

# Japanese Criminal Justice System and Preventing Re-Offending

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# Crime Trends in Japan

The number of reported crime has been constantly decreasing since 2003.

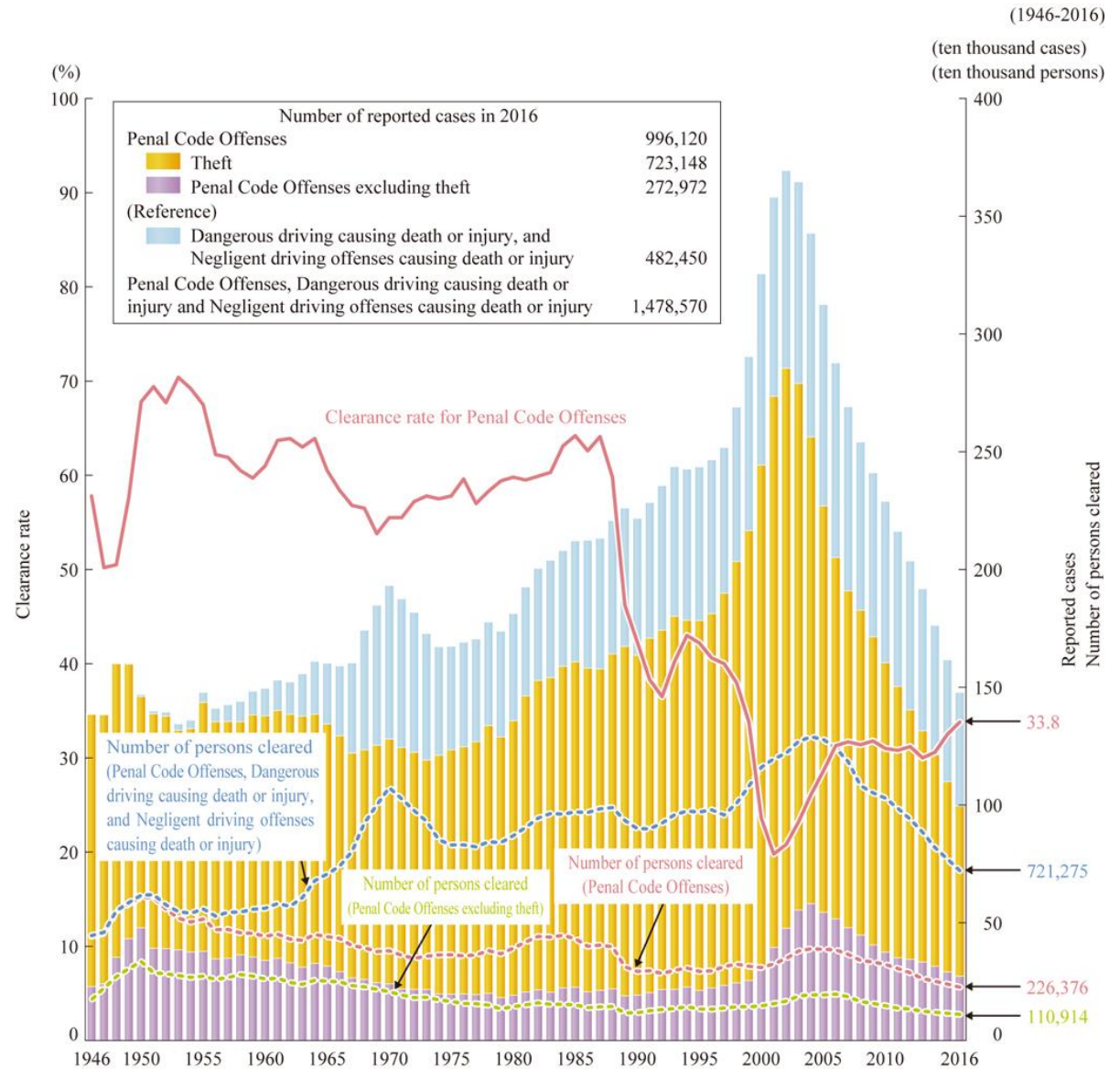
Penal Code Offenses

2,854,061 (2002)

→ 996,120 (2016)

A fall of 65.1%

**Fig. 1-1-1 Penal Code Offenses: reported cases, cleared persons and clearance rate**



Notes: 1. The figures until 1955 include juvenile offender under 14.  
 2. "Penal Code Offenses" until 1965 do not include offenses of Article 211 of the Penal Code prior to the amendment by Act No.54 of 2007.  
 3. Dangerous driving causing death or injury is included in "Penal Code Offenses" for years 2002-2014. Since 2015, the said offense is included in "Dangerous driving causing death or injury, and Negligent driving offenses causing death or injury".

Source: Criminal Statistics of the National Police Agency

Source: [http://hakusyo1.moj.go.jp/en/66/nfm/n\\_66\\_2\\_1\\_1\\_1\\_0.html](http://hakusyo1.moj.go.jp/en/66/nfm/n_66_2_1_1_1_0.html)

# The Rate of Re-Offenders

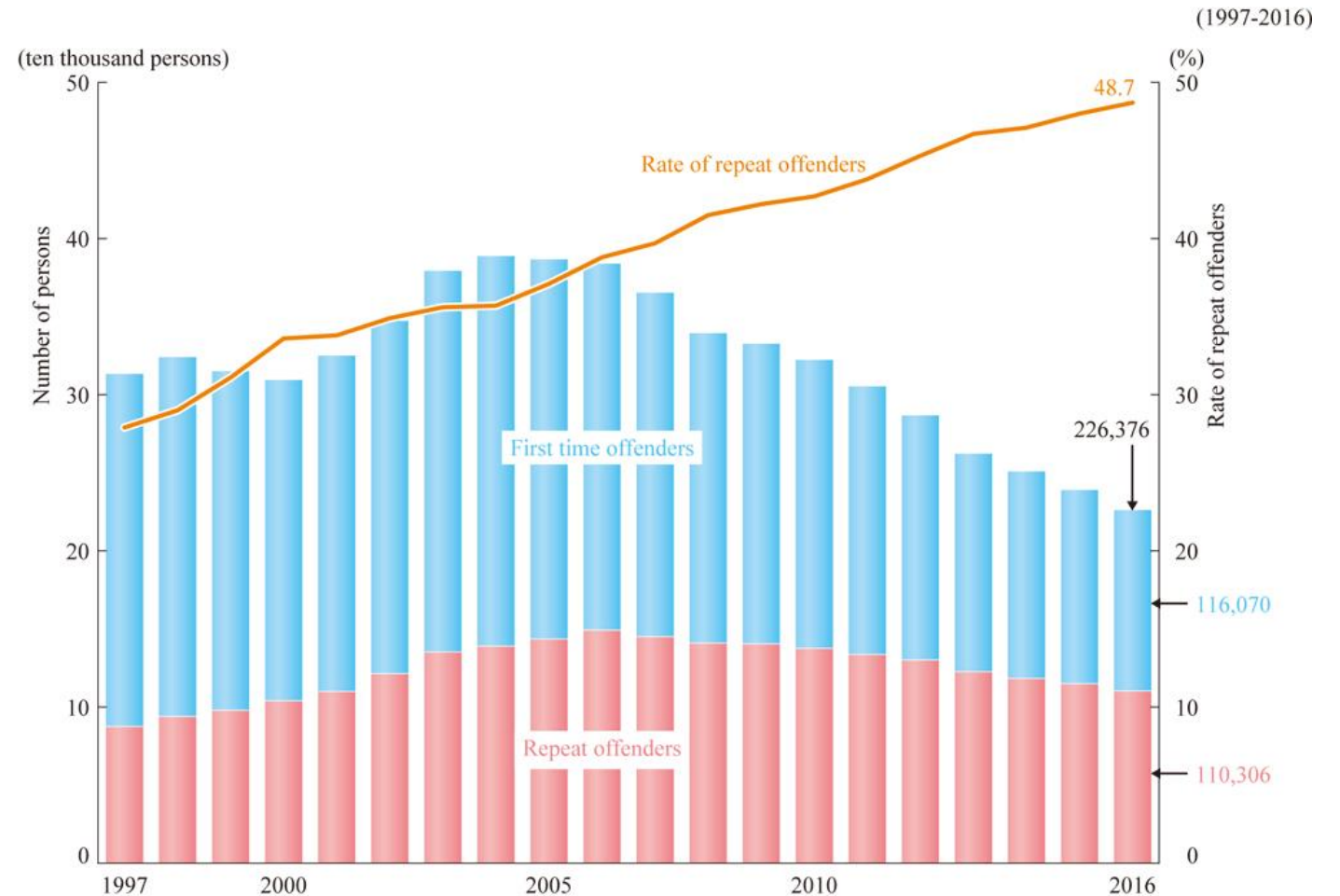
The recidivist rate among all offenders has been rising.

34.9 %(2002)

→ 48.7% (2016)

2016 was the highest since 1972.

**Fig. 5-1-1-1 Penal Code Offenses: repeat offenders among persons cleared, and rate of repeat offender**



Notes: 1. "Repeat offenders" refers to those who had previously been cleared for an offense other than Road Traffic Act violations and were cleared again for a Penal Code Offense.

2. "Rate of repeat offenders" refers to the percentage of repeat offenders among persons cleared for a Penal Code Offense.

Source: Criminal Statistics of the National Police Agency

Source: [http://hakusyo1.moj.go.jp/en/66/nfm/n\\_66\\_2\\_5\\_1\\_0\\_0.html](http://hakusyo1.moj.go.jp/en/66/nfm/n_66_2_5_1_0_0.html)

# Precision and Humility

## - key characteristics of Japanese system

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### ➤ Arrest rate per 100,000 people (2017)\*

— **93** = Number of arrested people **118,446**/ estimated population **126,700,000**

cf) England & Wales (2016/17) : 1,180\*    USA (2017) : 3,251.5 \*\*

### ➤ Conviction rate (2017)\*\*

— **99.9%** = Number of Not guilty **130**/ Finalized judgements **299,319**

cf) Prosecution and Suspended prosecution rates (2017) \*\*\*

Public trial : 83,988 (7.9%)    Summary order procedure : 245,529 (23.1%)

Suspended Prosecution : 606,256 (57.0%)    Insufficient Evidence etc. : 65,438 (6.2%)

### ➤ Prison population rate per 100,000 people (2018)\*\*\*\*

— **41** = Prison population total **51,805**/ estimator population **126,520,000**

cf) England & Wales (2018) : 140    USA (2018) : 655

# “Hostage Justice” system?

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- We usually coerce a confession by a long detention?
  - The Possibility of Destruction of Evidence, High or Low?
- Precision
  - No Distinction between a Plea of Guilty and Not Guilty
  - The Importance of Corroborative Evidence
  - “Too Detailed Criminal Justice System” and Public Support for it
- Humility
  - Poor Measures to Prevent Destruction of Evidence
  - In England and Wales, Adverse inferences from a Defendant's silence, Section 2 of the CJA 1987
  - Public disgust for police power and preventive measures

# Re-Offending - Another problem

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## ➤ Precision

- Sentencing strictly according to What the Offender did not to their Dangerousness
- Assessment of Risks and needs has been lamentably slow
- Fair, but Ineffective to Prevent Re-Offending

## ➤ Humility

- No Preventive Measure for Re-Ofending
- No Extended Custodial Sentence
- No Extended Term for Treatment within Society

# the 2016 Act to Promote Prevention of Recidivism

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## ➤ The Purpose

To protect the public and create safe and secure society **by promoting smooth re-integration of offenders into society** with public support and cooperation

## ➤ The Basic Philosophy

- Support offenders to be a member of the society again
- Supervision and support seamlessly through the prison gate
- Realization of responsibilities and the victims' feelings, and importance of self-help
- Effective policy based on the research study of crimes

## ➤ The Measures

- Collaboration between the national government and the local public authorities
- Setting a Plan to implement measures for the prevention of recidivism

# the 2017 Plan to Implement Measures for the Prevention of Recidivism

## 5 Basic Principles

1. Close collaboration among the national government, the local public authorities and the private sector
2. Supervision and support seamlessly throughout the criminal justice system
3. Realization of responsibilities and the victims' feelings, and the importance of self-help
4. Effective policy based on the reality, verification and research study of crimes
5. Government publicity to create the public interest and understanding

## 7 Priority Areas

Finding job and accomodation

Effective supervision to meet individual needs

Upgrading both human and material resources

Collaboration with healthcare and welfare services

Promoting the private sector's activities

Support for continued learning with schools

Strengthening of collaboration with the local public authorities



# Conclusion

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- Perfect Criminal Justice System?
- Misunderstandings about Japanese System
- The Number of Arrestees and Inmates
- Detention has been carried out in a Careful Manner
- The Measures to Prevent the Destruction of Evidence
- The Biggest Problem is Re-Offending
- Integrate way to Prevent Re-Offending
- What's important to Build a Safe and Secure Future?