

Probation in Japan: Engaging the Community

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Summary: Japan has a unique probation system, which engages citizen volunteers to support the work of professional staff. This paper provides a brief description of its characteristics, history, structure, organisation, operation, current challenges and opportunities, as well as an overview of various community-based approaches used in the delivery of services to offenders.

Keywords: Japan, probation, parole, volunteer probation officers, community.

Introduction

Japan is a unique island country in Asia. The east side is adjacent to the Pacific Ocean and the west faces the Sea of Japan, which separates Japan from China, South Korea, North Korea and Taiwan. The northern end faces the Sea of Okhotsk, the icy ocean shared with Russia. The south-western regions are subtropical holiday destinations. Japan enjoys four distinct seasons, brought by the monsoon blowing from different directions in the summer and the winter. The land area is 378,000 km², which is about five times larger than Ireland. Japan is divided into 47 prefectures, each having its own prefectural government. The population is approximately 127 million, 26 times larger than that of Ireland (as of February 2018).

The low birth rate and an ageing population (more than one in four people are 65 or older) are having a serious impact on Japan's capacity to sustain social welfare policies and other aspects of the social system, and the government has not yet found effective measures to remedy these problems. Japan is recognised as one of the safest and most secure countries in the world. The overall number of recorded crimes has

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consistently declined after hitting a peak of 2.85 million in 2002: in 2016, the number was lower than one million for the first time since the end of the Second World War.¹

Theft accounts for 51% of the total number of people charged by the police. This is followed by assault at 11.4%, injury 9.7%, embezzlement 8.9%, fraud 4.6% and other crimes including destruction of property, intrusion, etc.²

The percentage of offenders over 65 years old is on the increase, clearly reflecting the characteristics of demography. Reoffending by elderly offenders is a growing problem.³

Crime trends have changed over time. A new type of fraud called *ore-ore* fraud (*ore-ore* means ‘It’s me, it’s me’ in Japanese) emerged around 2004.⁴ An offender randomly calls an elderly person, starting a conversation as if the caller is an acquaintance of the victim, and asks for money to assist in clearing a debt. The police in partnership with financial institutions are working to raise awareness of this type of fraud.

There are 76 penal institutions⁵ across Japan. The number of people incarcerated has been declining since 2002. While the total capacity of the system is 89,389, the recorded figure for those incarcerated in 2016 was 55,967, 44 per 100,000 of population.⁶ On average, there are 2.92 inmates per prison officer. The only prison that has an overcrowding problem in 2018 is the Women’s Prison. The number of inmates in juvenile training centres was 1219 in 2016.⁴ It has been in decline since 2001.⁷

History of the probation system: it all started from the community

Contemporary offender rehabilitation in Japan originated from the Shizuoka Prefecture Released Prisoners Protection Company, established in 1888. It was founded by Meizen Kimpara,⁸ an eminent

¹ ‘Japan’s crime rate hits record low as number of thefts plummets.’ <https://goo.gl/ZaJGA2>

² 2017 White Paper on Crime: Community Network to Support Rehabilitation. <https://bit.ly/2FWFHfN>

³ ‘Aging Japan: Prisons cope with swelling ranks of elderly inmates.’ <https://reut.rs/2pJIS6i>

⁴ ‘“Jokyo” scam is swindlers’ latest ruse as “ore-ore” fraud hits new record.’ <https://bit.ly/2KIzmfw>

⁵ Japanese ‘penal institutions’ include prisons for sentenced adults, juvenile detention centres for sentenced juveniles, and detention houses for pre-trial inmates.

⁶ 2017 White Paper on Crime – Community Network to Support Rehabilitation <https://bit.ly/2FWFHfN>

⁷ 2017 White Paper on Crime (English version is not yet uploaded). http://hakusyo1.moj.go.jp/en/nendo_nfm.html

⁸ Offender Rehabilitation in Japan (2017). Rehabilitation Bureau, Ministry of Justice, Tokyo. <http://www.moj.go.jp/HOGO/WCP3/other/pdf/pamphlet.pdf>

entrepreneur who was committed to public service throughout his lifetime, together with Kyoichiro Kawamura, the deputy prison warden of Shizuoka prison. The tragic story of how it all began revolves around the experience of an ex-prisoner.⁹ This man, known as Gosaku, was viewed as a troublemaker in the prison where Mr Kawamura worked. Gosaku was deeply influenced by the teachings of Mr Kawamura and eventually began to demonstrate his commitment to a crime-free life.

After serving more than 10 years in prison, Gosaku enthusiastically returned home, only to find that his wife had remarried and had three children with her new husband. On discovering this changed situation, and understandably devastated, he sought support and shelter from a relative. The relative could not condone his criminal conduct and refused to provide any help. Gosaku then went to the police and requested that he be returned to prison, but the police told him they could not arrest a man who had not committed an offence. In the past, he would have committed a crime as soon as he was released, but he was determined to keep the promise given to Mr Kawamura. Devastated, Gosaku wrote a letter to Mr Kawamura and then committed suicide by drowning.

On hearing the news of Gosaku's death, Mr Kawamura consulted Mr Kimpara about this tragedy. Mr Kimpara's view was that 'Any great teaching in prisons means nothing if we did not help the ex-prisoners after their release'.¹⁰ They began a campaign to persuade and encourage the involvement of others in establishing a company to support released prisoners. The primary focus for the company was to arrange housing and employment for ex-prisoners. It grew to employ 1700 probation staff throughout the prefectures to oversee and develop the project. These efforts were the precursor of the modern Volunteer Probation Officer (VPO) system and offender rehabilitation facilities in Japan.

Later, similar private groups were established throughout the country. The target of those services was initially limited to those released from prison. However, following the introduction of the system of suspension of execution of the sentence (1905) and the system of suspension of prosecution (1922), the service's targets were expanded to include these categories of supervision.

In 1939, under the Judicial Rehabilitation Services Act, rehabilitation projects of adult released prisoners, adults under a suspended sentence

⁹ Volunteer Probation Officers and Offender Rehabilitation (2017). The Third World Congress on Probation Organizing Committee, p. 23. <http://www.moj.go.jp/HOGO/WCP3/index.html>

¹⁰ Attributed quotation without a confirmed documented source.

and juveniles were established as 'Judicial Rehabilitation Services'. This meant that the rehabilitation projects were officially recognised as a national system for the first time. After the Second World War, under the new constitution of Japan, major criminal justice reforms were implemented. These included a complete revision of the Code of Criminal Procedure, the Juvenile Act and other laws. In the rehabilitation field, the Offenders Prevention and Rehabilitation Act was enacted in 1949 as a basic law. This law established a system for probation, parole and crime prevention activities for both adults and juveniles.

Volunteer Probation Officers

In 1950, the Judicial Rehabilitation Services Act was abolished and was replaced by the Volunteer Probation Officer Act 1950, which provided for VPOs, recognising in law Japan's already established unique system of using volunteers (known as *hogo-shi*) with professional Probation Officers in supervising probationers in their local area.¹¹

VPOs are respected people with authority and good standing in their own community commissioned by the Ministry of Justice as citizen volunteers, in the spirit of volunteer social service, to support the rehabilitation of offenders or juvenile delinquents. Volunteering and community leadership are highly valued qualities and sincerely honoured in Japanese society. In probation, reliance on volunteers is common and incorporated into practice.¹² The VPOs' character and personality are their principal assets in their work. They are expected to be financially secure, active in their community and available to do the work when required.¹³

In engaging VPOs, Directors of local Probation Offices consult with local community interests and VPO associations to compile a list of candidates. A local VPO Screening Commission, comprising members of the Court, prosecution, legal services and other relevant interests, reviews nominated candidates. The Commission advises the Minister of Justice, who then appoints the VPOs.

¹¹ 'Volunteer Probation Officers in Japan – Community Volunteers Supporting Offender Rehabilitation.' Presentation by K. Iino, M. Iino and S. Imafuku at the 3rd World Congress on Probation 2017. <http://www.moj.go.jp/HOGO/WCP3/program/pdf/SessionJapan.pdf>

¹² 'The Volunteer Probation Officer Scheme as a Key Component of Community Corrections in Japan. Is it Evidence-informed?' Frank Porporino, in Volunteer Probation Officers and Offender Rehabilitation (2017). The Third World Congress on Probation Organizing Committee. <http://www.moj.go.jp/HOGO/WCP3/index.html>

¹³ Article 3, Volunteer Probation Officers Act (Qualifications of VPO). <https://goo.gl/aKPmpK>

VPOs have official legal status as part-time government officials. They are not paid, but all or some of the expenses in their duties are reimbursed. The maximum authorised number of VPOs is fixed by law at 52,500, and they are allocated to each Probation District by the Minister of Justice. There were 47,641 VPOs on 1 January 2018, organised in VPO associations based on local districts nationwide. There are about 1100 Probation Officers in Japan, working at the front line of community-based supervision. A significant part of the Probation Officers' role is working with and supporting their local VPOs. Each VPO will usually have one or two persons to supervise. A Probation Officer could be responsible for and support 30 or more VPOs.

In the spirit of volunteer social service in the community, the VPO assists adult and juvenile offenders to improve and rehabilitate themselves, and enlightens the public on crime prevention to enhance the local community and contribute to the welfare of both individuals and the public (Art. 1, Volunteer Probation Officers Act 1950).

Some limited training is provided to individual VPOs by their Probation Officers. In addition, Probation Officers provide training opportunities for VPO associations. The VPO works under the guidance of the Probation Officer and provides day-to-day supervision in the community as well as regular progress reports to the Probation Officer.

The average age of VPOs is 64.7 years (1 January 2017). About 26% of VPOs are female.¹⁴ The largest group is homemakers, followed by members of religious professions (11.1%), executives or officials of companies or other organisations (8.0%), and persons engaged in primary industries such as farming and fishing (7.6%).¹⁵

The number of VPOs has fallen in recent years. Some explain the downward trend as stemming, in part, from Japan's prolonged economic slump. Many seniors have to continue working after retirement age, depriving them of time to engage in volunteer activities. Many have given up volunteering due to increasing fears regarding more serious offenders and concern at using their homes to meet offenders.¹⁶ To help with training, the Justice Ministry has started a mentorship scheme, with experienced VPOs accompanying new staff on their duties, and has

¹⁴ Statistics of Ministry of Justice (2017). <https://goo.gl/jstfqH> [in Japanese].

¹⁵ 'Volunteer Probation Officers in Japan' by S. Minoura, in *Volunteer Probation Officers and Offender Rehabilitation* (2017), The Third World Congress on Probation Organizing Committee, p. 13. <http://www.moj.go.jp/HOGO/WCP3/index.html>

¹⁶ 'Volunteer probation officers face uphill battle.' *Japan Times*. <https://goo.gl/fA9Kxz>

introduced an internship programme. The Ministry is planning to build rehabilitation support centres, so that VPOs do not have to meet supervisees at home.¹⁷

The work of a VPO

A probationer/parolee is first referred to a VPO by the Probation Officer. The VPO meets regularly with the probationer and provides information, advice and observations on the probationer's life until the probation is over. Generally, VPOs work with low- and medium-risk offenders who are not likely to require specialist interventions. The VPO provides monthly reports on interviews to the Probation Officer. Through interviews and contact, the VPO is expected to befriend the probationer as a neighbour and mentor them towards rehabilitation.¹⁸ For most low- and medium-risk probationers the VPO is their front-line supervisor. Annually, the Ministry of Justice hosts award ceremonies to recognise VPOs and other volunteers for their outstanding performance and contribution to their communities.

Supporters in the community

In addition to VPOs, rehabilitation of offenders in the community in Japan is supported by community organisations¹⁹ including the following.

Women's Association of Rehabilitation Aid (WARA)

WARA originated in the 1960s. It started in a local community to help juvenile delinquents, similarly to VPO associations. WARA developed its activities, focusing mainly on giving maternal care to probationers, such as providing cooked food at rehabilitation facilities. Its non-judgemental, caring attitude and work plays an important role in the rehabilitation system.²⁰ Currently, WARA has approximately 170,000 members working across the country.

¹⁷ 'Number of [volunteer] probation officers in Japan set to fall by half over next decade.' *The Mainichi*. <http://mainichi.jp/english/articles/20170107/p2a/00m/0na/021000c>

¹⁸ 'Volunteer Probation Officers in Japan – Community Volunteers Supporting Offender Rehabilitation.' Presentation by Kimiko Iino, Mitsuru Iino and Shoji Imafuku at the 3rd World Congress on Probation 2017. <http://www.moj.go.jp/HOGO/WCP3/program/pdf/SessionJapan.pdf>

¹⁹ 'Community involvement in the Japanese criminal justice system.' K. Someda. https://www.unafei.or.jp/activities/pdf/joint_indonesia/session5.pdf

²⁰ *Ibid.*

Big Brothers and Sisters movement (BBS)

BBS is a nationwide non-profit organisation mentoring at-risk young people including juvenile probationers.²¹ Although it has a similar name to the popular Big Brothers Big Sisters in America, BBS of Japan has a different purpose and mission. In Japan BBS focuses on children at risk and with difficulties, while the US BBS targets young children in general.

BBS activities include ‘friendship activities’, which provides mentors for juvenile delinquents by matching them with a caring youth mentor and role model. Currently, BBS has approximately 4500 members.

Co-operative Employers

Co-operative Employers are private business owners who contribute by employing probationers. Approximately 18,000 business owners provide co-operation across the country. Most are construction-related corporations.

Offender rehabilitation facilities

Offender rehabilitation facilities help inmates on their release by providing accommodation and meals, and providing guidance for employment and other forms of social adaptation. Currently, there are 103 facilities throughout the country for offender rehabilitation approved by the Ministry of Justice.²² Of these, 88 are male-only facilities, seven female-only facilities, and eight are male and female facilities. The capacity is 2383 offenders in total (1 June 2017). Offender rehabilitation facilities provide treatment to prevent reoffending, and social skills training (SST) to facilitate interpersonal relationships. Some facilities provide treatment for problem drinking and drug use. They also promote and support interaction with local communities because it is important to gain trust from local citizens.

Structures for offender rehabilitation

The governmental bodies responsible for offender rehabilitation administration in Japan are as follows.

²¹ ‘Big Brothers and Sisters Movement in Japan: Youth Volunteers participating in offenders’ rehabilitation.’ Presentation material by T. Koyama and N. Toda at the 3rd World Congress on Probation, 2017. <http://www.moj.go.jp/HOGO/WCP3/program/zip/session4.zip>

²² Lowering the recidivism rate.’ *Japan Times*. <https://goo.gl/CCKy4G>

The Rehabilitation Bureau, Ministry of Justice

The Rehabilitation Bureau of the Ministry of Justice supervises Probation Offices and Regional Parole Boards across Japan. It is responsible for developing new measures and related law. There are about 60 full-time staff in the Rehabilitation Bureau.

Regional Parole Boards

There is a Regional Parole Board in each of the eight High Court jurisdictional areas around the country, which is composed of three or more members. The main responsibilities of the Regional Parole Boards are:

1. permitting release on parole or revoking the disposition
2. permitting release on parole or discharge from a juvenile training school
3. suspending probation provisionally for probationers with suspension of execution of the sentence or revoking such disposition
4. supervising the affairs of the probation office.

Probation Officers work as full-time staff of the Parole Board. One of their main tasks is to visit penal institutions to interview inmates and to prepare pre-release reports for the Board considering the appropriateness, risk of reoffending, suitable timing of release and other issues. Only when all members of the Board agree can an inmate be released on parole.

Probation Offices

There is a Probation Office in each jurisdictional area of the 50 District Courts around the country. The responsibilities of the Probation Office are:

1. conducting probation supervision
2. promoting crime prevention and promoting the activities of the residents of local communities
3. other affairs delegated to the authority of the Probation Offices in accordance with the Offenders Rehabilitation Act or other laws and regulations.

In addition, the Probation Offices are responsible for the implementation of mental health supervision arising under the Act of Medical Care and

Treatment for Persons Who Have Caused Serious Incidents on the Grounds of Insanity or Diminished Capacity.

People working at Probation Offices

Probation Officers

Currently there are about 1100 Probation Officers in Japan, working at the front line of community-based treatment and supervision. They are national public officers with qualifications in psychology, pedagogy, welfare, sociology and other relevant subjects relating to rehabilitation (usually above bachelor's degree level). They co-ordinate and work with VPOs in the work of probation. They also take part in crime prevention activities, and other matters relating to measures for crime victims and others in offenders' rehabilitation.

The average caseload²³ of a Probation Officer is about 76 cases for probation/parole and 100 cases for Co-ordination of the Social Circumstances for Inmates.²⁴ In most instances, a case is referred to a VPO. The Probation Officer will supervise and work with the VPO.

The work of the Probation Officer and the VPO is area-based. The Director of the Probation Office allocates one or more probation districts to a Probation Officer. The Probation Officer is responsible for every supervised person living in that area. If the probationers/parolees move to another district with permission, the responsibility moves to the Probation Officer responsible for that area.

Rehabilitation co-ordinators

Rehabilitation co-ordinators are qualified mental health welfare workers who engage in mental health supervision and co-ordination of the social circumstances for persons who are subject to the system of medical health supervision.

Administrative staff

Administrative staff are in charge of finance and human resource management. They also support the management of VPOs' associations and their crime prevention activities.

²³ The numbers are the sum of continuing cases from 2016 and starting cases in 2017.

²⁴ 'Co-ordination of the Social Circumstances for Inmates' means that a Probation Officer oversees 100 inmates in finding an appropriate place to return to after release.

Range of probation supervision

Juveniles on probation from the Family Court (Type 1)

Juveniles or children on probation are typically known by Probation Officers as ‘Type 1’ cases. They are under 20 years of age and have low to medium risk of reoffending. The maximum period of probation is two years, or until their 20th birthday, whichever is longer.²⁵ If the probationer has complied with their conditions and has led a sound life for at least a year, the Director of the Probation Office can permit an early discharge. About 75% of Type 1 probationers are discharged early (2016).²⁶ Those who continually violate supervision conditions, despite interventions by the Probation Officer and VPO, can be sent to Juvenile Training Centre by the Family Court.

Juveniles released from the training school (Type 2)

These are juveniles aged between 12 and 23 years (26 for Medical Juvenile Training Centre) discharged from juvenile training centres by the Regional Parole Board. Parole supervision will continue until their 20th birthday or the last day of custody imposed by the Family Court. If they comply with conditions for a certain period, the Director of the Probation Office can apply to the Regional Parole Board for early discharge. The Board will assess risk of reoffending by reading the reports submitted by the Probation Officer and, if appropriate, consider ending the parole. On the other hand, if the juvenile violates conditions repeatedly, the Board can decide to put him or her back in a juvenile training centre.

Parolees from an adult penal institution (Type 3)

These are adult offenders released on parole. The parole continues for the remaining sentence period. Moving to a new residence without permission is considered a serious violation of parole. If a parolee leaves his or her residence without permission for seven consecutive days without good reason, the progression of the sentence period will be temporarily halted. The Probation Officer notifies the local police to put the parolee on the wanted list. The Probation Officer will also request a Court warrant to take the parolee into custody when found.

When the police find the parolee, they make an emergency call to the Probation Office. The Probation Officer will go promptly to the

²⁵ Offenders Rehabilitation Act, 2007, Article 66. <https://goo.gl/YDBz4o>

²⁶ 2017 White Paper on Crime – Community Network to Support Rehabilitation. <https://bit.ly/2FWFHfN>

place where the parolee is detained and put him/her into custody using handcuffs. The Probation Officer will put the parolee's confession on record to submit to the Regional Parole Board, which determines whether the parole should be revoked, and whether he or she should be returned to a penal institution.

Persons under probation with (partial) suspended execution of sentence (Type 4)

These are adult offenders for whom the District Court has suspended the execution of sentence with a condition of probation supervision. The probationer will be on probation during the suspension (between one and five years). The condition will be reviewed and reduced if he/she has been complying with the conditions for a certain period.

Parolees from a women's guidance home

Some women charged with prostitution offences are sent to a women's guidance home. There is only one guidance home in Japan. There is rarely more than one case per year.

Parole

A person who has been incarcerated for execution of the sentence or protective measures (for juveniles) may be allowed parole by the Regional Parole Board before the expiration of their sentence.

In 2016, 13,260 inmates were released on parole, 57.9% of the total of released inmates.²⁷ Prisoners completing their full sentence and released on the expiration date without anywhere to go are given a special card that offers emergency aftercare from Probation Offices.²⁸ Supports include the provision of accommodation and meals and the granting of travel expenses to return to their home area, etc.

All probationers/parolees are expected to comply with two types of conditions, the general conditions and the special conditions.²⁹ General conditions are designated by law and are applied to every probationer/parolee. These conditions include maintaining a sound attitude, attending interviews with the Probation Officer or VPO, declaring their

²⁷ 2017 White Paper on Crime – Community Network to Support Rehabilitation. <https://bit.ly/2FWFHfN>

²⁸ Urgent Aftercare of Discharged Offenders – Offenders Rehabilitation Act (2007), Article 85. <https://goo.gl/av7zdE>

²⁹ General and Special Conditions – Offenders Rehabilitation Act (2007), Articles 50, 51. <https://goo.gl/av7zdE>

actual conditions of life, notifying the Director of the Probation Office of their place of residence, and obtaining the Director of the Probation Office's permission in advance when changing their residence or travelling for more than seven days.

The frequency of interview with the Probation Officer and VPO depends on the reoffending risk. It is usually twice a month but could increase to three times a month or more. The interview may take place in VPO's home, Probation Office, the probationer's/parolee's residence, or at an offender rehabilitation support centre.

Special conditions for each case can be imposed by the Regional Parole Board or by the Director of the Probation Office in response to the probationer's/parolee's risk of recidivism or his or her rehabilitative needs. For example, special conditions such as 'not drinking alcohol' could be imposed in cases where the offence was triggered by drinking alcohol. The Regional Parole Board may impose special conditions for parolees from juvenile training school and parolees from penal institutions.

There are approximately 70,000 persons under Probation or Parole Supervision each year. At the end of 2015, there were 36,100 under supervision in total: Type 1 accounted for 44.6%, Type 2 for 11.3%, Type 3 for 14.4% and Type 4 for 29.7%.³⁰

Methods of probation

Instruction and supervision

The Probation Officer gathers information on their behaviour and assesses the risk of reoffending by reading monthly reports from the VPO, summoning the probationer/parolee or visiting their residence. Much of the day-to-day supervision is by the VPO. The Probation Officer implements specialised treatment programmes to address specific criminal tendencies such as violent behaviour, alcohol problems, sex offending and drug addiction.

If the probationer/parolee does not comply with their supervision conditions, or change their antisocial behaviour, the Probation Officer can revise and raise the risk level of the probationer (varying from the lowest level, C, to B, A, S), and increase the frequency of summons to both warn the probationer/parolee and help them address their problems.

³⁰ 'Offender Rehabilitation in Japan' (2017), Rehabilitation Bureau, Ministry of Justice, Tokyo. <http://www.moj.go.jp/HOGO/WCP3/other/pdf/pamphlet.pdf>, p. 16.

Guidance and assistance

Guidance and assistance includes assisting probationers to find suitable accommodation after release from a penal institution, assisting them to receive medical care and treatment, assisting them to find employment, giving vocational guidance and teaching general life skills. The Director of the Probation Office may entrust the guidance and assistance to other suitable persons in offender rehabilitation facilities or self-reliance support homes within the community. Collaboration with social service agencies and the private sector is crucial in achieving a successful outcome in probation. Each Probation Officer has a responsibility to promote and support collaboration among agencies and services in their area to provide better outcomes for their probationers.

Co-ordination of the social circumstances for inmates

The co-ordination of social circumstances is a procedure to ensure smooth social reintegration of imprisoned offenders after release. While a person is in custody, the Probation Officer works to find an appropriate place for them to return to after release.

1. The inmate asks to start the procedure by informing the prison officer of the name and address of a person who would take care of him/her after release (a 'guardian').
2. A Probation Officer or a VPO visits and interviews the prospective guardian to investigate and assess whether the person is suitable.
3. Based on the results of the investigation and co-ordination, a report is sent to the Regional Parole Board and correctional institution with the opinion of the Director of the Probation Office attached regarding whether the inmate should return to the residential area after release.
4. The Regional Parole Board reviews the report in considering parole.

VPOs are especially proficient in performing this assessment, as most VPOs have abundant knowledge of their local community and people living around them. Research conducted by the Ministry of Justice found that the average length of a VPO's residence in their community is about 46 years.³¹

In most cases, the inmates choose a family member or close friend who had been living in the same area for generations as their guardian.

³¹ 'Volunteer Probation Officers in Japan' by S. Minoura.

Some VPOs look after a whole family because other members are or have been in penal institutions or on probation. One probationer on release from prison told the author ‘Please appoint Mr X as my VPO. He used to be my father’s VPO as well and he was very nice.’³²

There is no rule that prohibits a VPO from being in charge of both parents and their children. In fact, in most cases it is beneficial if the family members trust the VPO.

Pardons

A pardon is the act of extinguishing the country’s punitive authority through executive power and changing the contents of the judicial decision made by the court or changing or extinguishing the validity of the judicial decision.³³

A pardon is decided by the Cabinet and approved by the Emperor, and arises only rarely. The ‘remission of execution of sentence’ is available to parolees sentenced to life imprisonment. A life-sentence prisoner will serve at least 30 years in custody before being considered for parole. After release, they will be on probation supervision for the rest of their life.

In most cases, a ‘remission of execution of sentence’ pardon is for older parolees who have been behaving outstandingly well for a very long time, and show no risk of reoffending.

In requesting remission, the Probation Officer carefully assesses whether the parolee truly regrets the crime, is correctly compensating for the damage caused by the crime, and is sincerely performing consolation and respecting the dead.

The Probation Officer interviews the victim (or the victim’s family if the victim is deceased) to hear their opinion about ending the supervision. As the VPO had been supervising the probationer for a long time, their opinion carries great importance. The VPO also supports the parolee during the stressful process of assessment for pardon.

When the certificate of remission of execution is approved, a small award ceremony is usually held at the Probation Office, attended by the Director, Probation Officer and VPO.

The 80-year-old probationer received his certificate of remission of execution of sentence from the Director. His hands were shaking and

³² Personal communication.

³³ Pardon Act 1947. <https://goo.gl/JFMShB>

tears were shining in his eyes. As a VPO who looked after him for more than 10 years, I too was truly happy and was proud as ever for being a VPO.³⁴

Individual pardons are intended to rehabilitate offenders and to prevent reoffending. The pardon is expected to contribute to reintegrating ex-offenders into society.

Medical treatment and supervision

The Act on Medical Care and Treatment for Persons Who Have Caused Serious Cases under the Condition of Insanity (better known as the Medical Treatment and Supervision Act) 2005 provides for the medical care and treatment of persons who have committed serious offences while suffering from a serious mental disability or at a time when their capacity for normal criminal responsibility was diminished (Fujii *et al.*, 2014).

The purpose of the Act is to improve the medical condition of such persons, and to prevent reoffending. Probation Offices are responsible for investigation of the person's social circumstances at the trial, including pre-trial reports. They will also be responsible for the co-ordination of social circumstances when the person is discharged from hospital, and for overseeing treatment in the community.

The District Court makes the decision on committal to hospitals designated by the Ministry of Health, Labour and Welfare. Rehabilitation co-ordinators work with the hospital staff through the treatment process. When a Judge allows the person's release to community care, the rehabilitation co-ordinators convene a multidisciplinary team meeting involving local government personnel, medical personnel and social workers from the designated community treatment institution where the person will regularly attend after leaving the hospital.³⁵ The team holds regular meetings to exchange information on the person. If a crisis arises, the rehabilitation co-ordinators apply to the Court for their return to hospital.

³⁴ A translated excerpt from the monthly offenders' rehabilitation journal *Kousei Hogo*, July 2017.

³⁵ VPOs usually do not take part in mental health supervision as this requires high degree of expertise in mental health treatment.

Recent developments

In 2007 the government, in response to public pressure following serious offending by those on probation/parole supervision, introduced new legislation aimed at strengthening the effectiveness of supervision. This new legislation modernised the probation system in Japan.

The Offenders Prevention and Rehabilitation Act of 1949 and the Act on Persons under Probation with Suspension of Execution of the Sentence of 1954 were restructured and integrated into a new basic law, the Offenders Rehabilitation Act.

Based on this act and the Basic Plan for Crime Victims (approved in 2005), new measures to engage and empower crime victims have been implemented. Crime victims can now provide an opinion during an offender's parole examination and decision process. While the offender is on probation, victims can send messages to the offender via Probation Offices. Probation Officers specialising in victim care manage those messages and, where appropriate, deliver them to the probationers. Victims can also request notification reports regarding how the offender's probation is going.³⁶

In recent years, the percentage of repeat offenders has been increasing compared to first offenders. 'Recidivism prevention' has become a major challenge and the focus of the government's criminal justice measures. Several government policies relating to the prevention of reoffending have been initiated at the Ministerial Meeting Concerning Measures Against Crime. New policies have included Comprehensive Measures for the Prevention of Repeat Offences (July 2012), Declaration: No Return to Crime, No Facilitating a Return to Crime (December 2014) and Emergency Measures for the Prevention of Repeat Offences by Drug-Dependent People, Elderly Criminals, and Others (July 2016).³⁷

In December 2016, the Act on Promotion of Recidivism Prevention was enacted. It established the basic principles and clarified the responsibilities of the national and local governments (prefectures, cities, etc.). It encourages national and each local government to create 'the basic plan for promotion of reoffending prevention'. This was a big step forward in incorporating local governments in reoffending prevention. Historically, rehabilitation of offenders was viewed as a national

³⁶ The National Police Agency, Measures for Crime Victims 2007. <https://goo.gl/pwAaog>

³⁷ Ministry of Justice pamphlet (in English), 2017, p. 13. <http://www.moj.go.jp/content/001221539.pdf>

government responsibility. Local governments are now expected to construct a detailed local plan that reflects their own circumstances.

New measures of probation

Partial suspended execution of sentence

In June 2013, the Act for Partial Amendment of the Penal Code and the Act on Suspension of Execution of Part of the Sentence against Persons Who Have Committed the Crime of Using Drugs and Others were introduced. The system of partial suspended execution of sentence was established in June 2016. Persons who have not previously been sentenced to prison can be discretionally granted probation for the duration of the suspension of execution of the sentence. This new law also seeks to reduce repeat drug offending by adding a non-custodial measure over an extended period after release from prison to enable drug offenders to have more time to undergo addiction treatment with probation supervision in the community.

Specialised treatment programmes

At the Probation Office, Probation Officers provide specialised treatment programmes for offenders who have specific criminal issues and risks. There are four specialised treatment programmes: a sexual offender treatment programme, a drug relapse prevention programme, a violence prevention programme and a drink-driving prevention programme.

Attendance at these programmes is mandated for probationers/parolees through added supervision conditions. The programmes are mainly educational sessions based on cognitive behavioural therapy using textbook and audiovisual resources. Probationers/parolees obliged to attend a drug relapse prevention programme are also required to undergo basic drug testing.

The programmes are usually delivered by a Probation Officer, one-to-one, at the Probation Office. Some offices conduct group programmes where there are sufficient participants. Some invite specialists such as professors and members of DARCs (Drug Addiction Rehabilitation Centres) as facilitators.

Social contribution activities

Social contribution activities³⁸ are designed to enhance the self-efficacy and the morality of the probationers/parolees and to increase social adaptability through participation in social activities that benefit their local communities. These activities include cleaning activities at public places and care assistant activities at welfare facilities etc.

Since June 2015, it is possible to add social contribution activities as special conditions in supervision orders. These are not alternatives to custody but measures to engage young probationers in their local community. The experience of being appreciated by residents and adults has a surprisingly positive impact on the behaviour of young probationers.

Measures for employment support

The recidivism rate of unemployed probationers is about three times higher than that of employed probationers. Since 2006, the Ministry of Justice and the Ministry of Health, Labour and Welfare have been working together to implement 'Comprehensive employment support measures for released inmates'.

In 2009, based on the notion that the business community should support the employment of released inmates to maintain public order, the National Organisation for Employment of Offenders was established. This organisation includes Japan's top-ranking companies: Toyota, Sony and others.

In addition, locally based job assistance provider organisations set up branches in 50 locations³⁹ nationwide to run programmes including subsidy and support programmes for employers who employ probationers. The main provider organisation staff are volunteers working in the branch offices. They serve as a bridge between the local employer and the probationer. It takes time and effort to motivate and support probationers in job hunting. A Probation Officer alone cannot accomplish this.

Since April 2015, the government has implemented measures to pay incentives to employers who hire probationers and parolees and to give guidance and advise probationers on the skills necessary for work.⁴⁰

³⁸ For examples of social contribution activities, see <https://goo.gl/MqQE98>

³⁹ One organisation in each prefecture, four organisations in Hokkaido.

⁴⁰ 'Japan gov't helps 128 get jobs after prison release through job info centers.' *Kyodo News*, <https://goo.gl/3HTLkc>

National crime prevention activity: 'Movement Towards a Brighter Society'

The 'Movement Towards a Brighter Society' is a national movement that started in 1951 in a community in Tokyo and is now led by the Ministry of Justice. The movement's mantra is that 'it is the power of the community that prevents crimes and juvenile delinquency and helps offender rehabilitation'. It aims to encourage citizens to combine their efforts from their respective positions to contribute to society, as well as to seek the understanding and support of the local community for the integration of offenders into mainstream society.

Various activities in local communities – mostly promoted by local VPO associations and Probation Offices – such as symposia, mini-conferences and anti-delinquent classes at local schools have been developed all over the country. July is the main campaign month for these activities.

Each year, the movement promotes renewed aims and objectives. In 2017, the aims and objectives included:

- increasing the number of cooperative employers employing former inmates
- reducing the number of released offenders who have nowhere to live
- creating a local environment that supports social reintegration and long-term support for recovery from drug addiction
- creating an environment in which elderly inmates or inmates with disabilities etc. can receive the support necessary for social reintegration.

For 2018, another aim has been included:

- creating an environment where juvenile delinquents can continue their study.

International developments

Japan has been central to the sharing and dissemination of the VPO model of practice in the Philippines, Singapore and South Korea. Similar volunteer systems are now developing in Thailand and Malaysia. Seminars and training programmes were provided by the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI)⁴¹ in collaboration with ASEAN countries.

⁴¹ UNAFEI is a United Nations regional institute. <http://www.unafei.or.jp/english/>

Japan led the establishment of the Asia VPO meetings in Tokyo in July 2014 and Sept 2017. The meetings developed the Tokyo Declaration to recognise and document the values of the VPO system, share information and experience on the VPO and similar systems and enhance public recognition of the contribution of VPOs.

At the Second Asia Probation Meeting, delegates from the Philippines, South Korea, Singapore, Thailand, Kenya and China discussed challenges they face and solutions in their countries in adopting the Tokyo Declaration. As in Japan, the major concern among participants was the difficulty in engaging appropriate VPO candidates. Increasingly specialised knowledge, expertise and support is required. To sustain and develop the VPO culture and enhance international recognition of the system, research evidence on its value and effectiveness is a priority. While there are challenges, there is wide and developing research evidence and knowledge from practice to sustain the role and contribution of VPOs into the future.

Recent challenges

Securing candidates for VPOs

Recently, awareness of the importance of the prevention of reoffending has been rising among the public and the public's expectations and interest in the work of VPOs are increasing. However, due to the weakening of interpersonal relationships in the community and the intensity and demands of the duties of VPOs, it is becoming ever more difficult to secure suitable persons as VPOs. Securing new VPOs is an urgent issue for the future of rehabilitation in Japan.

In these new circumstances, new measures have been introduced to recruit VPOs, to strengthen the skills and activities of VPOs, and to expand the offender rehabilitation support centres, which are the hubs for the offender rehabilitation activities of the VPOs. To engage suitable people, 'VPO candidate information meetings' are now held in communities. To encourage people to experience the positive activities of VPOs there are 'internships for VPOs'. A 'multiple responsibility system' in which more than one VPO can work with a probationer/parolee and share the tasks has been implemented.

To ensure the sustainable development of this unique Japanese VPO system, the government and the VPO organisations continuously make collaborative efforts to secure volunteers' recruitment and to support their activities.

Act on the Promotion of Recidivism Prevention

Article 3, Section 1 of this law enacted in December 2016 states that ‘regarding the fact that many offenders face problems such as lack of stable employment and housing thus struggling to rehabilitate, the basic principle for preventing recidivism is to sufficiently support the rehabilitation of those by gaining understanding and cooperation of citizens, and not letting them be isolated’.

The difficult conditions that many probationers face are one of the reasons for the high recidivism rate. A key feature of this law is that it encourages local government to participate more in offender rehabilitation. Formerly, the national government (or the criminal justice system) alone was considered responsible for offender rehabilitation. The act clearly states that local government should be more actively involved and create a basic plan for offender rehabilitation according to local circumstances, following the aims and objectives of the national plan.

As result of these changes, local authorities are expected to work together, build efficient networks of related organisations, establish specialised bureaux within government offices and promote other measures to support offender reintegration and resettlement in their communities.

Revising the Juvenile Law

In June 2015, the minimum voting age was reduced from 20 to 18; this came into effect in June 2016.⁴² The amendment to the Public Offices Election Law included a supplementary provision revising age regulations in the Civil Code, Juvenile Law and other laws and regulations.

In June 2018 the government enacted an amendment in Civil Code, to take effect in April 2022, lowering the age of adulthood from 20 to 18.⁴³ Following on these amendments, the Ministry of Justice is considering whether to lower the maximum age subject to protection under the Juvenile Law from 19 to 17.

In Japan, since 1948, persons under 20 years are subject to protection under Juvenile Law. Every juvenile case is sent to Family Court and undergoes intense assessment for a judge to decide the appropriate level of educational treatment according to the individual’s needs. These special measures for juveniles are considered effective in rehabilitation and prevention of reoffending.

⁴² ‘House of Representatives passes bill to lower voting age.’ *Japan Times*, <https://goo.gl/NdEgDG>

⁴³ ‘Japan lowers its age of adulthood to 18.’ CNN, <https://goo.gl/pAHTt4>

When an adult – a person over 20 years – commits a crime, they are held to account for their conduct. Judgment is based on the principle of punishment, not one's need for protection or education. While many young adults need educational care and protection, once they are prosecuted as adults, education and treatment are not considered under the current procedures.

The Ministry of Justice has established an expert committee of lawyers, legal professionals and other experts to consider whether it is now necessary to introduce new protective measures for the 'new adults' between 18 and 20 years.⁴⁴ Issues under consideration include:

1. strengthening education and treatment for young adults in prison
2. widening application of probation with suspended execution of sentence (Type 4)
3. implementing new educational measures for minor offenders
4. improving the current treatment of offenders in general.⁴⁵

Conclusion

Japan's VPO system has a long and distinguished history. It is built on a strong ethos of voluntary community-based commitment and has enjoyed public and government support. There are new and increasing challenges as interventions and supervision become more complex, with greater central accountability and the need for new skills and expertise. VPOs represent their communities and their work is fundamentally about the relationships and the personal and social capital that can help ex-offenders turn their lives around.

The Act on the Promotion of Recidivism Prevention is currently one of the priority issues in offender rehabilitation in Japan. Historically, the rehabilitation of offenders was developed by the hard work of certain citizens such as VPOs, WARA and Co-operative Employers, supported by the national government, but was not fully integrated into wider policy and practice.

The engagement and understanding of citizens and local communities is still required and needs to be improved. Since every offender will eventually return to the local community, the further involvement of

⁴⁴ 'Changing the Juvenile Law.' *Japan Times*, <https://goo.gl/V6g5rs>

⁴⁵ Minutes of the Legislative Council Panel on Juvenile Law and Criminal Law, Ministry of Justice [in Japanese]. http://www.moj.go.jp/shingi1/housei02_00296.html

local government and its services is essential. Probation Officers and VPOs work hard in connecting various members of the community.

The integral role of the community and VPOs in working with offenders for their rehabilitation has been an internationally recognised strength and a unique feature of criminal justice in Japan. Japan has led the sharing and dissemination of the VPO model of practice in countries such as the Philippines, Singapore and South Korea. The role and work of VPOs will continue to develop in each jurisdiction to meet the needs of communities and the people with whom they work.

The VPO system is not only an effective measure but also a historically valuable part of Japanese culture. It is important that, as Japanese society develops and lifestyles become more demanding, we do not lose sight of this legacy – the value, contribution and importance of volunteers and communities in the supervision and rehabilitation of our brothers and sisters who have been in trouble with the law.

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