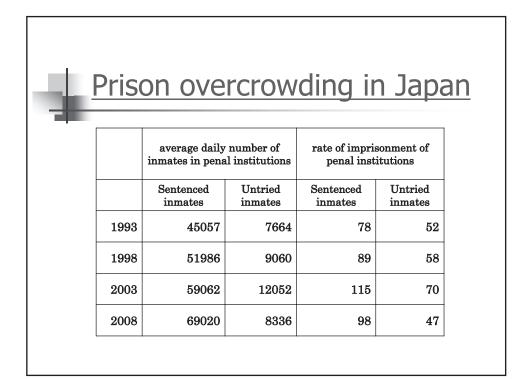
SYSTEM AND PRACTICE TO CONTROL AND REDUCE PRISON POPULATION IN JAPAN

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Pre-trial Detention : System

 Limitation of detention period before indictment

23 days for an offence (maximum)

- Bail after indictmentMandatory and discretionary bail
- Speedy trial procedure for not serious offence



Speedy trial procedure

- <Conditions>
 - consent of the defendant with defense counsel
- <Effect>
 - trial within 14 days after indictment and judgment on that day
 - simplification of examination of evidence
 - limitation of sentencing:
 imprisonment with a stay of execution or fine



Pre-trial Detention: Practice

Moderate use of pre-trial detention

Arrest rate:

about 30 % of all suspects



Diversion: System

Principle of discretionary prosecution

(Code of Criminal Procedure)

Article 248:

Where prosecution is deemed unnecessary owing to the character, age, environment, gravity of the offense, circumstances or situation after the offense, prosecution need not be instituted.



Diversion: Practice

- Active use of discretion by the prosecutor
 - The prosecutions of about 40 % of all suspects for non-traffic penal code offenses are suspended, although there is enough evidence to prosecute.
 - The prosecution of serious offences can be suspended.
- Compensation to the victim as one factor in deciding the suspension of prosecution



Suspended prosecution rate, by type of offense in 2008

Total	60.2
Penal code offenses	80.6
Non-traffic penal code offenses	42.1
Homicide	4.2
Robbery	4.0
Injury	39.7
Theft	42.6
Causing Death or Injury through Negligence in driving a vehicle	90.0
Special act offenses	31.3
excluding violations of road traffic related acts	39.8
Immigration Control Act	56.5
violations of road traffic related acts	29.6