

EFFECTIVE TREATMENT AND SUPPORT FOR REHABILITATION OF DELINQUENT JUVENILES IN JAPAN

MIYAGAWA Tsubura *

I. INTRODUCTION

Considering that many delinquent juveniles are immature, have disadvantaged family backgrounds and have been abused or badly treated at home, it is important to ensure that each juvenile and his or her needs receives adequate intervention, treatment and support. Although non-custodial measures should be chosen for low-risk juveniles, custodial measures are appropriate for some at-risk and delinquent juveniles. This paper discusses the effective treatment and support for rehabilitation of delinquent juveniles in custody in Japan, mainly focusing on the functions of the institutions where they reside.

II. OVERVIEW OF JUVENILE DELINQUENCY IN JAPAN

A. Definition of “Delinquent Juveniles”

The Juvenile Act¹ classifies juveniles whose cases are heard by the family court into the following three types²:

- A juvenile offender (a juvenile from 14 to 20 who committed a Penal Code offence);
- A juvenile engaged in “illegal behaviour” (a juvenile under 14 who has violated criminal laws and regulations);
- A pre-delinquent juvenile (a juvenile who is likely to commit an offence or violate criminal laws and regulations in the future in light of his/her personality or living environment and his/her tendency not to submit to the legitimate supervision of the custodian).

In Japan, the police and the prosecutors refer all cases of juvenile offenders to the family court. The prefectural governor or the directors of child guidance centres can also refer juveniles who engage in illegal behaviour and pre-delinquent juveniles to the family court.

B. Delinquency Trends in Japan

The number of delinquent juveniles whose cases were cleared for Penal Code offences in 2017 was 35,108, which indicates a significant decrease compared to 178,950 in 1997, decreasing almost 80 per cent in two decades. Of those 35,108 juveniles, larceny makes up the largest percentage of delinquency, which is about 60 per cent (21,340). 10.7

* Chief Instructor, Okinawa Juvenile Training School for Girls, Japan.

¹ Act No.168 of 15 July 1948.

² In this paper, “delinquent juvenile” refers to all three types of juveniles unless otherwise specified.

per cent (3,810) of those juveniles had cases that were cleared for embezzlement, 7.2 per cent (2,553) for bodily injury, and 4.3 per cent (1,546) for assault. The number of pre-delinquent juveniles and the number of juveniles who are referred by the police for prosecution for using or possessing stimulants also decreased.³ The decrease may partly be explained by the decrease of about 30 per cent in the total population of juveniles from 10 to 19 over the past two decades.⁴ Although there might be other explanations related to changes accounting for the decrease of delinquent juveniles, such as the development of social welfare and social media, this paper will not discuss them further.

C. Assessment for Protective Measures

The family court may order a family court investigating officer to conduct an investigation of a delinquent juvenile's social environment. In addition to the investigation, when it is necessary to conduct a hearing, the family court determines whether protective detention is necessary. The decision commits the delinquent juvenile to a Juvenile Classification Home (JCH), and the family court may require comprehensive assessment by psychologists at the JCH. There is a unified assessment tool called the Ministry of Justice Case Assessment tool (MJCA) developed by the Correction Bureau of the Ministry of Justice and implemented in 2013. MJCA is based on Risk-Needs-Responsivity principles and estimates the juvenile's risk of reoffending. The JCH conducts classification based on the result of the assessment and submits a report to the family court.

D. Overview of Protective Measures

In light of the result of the investigation and the classification, the family court can place the juvenile under one of following three protective measures:

- Probationary supervision;
- Commitment to a child welfare institution;
- Commitment to a Juvenile Training School (JTS).

In addition, juveniles who commit particularly heinous crimes can be charged and prosecuted as adults.

The JTS is an institution under the jurisdiction of the Ministry of Justice to which delinquent juveniles are committed upon the order of the family court. JTSs have the following characteristics:

- They accommodate delinquent juveniles from approximately 12 to 20⁵;
- They are single-sex facilities which accommodate either boys or girls;
- There are 51 JTSs in Japan and 9 of them, including branches, are for girls

³ Refer to the "White Paper on Crime 2018" published by the Research and Training Institute of the Ministry of Justice for detailed numbers.

⁴ Refer to the "Japan Statistical Yearbook 2019" published by the Statistical Bureau of Japan for detailed numbers.

⁵ Strictly speaking, a young adult aged under 26 can be accommodated in a JTS. Refer to article 4 of the Juvenile Training School Act for the age limit for residence.

including;

- They operate under the Juvenile Act and the Juvenile Training School Act⁶;
- They are headed by a governor and divided into mainly two sections: the Education and Support Section (also divided into the Education Unit and the Support Unit) and the General Affairs Section.

The following sections summarize the system of the JTS and analyse how the system works effectively to support delinquent juveniles' reintegration into society.

III. FUNCTIONS OF CUSTODIAL MEASURES

A. Assessment for Effective Treatment

Correctional education for each juvenile is carried out based on an Individual Treatment Plan (ITP), which provides the most effective treatment for each juvenile. The process of planning the ITP is described below.

There are 15 classifications of delinquent juveniles in JTSs. Each JTS develops its Correctional Education Curriculum (CEC), the standard courses, including the contents and the standard duration of education, for each classification. For example, the Okinawa JTS for girls has 11 CECs. Every JTS is required to review its curricula at least once a year to revise them if necessary.

When a juvenile is admitted to a JTS (hereinafter referred to as a "resident"), instructors formulate the ITP for each resident based on the designated CEC. In order to formulate an effective ITP, instructors refer to the results of the classification by the JCH and the report of the social environment investigation by the family court to identify the resident's risk, needs and responsivity. The ITP includes the expected duration of custody, goals of correctional education from the viewpoint of relapse prevention and the contents of education and treatment, including methods of the training to achieve the goals. The goals are closely related to the step-by-step process toward release, which will be discussed in the next section.

B. Step-by-Step Process for Social Reintegration

1. Introduction of the Step-by-Step Process

The ITP includes the *expected* duration of custody, of which a resident and his/her parent or a guardian will be informed. However, unlike an adult prisoner whose term of imprisonment is stated by the sentence, the duration of incarceration can vary depending upon the development of the resident. The duration of custody is divided into three stages, the goals of which are clearly stated in the ITP.

Stage 3, the Orientation Stage, is the first stage starting from admission to the JTS. During this period, a resident makes a mental and physical adjustment and prepares for rehabilitation. Instructors build relationships with the juvenile to motivate him/her to cultivate a positive approach to life in the JTS.

⁶ Act No. 58 of 11 June 2014.

Stage 2, the Intermediate Stage, is the second and normally the longest one. At this stage, a resident is expected to actively participate in education and treatment programmes for the purpose of improvement by understanding his/her problems. The resident also needs to consider a career path after release, such as completing school or finding a job.

Stage 1, the Pre-release Stage, is the final stage during which the juvenile is encouraged to carefully consider life after release and prepare for the transition to society. During this period, the juvenile undergoes a series of programmes to prepare for social reintegration. The juvenile needs to find a guardian (if a parent is not suitable) and a place to live since it is necessary to be released on parole.⁷ As the time for release from the JTS approaches, the juvenile is transferred to a separate dormitory to prepare for release.

2. How to Get Promoted?

JTS residents need to achieve the goals of their ITPs in order to get promoted to the next stage; thus, the duration of incarceration will be longer than stated in the ITP if the juvenile fails to be promoted.⁸ Performance assessment shall be conducted aiming at confirming how individual goals are achieved, and an elaborate procedure is required for conducting fair assessments; Instructors assess the degree of achievement of the goals at each stage, how the resident associates with instructors and other residents and how hard he/she works on education and treatment programmes. Finally, the assessment is completed at the Treatment Review Board headed by the governor of the JTS.

Once the performance assessment is conducted, the resident is notified of the results immediately.⁹ Along with informing the resident of the degree of the achievement of his/her goals, instructors clearly explain the next assignments to each resident to help the residents work on them. A promotion ceremony is held to celebrate the promotion of residents to the next stage. These ceremonies are normally held twice a month and, at the ceremony, a resident who gets promoted to the next stage is given a new badge by the governor in front of the instructors and other residents, which motivates the other residents.

C. Education and Treatment Tailored to Individual Needs

As stated above, the education and treatment for each juvenile is carried out based on each ITP. Practically, the content of the education and treatment is composed of programmes provided by each JTS. These programmes are divided into the following five areas:

1. Basic Skills Training

Basic skills training is the core educational programme at JTSs. Broadly speaking, it aims to help residents develop basic knowledge, attitudes and skills to live as responsible members of society. The training is administered in groups and through interviews with instructors. JTSs also provide therapeutic treatment programmes targeting each resident's problems. For example, anger-management and mindfulness programmes are considered effective for helping resident's control their feelings and manage anger.

⁷ In Japan, more than 99 per cent of JTS residents are released on parole.

⁸ One failure generally causes two weeks' extension of release.

⁹ A resident's parent or a guardian is also notified of the results of the performance assessment.

Problems such as violent tendencies and drug addiction are regarded as high-risk factors of reoffending. Therefore, there are special programmes for offenders who committed offences involving murder, physical injury or sexual assault. It is compulsory for most sex offenders (only male) to complete 12-unit-group-based sessions based on cognitive behavioural therapy. There is also a programme for residents who committed murder or physical injury. This programme also consists of 12-unit-group-based sessions, as well as 21 individual sessions. Family members or relatives of the victims occasionally visit the facility to talk to the residents since it is meaningful for the offenders to hear stories of their grief.

Basic skills training also includes facilitating a resident's relationship with his or her family, which is important, especially for those who hope to live with their families after release. JTSs regularly inform the parents or guardians of the progress of rehabilitation. Furthermore, JTSs invite the parents or guardians to participate in events and classes to enhance their understanding of education at the JTS.

2. Vocational Training

Literature and statistics demonstrate that employment greatly supports a resident's reintegration after release. Therefore, JTSs are enthusiastic about enhancing residents' motivation to work and ensuring that they obtain useful knowledge, skills and qualifications for employment. It is compulsory for most residents to complete 108 units of the Basic Job Skills Training, which consists of an elementary course in personal computers, communication skills training, career counselling sessions and so forth.

3. Guidance in School Courses

Residents may take the national examination to obtain qualifications equivalent to a high school diploma. At some JTSs, there are courses available for residents planning to take the examination. As for residents who have not completed compulsory education (normally under 15), the JTS must provide education through the junior high school level.

4. Physical Activities

JTSs provide a broad range of physical activities to foster a healthy body. Under Article 49 of the Juvenile Training School Act, JTSs are required to give residents an opportunity for exercise or physical training at least one hour a day. For example, at the Okinawa JTS for Girls, physical activities include jumping rope, volleyball, badminton, running, dancing (*Eisa*¹⁰) and swimming.

5. Special Activities

Special activities aim to raise a moderately cultured person. It consists of club activities (flower arrangement, music, pottery, calligraphy, kendo¹¹ and so forth), outdoor activities and social contribution activities. Annual events based on Japanese tradition such as the coming of age ceremony, the Doll Festival, the Star Festival and Christmas gathering are also held.

¹⁰ *Eisa* is a traditional Ryukyu dance which is played with big and small drums.

¹¹ Kendo is traditional Japanese martial art of swordsmanship.

IV. REHABILITATIVE ENVIRONMENTS OF JUVENILE TRAINING SCHOOLS

In order to provide effective interventions, ensuring rehabilitative environments of correctional facilities is vital. Issues such as overcrowding, bullying among residents, abuse by staff and corruption can occur in any correctional system, causing human rights violations and unjust and unfair treatment of residents inside the facility. Therefore, the Correction Bureau has been keen to address these problems in various ways.

As for overcrowding, as a result of the decrease of the number of delinquent juveniles discussed above, the number of delinquent juveniles committed to JTSs decreased by more than half in two decades: from 4,989 in 1997 to 2,147¹² in 2017.¹³ Other problems related to the rehabilitative environments are discussed below.

A. Protection of Human Rights

In 2009, four instructors at the Hiroshima JTS were arrested over allegations that they abused the residents of the facility, and they were dismissed due to misconduct. This incident revealed that the human rights of residents in JTSs had not been fully protected, leading to amendments of the Juvenile Training School Act, which was finally enacted in 2014. For the purpose of prevention of abuse by staff, the revised act aims to increase transparency by the measures discussed below.

1. JTS Visiting Committee

For each JTS, the revised act established a “Juvenile Training School Visiting Committee”, whose members include doctors and attorneys. The committee studies the circumstances of the administration of the JTS by visiting JTSs, holding interviews with juveniles reading letters from juveniles, and receiving explanations from the JTS. The Visiting Committee gives its findings and recommendations to the governor.¹⁴

2. Resident Complaint Procedure

Unlike prison, a process for handling residents’ complaints had not been implemented in JTSs until recently. That is why, when the violation of human rights took place in Hiroshima, the victims could not reveal the incident to anyone. In order to prevent such incidents, the act established a process for seeking relief. A resident may file a complaint with the Minister of Justice if the resident has a complaint with regard to the measure taken by the governor of the JTS. The Minister of Justice then conducts an inquiry into the matter and is required to notify the resident of the results. Upon the inquiry, if the Minister of Justice finds that the measure taken was illegal or unjust, the measure can be rescinded or modified.

JTS residents may also file complaints with the inspector who conducts the inspection at least once a year and the governor of the JTS. The inspector or the governor must also notify the resident of the results. The protection of confidentiality of complaints is required, and no staff member of the JTS may treat residents adversely for having filed a

¹² Of the total number, the ratio of larceny offenders is 34.6 per cent (743) and that of bodily injury is 15.3 per cent (330). Except for penal code offences, 48 juveniles were committed to JTSs for using or possessing stimulants.

¹³ White Paper on Crime 2018.

¹⁴ “Connecting Tomorrow: Pamphlet of Juvenile Training School”, Correction Bureau, Ministry of Justice, Japan.

complaint.

3. Proper Procedure Regarding Human Rights

Increasing transparency requires proper procedures regarding the restriction of a resident's rights. Until the implementation of the revised act, most restrictions were left to the discretion of the governor of the JTS, along with regulations of each JTS. In 2014, the procedures on restriction of a resident's rights were clearly stated in the revised act, such as correspondence, visiting, use of retained articles and so forth.

One of the significant improvements is the procedure for disciplinary punishment. In cases where a resident breaks the rules of the JTS, an investigation by instructors shall be conducted. When the investigation is completed, the Treatment Review Board is held to decide whether it is necessary to punish the resident and, if so, what punishment is appropriate. There are two kinds of punishment: admonition by the governor and suspension for up to 20 days.¹⁵ The procedure is clearly stipulated in the revised act, and every punishment is formally recorded in each resident's file. The revised act guarantees that a resident shall have the opportunity to convey his or her opinion to the Board, which was not the case before.

B. Supportiveness and Safety

The rehabilitative environment of the JTS also includes a supportive and safe atmosphere. Bullying, fighting or violence shall never be allowed in a correctional facility, especially in one for juveniles. In JTSs, formulating a support group is effective to maintain the rehabilitative environment.

The daily life of residents of a JTS is basically group based. The group-based lifestyle helps residents develop interpersonal relationships, communication skills and other social skills. For example, sharing a room and equipment inevitably means that the residents need to cooperate with each other to keep the dormitory clean and comfortable, which is a good opportunity for the residents to learn social skills.

Another function of group living is to motivate residents to work on their education and training in earnest. For example, since only residents of the first stage are assigned important roles in their dormitories, such as being selected as a monthly leader, other residents respect them, learn how to contribute to the group and are determined to work hard to get promoted. Rewards are also effective to cultivate motivation. The Juvenile Training School Act contains articles about rewards, and every reward is formally recorded in each residents' file. Residents are normally rewarded when they pass an examination, obtain good grades on performance assessment or perform well in classes. By being commended at the promotion ceremony in front of instructors and other residents, this motivates and improves the self-esteem of the residents.

Although residents live in a group, it should be noted that the residents are prohibited from discussing their personal lives with each other for their own safety. In general, they are prohibited from revealing their age, hometown and the crime they committed. These concerns often distract their attention from rehabilitation and lead to the formation of informal groups among the residents, which often results in bullying. In addition to safety,

¹⁵ According to the facts of or reasons for disciplinary offences or the degree of reflection, admonition by managerial staff may be taken in lieu of disciplinary punishment.

the restriction prevents them from contacting each other once they are released from the facility because socializing with ex-residents could drag the juvenile back into a delinquent life.

C. Medical Care

Since proper health management of JTS residents is required, medical care is provided for free by medical staff who work for the facility, and drugs are prescribed if necessary. Based on a doctor's decision, a resident can see a doctor or a dentist outside the facility when escorted by staff. If constant medical care is necessary for a sick or injured resident, the resident will be referred to a medical JTS.

V. JTS RESOURCES

There is no doubt that the lack of adequate capacity and resources deteriorates the rehabilitative environments of correctional facilities. Thus, every JTS should be well staffed, and living conditions should be reasonably comfortable. The following part of this section discusses the resources of JTSs, such as budget and staff, and also mentions resources outside the facility.

A. Budget

1. Materials Supply

In order to make the life of residents comfortable, proper management of the facility is essential. JTSs supply all the materials for the residents for free. Examples of supplied materials are as follows:

- clothes (school uniforms, training wear, pyjamas, underwear, socks, caps, shoes, sandals);
- stationary and school supplies (bags, notebooks, pencil cases, pencils, pens, textbooks, dictionaries);
- toiletries (towels, soap, shampoo, toothpaste, toothbrushes, sanitary items).

All the materials for the residents should be reasonably clean and supplied fairly. At the same time, it is possible for the residents to buy additional items if they can afford them. They are given an opportunity to order goods at least once a month.

2. Meals

JTS staff cook and serve meals to residents three times a day, and they also serve snacks occasionally. The meals need to be not only nourishing but also moderately tasty so that the meals delight the residents, which is very important at a custodial facility.¹⁶ Vegetables grown at a farm in the facility by the residents as a part of the vocational training curriculum are sometimes cooked and consumed there.

A Menu Meeting is held at least once a month with managerial staff of the facility to discuss the menu, budget and food allergies of the residents. It is also required to conduct

¹⁶ An example of three meals at the Okinawa Juvenile Training School for Girls in November 2019: white rice, miso soup, *natto* (fermented soybeans), and seasoned laver (seaweed) for breakfast; boiled pumpkin, meat-stuffed cabbage roll and milk for lunch; vegetable curry, salad, pickles and yogurt for dinner.

a survey by asking residents to complete a questionnaire about the menu. On the other hand, the residents are strictly prohibited from bringing food or beverage into the facility.

3. Facility

JTS residents usually live in a furnished shared room in a dormitory, and they also share a living room, bathroom, toilet and appliances such as a washing machine and a television. At daytime on weekdays, training and programmes are held in classrooms in separate buildings or outside for farming and gardening. For exercise and physical activities, a playground, a gymnasium and a pool (only available at some JTSs) are provided.

B. Staff

Most correctional officials who work for JTSs are officials called “instructors”. In order to be employed, one needs to pass a specialized examination to become an instructor. Once employed by a JTS, a broad range of training programmes is provided according to their experiences and aptitudes. As explained above, JTS instructors work closely with residents on a personal basis to help them through the rehabilitation process and re-join society. Their work may be different from that of other countries because an instructor’s duties can be described as a combination of multiple occupations such as a counsellor, a teacher and a guard.

It is also noteworthy that most of staff members¹⁷ of JTSs are instructors, including the governor and staff of the General Affairs Section. Consequently, even if an instructor is not directly involved in education or treatment of residents, he/she contributes to the rehabilitation from the viewpoint of an instructor. Some descriptions of their daily work are as follows:

1. Dormitory Staff

Dormitory staff members are instructors assigned to a dormitory, and the staff members work together as a team of each dormitory. It is assumed that most delinquent juveniles have not been well cared for or educated at home or school. Therefore, in that context, instructors play multiple roles as an older sibling, parent or teacher in order to mentor the residents. They advise the residents about healthy eating, teach them how to clean the dormitory and do laundry, exercise together, help them with reading and writing, and encourage them to read books.

The dormitory staff not only provides daytime guidance in the form of educational classes and treatment programmes but also works the night shift to provide evening guidance from 5 to 9 pm and to patrol the facility at night. The patrol is necessary to prevent escape from the facility, violation of regulations, fights among residents or bullying. In order to work in close cooperation, the dormitory staff members share information about all the residents in the dormitory on a daily basis.

2. Individual Assigned Instructor

Individual assigned instructors are key players in the treatment of residents. Every resident is allocated an individual assigned instructor, an instructor who takes charge of the resident, among the dormitory staff. The individual assigned instructor advises the

¹⁷ Exceptions are medical staff and a psychologist who was originally employed at a JCH and temporarily works for JTSs.

resident on overall life in the facility by interviews and exchange of notes. Although it is difficult for the instructor to build a relationship with the resident because many of them have serious trust issues influenced by abusive experiences, building a close relationship with the resident is critical.

3. General Affairs Section Staff

An instructor not only works for the education and support section but also for the General Affairs Section. Instructors assigned to the General Affairs Section are in charge of administration, budget management, planning menus and preparing meals, maintaining the facility including simple repairs, and supplying materials as explained above. They also work on the night shift when necessary and even work as guards in emergencies.

C. Multi-Stakeholder Partnerships

The above section discussed the resources provided by the JTS. However, it is evident that the JTS alone is not able to provide all required support for residents. This section introduces private and public sector support for corrections and also an example of a partnership with the Okinawa JTS for Girls and existing community resources.

1. Close and Cooperative Relationships with the Public and Private Sectors

Since building bridges from a correctional facility to the community is required for smooth reintegration into society, cooperation and coordination between institutional and community corrections are essential. For this reason, conferences and meetings are regularly held several times a year, and a case conference is held to strengthen support after release. If a resident is planning to go back to school, cooperation with the school is also necessary. JTSs regularly send reports about the progress of residents' education to the school.

In order to support residents' employment, the local public employment agency works closely with the JTS. A career counsellor of the agency visits the JTS to interview residents or lecture about their courses after release. As a part of the private sector, registered employers are cooperative resources that help residents find jobs. They sometimes visit the facility to conduct job interviews so that the resident can obtain a job before release. In some cases, they even provide a residence if the resident cannot live with his/her family.

2. An Example of a Multi-Stakeholder Partnership

The last part of this section introduces an example of a multi-stakeholder partnership of the Okinawa Juvenile Training School for Girls. JTSs work closely with existing community resources and build robust partnerships with them.

In 2019, the Okinawa Juvenile Training School for Girls launched a new project named "3Re-Smile",¹⁸ collaborating with multiple sectors of society. The Okinawa Prefectural Government is aiming to cull (euthanize) fewer stray dogs and cats by encouraging their adoption. For that reason, it has begun outsourcing the training and management of the adoption process to the Centre of Protection and Management of Animals of Okinawa. The centre keeps abandoned dogs and cats and tries to find new

¹⁸ "3Re-Smile" means "Rehabilitation", "Reward" and "Return", and also refers to the three smiles of a resident, a dog and people in the community.

owners for them before they are culled. Training the dogs is important to finding an owner in a short time.

The “3Re-Smile” project involves training dogs inside the JTS and finding an owner for the dog in collaboration with the centre. A resident of the Okinawa Juvenile Training School for Girls spent nearly four months training a dog supported by a professional dog trainer sent by the centre. At the same time, all the residents worked together to create a poster to find an owner for the dog. In order to publicize the project, the centre updated its social networking site (Facebook) with photos of the training. Finally, a couple applied for and became the owner of the dog.

Upon the closing ceremony of the project, the resident handed the lead of the dog to the owner in tears, which showed the emotional development of the resident. Throughout the project, including preparation beforehand, the Okinawa Juvenile Training School for Girls succeeded in promoting partnerships with multiple sectors and public understanding about rehabilitation in the facility.

VI. CONCLUSION

Although less restrictive sanctions or dispositions should be considered prior to custodial measures, a correctional institution is responsible for effective rehabilitation as the “last resort”. This paper introduced and discussed the system and functions of custodial measures for delinquent juveniles in Japan mainly from three perspectives: first, JTSs run a broad range of educational curricula and treatment programmes based on an elaborate plan formulated for each of them; second, JTSs establish rehabilitative environments for residents; third, JTSs make effective use of resources such as budget, staff and multi-stakeholder agencies. Instructors support residents’ rehabilitation through a holistic approach. Through these key measures, the JTS system effectively supports residents’ reintegration into society.