

## CHAPTER 6 CORRECTIONAL SERVICE

### I. INTRODUCTION

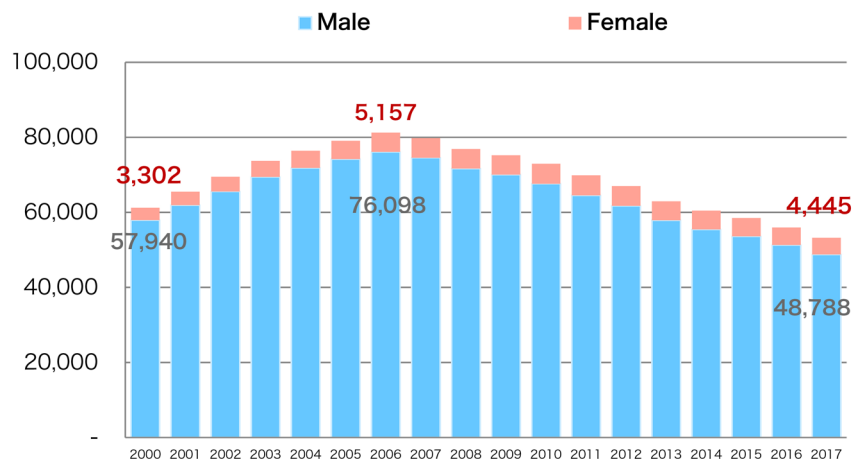
This chapter addresses the treatment of offenders in correctional facilities, as well as to the duties and functions of correctional officers. Correctional facilities include: i) penal institutions, ii) juvenile classification homes, and iii) juvenile training schools. Whereas penal institutions are mainly for adult offenders, juvenile classification homes and juvenile training schools are a part of the juvenile corrections system.

### II. 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 situation has changed. As of 31 December 2018, the total capacity of penal institutions is 89,310 (71,346 for sentenced inmates and 17,964 for pre-trial detainees), and the actual population was 53,233 (47,331 sentenced inmates and 5,902 pre-trial detainees).

**Fig. 1 Trend in the Year-end Population of Inmates in Penal Institutions**



(Source: Annual Report of Statistics on Correction)

#### B. Philosophy of the Treatment of Inmates

The Act on Penal Institutions and the Treatment of Sentenced Inmates 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.*

Further, the Act provides that:

*Upon treatment of an pre-trial detainee, 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 pre-trial detainee.*

### **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 criminal 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.

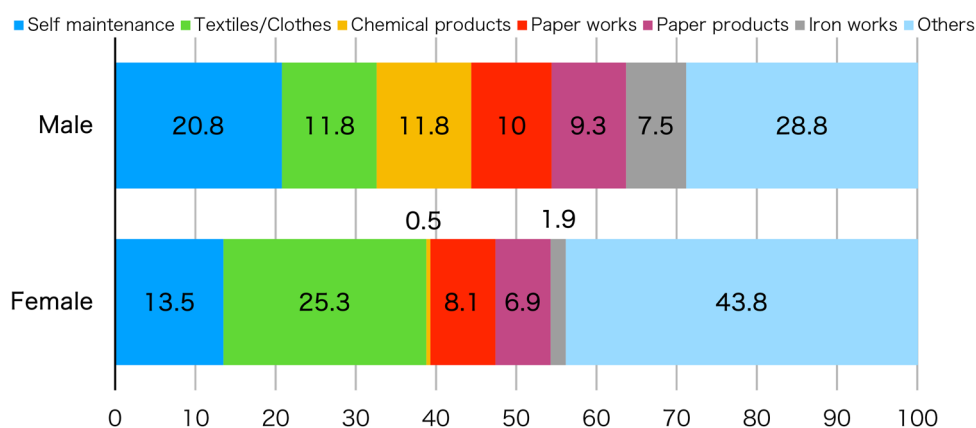
On the basis of those assessments, a treatment guideline, which provides the objective, the contents, and the methods of correctional treatment, will be determined for each inmate. The inmate's performance will be evaluated every six months and on an as-needed basis according to the treatment guidelines, 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. 2 Ratio of the types of prison work for released inmates in 2017**



(Source: Annual Report of Statistics on Correction)

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 2017 was 4,340 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.

In addition, every juvenile correctional facility (i.e. classification home and training school) also has its own visiting committee. The concept and purpose of such a committee is to ensure inmates' human rights in the correctional institutions.

### **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 66 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 (46 countries). Besides this, Japan has also signed transnational transfer agreements with Thailand, Brazil, and Iran.

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

## **III. TREATMENT OF JUVENILES IN JUVENILE CORRECTIONAL FACILITIES**

### **A. Juvenile Classification Homes**

#### 1. Background

The Juvenile Classification Home Act, which comprehensively provides the duties and functions of juvenile classification homes, entered into force on June 1, 2015. Previously, there was no law on juvenile classification homes, but there were a few provisions that addressed juvenile classification homes in the former Juvenile Training School Act. Under the Juvenile Classification Home Act, juvenile classification homes have three main duties: 1) conducting classification of juveniles in response to requests from the family court, 2) providing appropriate treatment for juvenile inmates, and 3) supporting crime and delinquency prevention activities in the local community.

#### 2. Recent trends

The number of juveniles committed to juvenile classification homes by the family court for protective detention decreased after 2003 when 23,067 juvenile delinquents were committed. In 2017, 7,109 juveniles were committed to juvenile classification homes.

#### 3. Classification

- (1) Classification for the family court hearing

Juvenile classification homes conduct classification based on a comprehensive assessment of each juvenile delinquent and make a report which is submitted to the family court. Classification is carried out during the term of protective detention (within 2 weeks but subject to necessary extension up to 8 weeks in total. See page 34).

During this process, the problem areas of the juvenile's character and social environment that led to his/her commitment of the crime or delinquency are assessed and identified. Also, appropriate guidance addressing the identified problems is offered to improve the juvenile's situation. There are three measures in classification: psychological assessment, behavioural observation and medical checkup. Thus, classification is based on expert knowledge and skills of various fields such as medicine, psychology, pedagogy and sociology.



Interview for classification

#### (2) Classification for correctional treatment

When a family court judge decides to send a juvenile to a juvenile training school, the juvenile classification home where the juvenile resides has the authority to decide to which juvenile training school the juvenile shall be sent, taking account of factors such as the juvenile's individual needs for treatment based on his/her characteristics and whether the location of the juvenile training school is accessible to the juvenile's parents or guardians, who are expected to visit the committed juvenile.

In addition, the juvenile classification home recommends treatment guidelines for each juvenile. These recommendations are considered by the juvenile training school that takes custody of the juvenile. The guidelines include correctional education to be provided, issues related to security risks, parental circumstances and so on.

#### (3) Assessment tool for classification

The Correction Bureau of the Ministry of Justice has developed an assessment tool for juveniles, named the Ministry of Justice Case Assessment tool (MJCA), which has been implemented and used in juvenile classification homes since 2013 as a unified assessment tool. MJCA is based on Risk-Needs-Responsivity principles and plays an important role in the classification. It is used to estimate the juvenile's reoffending risk and other important elements for further treatment. MJCA also is used to assess and evaluate the effectiveness of correctional treatment in juvenile training schools.

MJCA refers to static and dynamic risk factors. Static risk factors, such as family history and history of delinquency, are unchangeable but are important in estimating juveniles' reoffending risk. Dynamic risk factors, sometimes called criminogenic needs, are changeable and important in specifying the problematic areas of the juvenile to address in his/her treatment.

#### 4. Working with community

Juvenile classification homes provide knowledge and skills through various activities for the local community to prevent delinquency and crime in the community at large. Juvenile classification homes undertake the following activities.

- 1) Consultation with juveniles, their family, school teachers, and so on
- 2) Dispatching experts as speakers/lecturers
- 3) Legal education for children and students



Group test for classification



Exercise

## **B Juvenile training schools**

### **1. Background**

In Japan, treatment of juvenile offenders has a long history of over 100 years focusing on their developmental and situational differences from adults. Current juvenile training schools have been operating since 1949 under the Juvenile Act and the Juvenile Training School Act. The new Juvenile Training School Act entered into force on June 1, 2015 and clarified the duties and functions of juvenile training schools to engage not only in correctional education but also in supporting juveniles' reintegration into society.

### **2. Recent trends**

The number of newly admitted inmates per year has decreased after 2000 when 6,052 juveniles were admitted. In 2017, 2,147 juveniles were admitted to juvenile training schools.

### **3. Classifications of juvenile training schools**

There are four classes of juvenile training schools, from Class 1 to Class 4, according to the juvenile's age, his/her criminal tendency level, and whether or not he/she has a serious physical or mental disorder.

- 1) Class 1: persons for whom protective measures are to be imposed; the person must not have a serious physical or mental disorder and must generally be between 12 and 23 years old.
- 2) Class 2: persons for whom protective measures are to be imposed, who have serious criminal tendencies, who do not have a serious physical or mental disorder, and who are generally between 16 and 23 years old.
- 3) Class 3: persons for whom protective measures are to be imposed, who have a serious physical or mental disorder and who are generally between 12 and 26 years old.
- 4) Class 4: persons who are to serve their imprisonment sentences in a juvenile training school.

### **4. Personalized correctional education programme**

Personalized correctional education programmes are the basis of correctional education. Each juvenile undergoes his/her own programme during the term of the commitment. Juvenile training schools design the programmes based on various information including the records of the family court and the juvenile classification home. As a result, the programme responds to and addresses each juvenile's risk, needs and responsibility.

## 5. Correctional education

Correctional education consists of five different measures:

- 1) Lifestyle guidance: guidance for juveniles to obtain basic knowledge and develop constructive attitudes for living independently after release. In addition, there are six types of specific guidance which address certain problematic areas such as drug abuse, sexual offending and so on.
- 2) Vocational guidance: guidance aiming at enhancing motivation to work and obtaining useful knowledge and skills for employment.
- 3) Guidance in school courses: guidance for juveniles who have not completed compulsory education or who wish to enter high school. The juveniles may have the opportunity to take the national examination for obtaining qualification equivalent to high school diploma.
- 4) Physical guidance: guidance to foster a healthy mind and body fundamental to living an independent life as a sound member of society.
- 5) Special activities guidance: guidance related to implementation of social contribution activities, outdoor activities, athletics, music, theatrical activities and other activities instrumental to enriching emotional stability and fostering a spirit of independence, autonomy and cooperation.



Group work



Special activity

## 6. Cooperation with custodians

Working together with the juvenile's custodians is critical to promote the juvenile's effective rehabilitation and reintegration into society. Juvenile training schools make efforts to encourage the custodians to be involved in the exercise of correctional education programmes to facilitate their understanding and cooperation. For instance, juvenile training schools conduct interviews and consultations with the juvenile together with his/her custodians, and encourage the custodians to participate in educational events.



Meeting with custodian

## 7. Supporting reintegration into society

Juveniles will re-enter society after the completion of correctional education in the juvenile training school. Planning ahead for release, juvenile training schools coordinate the living environment (mainly accommodation and employment) for each juvenile from an early stage after commitment. Juvenile training schools consider many factors such as those related to accommodation, employment, family relationships, and need for welfare and medical services.