

# CAUSES AND PREVENTION OF INAPPROPRIATE TREATMENT IN JAPANESE CORRECTIONAL INSTITUTIONS

*MUTO Yoko\**

## I. INTRODUCTION

This paper addresses the most recent case of assault and inappropriate treatment of inmates that occurred in a Japanese correctional institution and considers some of the causes of inappropriate treatment. It will also introduce specific examples of effective measures to prevent similar inappropriate treatment, based on the author's experience. Finally, the paper will conclude with a discussion of the future issues and perspectives on the efforts.

## II. THE PRESENT SITUATION OF INAPPROPRIATE TREATMENT IN JAPANESE CORRECTIONAL INSTITUTIONS

### A. Nagoya Prison Staff Assault and Inappropriate Treatment of an Inmate

In December 2022, the assaults by Nagoya Prison officers were publicized by the Minister of Justice. The details of the case are as follows. More than 20 prison officers, mostly employed for 3 years or less and relatively inexperienced, had repeatedly abused inmates (e.g., grabbed them by the lapels, slapped them in the face or body, and used other forms of violence) and mistreated inmates more than 400 times between November 2021 and September 2022. Three inmates who were abused had difficulties communicating with others and adapting to group living, because of possibly having intellectual disabilities. The prison officers became angry at the attitude of the inmates for not following orders, for shouting or for repeatedly making the same request, and before long, the officers started to resort to violence.

In Japanese correctional institutions, maintaining discipline and order is considered to be essential to ensure the security of the officers and inmates, a rehabilitative environment for treatment and stable communal living. To maintain discipline and order, prison officers monitor the lives and prison work of inmates, admonish and give guidance to inmates during patrols, and respond to their requests. When it comes to assessment and understanding of the characteristics of inmates, prison officers, for the most part, rely on specialized staff trained in psychology and social welfare. Nevertheless, the inappropriate treatment by the prison officers in Nagoya Prison occurred despite the presence of specialized staff.

### B. Recent Course of Treatment Prescribed by the Corrections Bureau

The Corrections Bureau has issued a policy of introducing treatment according to the characteristics of the inmates, for example, by developing risk assessment tools that incorporate the idea of the RNR Model.<sup>1</sup> In addition, while inmates had an obligation to perform prison work, the importance of providing social support and other measures to those who require more supportive treatment than prison work has been recognized, with the aim of providing flexible treatment based on the characteristics of each inmate. The Nagoya Prison case occurred at the time when correctional services in Japan were undergoing these major changes. This suggests some degree of institutional resistance to the new policies of the Corrections Bureau.

---

\* Section Chief of Juvenile Correction Division 2, Hiroshima Regional Correction Headquarters, Correction Bureau, Ministry of Justice, Japan.

<sup>1</sup> The Risk-Needs-Responsivity (RNR) Model consists of the Risk principle, the Needs principle, and the Responsivity principle, and in order to provide treatment that contributes to the prevention of recidivism, it is necessary to implement treatment that addresses the subject's criminogenic needs in a way that is individually tailored to the subject according to the subject's level of risk of recidivism.

In other words, the actual circumstances within the organizational culture that have been formed over a long history have limited the adoption of the new policies and practices imposed by the Corrections Bureau, such that they have not been fully adopted by line officers and are not reflected in the treatment.

In the course of the investigation by the Corrections Bureau, it became clear that some of the causes and background circumstances of this incident are not limited to Nagoya Prison but could exist in any correctional institution in Japan. From this perspective, this case must be taken seriously as a case that exposed the essential problems facing correctional institutions in Japan.

### **III. BACKGROUND ISSUES OF INAPPROPRIATE TREATMENT**

According to the recommendation document<sup>2</sup> summarizing the results of the investigation by the third-party committee, several points were pointed out as background circumstances: (a) the lack of sufficient consideration and sharing of treatment methods appropriate to the characteristics of inmates, (b) a workplace that makes it difficult to express opinions freely, (c) an environment that places little awareness of human rights and excessive emphasis on discipline and order, (d) a work system under which a young prison officer handles inmates who need special consideration in treatment alone, (e) inadequate mechanisms for supervisory staff to detect inappropriate treatment in its early stages, and (f) dysfunctional systems to provide relief to inmates who have been inappropriately treated.

In this paper, I will focus on two points which can be approached by anyone and also which I have actually felt changes and effects in my experience. The next paragraph focuses on the background of the lack of sufficient consideration and sharing of treatment methods, and discusses measures to prevent its recurrence: promote understanding of the characteristics of inmates and establishing “team treatment” in order to enhance the treatment system. The following paragraphs focus on the background of the workplace that makes it difficult to express opinions freely and discuss ensuring psychological safety in the workplace as a necessary organizational culture change to implement measures to prevent recurrence.

### **IV. IMPORTANCE OF UNDERSTANDING INMATE CHARACTERISTICS**

#### **A. Circumstances in the Nagoya Prison Case**

According to the survey, the prison officers had difficulty communicating with the victim inmate, who had a possibility of intellectual disabilities, and the officers had negative feelings (e.g., irritation, fear and anger) toward the inmate for not following instructions. These negative feelings occurred because of their lack of understanding of the inmate’s characteristics. Nagoya Prison did not fully understand the characteristics of the inmates, and they took uniform measures to suppress the inmates by force in order to make them follow the rules, without considering and sharing appropriate methods of treatment depending on the characteristics.

#### **B. Efforts to Prevent Inappropriate Treatment**

I emphasize the establishment of a system for accurate understanding and sharing of the characteristics of the inmates as a measure to prevent inappropriate treatment, along with examples from my experience in work.

##### 1. Issuance of Guidelines for Appropriate Treatment

In consideration of the proposal made by the third-party committee, “Guidelines for the Treatment of Inmates in Need of Support” were issued in June 2024. These guidelines aim at understanding the characteristics of inmates with intellectual and developmental disabilities, indicating how they should be treated.

---

<sup>2</sup> Nagoya Prison Staff Assault and Inappropriate treatment Third Party Committee, Proposal—Toward a New Treatment in the Era of Detention and Sentencing, submitted on 21 June 2023, available in Japanese at: <https://www.moj.go.jp/content/001398333.pdf>.

## 2. Establishment of a "Team Treatment" System

To implement the guidelines, an individualized support treatment promotion team was established. This is a new multidisciplinary approach involving prison officers, a vocational specialist, and education, psychology, social and welfare specialists to enhance the treatment according to the characteristics of inmates who need special consideration.

In a case I was involved in as a psychologist, an inmate who had been maladjusted in prison due to his developmental and intellectual disabilities was selected for team treatment after he attempted suicide. Prison officers and other specialists held a case conference to discuss how to support the inmate based on his characteristics, and how to provide treatment that would not only make his life easier but also reduce the burden on the prison officer in charge.

The result of this case is as follows. As a psychologist, I shared information about the inmate's maladjustment in society, such as the situations in which he often failed. Other members made suggestions to prevent similar situations and to help him lead an adaptive life in the prison. In addition, when I shared that the results of the individual intelligence test showed he was not good at either understanding the text by reading letters or understanding oral instructions, a social worker proposed to use easy sentences and pictures in the guide for living in prison and the procedure manual for prison work. Additionally, the prison officer in charge stated that there were times when he became irritated and impatient because instructions were not conveyed to the inmate. By receiving suggestions from other participants, the officer decided to incorporate some ideas of using illustrations and diagrams to give instructions. Afterwards, it was told to the inmate that staff members discussed how to make reasonable accommodations to make his life easier. In response to this, the inmate expressed gratitude for the necessary consideration, and instead of attempting suicide due to the disappointment over things not going well, he began to take a positive attitude, saying that he wanted to do the best to live his life. This is a case in which correctional staff with different areas of expertise shared information and exchanged ideas and considered how to treat inmates based on their unique needs and characteristics.

### **C. Challenges and Countermeasures**

As I show in the circumstances of the Nagoya Prison case in the paragraphs above, few staff members have specialized knowledge about disabilities and individual characteristics. Considering this, training and study sessions are necessary to promote understanding of inmates' characteristics, but top-down instructions do not motivate the staff to learn knowledge on their own. Therefore, examining the ways and means to hold study sessions is important. It is desirable to provide opportunities to acquire knowledge during working hours, since training and study sessions held outside of working hours are likely to be burdensome for staff and increase dissatisfaction and resistance. In addition, it is also desirable to incorporate interactive and participatory training, such as group work and case studies, rather than one-way lectures, and to use actual cases of inmates as examples for case studies. This might facilitate understanding of inmates' characteristics and consideration of specific treatment to be provided. In addition, for example, by participating in practical training at welfare facilities, staff members can experience situations in which people with disabilities are actually receiving support, which may be effective in enhancing methods of treatment.

## **V. IMPORTANCE OF HIGH PSYCHOLOGICAL SAFETY<sup>3</sup> IN WORKPLACES**

### **A. Circumstances in Nagoya Prison**

The results of the survey show that psychological safety in Nagoya Prison is low. In a workplace with low psychological safety, staff members will be unable to talk about their opinions, fears and concerns freely. This is because low psychological safety makes interpersonal risks such as being blamed for reporting mistakes higher and makes it impossible to communicate frankly. This leads to staff members having difficulty receiving appropriate advice and support, and so, the negative feelings and stress associated with treatment accumulates. As a matter of fact, some of the staff members involved in the case said that they

---

<sup>3</sup> Psychological safety is a psychological term advocated by Amy C. Edmondson, who studies organizational behaviour, in 1999. It is the state of being able to express one's thoughts and feelings to anyone in an organization with confidence and defined as "a state in which you are confident that other team members will not reject or punish you for what you say."

were not given adequate responses when they consulted their superiors about the treatment of the victim inmates. Also, as an organization, lack of cooperation among staff members due to the low psychological safety among them has resulted in stagnation in sharing information and characteristics about inmates, and so, staff members were unable to learn important information about inmates.

## **B. Efforts to Prevent Inappropriate Treatment**

In order to enhance psychological safety, to create a psychologically safe place where people can talk honestly and can be heard is necessary, and for that, introducing dialogue practices incorporating the Open Dialogue method might be very effective.

The Open Dialogue method is a technique of care that originated in Finland for the treatment of schizophrenia and other disorders and is now also being adopted as a way to deal with human relationships. In correctional institutions, it is considered to be effective in facilitating communication not only between staff members but also between staff members and the inmates. One of the core components of conducting Open Dialogue is a technique called the “reflective interview”. The unique feature of the reflective interview is that there is an “observer” who quietly listens while the speaker speaks to the listener, and the observers discuss afterwards what the speaker talked about, in front of the speaker. The speaker speaks only to the listener and can hear what the observers are saying to each other, and so, the speaker’s “speaking time” and “listening time” are separated. The division into internal and external conversation allows the speaker to talk to their own inner voice, which is more conducive to self-understanding than in a one-on-one interview situation, and because the observer does not directly instruct or advise the speaker, internal and essential changes of the speaker can be expected. Here are two cases of dialogue practices which I experienced.

### 1. Dialogue Practice between Staff and Inmates

An inmate who participated in the practice as a speaker obstinately refused to talk about her crime, which was the murder of her own child, but as time went by, she gradually started to talk about what happened when she committed the crime and her feelings toward her child. She revealed information about her characteristics, such as her tendency to panic when she is overwhelmed by multiple tasks, which was housework and childcare on that occasion. She also mentioned her tendency to go blank when she hears loud noises, on that occasion, her child crying and her husband yelling, and how she felt she was in such a trapped situation when the incident occurred.

By considering the questions raised by the observer who heard the inmate talk about her crime, the inmate became aware of her mental condition at the time of the incident and her own characteristics. This led to the deepening of her self-understanding of the circumstances in which she had felt distress. By repeating dialogue practice thoughtfully, she felt that it was a safe place to talk, and she became able to reveal her true feelings and concerns with peace of mind. It also helped us as staff to deepen our understanding of her sense of distress and characteristics, and this helped us to adjust treatment to her characteristics, such as mitigating her tendency to panic due to multitasking and her sensitivity to sound.

### 2. Dialogue Practice between Staff Members

In a dialogue practice between staff members, a prison officer revealed his concerns about how to treat inmates. A young male prison officer was the speaker, and I participated as a listener. As observers, veteran senior prison officers participated. The young officer talked about being assigned to treat female inmates for the first time, and that he felt an uneasiness which he did not feel when he treated same-sex inmates. Because of gender differences, he felt that he needed to treat female inmates in a manner that is more appropriate for women, but he was not given specific instructions on how to treat female inmates, nor did he have an opportunity to receive advice. The young officer said that he was not comfortable to consult anyone about it, and he had a strong fear of unintentionally treating inmates inappropriately. He also said that he feels that the workplace or his superior would not protect him if he unintentionally treated the inmates inappropriately and complaints were made.

The following factors may have contributed to his honest disclosure. I could not empathize, having never been in a similar situation, but I listened without interrupting him and never dismissing his concerns. Also, the senior staff members who participated as observers indirectly told him that there had been a time when they also had been dealing with similar concerns, and this might have given the young officer the courage to confide his feelings. The executive staff was also there to observe the practice, but because the dialogue

practice was held in a protected place and the framework as an equal relationship among the staff members was established, the officer was able to talk about things that he could not in the daily hierarchical relationship. By pouring out his concern, it led to a reduction of negative emotions and psychological burden from treating inmates.

### **C. Challenges and Countermeasures**

In October 2023, a new general guidance for reform<sup>4</sup> “dialogue practice” was established and several prisons started to work on dialogue practices which incorporate the Open Dialogue method and approach. This dialogue practice is implemented for the purpose of motivating inmates to rehabilitate themselves and helping staff to deeply understand inmates. The importance of this initiative is expected to increase in the future, also to enhance psychological safety and to improve the work environment.

However, many staff members show resistance to the incorporation of the dialogue practices because it is impossible to incorporate the ideas and methods of the Open Dialogue as they are in correctional institutions, which have many restrictions in terms of security. The original way of conducting Open Dialogue is to let the speaker talk about what they want to talk about, and let the speaker take the initiative. Also, the practitioners are not supposed to be instructive or directive to the speaker. In correctional institutions, which put emphasis on security, discipline and order, staff members tend to be one-sided and instructive, and the idea of changing the inmates is strong. In addition, there is a belief that allowing inmates to talk freely about what they want to talk about may lead to cajolement, and this is why many staff members show resistance to the introduction of Open Dialogue. The two cases mentioned above were conducted in a prison where I worked, where inmates with less advanced criminality are detained. It may be more difficult and more problems may be faced when introducing Open Dialogue in other penal institutions that detain inmates with more advanced criminality in terms of security.

Currently, the Corrections Bureau has indicated that, in order to maintain order and discipline, the staff members — rather than the inmate — should take the initiative and decide the topics to be discussed when the correctional institution conducts Open Dialogue. Because there is a discrepancy from the original method of Open Dialogue, this current direction given by the Corrections Bureau is causing anxiety and confusion. Thus, it is necessary to consider how to incorporate methods and ideas of Open Dialogue in correctional institutions to the extent that it does not interfere with discipline, to establish concrete directions for conducting Open Dialogue in correctional institutions and to clearly indicate the directions by making an instruction manual.

## **VI. CONCLUSION**

The following are suggestions based on my work experience. From now on, not just uniform treatment that focuses only on management and guidance but the ability and capacity to provide flexible treatment and support depending on the characteristics of each inmate, with help from experts in welfare, education and psychology, will be required. A drastic shift from discipline toward treatment which emphasizes “dialogue” aiming at well-balanced treatment between security and care is a pressing matter. Also, a work environment where opinions can be freely exchanged and collaboration can take place without being restricted by occupation or position is indispensable to treating inmates as a team. Establishment of a team treatment system with emphasis on “dialogue” might be an important key to preventing improper treatment.

---

<sup>4</sup> Guidance for reform is a programme implemented in Japanese correctional services which is aimed at rehabilitation.