

PROBATION AND VOLUNTEERS IN JAPAN

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Abstract

Origins of the probation service, its administrative structure, the respective roles of Professional Probation Officers ("PPOs"), *hogo kansatsu kan*, and the nearly 50 times more numerous Volunteer Probation Officers ("VPOs"), *hogo-shi*, are described. Recruitment of VPOs, their backgrounds, increasing age, methods of work and training is outlined, followed by activities of local VPO Associations, Offender Rehabilitation Support Centres and other voluntary organisations with whom they work. Strengths of the distinctive Japanese VPO system are analysed, followed by a discussion of challenges it faces.

Key words: Probation, Japan, Volunteers, Strengths, Challenges.

Introduction

While research, literature and discussion is increasing, growing voluntary sector and volunteer involvement in a more heterogeneous criminal justice landscape remains understudied (Hucklesby and Corcoran, 2016, Tomczak and Albertson, 2016, Tomczak, 2014). Volunteers, drawn from the community, are significant in many countries. It is important to assess the impact of volunteers in promoting desistance from criminality and their relationship with rehabilitation professionals throughout the world. Drawing on material obtainable in English, this article explains the central, and generally accepted, place of volunteers in Japanese probation and rehabilitation and describes challenges they face. It is partly also based on discussions, loosely structured interviews and correspondence with professional probation officers ("PPOs"), Volunteer Probation Officers ("VPOs"), officials in the Ministry of Justice, workers in halfway houses, lawyers and university academics, all of whom generously gave their time during the writer's visits to Japan in 2016 and 2017.

Key features of the modern probation system in Japan

Although organized rehabilitation of offenders is clearly traceable to the late 19th Century, the present system arose after the Second World War (Rehabilitation Bureau, 2015 : 2-4; Watson, 2018:2). As part of sweeping reforms of pre-war criminal procedure in Japan by the mainly American "General Headquarters of the Allied Powers", which operated until 1951 (Oda, 1999: 29-31; 423), the Offenders Rehabilitation Law 1949 introduced a modern rehabilitation system to protect society, promote the welfare of the public and aid the reformation and rehabilitation of offenders¹.

In 2015, 18,203 juvenile probation orders were made and 3,460 adult probation orders by courts in Japan. During that year 2,871 juveniles (and 13,570 adults) were put on supervised parole. Related to reduction of reported crime, now at a post-war low, the number of newly placed supervisees has steadily decreased since 2009 when it stood at 48,488. However, by far the biggest fall, close to eight thousand (from 26,094 to 18,203), has been in juveniles on probation. Numbers of juvenile parolees reduced by nearly one thousand, from 3,869 to 2,871 (Ministry of Justice, White Paper on Crime, 2016: Chapter 5, Section 2/1). In 2016 the overall number of persons supervised by the probation service was 71,441 comprising 18,444 adult parolees, 6,820 juvenile parolees, 13,764 adult probationers and 32,413 juvenile probationers (Statistics for that year kindly provided on 25th January, 2018 by Mr Morikawa of the Ministry of Justice, Tokyo). As can readily be seen, young people placed on probation by the Family Court are the largest group supervised by the probation officers, amounting to nearly 46 percent of the probation service's caseload.

There are 50 probation offices, 3 branches and 29 local offices throughout Japan (Akashi, 2015:5), administered by the Rehabilitation Bureau, one of six departments within the Ministry of Justice. A striking feature of the Japanese probation system is how few Professional Probation Officers ("PPOs") are appointed compared to the large number of Volunteer Probation Officers ("VPOs"). Figures supplied by the Rehabilitation Bureau show that at the end of 2014 there were approximately 1,000 PPOs, employed as civil servants by the Ministry of Justice, (additionally some 112 PPOs work for Regional Parole Boards) and over 48,000 VPOs, who support them by providing offenders with additional supervision and assistance.

¹ Article 1. The law relating to probation and parole is now contained in the Offenders Rehabilitation Act 2007, often referred to as the "Basic Law", replacing both the Offenders Rehabilitation Law (1949) and the Law for Probationary Supervision of Offenders under Suspended Execution of Sentence (1954).

The foremost duties of PPOs in both adult and juvenile cases are supervision of probationers and parolees which requires close collaboration working with VPOs. Additional duties of PPOs, in some of which they are assisted by VPOs, include; inquiry into domestic circumstances for purposes of possible parole from prison or Juvenile Training School; aftercare such as financial assistance for accommodation, meals, transport and clothing for discharged offenders who apply for it (Rehabilitation Bureau, 2015 : 30); liaison with halfway houses run by voluntary organisations to obtain accommodation for persons released from prison or Juvenile Training School; promoting crime prevention activities and investigation and application for individual pardons (Rehabilitation Bureau, 2015: 32) as well as organising and conducting training for VPOs and staff in halfway houses.

An offender placed on probation or released on parole is required to report immediately to a probation office for an interview with a probation officer during which the way probation or parole supervision operates is explained. The probation officer then designs a treatment plan based on the interview, relevant records and an assessment of need and risk (Akashi, 2016: 31-32). Unlike England and Wales, the United States, and many other countries, a range of actuarial and clinical assessment tools, the importance of which remains controversial, are not employed in quantification of risk of further offending and drawing up supervision and treatment plans. As well as general conditions that apply to all supervisees, including attending interviews and residing at an agreed address, special conditions may also be imposed such as avoiding contact with a certain person or group, attending a special programme on preventing sex offending, violence or stimulant drug taking and, since 2015, participating in social contribution activities, a form of community work (Rehabilitation Bureau , 2015: 22). Special conditions, selected from those available under the Offenders Rehabilitation Act, 2007, are imposed by Regional Parole Boards on the basis of proposals made by the director of the probation office. Based on opinions of the court, special conditions are placed on probationers by the director of the probation office. Unlike general conditions, special conditions may be added to, altered or withdrawn in accordance with individual circumstances during parole and probation.

The Director of the Probation Office assigns a VPO as the day-to-day supervisor of the offender. Regular meetings, two or three times a month, take place with the VPO, usually at his or her home, but visits to offenders' homes are also sometimes made. Meetings at VPOs' homes are a very distinctive, and often surprising for observers from abroad, feature of the Japanese probation system which communicates trust in those under supervision. In accordance with the treatment plan, the VPO visits and works with the supervisee's family and provides guidance and practical support for him or her, often helping to obtain and keep employment. The VPO submits a monthly progress report to the PPO who, if necessary, intervenes with the offender and can begin procedure to revoke parole or probation. In 2014 4.6 percent of adult parolees had parole revoked. Revocation occurred in 25 percent of those for whom probation had been ordered by the courts (Akashi 2015 : 10).

If thought unsuitable to be assigned to a VPO, a parolee may be supervised directly by a PPO. In certain circumstances a parolee or probationer can be allocated to more than one VPO.

Another key task undertaken by VPOs is visiting the families of those serving custodial sentences to investigate their domestic circumstances. Information about family relationships, accommodation and employment prospects is then sent to PPOs who make it available to Regional Parole Boards. In the course of these duties VPOs write to prisoners or visit them to confirm information and ascertain their

future plans. It is not unusual for a VPO who has already contacted a prisoner to be appointed as his or her supervisor on release.

Volunteer Probation Officers

Legally defined, VPOs are non-permanent government officials and remain private citizens (Volunteer Probation Officers Act 1950, ("VPO" Act") Article 3) . As such they are not prohibited from political activities or bound by the civil service code of ethics. The maximum age of appointment is 66. Although their term of office is two years (VPO Act 1950, Article 7) they can be continuously reappointed until a retirement age of 76. More than half all VPOs have served for more than eight years, nearly a quarter fifteen years and over a tenth twenty or above years (Minoura, 2015:3). They are not paid a salary but are entitled to be reimbursed for expenses necessary to perform their duties up to set limits in approved categories. VPOs are also eligible for compensation for injury sustained during their work. The scope of compensation was expanded in 2012 to include damage to property and injury to family members and damage to their property due to the acts of probationers, parolees or their families (Minoura, 2015: 9). Article 3 of the Volunteer Probation Officers Act 1950 requires VPOs to be: highly regarded for their character and conduct; enthusiastic and have sufficient time to accomplish their necessary duties; financially stable; and healthy and active.

On the basis of information supplied by the VPOs' Association for the area covered by the office, or from other sources, the first stage in recruiting VPOs involves the probation office director listing candidates. Candidates are usually recommended by present VPOs. The director then seeks an opinion on each candidate's suitability from the VPOs' Screening Committee. The Screening committee, established at each probation office under the VPO Act (Article 5) , is made up of representatives of the courts, prosecutors, local bar association, correctional institutions, other public associations in the community and learned citizens. Candidates found to be acceptable by the Committee are then recommended to the Minister of Justice for appointment (Minoura, 2015: 3- 4, Muraki, 2015 :2-3).

The maximum number of VPOs permitted by the VPO Act (Article 2) is 52,500 nationwide. (Statistics provided by the Rehabilitation Bureau show that on the 1st January 2015 the actual number was 47,872 of whom 26% were women.) Although 90% of appointments are filled, the rate is decreasing, especially in urban areas. The average age of VPOs was 64.7 years. The majority (51.4%) were 60 to 69 years old, followed by 70 years of age and above (28.5%), 50 to 59 years old (15.7%) and under 50 years (4.5%). Drawn from various occupational backgrounds, the largest group (27.1%) was persons in unpaid employment, including housewives, followed by employees of companies or other organisations (22.6%), members of religious professions (11.1%), persons in commerce service industries (9.2%), those working in agriculture, forestry or fisheries (7.6%), and other occupations, which included manufacturers, schoolteachers and those engaged in social welfare (Otsuka, 2015: 2). In 1953 the average VPO age was 53. By 1974 this had risen to 60. Women comprised 7 percent of the total number of Volunteer Probation Officers in 1953. In 1986 this had risen to 20 percent (Ministry of Justice, White Paper on Crime 2014: Figure 2-5-3-2).

Following their appointment, VPOs are allocated to a "probation district" and become involved in activities within it. Probation districts are administrative areas created by subdividing the territory of each probation office. As of 1st January 2015, there were 886 probation districts. Probation officers are assigned to one or more probation districts. Acting as district case managers they are responsible

for supervision of those on probation or parole within them.

VPOs in each probation district are required, by an amendment, made in 1998, to the VPO Act (Article 13), to establish a VPOs' Association (similar organisations existed in many areas on a voluntary basis beforehand). Associations hold a general meeting each year and elect a chairman, vice chair and board members. Their activities include channelling assistance from more to less experienced VPOs and offering VPOs opportunities to meet others and to "network", sometimes at social events. Training is also undertaken. This may consist of holding seminars for newly appointed VPOs, organising case study meetings, visiting penal institutions and inviting police officers, school teachers and lawyers to give presentations. Maintaining relationships with probation officers and local authorities, organising and publicizing community activities and the circulating a newsletter are also important aspects of their work.(Otsuka,2015:4-5)

The Probation Office provides training for VPOs within its area. New appointees must attend an initial course which mainly covers basic information about the system of offender rehabilitation. This is followed by a course on basic treatment skills, run annually, for VPOs who have served less than two years. VPOs of between two and four years experience, attend a training course, also presented each year, designed to reinforce their abilities of leadership and like the previous course, to expand their practical knowledge and skills. Special training courses on treatment for sex offenders, drug offenders and the mentally disordered, usually delivered by probation officers specialising in these areas, are also provided. In addition to the training already outlined, guidelines issued by the Rehabilitation Bureau of the Ministry of Justice oblige Professional Probation Officers ("PPOs") to provide regular training for VPOs at each probation district. Held about every three months, they cover various themes and are designed to develop VPOs knowledge and practical skills (Akashi 2016: 13; Otsuka, 2015:5; Muraki, 2015: 4-5.)

The Ministry of Justice has encouraged probation offices to establish Offender Rehabilitation Support Centers ("ORSCs") to assist VPOs and their associations. By March 2015 some 345 were open. Funding for a further 42 was obtained in 2017 (Porporino 2017 : 2). Located in buildings rented from local government, or other public bodies, ORSCs are staffed on weekdays by experienced VPOs. VPOs' Associations may use ORSCs to hold meetings, cooperate with related agencies and consult with the public (Nukata, 2016a). If they wish, individual VPOs may conduct interviews at these locations, rather in their homes or those of probationers or parolees. Opposition from family members to visits by offenders and limited domestic space for interviews in large cities has been identified as discouraging some people from becoming or remaining VPOs (Muraki, 2015 : 7-8). Provision of these centres may help recruitment and retention, enhance co-operation with local government and other bodies and help gain wider public understanding of VPOs' work.

Halfway houses and other voluntary bodies

Halfway houses are an important feature of rehabilitation in Japan. They accommodate persons from prison or Juvenile Training School, who otherwise would not be eligible for parole because of they lack a place to live, and on probation and other persons released from prison or Juvenile Training School after the end of their sentence from which they did not obtain parole. The average stay is three months. Staff help residents cope with the sudden change brought about by release from a highly disciplined and regimented custodial regime, foster a sense of self-reliance and assist them to find

housing and employment in co-operation with public employment offices and employers who are members of the Cooperative Employers Organisation (a national non-profit making body of employers willing to employ former offenders).

Additionally, in recent years social skills training and programmes for drug and alcohol abuse have been developed. It was explained to the writer that the Ministry of Justice is carrying out training courses for halfway house staff on treating these conditions. Some halfway houses collaborate closely with Nihon DARC, a nationwide voluntary organisation which holds self-help meetings and provides residential and day centre treatment for drug addicts and alcoholics. Most halfway houses were established in the 1880s by volunteers (Rehabilitation Bureau, 2015: 7). They remain privately run and number 103 throughout Japan (For a map showing their geographical distribution see Akashi, 2015: 7). Most are in urban areas.

Three halfway houses receive only juveniles, 19 house just adults, whilst 81 take both. Ninety house only men. Seven halfway houses exist exclusively for women and six provide accommodation for both men and women (Akash,2015:7). On the 1st November 2015 the total halfway house capacity was 2,354 places. During the financial year 2014 some 8,237 persons were accommodated. Halfway houses took more than a quarter of prison parolees. A total of 710 persons were employed nationally in half way houses, an average of 6.9 staff in each. More than 60% of all employees were concurrently appointed as VPOs in 2015 (Akashi, 2016:17-18.). Further local VPOs and VPO Associations in the area often assist in various activities. At the Step Oshiage Halfway House, Tokyo, visited on 26th July ,2016, it was explained members of the local Volunteer Probation Officers Association provide a number of entertainments including a twice yearly "curry feast".

Practical help may also be provided by members of the Women's Association for Rehabilitation Aid ("WARA"), a voluntary nationwide organisation with nearly thirteen hundred branches and a very large membership (see below). Members of WARA collect food for residents at Step Oshiage Halfway House, Tokyo and donate cooking and other food.

The Ministry of Justice supervises half way houses. They receive 75 percent of their budget from the national government. Professional Probation Officers contact halfway houses and ask them to accept a particular parole candidate or probationer. Despite willingness to change and progress demonstrated by individuals in custody, it remains correct to say that, principally because of concerns about neighbouring residents, many halfway houses are hesitant to accept those convicted of sex and drug offences, violence, arson and members of organised crime groups. To help such categories of offenders the Ministry of Justice established, in 2007, National Centres for Offender Rehabilitation to provide temporary accommodation, coupled with intensive supervision and assistance in finding employment by probation officers. However, the total number of places at the four centres created is only 58, a number confirmed by the Ministry of Justice in a written answer in April, 2019. Plans to build another centre in Kyoto met with strong opposition from local residents. Since 2009, the Ministry of Justice has encouraged, with some limited success, halfway houses to widen the types of offenders they will accept . Because of an exceptionally good relationship with its neighbours, the Step Oshiage Halfway House in Tokyo, which has 38 places, does accept persons whom other halfway houses might be reluctant to receive.

In addition to VPOs and halfway houses, other voluntary organisations give considerable support to adult and juvenile offenders and have close ties with the probation and rehabilitation system already described. The Women's Association for Rehabilitation (WARA) is a large organisation that conducts a variety of activities including promoting the idea of rehabilitation of offenders, support and encouragement for probationers and parolees, co-operation with VPOs, crime prevention measures, and assisting young mothers experiencing difficulty in raising their children. In 2015 WARA had 170,066 members and 1,293 branches (Akashi, 2016 : 19). It is almost a convention that the wife of a male appointed as a VPO will join WARA. Many women who are appointed as VPOs joined WARA earlier in their lives.

Big Brothers and Sisters Association ("BBS") is a youth organisation with 50 local branches, including in universities and high schools, and a membership of just over 4,500. Its members try to relate to juveniles similar to a responsible older brother or sister to deflect them from crime. Members take part in "befriending activities" such as sports, karaoke, barbecuing and talking and studying together, to gain their trust, give them a greater sense of stability and act as positive role models. BBS intervention is usually requested by Probation Officers, who suggest the approach to be taken for each young person, but may be initiated directly by Family Courts or child guidance centers. (Osaki, 2013). Some BBS members are interested in becoming Professional Probation Officers or VPOs later in life. A number of VPOs interviewed expressed the hope that BBS will expand to counterbalance the increasing average age of VPOs, seen by some as an impediment to understanding young people.

"Co-operative Employers" is a national non-profit making voluntary body with nearly fourteen and a half thousand members who have said they are willing to employ former offenders (Akashi, 2016: 19). Construction firms account for about half, followed by the service industry, approximately 15 percent and manufacturing just over 13 percent. However, despite the large number of firms who claimed they were prepared to take former offenders, a survey conducted for the Ministry of Justice Rehabilitation Bureau in 2013 showed a mere 3.4 percent of the membership had done so (Watson, 2017: 190; Japan Times 20th December, 2016) . Following this the Ministry renewed requests to employers to employ former offenders. Membership of Co-operative Employers subsequently rose by nearly four and a half thousand. Amongst employers who have taken on convicted persons are former offenders. Since April 2015, employers may receive payment from the Ministry of Justice when they employ and support a probationer or parolee for a certain period. This scheme is expected to boost the number of parolees and probationers in work. More and more local governments are introducing schemes to employ probationers and parolees as temporary staff or to give preferential treatment in considering tenders to employers who hire them.

Strengths of the VPO System and some challenges it faces

Strengths

The VPO system has undoubted solid strengths. Geographical proximity between supervisees and VPOs enables them, if necessary, to intervene rapidly. Social resources and practical assistance, including introductions, an important form of social capital, can be offered to supervisees. Supervisees and their families are frequently reported as seeing VPOs more like neighbours, and, particularly from the perspective of juveniles, similar to unthreatening and helpful uncles and aunties, rather than government officials. This may allow juveniles to be more responsive to VPOs. What may also

be helpful is greater respect said to be accorded to older people, by those younger, in Japan than in contemporary countries. Many VPOs demonstrate genuine concern for supervisees, helping them regain respect, or acquire it for the first time, and identify with a law-abiding and pro-social culture. In contrast to PPOs who are moved to different offices every two or three years, they may provide continuity of support which sometimes, by informal mutual agreement, extends beyond the period of supervision bolstering stability in lives of former offenders (Akashi, 2016:15; Otsuka, 2015:4). Continuity of contact is contributed to by the fact that over half of VPOs have been in that role for more than eight years.

Debate exists about whether the VPO system, the main feature of Japanese community corrections, reduces offending and, if so, to what extent. This is partly fuelled by absence of "what works" research. Leaving aside speculation why, considerable methodical challenges would attend such a project. It can, however, be said that the VPO system incorporates elements identified by research elsewhere as essential for successful volunteer initiatives in criminal justice including prioritising engagement and participation, practical assistance, tailoring to individual offender needs, continuity and good co-ordination (Porporino, 2017: 3 - 9).

An important aspect of the VPO system is cost. Allocation of resources to community sentences is an inescapable and increasingly important consideration in many countries. An effective probation system exists in Japan, at relatively low expense, which combines state and voluntary effort and is firmly rooted in the community. This stability of this model has been contrasted with the volatility and certainty resulting from partial privatisation of probation in England and Wales in 2014. This led to a marked deterioration in standards of supervision, especially for low and medium risk offenders, and necessitated expensive government intervention to prevent the system's collapse (House of Commons Justice Committee, 2018). In a search for new directions, interest in Britain about involving volunteers in probation and other community sentences has grown. Japan has been suggested as a country further of further study. It is notable that the VPO system in Japan has been a major influence on probation services in other lands including Kenya, Malaysia, Philippines, Singapore, South Korea and Thailand (Information about volunteer probation officers in these countries may be found in Part IV, *Volunteer Probation Officers and Offender Rehabilitation*, a Special Monograph Issued for the Third World Congress on Probation, Rehabilitation Bureau, Tokyo, Japan, September, 2017.)

Challenges

A general view exists that the number of probationers and parolees with diverse and complicated problems, including drug and alcohol addiction, aging, mental illness and developmental disorders has increased. Especially in large Japanese cities, family ties and local community bonds have weakened, resulting in fewer supervisees receiving support from their families. Further making the task of rehabilitation more difficult is the prolonged economic recession limiting supervisees' employment prospects (Minoura, 2015: 9-10).

Filling positions

Turning from what might be called broad external challenges to those internal to the VPO system, although 90 percent of VPO positions are filled, since 2008 there has been a slow but consistent decline, especially in urban areas (Ministry of Justice, White Paper on Crime, 2014:Figure 2-5-3-1). In Tokyo the percentage is about 80 (Muraki, 2015: 1-2). The average age of VPOs has risen to 64.7.

Almost 80 percent of VPOs are over 60 and only 4.3 percent under 49. Approximately 60 percent of offenders are under 20 years old. The number of VPOs who retire within the first five years of their appointment has grown to almost 15 percent.

The chief reason put forward for the lack of younger people who apply to become VPOs is lack of time. Because of the persistent economic recession, persons employed by companies are increasingly expected to work unpaid overtime and often face long commuter journeys. The economic climate has made it harder for the self-employed to take time off. Persons who might have retired earlier work longer. In interviews with members of the Ota City (Tokyo) VPO Association it was stressed that the understanding of businesses should be cultivated so they would allow younger people time off to become VPOs. It was suggested that central and local government show a lead. A VPO interviewed in Kyoto thought attempts should be made recruit from civil servants who he believed had more time available than those in the private sector. A criminal procedure professor at Osaka City University thought that the government could legislate to give people a right to time off to be a VPO, although, given work pressures, he wondered how many people would exercise it.

Commitment, Recruitment and Retention

Although not widespread, there is criticism of the quality of some VPOs. It was reported the amount of commitment varies from the very highest to those who do the bare minimum. Much recruitment customary involved a VPO heading towards retirement requesting, sometimes repeatedly, someone known to him or her in the community to be a replacement. His or her name was sent to the President of the local VPO organisation and then onwards for consideration by the screening committee at the probation office. It was said that some who permitted their names to be put forward did so out of a sense of duty or obligation (*giri*) to the person who had nominated them rather than out of genuine desire to be a VPO. Accordingly, their dedication might not have been great and they retired early. Nomination and appointment of people who had led lives radically different from supervisees may have resulted in problems relating to each other. An example given to the writer was of a retired successful business woman in her late 50s who experienced these difficulties and resigned as soon as possible.

Because of greater movement of population and anonymity of modern urban life, weakening social bonds and personal relationships, the effectiveness of traditional methods of identifying suitable VPOs came to be seriously questioned. From 2008, to obtain capable candidates and make the process of recruitment more transparent, some VPO Associations set up "VPO Candidate Information Meetings". These involve local government officials, members of neighbourhood associations, child welfare workers and voluntary workers presenting information about persons who might be approached with a view to nomination. Since 2013 such meetings take place in all probation areas. Members of Ota City VPO Association considered this had led to a marked improvement. It was mentioned that female members of Parent Teacher Associations whose children were soon to leave school were quite frequently identified at meetings.

Suggestions have been made that in order to widen further the pool of potential VPOs advertisements should be placed in the press. An editorial in the Japan Times (12th December, 2012.) proposed the government should consider paying VPOs salaries to help increase recruitment and retention. This idea was strongly opposed by VPOs, as well as PPOs, interviewed in Kyoto and Tokyo who

emphasised that the spirit of voluntary service was essential and thought that payment would alter the whole dynamic, including the way supervisees regard VPOs and their working relationship with PPOs, deter applicants and reduce retention.

One reason identified for reduced recruitment is limited domestic space, especially in urban areas where apartments and houses are small, to hold interviews with supervisees. Worry by family members about their visits is also a factor. Partly to deal with these concerns local VPO Associations were encouraged by the Ministry of Justice to open Offender Rehabilitation Support Centers ("ORSC") where interviews can be conducted instead of at home. It was reported that about 20 percent of VPO interviews in the Ota probation district in Tokyo now take place at the ORSC. As previously mentioned, with an eye to recruitment and retention, a compensation scheme for VPOs and their family members who suffer injury or property loss has been introduced by the Ministry of Justice.

ORSCs act as a hub for local VPO Associations and raise their profile. Greater public familiarity with their work may lead to more interest in becoming a VPO. There was agreement amongst members of a panel of VPOs assembled to assist the writer that while knowledge of their work had increased, it was still not generally understood. One VPO referred to television drama portrayals of them as special people doing special things. He wished the reality of ordinary people doing ordinary things would be shown instead, so that watchers could believe they might become VPOs.

The number of cases undertaken by VPOs varies, but is usually subject to a maximum of five. At times in certain areas, where crime is very low, they may have none. Waiting for the first case, and long gaps between cases, may be unfulfilling and contribute to early retirement. To avoid this PPOs are now urged to allot supervisees to VPOs early in their career. If shortage of cases prevents this they are recommended to jointly assign a case to "veteran" and a new VPO so that the latter will gain experience and advice.

Lack of self – assuredness among new VPOs in dealing with supervisees has been identified as a reason for early leaving. Jointly allocating a case to a new and an experienced VPO may promote confidence. In those areas that have established ORSCs, the possibility of conducting interviews, with experienced VPOs on hand, may also positively contribute.

The majority of supervisees are under 20 years old. Difficulties do exist in relating to them because of age differences, although it was explained by VPOs interviewed it is possible to exaggerate them. Systematic training to help VPOs understand the younger generation has been proposed (Akashi, 2015:16).

Failure, said to be increasing, by supervisees of all ages to attend meetings may be frustrating and demoralising and may also lead to early retirement of VPOs.

Inability, because of work or other voluntary commitments, to keep up with training sessions may lead some VPOs to consider leaving. To prevent this, and increase training attendance generally, additional training sessions are provided at Tokyo Probation Office for persons who could not attend them in their local district. There is discussion about holding local training at the weekend and in the evening, but this presents difficulty for persons busy at those times (Muraki, 2015: 8).

The Offenders Rehabilitation Act, 2007 sought to clarify the roles of PPOs and VPOs to avoid over-dependence on VPOs and enable both to take advantage of their respective strengths. However, the relationship between the two has not since been free from critical examination. One academic reported some PPOs overzealously guard their cases and fail to pass on useful information, while another, said there was insufficient coordination between the two and referred to 70 percent of VPOs in a survey conducted in 2012 who said they wanted to deepen cooperation with professional probation officers (Japan Times 29th December, 2012.). VPOs interviewed in Ota said they would prefer PPOs to be moved to different parts of the country three rather than two years to allow greater continuity.

Supervising more serious drug offenders

Drug misuse in Japan is significantly lower than in many countries. However, offenders arrested for breaking the Stimulants Control Law have a high recidivism rate which increases with age. Since the Second World War drug taking has been dominated by stimulants – methamphetamine and amphetamine – “*kakuseizai*” or “*shabu*” in Japanese (Wada, 2011:63-64 ; Sato, 2009: 151-153).

Legislation which came into force in June, 2016 (Konishi, 2015:28-31; Watson, 2017: 175-203) enables courts to pass partially suspended sentences coupled with probation. The object of this law is reduction of repeat drug offending by adding probation supervision to custodial sentences. It is a recognition of the importance of sustained rehabilitation in the community, the role of probation in this and of the limitations of measures in the artificial conditions of prison. VPOs will in future supervise greater numbers of drug offenders released from prison.

VPOs interviewed in Kyoto and Tokyo during 2016 expressed some anxiety about how many offenders would receive partially suspended sentences, periods they would require supervision, given probation in a partly suspended sentence can range from one year to five, and the possibility of supervising people who might be uncommunicative and behave erratically. However, there was no disagreement about the concept of the new sentence as a means of rehabilitation in the community. Several spoke about the need to intensify efforts to recruit and retain VPOs, especially in the large urban areas where this is most difficult and the majority of drug offenders live. In this respect it was seen as helpful that many probation districts now have Offender Rehabilitation Support Centers where VPOs may meet and interview clients, rather than in their own home, or those of their clients, and can readily call on assistance and expertise from other VPOs. Working closely with PPOs in specific cases was seen as important, as was, supervision of demanding cases by more than one VPO. One VPO said that in his experience drug offenders were not particularly difficult to supervise and assist, but problems and re-offending began after probation and parole. He wondered what support could be given subsequently. All the VPOs agreed that it would be beneficial to have more training about drug addiction and methods of dealing with it from PPOs, hospitals and voluntary groups such as Drug Addiction Rehabilitation Centre (“DARC”), the largest drug rehabilitation organisation in Japan. It was suggested that certain VPOs could be selected and specially trained to supervise and assist drug offenders.

Consequences of a reduction in the age of criminal majority

The age of criminal responsibility in Japan is 14 whilst the age of criminal majority – when offenders are dealt with as adults – is 20, high by international comparison. The question whether the age of criminal majority should be lowered to 18 is currently before the Ministry of Justice Legislative

Council ("MJLC"), a body which advises the government on policy and forms of legislation. It is also more widely discussed and debated in Japan (Watson, 2018). The age of 20, established by the Juvenile Act 1948, formed part of policies of welfare and educative rehabilitation towards juvenile delinquency, rather than strict criminal justice and punishment. Much influenced by contemporary thinking and practice in the United States, but from which it has now considerably departed, this social work approach was widely supported when the law was introduced.

It is strongly anticipated the government will soon reduce the age of criminal majority to 18, amounting to the most significant alteration in juvenile criminal justice since 1948. Drivers for this controversial change include public perceptions that serious juvenile crime is increasing, whereas in reality it has fallen steeply over the last decade, a powerful victims movement, more general punitive feeling towards young offenders, *genbatsuka* (becoming punitive), desire to harmonise criminal adulthood with that of voting age, reduced to 18 in 2015, and reforms of civil law setting, in a number of areas, 18 as age of majority (Watson, 2018: 6).

Probation is a court sentence in its own right for those under 20. For adults it is only available if linked with either a suspended sentence of imprisonment or, since 2016, a partially suspended prison sentence. The majority of those who receive probation are juveniles and of them the greatest number are 18 and 19. Clearly, save for those who received adult suspended or partially suspended prison sentences, they would become ineligible for probation if 18 was the age of criminal majority. 18 and 19 year olds would also stop to attend Juvenile Training School ("JTS"), where the emphasis is on corrective education rather than punishment, and cease to be supervised by probation officers whilst on parole. (In 2015 approximately 41 percent of those sent to JTS were "senior juveniles" 18 and 19 years old (Ministry of Justice, White Paper on Crime 2016 : Part 3, Chapter 2, Section 4/1). For those whose offences are not considered sufficiently serious for imprisonment, the Ministry of Justice is known to wish to preserve the welfare spirit behind preventative measures, Juvenile Probation and attending JTS, not least because of what it sees as its effectiveness. As possible replacements for these measures it is considering, greater use of suspended sentences with probation, deferred sentences with supervision, residence at premises with supervision and monitoring; attendance at centers at weekends or evenings for activities, suspended prosecution linked to supervision and community work as a substantive sentence, rather than, at present, merely a condition that may be attached to probation by Professional Probation Officers. They would involve much input from the probation service with overall responsibility and allocation of cases by Professional Probation Officers and day to day work by Voluntary Probation Officers.

It was the view of a professor of criminal procedure and a member of the Legislative Council interviewed that as numbers on probation and parole have declined, especially over the last decade, and because time would no longer be spent supervising probation and parole for 18 and 19 year olds, the probation service may have overall sufficient capacity and resources to manage the new sentences that have been suggested, although comprehensive training would be necessary before they were introduced and special attention would be necessary in some urban areas with existing pressures on caseloads and recruitment of VPOs.

Exception to a limited tradition of volunteering

Tens of thousands who become VPOs runs against the limited tradition of volunteering noted in

Japan. One possible, though not empirically tested, explanation for this major exception is that people may feel more comfortable doing so within a state rather than a voluntary organization. A sociological study of volunteering in Japan would be of much value. Through the Japanese Journal of Offenders Rehabilitation, the officer responsible for planning and co-ordination for Ota City VPO Association had read about the partial privatisation of the probation system in England and Wales and the creation of private Community Rehabilitation Companies (CRCs) to manage medium and low risk offenders with financial incentives payable to them if reoffending is reduced. In correspondence with the writer, in which he believed he spoke for most VPOs, the planning and co-ordination officer saw the profit element in CRCs as very different from the spirit of social service, and the wish to bring security and safety to communities, which motivates probation and volunteering in Japan (Nukata, 2016b).

Conclusion

The mainly volunteer probation system in Japan has distinctive features and considerable strengths. Highly developed, grounded firmly in society and used considerably, it is a form of community work that channels both human and social capital to support desistance from crime.

Recruitment and retention of volunteer staff and the introduction of partially suspended prison sentences coupled with probation present challenges. Others may arise if, as is expected, the age of criminal majority is reduced to from 20 to 18, concerning new community sentences to replace probation orders and Juvenile Training School for 18 and 19 year olds.

Mobilisation of tens of thousands of volunteers, mostly retired and in their sixties, a community in itself, to assist offenders in the community is impressive. Differences with Japan and other countries exist and should not be under-estimated. However, what greater contribution volunteers, especially those with age seniority, could make elsewhere, and how they might be organised, is surely worthy of consideration, especially in countries where there already exists a strong spirit of volunteering. Membership of a purposeful social network and a sense of worth by directly helping others to lead more stable and lawful lives may also benefit volunteers.

LIST OF REFERENCES

- Akashi, F. (2016) Community-Based Treatment of Offenders in Japan United Nations Asia and Far East Institute For the Prevention of Crime and the Treatment of Offenders ("UNAFEI").
- Akashi, F. (2015) Community –Based Treatment of Offenders in Japan, Materials for a Presentation to the 162nd International Senior Seminar, United Nations Asia and Far East Institute for the Prevention of Crime and The Treatment of Offenders.
- House of Commons Justice Committee. Transforming Rehabilitation , London, 2018. Available at <https://www.parliament.uk> (accessed on 16th June ,2018).
- Hucklesby A. and Concoran M.S. (Eds.) (2016). The Voluntary Sector in Criminal Justice. Palgrave MacMillan.
- Konishi, T. (2015) Criminal Law and Procedure. Waseda Bulletin of Comparative Law, Vol.33 28-31.
- Ministry of Justice, White Paper on Crime 2016. Training and Research Institute, Japan.
- Ministry of Justice, White Paper on Crime 2014. Training and Research Institute, Japan.
- Ministry of Justice, White Paper on Crime 2012. Training and Research Institute, Japan.
- Minoura, S. (2015) Volunteer Probation Officers in Japan. United Nations Asia and Far East Institute for



- the Prevention of Crime and the Treatment of Offenders.
- Morikawa, T. (2015) Recent Challenges in Community-Based Treatment in Japan. Rehabilitation Bureau, Ministry of Justice, Japan.
- Muraki, Y. (2015) Recruitment, Capacity-Building and Public Recognition of Volunteer Probation Officers in the Tokyo Probation Office. Chief Probation Officer, Tokyo Probation Office.
- Nukata, M. (2016a) Ota City VPOs proactive in environmental management, Ota City Volunteer Probation Officers Association.
- Nukata, M. (2016b) Letter of 25th August.
- Oda, H. (1999) Japanese Law, Oxford University Press. 2nd Edition.
- Osaki, T. (2013) 'Troubled youths find friend, ally in students'. Japan Times, 28th August.
- Otsuka, T. (2015) Volunteer Probation Officer System in Japan, Rehabilitation Bureau, Ministry of Justice, Japan.
- Porporino, F. (2017) The Volunteer Probation Scheme as a Key Component of Community Corrections in Japan: Is it Evidence Informed? Special Monograph Issued for the Third World Congress on Probation, Rehabilitation Bureau, Tokyo, Japan, September, 2017. Rehabilitation Bureau, Ministry of Justice Japan, (2015) Offenders Rehabilitation Of Japan.
- Sakaiya, T. (2015) Japan, How Safe? Asia Crime Prevention Foundation.
- Sato, A. (2009) 'Japan's Long Association with Amphetamines: What can we learn from their experiences?' in R. Pates and D. Riley (Eds) Interventions for Amphetamine Misuse, Wiley – Blackwell.
- Supreme Court of Japan, (2013) Guide to the Family Court of Japan. Supreme Court of Japan.
- Tomczak P.J. and Albertson K. (2016). Prisoner Relationships with Voluntary Sector Practitioners. Howard Journal of Criminal Justice, 55(1-2), 57-72.
- Tomczak P.J. (2014) The Penal Voluntary Sector in England and Wales: Beyond neoliberalism. Criminology and Criminal Justice, 14(4), 470-486.
- Wada, K. (2011) 'The history and current state of drug abuse in Japan'. Annals of the New York Academy of Sciences, 1216: 62–72.
- Watson, A. (2018) Probation and lowering the age of Criminal Majority in Japan. Electronic Journal of Contemporary Japanese Studies, Volume 18, Issue 3.
- Watson, A. (2017) An enlarged role for probation in Japan to reduce drug offending. Journal of Japanese Law, 22 (43), 175-203.

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