

CONTENTS

CHAPTER 1 STRUCTURE AND ORGANIZATION OF THE CRIMINAL JUSTICE		
ADMINISTRATION		
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	4
A.	Structure	4
1.	Introduction	4
2.	The Supreme Court	4
3.	The High Court	5
4.	The District Court	5
5.	The Family Court	5
6.	The Summary Court	6
B.	Judges	6
1.	Appointment of Judges	6
2.	Categories and Qualifications of Judges	6
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.	Juridical Persons 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	13
II. SPECIAL LAW OFFENCES	13
CHAPTER 3 CRIMINAL JUSTICE FLOW CHART	14
CHAPTER 4 PRE-TRIAL CRIMINAL PROCEDURE	15
I. INTRODUCTION	15
II. CONSTITUTIONAL SAFEGUARDS.....	15
III. INVESTIGATIVE AGENCIES	15
IV. INVESTIGATION PROCESS	16
A. Overview.....	16
B. Arrest	16
C. Post-Arrest Procedure	17
D. Collection of Evidence	18
1. Taking Statements	18
2. Interrogation of Suspects.....	18
3. Searches and Seizures	18
E. The Right to Counsel	18
F. Bail	19
V. DISPOSITION OF CASES	19
A. Monopolization of Prosecution	19
1. Principle	19
2. Exception.....	19
B. Forms of Prosecution	20
1. Formal Prosecution (Indictment).....	20
2. Summary Prosecution (Request for a Summary Order)	22
C. Non-prosecution of Cases	22
1. No Offence Committed	22
2. Insufficiency of Evidence	22
3. Suspension of Prosecution	22
D. Safeguards against Arbitrary Disposition	23
1. Internal Administrative Review	23
2. Committee for Inquest of Prosecution.....	23
3. Quasi-Prosecution	23
E. Victim Notification Programme	24
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. Disclosure	27
3. 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
C. Rules of Evidence	28
1. Hearsay Rule	28
2. Hearsay Exceptions	28
3. Confessions	29
4. Exclusionary Rule	29
D. Adjudication and Sentencing	29
E. Length of Trial	29
IV. APPEALS	30
A. <i>Koso</i> Appeals	30
B. <i>Jokoku</i> Appeals	30
V. EXTRAORDINARY REMEDIES	30
VI. PUNISHMENT.....	31
A. Categories	31
1. Overview	31
2. Death Penalty	31
3. Imprisonment	31
4. Fine, Misdemeanour Imprisonment without Work, Petty Fine	31
B. Suspension of Execution of Sentence	31
C. Outcomes of Court Proceedings	31
1. Formal Trials	31
2. Summary Proceedings.....	32
D. Parole	32
VII. COMPENSATION FOR INNOCENCE	32
VIII. SPECIAL PROCEDURES FOR JUVENILE CASES	33
 CHAPTER 6 CORRECTIONAL SERVICE	35
I. INTRODUCTION	35
II. EFFECTIVE TREATMENT OF INMATES IN PENAL INSTITUTIONS	35
A. Trends in the Inmate Population in Penal Institutions	35

B. Philosophy of the Treatment of Inmates	36
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
III. EFFECTIVE TREATMENT OF JUVENILES IN JUVENILE TRAINING SCHOOLS	39
A. Overview.....	39
1. Structure of Juvenile Training Schools	39
2. Outline of the Treatment Process	39
B. Correctional Education	40
1. Living Guidance	40
2. Vocational Guidance	40
3. Academic Education	40
4. Health and Physical Education	40
5. Special Activities.....	40
C. Medical Care	41
CHAPTER 7 REHABILITATION OF OFFENDERS	42
I. PROBATION AND PAROLE	42
A. Overview.....	42
1. Juvenile Probationers	42
2. Juvenile Parolees	42
3. Adult Parolees	42
4. Adult Probationers	43
B. Parole Procedure	43
1. Parole Examination	43
2. Parole Decision	43
3. Pre-parole Inquiry by Probation Officers	43
C. Probation and Parole Conditions	43
1. General Conditions	43
2. Special Conditions	44
3. Life and Conduct Guidelines	44
D. Implementation of Probation and Parole	44
1. General Framework	44
2. Intake Interviews and Treatment Plans	45
3. Role of Probation Officers and Volunteer Probation Officers	45
4. Day Offices	45
5. Progressive Treatment	45

6. Categorized Treatment	46
7. Treatment Programmes as Special Probation Conditions	46
8. Short -Term Programmes for Juvenile Probationers	46
9. Comprehensive Job Assistance Scheme	46
10. National Centre for Offenders Rehabilitation Project	47
E. Termination of Probation and Parole	47
1. Measures for Good Conduct	47
2. Measures against Bad Conduct	48
F. Outcome of Probation and Parole	48
II. AFTERCARE OF DISCHARGED OFFENDERS	49
III. PARDONS	49
IV. MEASURES FOR CRIME VICTIMS	49
V. MEDICAL HEALTH SUPERVISION	49
VI. CRIME PREVENTION ACTIVITIES	50
 APPENDICES	51
Appendix 1 Number of known cases, crime rate, number of cleared cases, clearance rate, and number of offenders cleared of Penal Code offences (1946-2009)	52
Appendix 2 Number of known cases, number of cleared cases, and number of offenders cleared of Penal Code offences, by type of major offence (1998-2009)	54
Appendix 3 Average daily number of inmates of penal institutions (1950-2009)	57
Appendix 4 Frequency of imprisonment of newly admitted inmates, by type of offence (2009)	58
Appendix 5 Number of parole applications, grants, and rejections (1949-2009)	59
Appendix 6 Number of newly received probationers and parolees (1949-2009)	60