Request for a Summary Order)	24
C. Non-prosecution of Cases	24
1. No Offence Committed	24
2. Insufficiency of Evidence	24
3. Suspension of Prosecution	24
D. Safeguards against Arbitrary Disposition	25
1. Internal Administrative Review	25
2. Committee for Inquest of Prosecution	25
3. Quasi-Prosecution	25
E. Victim Notification Programme	26
CHAPTER 5 TRIAL PROCESS	28
I. SOME BASIC PRINCIPLES AND CHARACTERISTICS	28
A. Presumption of Innocence	28
B. Public Trials	28

C.	Right to Remain Silent	28
D.	Right to Counsel.....	28
E.	Adversarial Procedure.....	29
F.	No Arraignment	29
G.	Single Stage Procedure	29
II.	<i>Saiban-In</i> Trials	29
III.	TRIAL PROCEEDINGS	30
A.	Procedure before Trial.....	30
1.	Introduction.....	30
2.	Disclosure	30
3.	Pretrial Conference Procedure.....	30
B.	Trial.....	31
1.	Opening Proceeding	31
2.	Examination of Evidence	31
3.	Questioning of Defendants	31
4.	Closing Arguments	31
5.	Victim Participation at Trial.....	32
C.	Rules of Evidence	32
1.	Hearsay Rule	32
2.	Hearsay Exceptions.....	32
3.	Confessions	32
4.	Exclusionary Rule	33
D.	Adjudication and Sentencing	33
E.	Length of Trial	33
IV.	APPEALS.....	34
A.	<i>Koso</i> Appeals	34
B.	<i>Jokoku</i> Appeals.....	34
V.	EXTRAORDINARY REMEDIES	34
VI.	PUNISHMENT.....	35
A.	Categories	35
1.	Overview	35
2.	Death Penalty.....	35
3.	Imprisonment	35
4.	Fine, Misdemeanour Imprisonment without Work, Petty Fine	35
B.	Suspension of Execution of Sentence.....	35
C.	Outcomes of Court Proceedings.....	36
1.	Formal Trials	36
2.	Summary Proceedings.....	36
D.	Parole	36
VII.	COMPENSATION FOR INNOCENCE	37
VIII.	SPECIAL PROCEDURES FOR JUVENILE CASES	37
CHAPTER 6	CORRECTIONAL SERVICE	39
I.	INTRODUCTION	39

II.	EFFECTIVE TREATMENT OF INMATES IN PENAL INSTITUTIONS	39
A.	Trends in the Inmate Population in Penal Institutions	39
B.	Philosophy of the Treatment of Inmates.....	39
C.	Correctional Treatment of Sentenced Inmates	40
1.	Assessment for Treatment	40
2.	Prison Work.....	40
3.	Guidance for Reform.....	42
4.	Guidance in School Courses.....	42
D.	Complaints Mechanism	42
1.	Claim for Review and Reclaim for Review	42
2.	Report of Cases	43
3.	Filing of Complaints	43
E.	Penal Institution Visiting Committee	43
F.	Act on the Transnational Transfer of Sentenced Persons.....	43
III.	EFFECTIVE TREATMENT OF JUVENILES IN JUVENILE TRAINING SCHOOLS...	43
A.	Overview.....	43
1.	Structure of Juvenile Training Schools.....	43
2.	Outline of the Treatment Process	44
B.	Correctional Education.....	44
1.	Living Guidance.....	44
2.	Vocational Guidance.....	44
3.	Academic Education	44
4.	Health and Physical Education	44
5.	Special Activities.....	45
C.	Medical Care	45
CHAPTER 7	REHABILITATION OF OFFENDERS.....	46
I.	PAROLE	46
A.	Overview.....	46
1.	Parole Examination	46
2.	Parole Decision	46
3.	Pre-parole Inquiry by the Probation Officers.....	46
4.	Coordination of Social Circumstances.....	46
II.	PAROLE AND PROBATIONARY SUPERVISION OF ADULT OFFENDERS.....	47
A.	Overview.....	47
1.	Adult Parolees.....	47
2.	Adult Probationers.....	47
B.	Probation and Parole Conditions	47
1.	General Conditions.....	47
2.	Special Conditions.....	48
3.	Life and Conduct Guidelines.....	48
C.	Implementation of Probationary and Parole Supervision.....	48
1.	General Framework.....	48
2.	Intake Interviews and Treatment Plans	48

3. Role of Probation Officers and Volunteer Probation Officers.....	49
4. Day Offices.....	49
5. Progressive Treatment.....	49
6. Categorized Treatment.....	49
7. Treatment Programmes as Special Probation Conditions.....	49
8. Comprehensive Job Assistance Scheme.....	50
9. National Centre for Offenders Rehabilitation Project.....	50
10. Community Settlement Support Centers.....	50
11. Self-Reliance Support Homes.....	50
12. Social Contribution Activities.....	51
D. Termination of Probation and Parole.....	51
1. Measures for Good Conduct.....	51
2. Measures against Bad Conduct.....	51
E. Outcome of Probation and Parole.....	52
III. PAROLE AND PROBATIONARY SUPERVISION OF JUVENILES.....	52
A. Overview.....	52
1. Juvenile Parolees.....	52
2. Juvenile Probationers.....	52
B. Probation and Parole Conditions.....	52
C. Implementation of Probationary and Parole Supervision.....	53
1. Short -Term Programmes for Juvenile Probationers.....	53
2. Social Contribution Activities/Social Participation Activities.....	53
3. Treatment of Juveniles Who Have Committed Heinous/Serious Offence.....	54
4. Measures for Guardians.....	54
D. Termination of Probation and Parole.....	54
1. Measures for Good Conduct.....	54
2. Measures against Bad Conduct.....	54
E. Outcome of Probation and Parole.....	55
IV. AFTERCARE OF DISCHARGED OFFENDERS.....	55
V. PARDONS.....	55
VI. MEASURES FOR CRIME VICTIMS.....	55
VII. MEDICAL HEALTH SUPERVISION.....	56
VIII. CRIME PREVENTION ACTIVITIES.....	56
APPENDICES.....	57
Appendix 1 Number of known cases, crime rate, number of cleared cases, clearance rate, and number of offenders cleared of Penal Code offences (1946-2012).....	58
Appendix 2 Number of known cases, number of cleared cases, and number of offenders cleared of Penal Code offences, by type of major offence (2001-2012).....	60
Appendix 3 Average daily number of inmates of penal institutions (1950-2012).....	63
Appendix 4 Frequency of imprisonment of newly admitted inmates, by type of offence (2012).....	64
Appendix 5 Number of parole applications, grants, and rejections (1949-2012).....	65
Appendix 6 Number of newly received probationers and parolees (1949-2012).....	66