

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.....	7
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. Entities for Offenders Rehabilitation Services.....	9
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	11
II. SPECIAL LAW OFFENCES	11
CHAPTER 3 CRIMINAL JUSTICE FLOW CHART	12
CHAPTER 4 PRE-TRIAL CRIMINAL PROCEDURE	13
I. INTRODUCTION	13
II. CONSTITUTIONAL SAFEGUARDS	13
III. INVESTIGATIVE AGENCIES	13
IV. INVESTIGATION PROCESS	14
A. Overview	14
B. Initiating a Criminal Investigation	14
C. Arrest	15
D. Post-Arrest Procedure	15
E. Collection of Evidence	16
1. Taking Statements	16
2. Interrogation of Suspects	16
3. Searches and Seizures	17
F. The Right to Counsel	17
G. Bail	17
V. DISPOSITION OF CASES	18
A. Responsibility for Prosecution	18
1. Principle	18
2. Exception	18
B. Forms of Prosecution	18
1. Formal Prosecution (Indictment)	18
2. Summary Prosecution (Request for a Summary Order)	20
C. Non-prosecution of Cases	20
1. Insufficiency of Evidence	20
2. Suspension of Prosecution	20
D. Cooperative Agreements	21
E. Safeguards against Arbitrary Disposition	21
1. Committee for Inquest of Prosecution	21
2. Quasi-Prosecution	21
F. Assistance and Protection for Crime Victims and Their Participation in the Criminal Justice Process	22
1. Victim Notification Programme	22
2. Victim participation and victim protection at the trial stage	22
3. Compensation for crime victims	23

CHAPTER 5 TRIAL PROCESS.....	25
I. SOME BASIC PRINCIPLES AND CHARACTERISTICS.....	25
A. Presumption of Innocence.....	25
B. Public Trials	25
C. Right to Remain Silent	25
D. Right to Counsel.....	25
E. Adversarial Procedure	26
F. No Arraignment	26
G. Single Stage Procedure	26
II. <i>Saiban-In</i> Trials.....	26
III. TRIAL PROCEEDINGS.....	27
A. Procedure before Trial	27
1. Introduction.....	27
2. Pretrial Conference Procedure	27
B. Trial	27
1. Opening Proceeding.....	27
2. Examination of Evidence.....	28
3. Questioning of Defendants	28
4. Closing Arguments	28
5. Victim Participation at Trial	28
C. Rules of Evidence.....	29
1. Hearsay Rule.....	29
2. Hearsay Exceptions.....	29
3. Confessions.....	29
4. Exclusionary Rule.....	29
D. Adjudication and Sentencing	30
E. Length of Trial.....	30
IV. APPEALS	30
A. Appeals to the High Court	30
B. Final Appeals to the Supreme Court.....	31
V. EXTRAORDINARY REMEDIES.....	31
VI. PUNISHMENT.....	31
A. Categories	31
1. Overview.....	31
2. Death Penalty.....	31
3. Imprisonment	32
4. Fine, Misdemeanour Imprisonment without Work, Petty Fine.....	32
B. Suspension of Execution of Sentence	32
C. Outcomes of Court Proceedings.....	32
1. Formal Trials.....	32
2. Summary Proceedings	33
D. Parole	33

VII.	COMPENSATION FOR INNOCENCE	33
VIII.	SPECIAL PROCEDURES FOR JUVENILE CASES	33
CHAPTER 6 CORRECTIONAL SERVICES		35
I.	INTRODUCTION	35
II.	TREATMENT OF INMATES IN PENAL INSTITUTIONS	35
A.	Trends in the Inmate Population in Penal Institutions	35
B.	Philosophy of the Treatment of Inmates	35
C.	Correctional Treatment of Sentenced Inmates	36
1.	Assessment for Treatment	36
2.	Prison Work	36
3.	Guidance for Reform	38
4.	Guidance in School Courses	38
D.	Complaints Mechanism.....	38
1.	Claim for Review and Reclaim for Review	38
2.	Report of Cases.....	39
3.	Filing of Complaints	39
E.	Penal Institution Visiting Committee	39
F.	Act on the Transnational Transfer of Sentenced Persons	39
III.	TREATMENT OF JUVENILES IN JUVENILE CORRECTIONAL FACILITIES	39
A.	Juvenile Classification Homes	39
1.	Background	39
2.	Recent trends.....	39
3.	Classification	39
4.	Working with community.....	40
B.	Juvenile training schools	41
1.	Background.....	41
2.	Recent trends.....	41
3.	Classifications of juvenile training schools	41
4.	Personalized correctional education programme	41
5.	Correctional education.....	42
6.	Cooperation with custodians.....	42
7.	Supporting reintegration into society.....	42
CHAPTER 7 REHABILITATION SERVICES		43
I.	PAROLE	43
A.	Overview	43
1.	Parole Examination.....	43
2.	Parole Decision	43
3.	Pre-parole Inquiry by the Probation Officers.....	43
4.	Coordination of Social Circumstances.....	43
II.	PAROLE AND PROBATIONARY SUPERVISION OF ADULT OFFENDERS	44
A.	Overview.....	44

1.	Adult Parolees.....	44
2.	Adult Probationers	44
B.	Parole and Probation Conditions.....	45
1.	General Conditions	45
2.	Special Conditions	45
3.	Life and Conduct Guidelines	45
C.	Parole and Probationary Supervision	45
1.	General Framework	45
2.	Intake Interviews and Treatment Plans.....	46
3.	Role of Probation Officers and Volunteer Probation Officers.....	46
4.	Day Offices	46
5.	Progressive Treatment	46
6.	Categorized Treatment.....	47
7.	Treatment Programmes as Special Conditions	47
8.	Comprehensive Job Assistance Scheme	47
9.	Offenders Rehabilitation Facilities (Halfway House).....	47
10.	National Centre for Offenders Rehabilitation	48
11.	Self-Reliance Support Homes.....	48
12.	Community Life Stabilizing Support Centers.....	48
13.	Social Contribution Activities.....	49
D.	Termination of Parole and Probation	49
1.	Measures for Good Conduct	49
2.	Measures against Bad Conduct.....	49
E.	Outcome of Parole and Probation.....	49
III.	PAROLE AND PROBATIONARY SUPERVISION OF JUVENILES	50
A.	Overview.....	50
1.	Juvenile Parolees.....	50
2.	Juvenile Probationers.....	50
B.	Parole and Probation Conditions.....	50
C.	Parole and Probationary Supervision.....	51
1.	Short -Term Programmes for Juvenile Probationers.....	51
2.	Social Contribution Activities/Social Participation Activities.....	51
3.	Treatment of Juveniles Who Have Committed Heinous/Serious Offences	52
4.	Measures for Guardians.....	52
D.	Termination of Parole and Probation	52
1.	Measures for Good Conduct.....	52
2.	Measures against Bad Conduct.....	52
E.	Outcome of Parole and Probation.....	53
IV.	AFTERCARE OF DISCHARGED OFFENDERS	53
V.	PARDONS.....	53
VI.	MEASURES FOR CRIME VICTIMS	54
VII.	MEDICAL HEALTH SUPERVISION	54
VIII.	CRIME PREVENTION ACTIVITIES.....	54