

CHAPTER 6 CORRECTIONAL SERVICE

I. INTRODUCTION

The administration of penal institutions and the treatment of inmates are regulated by such basic laws and regulations as the Act on Penal Detention Facilities and Treatment of Inmates and Detainees of 2005 (hereinafter the Act in Section II of this Chapter); the Ordinance on Penal Institutions and Treatment of Inmates (Ministry of Justice Ordinance, 2006); and by other directives issued by the Minister of Justice.

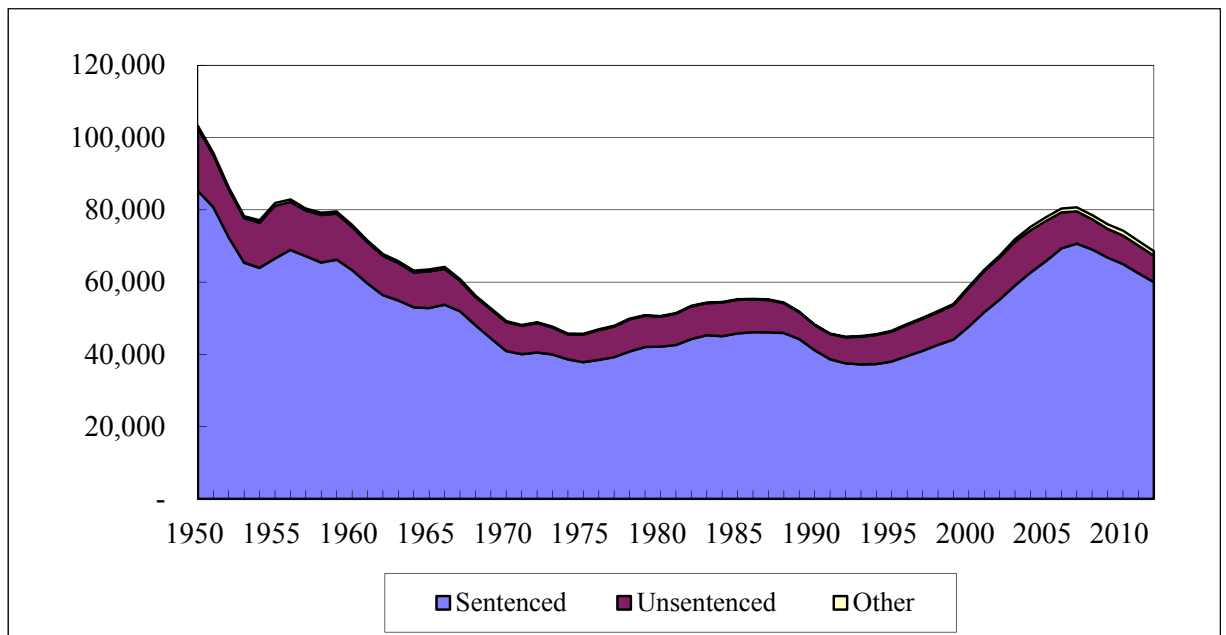
The Juvenile Law of 1948 and the Juvenile Training School Law of 1948 govern the administration of juvenile training schools and juvenile classification homes.

II. EFFECTIVE TREATMENT OF INMATES IN PENAL INSTITUTIONS

A. Trends in the Inmate Population in Penal Institutions

The average population of inmates in Japanese penal institutions generally decreased from the end of World War II to 1992, when it numbered 44,876; however, it rose steadily between 1993 and 2007, when it reached 80,684, and it exceeded the capacity of penal institutions between 2001 and 2006. Because of construction and renovation of penal institutions and the decrease of the inmate population since 2008, this overcrowding has eased. As of 31 December 2012, the total capacity of penal institutions is 90,681 (72,562 for sentenced inmates and 19,111 for unsentenced inmates), and the actual population is 67,008 (58,726 sentenced inmates and 8,282 unsentenced inmates).

Fig. 2 Trend in the Average Population of Inmates in Penal Institutions



B. Philosophy of the Treatment of Inmates

The Act stipulates basic principles on the administration of penal institutions and treatment of inmates as follows:

The purpose of this Act shall be to conduct adequate treatment of inmates ... with respect for their human rights and in accordance with their respective circumstances, as well as to achieve the appropriate management and administration of penal detention facilities (i.e. penal institutions, ...).

As regards the purpose of treatment of sentenced inmates, the Act provides as follows:

Treatment of a sentenced inmate shall be conducted with the aim of stimulating motivation for reformation and rehabilitation and developing the adaptability to life in society by working on his or her sense of consciousness in accordance with his or her personality and circumstances. On treatment of unsentenced inmates, the Act provides as follows:

Upon treatment of an unsentenced inmate, special attention shall be paid to the prevention of his or her escape and destruction of evidence and to the respect for his or her right of defence, while taking into consideration his or her status as an unsentenced inmate.

C. Correctional Treatment of Sentenced Inmates

Correctional treatment of sentenced inmates consists of three main components: (i) work, (ii) guidance for reform, and (iii) guidance in school courses. In order to implement them effectively, the penal institutions conduct assessments of individual inmates, place them into separate groups, and determine the treatment guidelines for each inmate. In addition, various measures such as alleviation of restrictions, privilege measures, commuting to outside work, and day leave and furlough are provided.

1. Assessment for Treatment

Penal institutions conduct periodic assessment of inmates. The initial assessment takes place when their sentence has become final and binding. It is a comprehensive assessment and looks into various factors: physical and mental conditions; life history; academic background; employment history; membership of organized crime groups; criminal tendencies; family and life environments; aptitude for jobs or education; life and future plans; and any other relevant matters.

There are two stages to the initial assessment. The first half is conducted in the penal institution in which the inmate is accommodated at the time of the finalization of the sentence. The focus is on determining the most appropriate penal institution for the inmate. The second half of the assessment is conducted in the penal institution to which the inmate has been transferred. This is a more detailed assessment that looks thoroughly into the inmate's background.

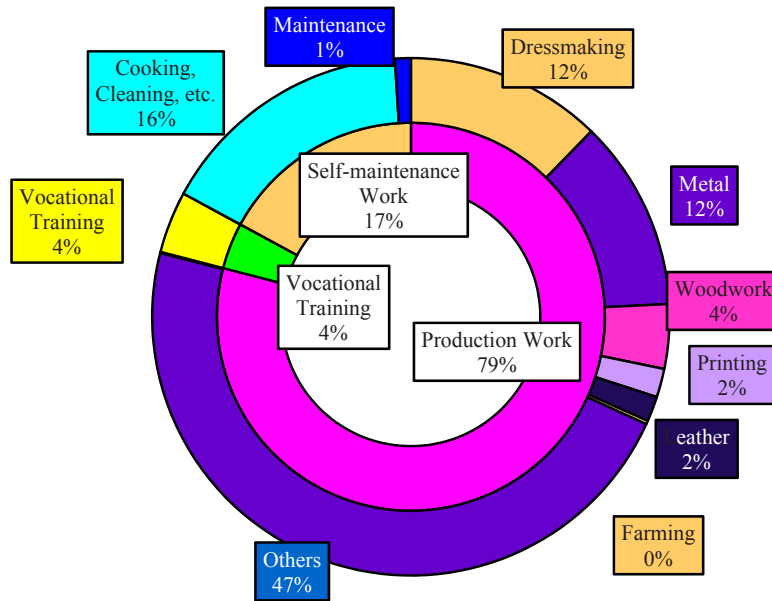
On the basis of those assessments, a treatment guideline, which provides the objective, the contents, and the methods of correctional treatment, will be determined for each inmate. The inmate's performance will be evaluated every six months and on an as-needed basis according to the treatment guidelines, which will be revised if necessary.

2. Prison Work

Inmates sentenced to imprisonment with work are obliged to engage in mandatory work assignments. Prison work is planned and organized so as to serve various objectives: facilitating social reintegration by providing vocational knowledge and skills; enhancing mental and physical health and the will to work; and encouraging inmates to become more conscious of their role and responsibility in community life.

Prison work in Japan is divided broadly into three categories: production work, vocational training, and self-maintenance work. Figure 3 shows the types of prison work, and the numbers of sentenced inmates and workhouse detainees assigned to each work type.

Fig. 3 Ratio of sentenced inmates etc. working in prison industry



(as of the end of 2012)

Inmates engaged in prison work receive incentive remuneration. It is not a wage paid according to the amount of work, but an incentive paid for the purpose of encouraging work and providing inmates with funds to prepare for life after release. The average remuneration paid monthly to one sentenced inmate in FY 2012 was 4,838 yen.

Sentenced inmates usually work within penal institutions, but those who satisfy the necessary conditions may be permitted to commute to a business establishment outside without the supervision of penal institution staff.



Vocational Training

3. Guidance for Reform

Guidance for reform is provided in order to encourage sentenced inmates to take responsibility for their crimes, and to acquire the knowledge and lifestyle necessary for adapting themselves to life in society. There are two types of guidance: general guidance for all sentenced inmates and special guidance for inmates with certain difficulties.

General guidance is provided through lectures, interviews, and other available measures, and it aims (i) to make inmates understand the circumstances and feelings of crime victims; (ii) to let them develop a regular lifestyle and a sound perspective and point of view; and (iii) to make them understand information for life planning after release and develop a law-abiding spirit and behaviour.

As for special guidance, the following six programmes are currently provided: guidance for overcoming drug addiction; guidance for withdrawal from an organized crime group; reoffending prevention guidance for sex offenders; education from the victim's viewpoint; traffic safety guidance; and job assistance guidance.



Group Work

4. Guidance in School Courses

Many sentenced inmates lack sufficient educational attainments to lead a productive life. For such inmates, penal institutions provide guidance in elementary school and junior high school courses, which include Japanese language courses and mathematics courses. Inmates who have not finished compulsory education may have a chance to study and to take junior high school equivalency examinations. For inmates whose progress in studies has been deemed particularly conducive to smooth re-entry into society, guidance in high school or university courses may be provided.

D. Complaints Mechanism

Inmates are allowed to file various forms of complaints, as follows.

1. Claim for Review and Reclaim for Review

An inmate who is dissatisfied with the measures taken by the warden of the penal institution, such as restriction on correspondence and disciplinary punishment, may file a claim for review with the Superintendent of the Regional Correction Headquarters. Inmates dissatisfied with the Superintendent's determination may file a further claim for review with the Minister of Justice.

2. Report of Cases

An inmate who has suffered an illegal or unjust act by a staff member of the penal institution may report the case to the Superintendent of the Regional Correction Headquarters. The Superintendent of the Regional Headquarters shall confirm whether or not the case occurred and notify the inmate of the findings. If dissatisfied with the results, the inmate may report the case to the Minister of Justice.

3. Filing of Complaints

An inmate may file a complaint with the Minister of Justice, the inspector, or the warden of the penal institution with regard to any treatment he or she has received. The inspector is appointed by the Minister of Justice to conduct on-the-spot inspections at each penal institution at least once a year to ensure that the penal institution is appropriately administered.

E. Penal Institution Visiting Committee

Each penal institution has a Penal Institution Visiting Committee, a third party committee composed of a maximum of ten members appointed by the Minister of Justice. The Committee studies the administration of its corresponding penal institution by visiting it and interviewing inmates, and provides its opinion to the warden. This system serves to ensure transparency in the administration of penal institutions, contribute to its improvement, and enhance the partnership between the penal institutions and the community.

F. Act on the Transnational Transfer of Sentenced Persons

Japan has ratified the Council of Europe's "Convention on the Transfer of Sentenced Persons". The Convention has been signed by a total of 64 countries including Japan, the United States of America, Canada and the Republic of Korea, as well as the member states of the Council of Europe (47 countries). Besides this, Japan has also signed transnational transfer agreements with Thailand and Brazil.

As regards domestic law, there is the Act on the Transnational Transfer of Sentenced Persons (2002). The agreement of both countries involved, the Justice Minister's judgement of appropriateness and the consent of the person subject to transfer are all required for a person to be transferred under this law.

III. EFFECTIVE TREATMENT OF JUVENILES IN JUVENILE TRAINING SCHOOLS

A. Overview

1. Structure of Juvenile Training Schools

A juvenile training school is a correctional institution that provides correctional education to juveniles committed to it by Family Courts. Commitment to a juvenile training school is one of the three forms of protective measures that can be taken by Family Courts (see page 37). As of 2013, there are 51 juvenile training schools and two branch juvenile training schools. In 2012, a total of 3,498 (3,206 male and 292 female) juveniles were newly admitted.

There are four types of juvenile training schools categorized by the age, level of criminal tendency, and mental or physical conditions of the juveniles: primary, middle, special, and medical. The type of school to which a juvenile will be committed is specified in the decision of the Family Court. Except for medical juvenile training schools, each school accommodates males or females exclusively.

Juvenile training schools offer long-term and short-term programmes, and the latter is further divided into general short-term programmes (maximum term of detention: generally, six months) and special short-term programmes (maximum term of detention: four months). The maximum term of detention for the long-term programme is, as a rule, two years. Primary and middle juvenile training schools provide both long-term and short-term programmes whereas special and medical juvenile training schools offer long-term programmes only.

2. Outline of the Treatment Process

There are five components to the correctional education provided in juvenile training schools: (i) living guidance; (ii) vocational guidance; (iii) academic education; (iv) health and physical education; and (v) special activities. In order to implement them effectively, the treatment process is divided into the orientation stage, the intermediate stage, and the pre-release stage.

During the orientation stage, an individualized treatment plan (ITP) that sets the goals, contents, and methods of correctional education is drawn up for each juvenile. In doing so, reports prepared by juvenile classification homes and family court probation officers (see page 37) are taken into consideration. In accordance with the ITP, educational activities are fully implemented during the intermediate stage, and educational treatment designed to facilitate reintegration into society is provided in the pre-release stage.

As a general rule, commitment to a juvenile training school is until the juvenile offender reaches 20 years of age, but that may be extended under certain circumstances. In practice, the majority of juveniles are released early on parole by a decision of the Regional Parole Board, in which case he or she will be placed on probation by the probation office.

B. Correctional Education

As stated above, there are five components to correctional education: living guidance, vocational guidance, academic education, health and physical education, and special activities.

1. Living Guidance

Living guidance is the centrepiece of correctional education. Through various methods such as one-to-one or group counselling, essay guidance, diary guidance, and role lettering, it addresses: (i) problems in the juvenile's way of thinking, attitude, and behaviour that could lead to delinquency; (ii) problems in the juvenile's predisposition and emotions; (iii) enrichment of sentiments; (iv) life habits, law-abiding and self-controlling attitudes, and relationships with others; (v) problems in the juvenile's relationship with family and friends; and (vi) career selection, life planning, and social reintegration. As part of living guidance, "Education from the Viewpoints of the Victims," which aims at deepening juveniles' understanding on the feelings and suffering of their victims, is implemented in every juvenile training school.

2. Vocational Guidance

Vocational guidance is offered to foster the will to work and to equip juveniles with skills and knowledge necessary in vocational life. As part of vocational guidance, vocational training is available for welding, woodcraft, civil engineering and construction, construction machinery, agriculture, horticulture, office work, nursing services and other subjects. In 2012, 46.6 percent of released juveniles had obtained qualifications or licences related to their vocational guidance course, and 52.0 percent had obtained qualifications and licences unrelated to their vocational guidance course.

3. Academic Education

Academic education is provided to juveniles who have not completed compulsory education (elementary and junior high school level). Senior-high-school level education is also provided to qualified juveniles who need and wish to receive it. Supplementary education to equip juveniles with basic scholastic ability needed for daily life or to prepare them for their return to school is provided as well.

4. Health and Physical Education

Health education provides guidance on health care and disease prevention, including guidance on a balanced diet, the harm of illicit drugs, and prevention of sexually transmitted diseases. In physical education, various sports activities are organized to enhance physical strength, concentration, patience, compliance with rules, and co-operativeness.

5 Special Activities

Special activities include voluntary activities, extramural educational activities, club activities, and recreation. Volunteer work and study tours are conducted as extramural educational activities. Volunteer visitors, chaplains, members of the Women's Association for Rehabilitation Aid, and members of BBS (Big Brothers and Sisters Movement) associations offer support for such activities.

C. Medical Care

Ordinary medical care is provided by the medical section of juvenile training schools. Juveniles in need of special medical care are treated in one of the two medical juvenile training schools. Juveniles can also receive treatment in hospitals outside of the school when necessary.



Group Work in a Juvenile Training School