



Offender Rehabilitation System in Japan

- Effective cooperation between professionals and volunteers -

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UNA FEI



- I. Introduction
- II. Outline of Japanese Offender Rehabilitation System
- III. Parole
- IV. Supervision and Assistance
- V. Roles and Duties of Probation Officers
- VI. Summary and Conclusion





I. Introduction





“Community-based Treatment”

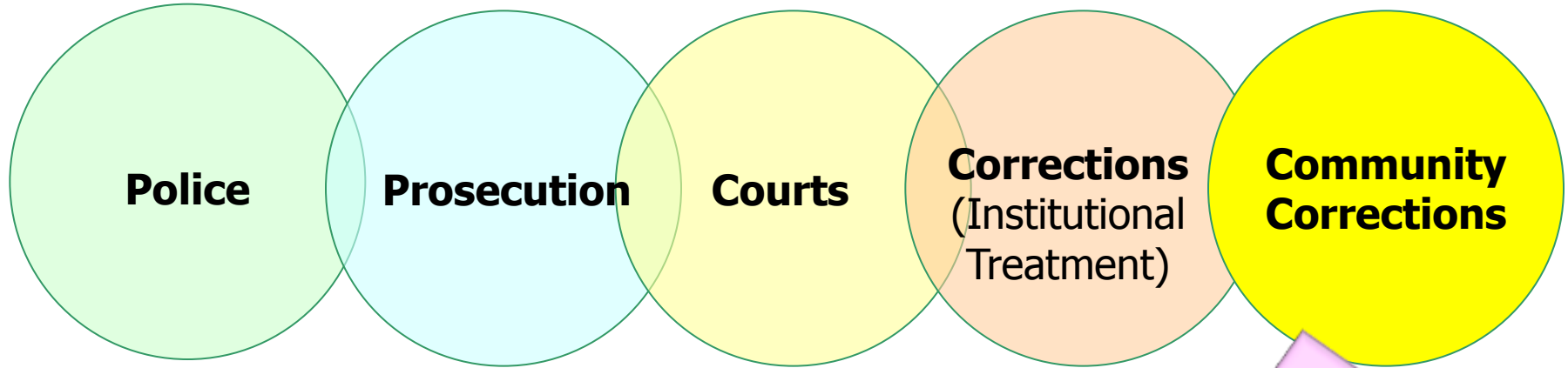
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Non-custodial (Non-Institutional) treatment

Does not simply mean that the treatment physically takes place outside of a closed facility, but also suggests that the treatment is **supported by the community.**



Major Elements of Japanese Offender Rehabilitation System

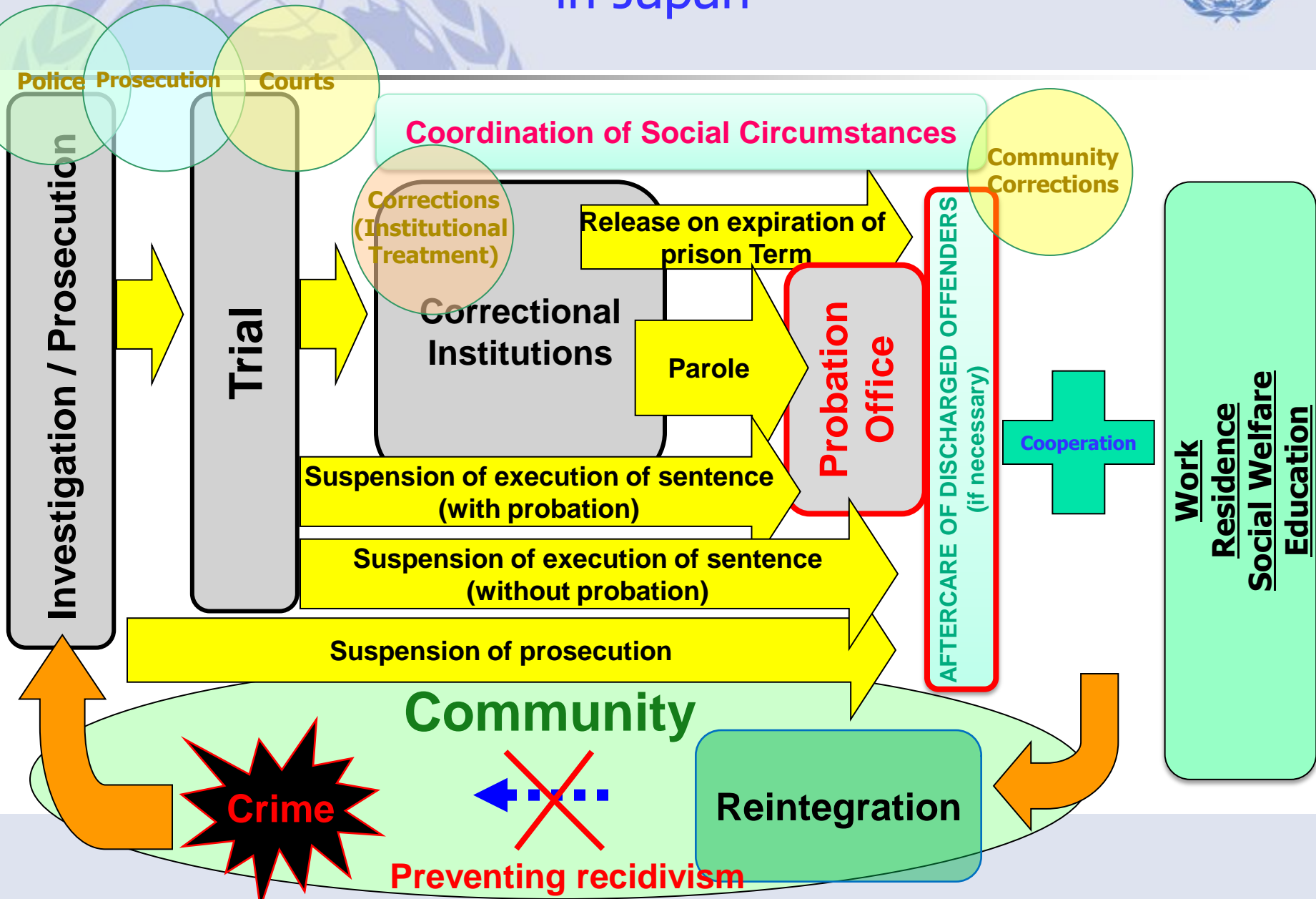


“Offender Rehabilitation Services”

- (1) Probation
- (2) Parole
- (3) Aftercare services for discharged offenders
- (4) Pardon
- (5) Crime prevention activities



Community Corrections and implementing organizations in Japan



Organizational Structure of the Offender Rehabilitation Services



Ministry of Justice





- ◆ **The Offender Rehabilitation Act (2007)**
- ◆ **The Volunteer Probation Officers Act (1950)**
- ◆ Anti-Prostitution Act (1956)
- ◆ Offender Rehabilitation Services Act (1995)
- ◆ Pardon Act (1947)
- ◆ Penal Code (1907)
- ◆ Juvenile Act (1948)

The Offender Rehabilitation Act provides for:

- (a) the organization of rehabilitation services
- (b) categories of person under parole/probation supervision; conditions; term
- (c) measures and procedures; termination; application for review of dispositions
- (d) aftercare for discharged offenders
- (e) crime prevention activities.

Main Purpose and Standard of Operation of the Offender Rehabilitation Services



1. Main Purpose (Art. 1, Offender Rehabilitation Act).

To protect society and enhance the welfare of individuals and the public by

- (1) **preventing** the offenders and juvenile delinquents from **re-offending**;
- (2) **assisting them** to become self-reliant as sound members of society and improve and rehabilitate themselves by treating them properly within society;
- (3) ensuring the suitable operation of **pardons**;
- (4) promoting **crime prevention activity**, etc.

2. Standard of Operation (Ibid, Art.3)

Measures for supervision and support should be (a) within the limit of necessity and (b) the appropriate way for the reformation and rehabilitation of offenders. This limit should be determined based on the needs and risks of each offender, e.g. character, age, career, mental and physical condition, home and friends and other circumstances.



II. Outline of Japanese Offender Rehabilitation System





Community Corrections in Japan

A programme in which **probation officers and volunteer probation officers work together** in giving instruction, supervision, guidance and assistance in society so that offenders or juvenile delinquents will **restructure their lives as sound members of society.**

Executors of Community Corrections

Article 61

(1) The instruction and supervision and the guidance and assistance during probation shall be conducted by **probation officers** or **volunteer probation officers** considering the characteristics of the probationers and parolees, contents of the measures to be taken and other circumstances into consideration.

(Offender Rehabilitation Act)





Probation Officer

Article 31

- (1) Probation officers shall be established in the secretariat of the Regional Board and the probation office.
- (2) Based on medicine, psychology, pedagogy, sociology and other expert knowledge relating to rehabilitation, probation officers shall engage in the work of probation, research, coordination of the social circumstances and other work relating to the rehabilitation of persons who have committed crimes and juvenile delinquents, and the prevention of crime.

(Offender Rehabilitation Act)





Volunteer Probation Officer

Article 32 Volunteer probation officers shall supplement the work not covered sufficiently by probation officers, being instructed and supervised by the Regional Parole Board or the director of the probation office, based on the provisions specified in the Volunteer Probation Officers Act (Act No. 204 of 1950), and shall engage in affairs under the jurisdiction of the Regional Parole Board or the probation office.

(Offender Rehabilitation Act)





In the spirit of **volunteer social service**,

Assist offenders and juvenile delinquents to improve and rehabilitate themselves

Promote public awareness of crime prevention

Thereby enhance the local community and contribute to the welfare of both individuals and the public

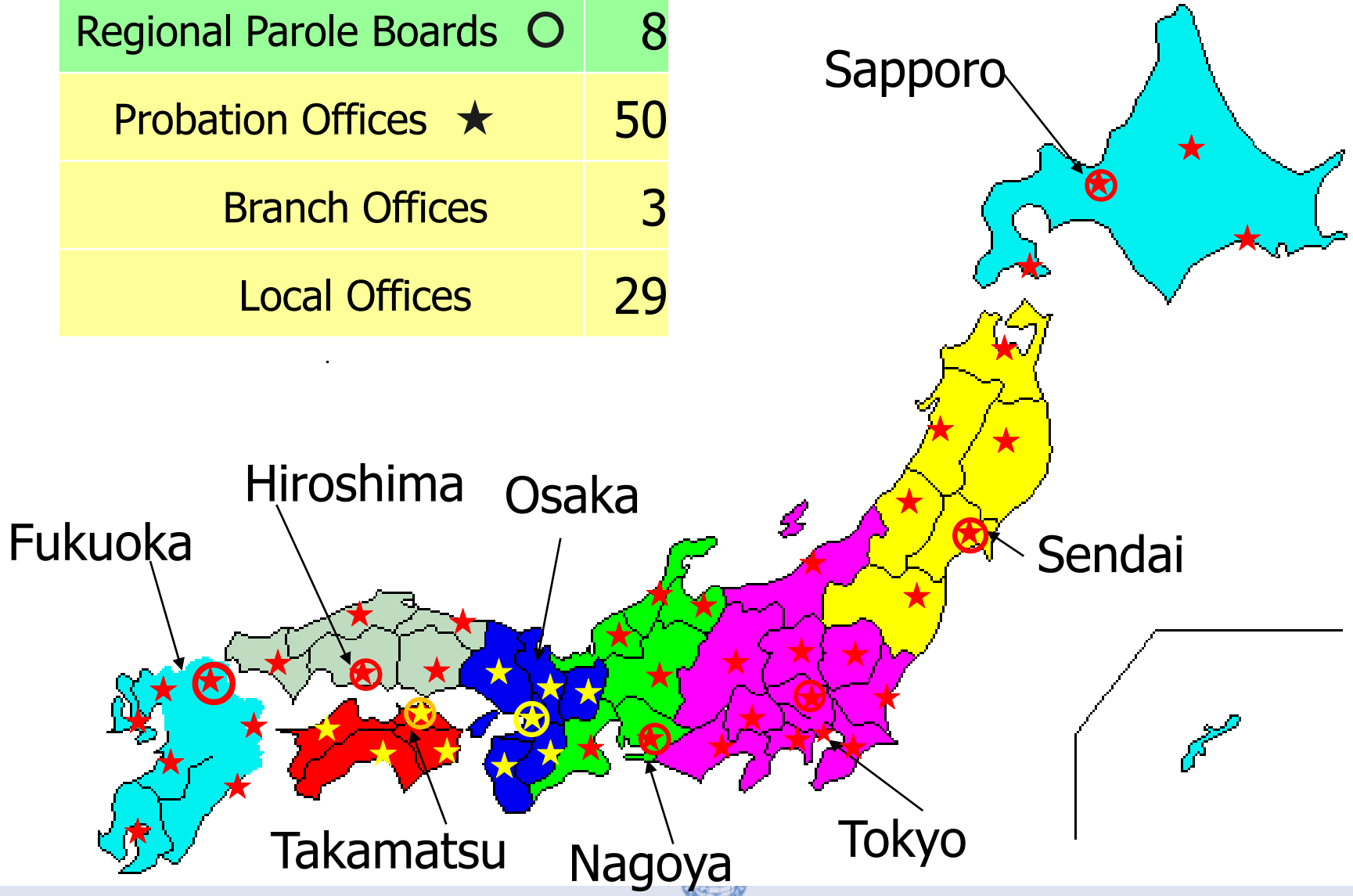
(Art. 1, Volunteer Probation Officers Act)



Jurisdiction of Offender Rehabilitation Service in Japan



| | |
|--------------------------|----|
| Regional Parole Boards ○ | 8 |
| Probation Offices ★ | 50 |
| Branch Offices | 3 |
| Local Offices | 29 |



Staff Numbers of the Rehabilitation System

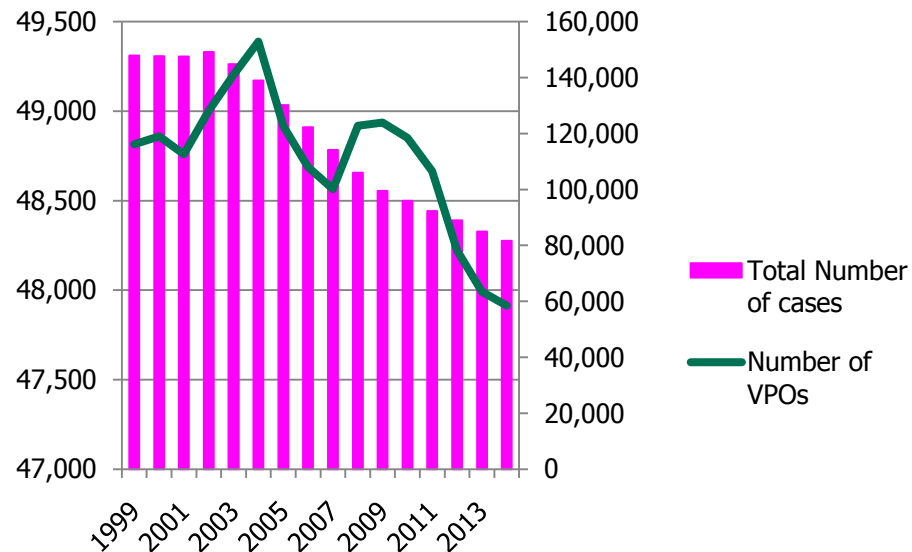
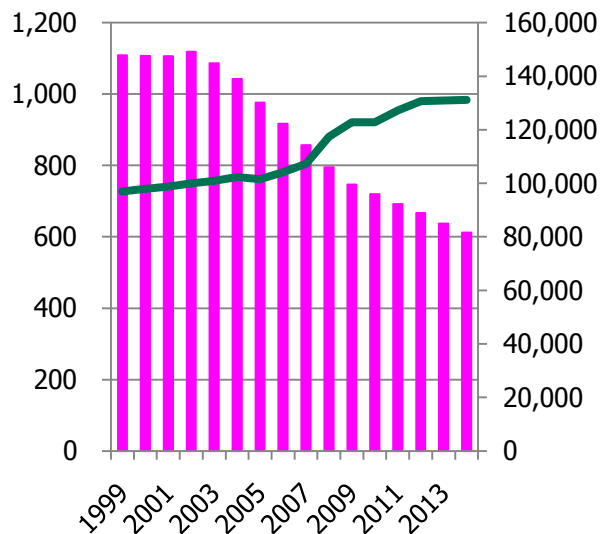


(as of 1 April 2015)

| | |
|----------------------------------|--------------|
| The Rehabilitation Bureau of MOJ | 29 |
| Regional Parole Boards (Total) | 269 |
| Members of the Board | 57 |
| Senior Officers | 60 |
| Probation Officers | 118 |
| Other Officers | 34 |
| Probation Offices (Total) | 1,501 |
| Directors | 55 |
| Senior Officers | 212 |
| Probation Officers | 966 |
| Rehabilitation Coordinators | 187 |
| Other Officers | 81 |
| TOTAL | 1,799 |



Number of PPOs and VPOs and the annual total number of cases



Average caseload per year

| | 1999 | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 | 2014 |
|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|-----------|-----------|-----------|-----------|
| PPO | 203 | 201 | 199 | 199 | 191 | 181 | 171 | 157 | 136 | 120 | 110 | 104 | 97 | 91 | 87 | 83 |
| VPO | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 |



Extensive Participation and Cooperation of Citizens in Probation



Minister of Justice

Rehabilitation Bureau

Regional Parole Board

Probation Offices

Volunteer
Probation
Officers (**VPOs**)
(47,794)

**Halfway
Houses**
(103)

Women's
Association for
Rehabilitation
Aid (**WARA**)
(165,775)

Big Brothers
and Sisters
Associations
(**BBS**) (4,738)

**Cooperative
Employers**
(16,330)

(As of 1 April, 2016)



Volunteer Probation Officers (VPOs)



Working together



Probation Officer (PO)

Expert knowledge

- Intake interview
- Making treatment plans
- Interviewing
- Special treatment
- Breach Actions
- Liaising with relevant agencies

Guidance

Monthly report



Consultation



Volunteer probation officer (VPO)

Advantages as a local & private citizen

- Interviews on a regular basis
- Working with their families
- Helping them find jobs
- Liaising with local social resources





III Parole



Parole Procedure



Incarceration (Examination by Correctional Institution)



Pre-parole inquiry interview by PO of the Parole Board



Application of Parole by Warden (Chief) of the Correctional Institution



Parole Examination

Interview by Board member Of the Parole Board



Examination by the council (3 board members)

- Decision to grant or deny parole
- Specify the Date of parole, Residence they return & Special Conditions



Requirement of Parole (Adult)



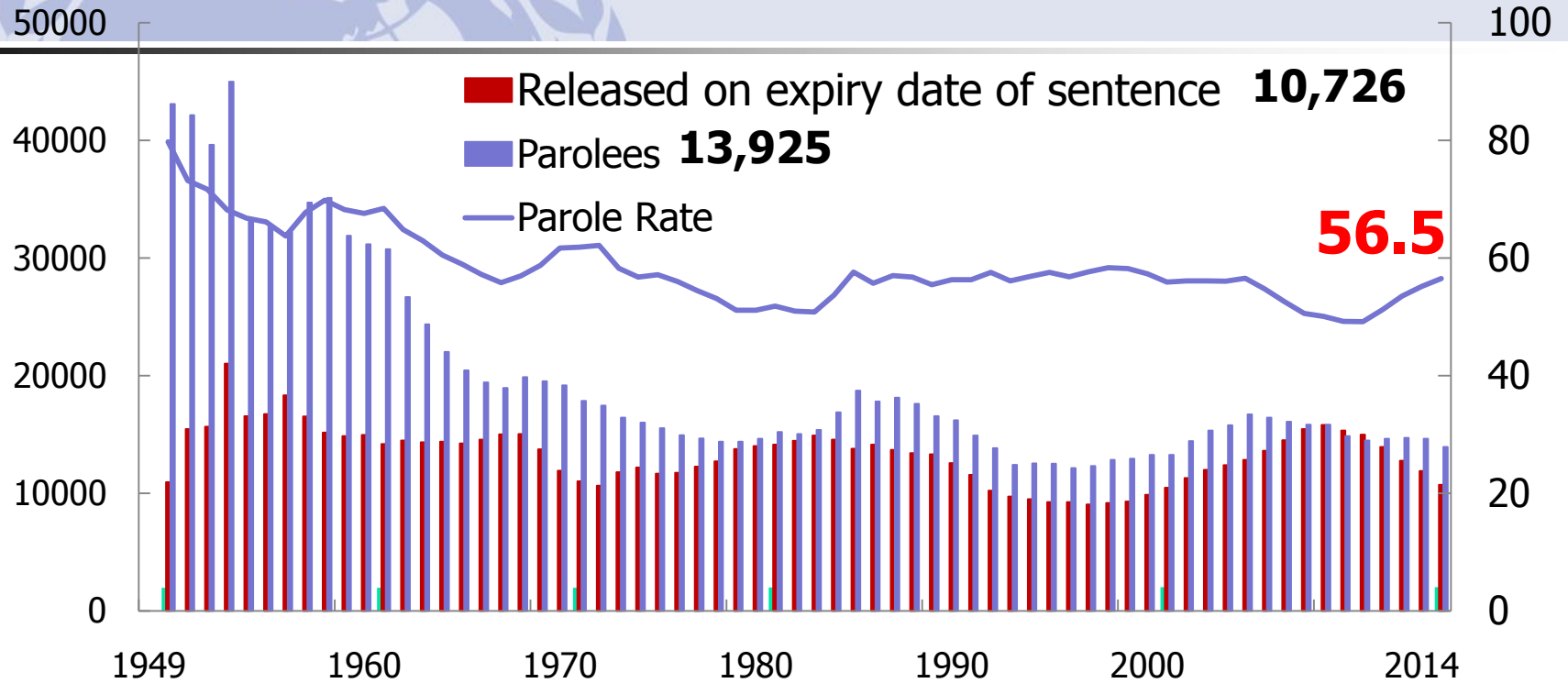
- Conditionally released from prison by the decision of RPB (Article 28 of the Penal Code)
 - Served at least **1/3** of the sentence
(10 years : life imprisonment)
 - Inmates evince "Sign of substantial reformation"
 - 1) Feelings of remorse and will to rehabilitate him-/herself
 - 2) No likelihood of recidivism
 - 3) Rehabilitation can be expected through parole supervision
 - 4) The public will accept his/her parole

Parole eligible date by law
(**1/3** of sentence)

Day of Release



Parole rate (Adult)



- **56.5%** of the whole prisoner will be conditionally released on parole
- Among parolees, **4/5** are not released until they serve **80 %** or more of the original sentence

Correctional Institution



**Coordination
of social
circumstances**

Community

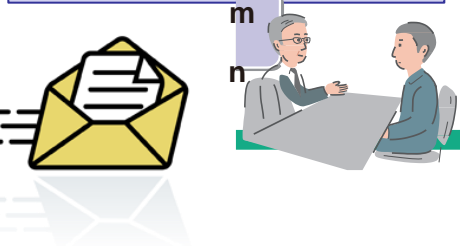


Procedure of Coordination of Social Circumstances



PO or VPO

- Meet inmates' family or others
- Assessment & Coordination (residence, family relationship, employment, etc.)
- Write letters
- Visit inmates



Correctional Institution



Inmates' information

Application for parole by Warden



Regional Parole Board (RPB)

Pre-inquiry Interview by PO of RPB

Interview by Board member of RPB

Decision of Parole by three board members



*Victim statement

*Date, special conditions

Progress report of Coordination

Release on Parole

Probation Office (Coordination of Social Circumstances)

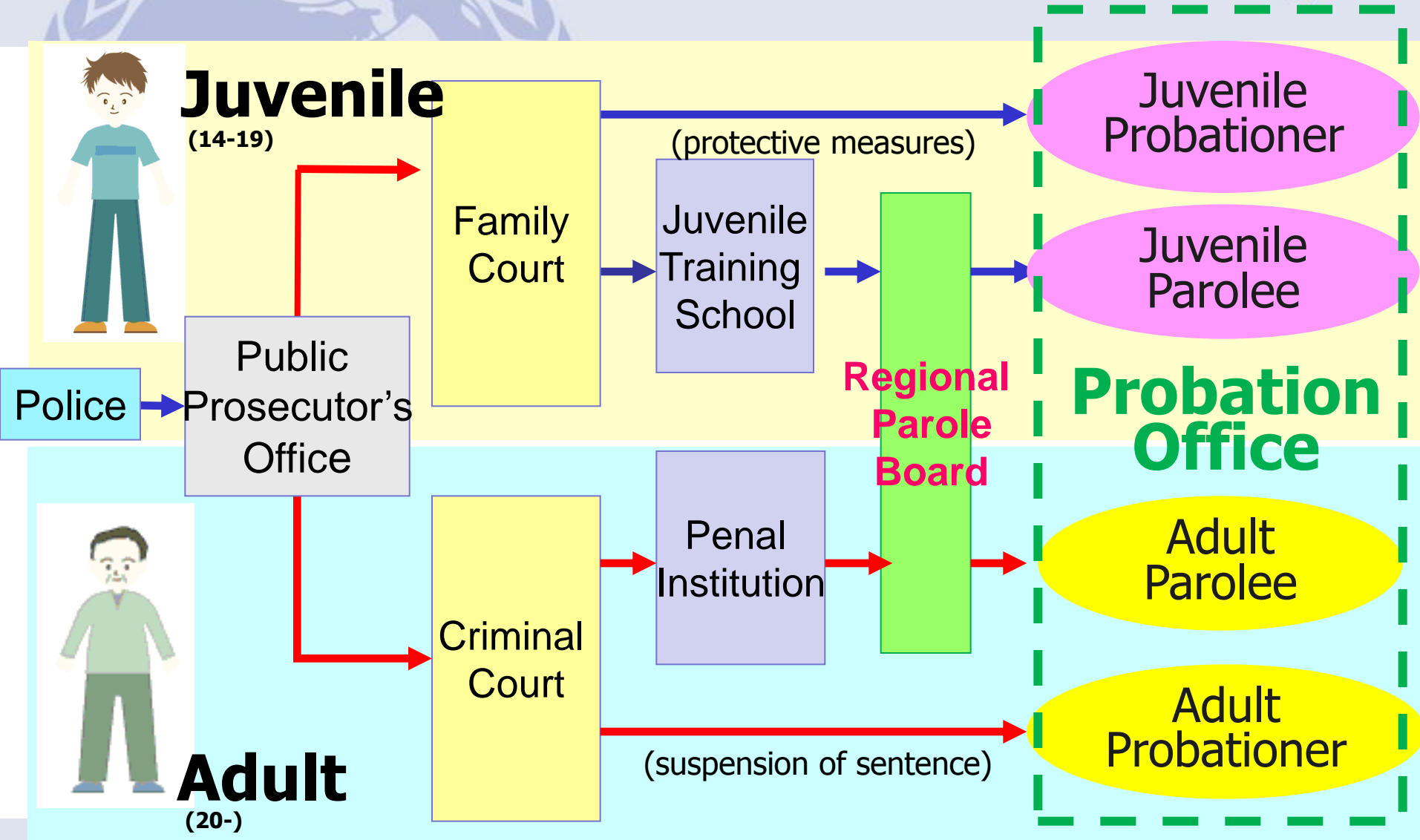




IV. Supervision and Assistance



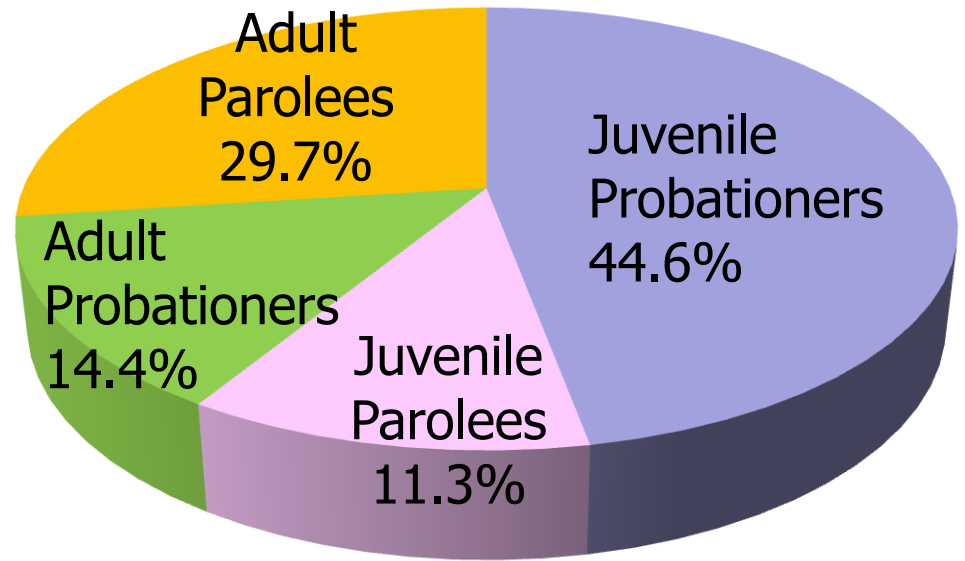
Category of parolees/probationers



Number of Probationers and Parolees



| | Number | (%) |
|-----------------------|---------------|----------------|
| Juvenile Probationers | 16,108 | (44.6) |
| Juvenile Parolees | 4,077 | (11.3) |
| Adult Probationers | 5,184 | (14.4) |
| Adult Parolees | 10,731 | (29.7) |
| total | 36,100 | (100.0) |



(as of 31 December 2015)



Adult Parolees (1)



Regional Parole Board

Decision to release the inmate on parole



Released from Correctional Institutions (Prison)



Probation Office

Intake by a probation officer

- Assessment of Risk and Needs (S,A,B,C)
- Individual treatment plan
- Assignment of a VPO



Adult Parolees (2)



Supervision and Support

- Regular interview by VPOs (2-3 times per month)
- VPO submits monthly progress reports
- Interventions by probation officers when necessary



Comply with Parole Conditions

Expiration of sentence

Violation of Parole Conditions

Revocation of Parole by Regional Parole Board

Parole/Probation Conditions (1)



- General conditions (Art. 50, Offender Rehabilitation Act)
 - ✓ Maintain sound attitude so that he/she does not re-offend
 - ✓ Undergo PO's and VPO's supervision sincerely
 - ✓ Undergo interview with PO or VPO regularly
 - ✓ Clarify his/her living condition and behaviour such as family, job, associates when requested by PO or VPO
 - ✓ Choose the residence promptly and notify Director of Probation Office
 - ✓ Live in the residence notified to the Director of Probation Office
 - ✓ If he wants change the residence or travel for 7 days and more, obtain permission of Director of Probation Office



Parole/Probation Conditions (2)



■ Special conditions (Art.51, Offender Rehabilitation Act)

E.g.

- ✓ Attend the Specialized Treatment Programmes delivered by PO in Probation Office
- ✓ Engage in work or make effort to find job
- ✓ Not to have contact with criminal associates
- ✓ Engage in Community Contribution Activities
- ✓ As prohibited in rules of Halfway House, not to stay out all night without permission and not drink alcohol (When he stays in Halfway House)

Specialized treatment programmes



Sex offender treatment programme (2006-)

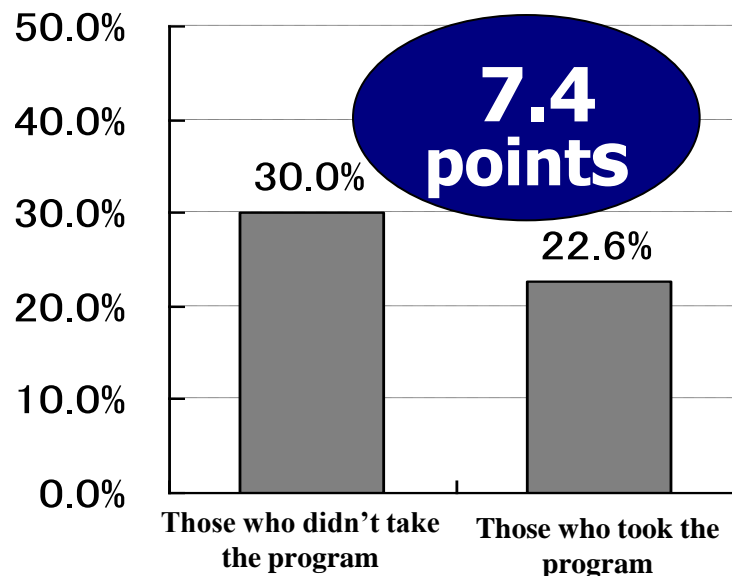
Drug offender treatment programme (2008-)

Violence prevention programme (2008-)

Impaired driving prevention programme (2010-)



Recidivism rate of Sex offenders



- I. Delivered by PO
- II. Adult: as a Special condition, Juvenile: voluntary basis
- III. Based on the theory of CBT (Cognitive Behavioral Therapy)
- IV. Five core sessions / one-to-one or in groups
- V. Formulating "Relapse Prevention Plan"

Social Contribution Activities



With support of VPOs, BBS members, Women association members



Sense of self-efficacy, Moral awareness, Communication with others



Adult Probationers (1)

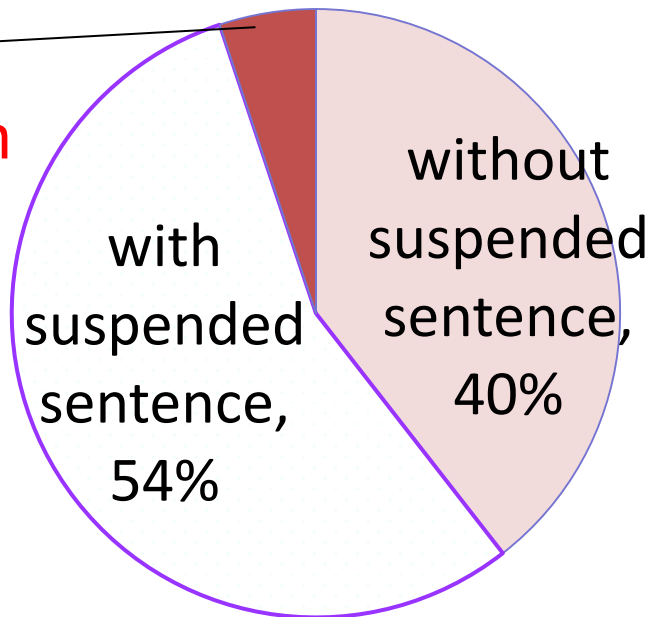


- Placed on probation by the **Criminal Court** upon the pronouncement of suspended execution of sentence of imprisonment (not more than 3 years) or fine with Probation (Penal Code)
- Term is fixed by the court between 1 and 5 years



Criminal Court

Suspended sentence with probation 6%



Defendants sentenced to Imprisonment in District/Summary Court determinate sentences in 2014

Adult Probationers (2)



1 year imprisonment, but the **execution of sentence is suspended with Probation** for 3 years

Probation Office (Impose Special Conditions)



Supervision and Support by PO and VPO

Comply with probation Conditions

Provisional cancellation of supervision by Regional Parole Board

Violation of Conditions

Public Prosecutor

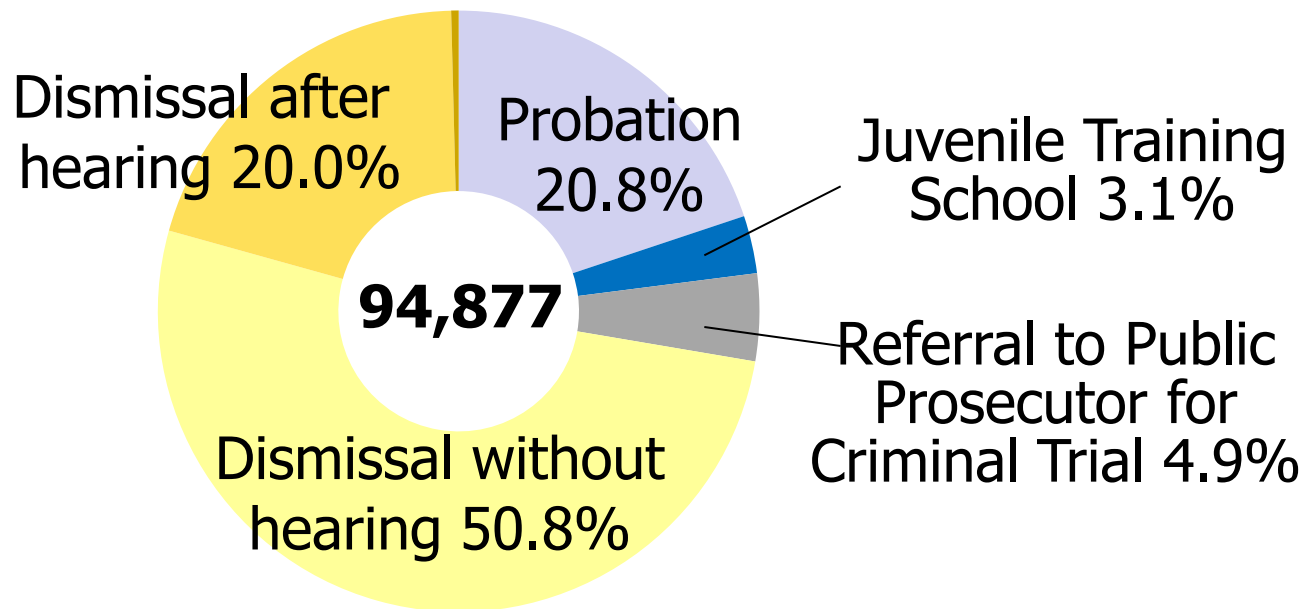
Revocation of suspension of execution of sentence by Court



Juvenile Probationers (1)



- Placed on probation by the **Family Court** upon the pronouncement of Probation based on the Juvenile Act
- Term...Up to 20 years' Birthday or 2 years (whichever longer)



Dispositions of Juvenile cases by Family Courts (2014)



Juvenile Probationers (2)



You are placed under Probation



Probation Office (Impose Special Conditions)



Supervision and Support by PO and VPO

Comply with
probation
Conditions

Early Discharge by
Director of Probation
Office

Violation of
Conditions

Warning by Director
of Probation Office

New Disposition by
Family Court



Juvenile Parolees (1)



- Conditionally released from Juvenile Training School by the decision of RPB (Offenders Rehabilitation Act, article 41)
- Up to 20 years' Birthday

- **Parole requirement**

Reached the highest stage of treatment and
Suitable for juvenile's improvement and rehabilitation

or

Specially necessary for improvement and rehabilitation

99.9% of juvenile inmates is released on parole



Juvenile Parolees (2)



Regional Parole Board

Decision to release the juvenile on parole

Released from Juvenile Training School



Probation Office



Supervision and Support by PO and VPO

Comply with
Parole
Conditions

Early Discharge
by Regional Parole
Board

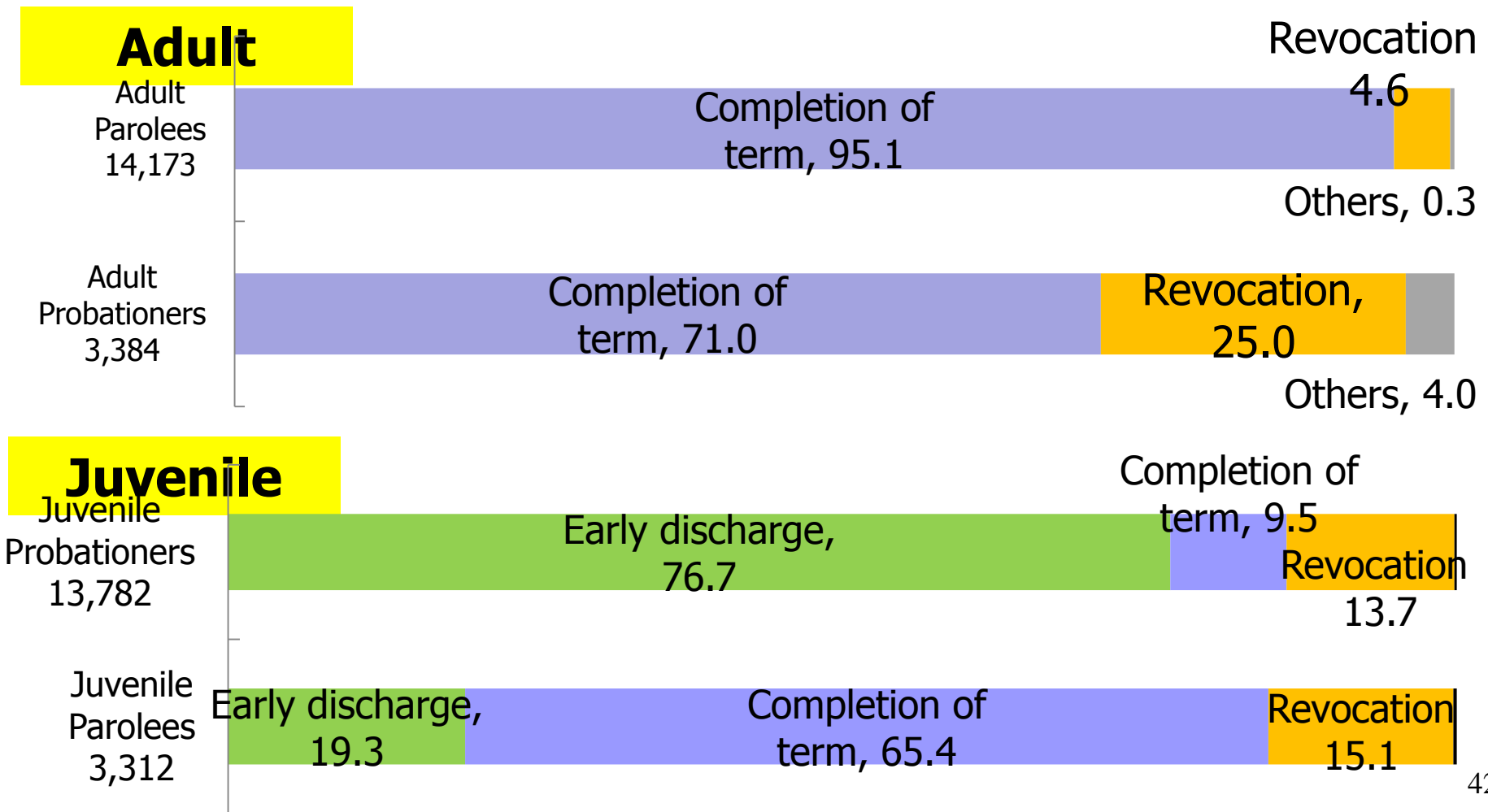
Violation of
Parole
Conditions

Regional Parole Board

Recommitment to
Juvenile Training School
by Family Court



Reason of termination of Parole/Probation Supervision



As of 2014



Aftercare Services for Discharged Offenders



Services

Accommodation, Medical service,
Clothing, Meals, Travel fares etc.



Subjects

- ◆ Offenders who has been released from physical restraint and who are not on Probation/Parole Supervision

(E.g. • Offenders released after expiration of their sentence
• Offenders who received “suspension of execution of sentence without probation supervision”
• Offenders under “suspension of prosecution”)

Term Maximum **6** months after release
(exceptionally up to 1 year)



V. Roles and Duties of Probation Officers





Probation Officers are :

1. Specialists of offender treatment

- Specialized treatment programmes
- Law enforcement officers

2. District managers

- Coordination of multi-agency cooperation
- Management of VPO Associations



As specialists of offender treatment



Dual Roles of Probation Officers

1. Enforcement Role

E.g. Supervision, Probation/Parole Conditions, Early Discharge, Warning, Revocation, ...

2. Support Role

E.g. Employment Support, Housing Support, ...

 **Probation officers must balance these roles.**





1. Enforcement Role

Measures in response to violation of probation/parole conditions

- Effective intervention based on the risk of recidivism and signs of criminal activity
- Protection of the public and the offender by preventing recidivism
- To ensure compliance with conditions of probation /parole





2. Support Role

Measures for offender reintegration into the community

- Building relationships between offenders and the community
- Social welfare support
- Mental care
- Improvement of offender's living environment





Authorities of probation officers

(based on the decision by the director of the probation office)

- Setting, changing, and cancellation of special conditions
- Setting, changing, and cancellation of life and conduct guidelines
- Urgent Aid
- Early discharge etc. according to good conduct (E.g. Early discharge from probation supervision and temporary cancellation of probation supervision for juvenile probationers; early discharge from supervision on parole for juvenile parolees; temporary cancellation of probation supervision for adult probationers)
- Issuing of summonses and apprehending violators
- Examination for probation
- Application for the revocation of probation / parole



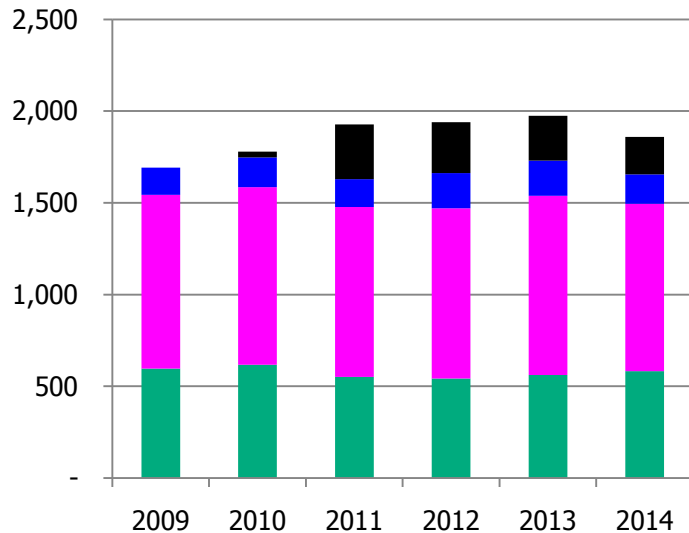
As specialists of offender treatment



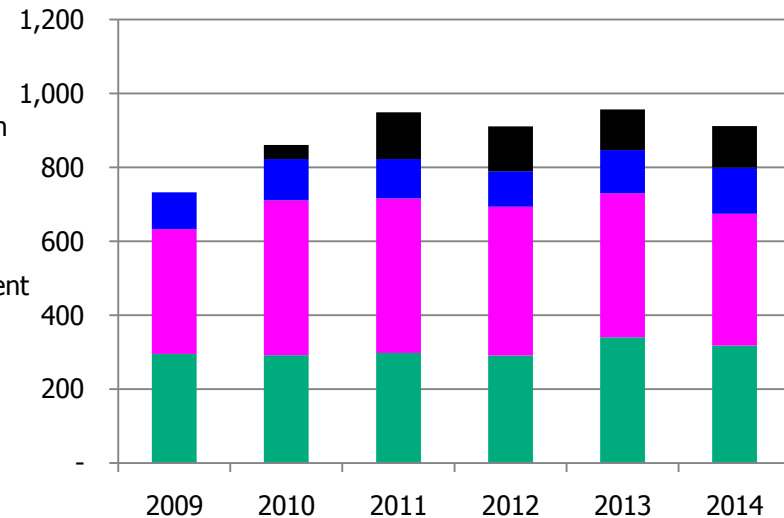
Specialized treatment programmes administered by POs

Number of probationers/parolees receiving specialized treatment programmes (2009-2014)

Parolees



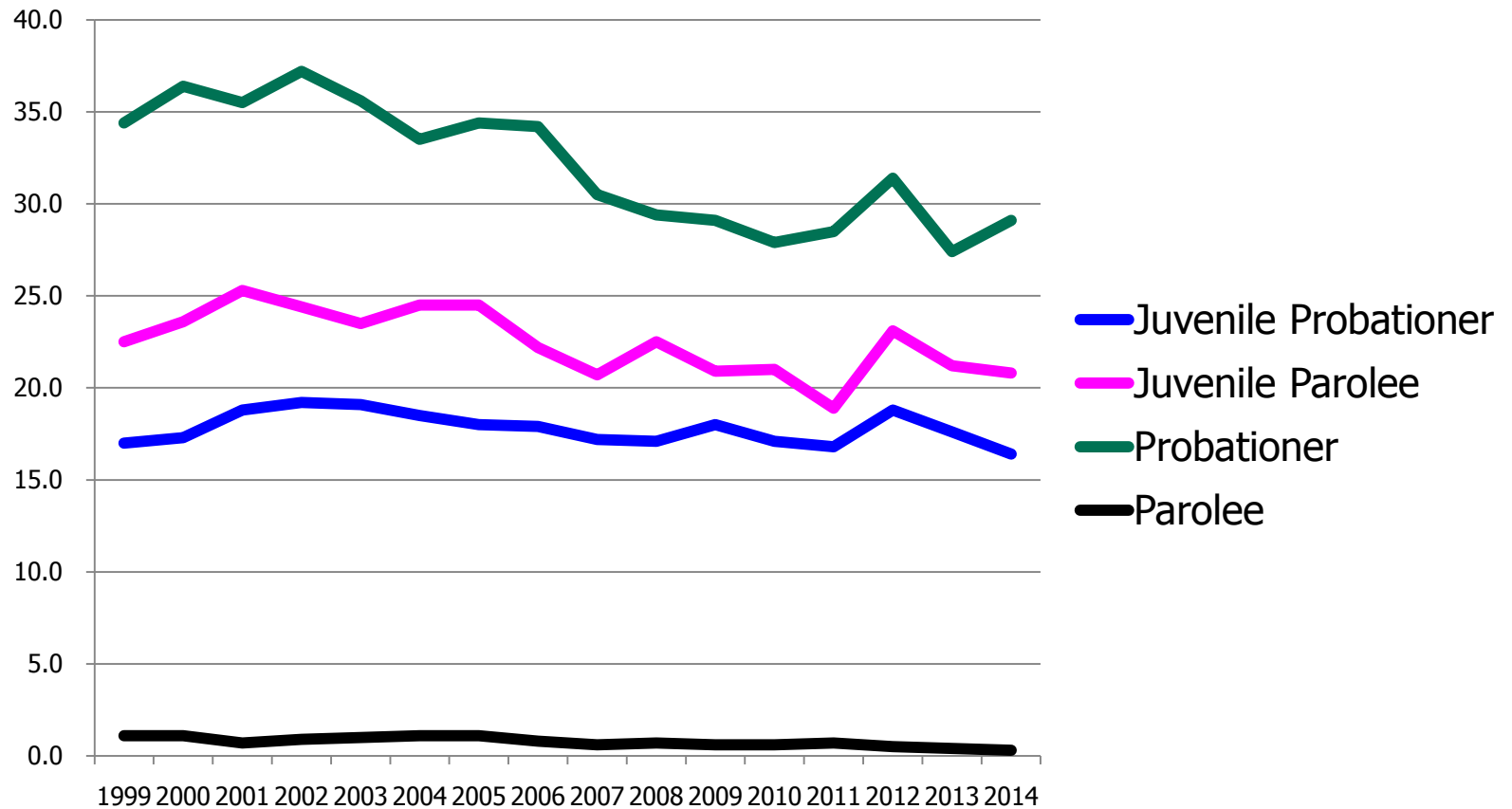
Probationers



As specialists of offender treatment



Probation revocation rates for probationers and parolees

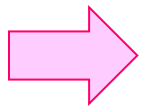




Management of Volunteer Probation Officers

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(Offender Rehabilitation Act)



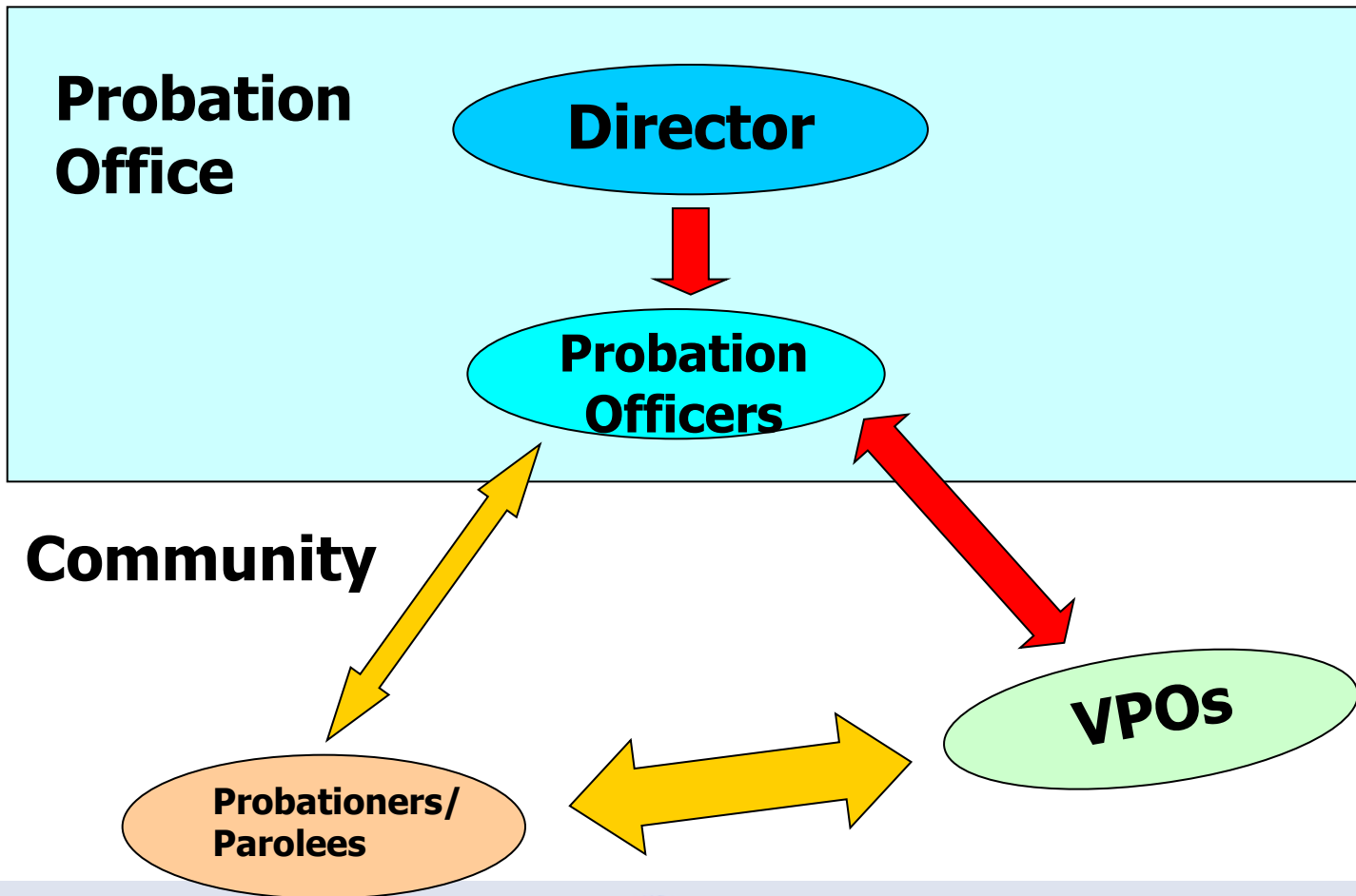
Probation officers substantially perform the duties assigned to the director of the probation office.



As district managers

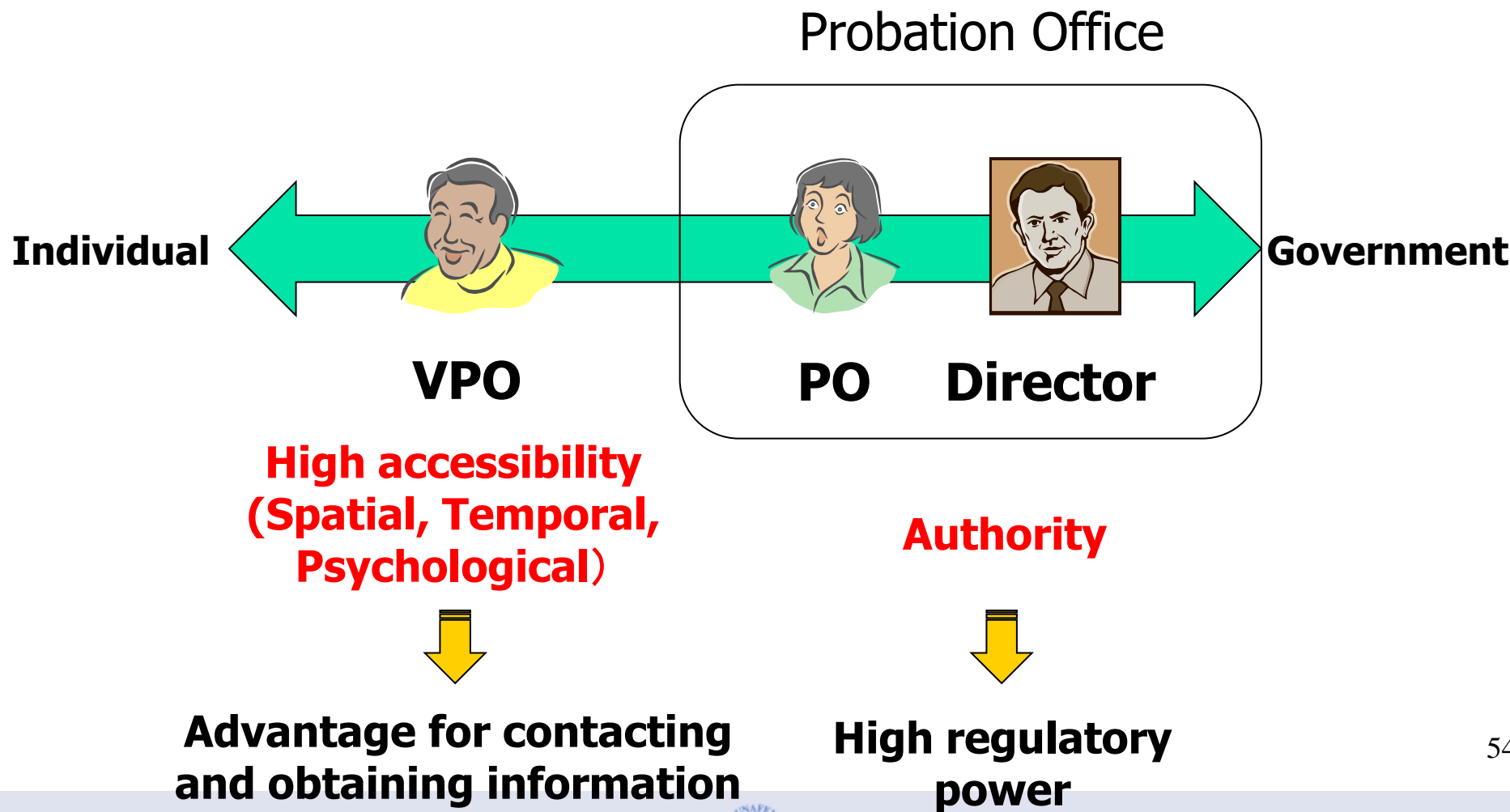


The relationship among POs, VPOs and Probationers/Parolees



As district managers

The relationship among POs, VPOs and Probationers/Parolees

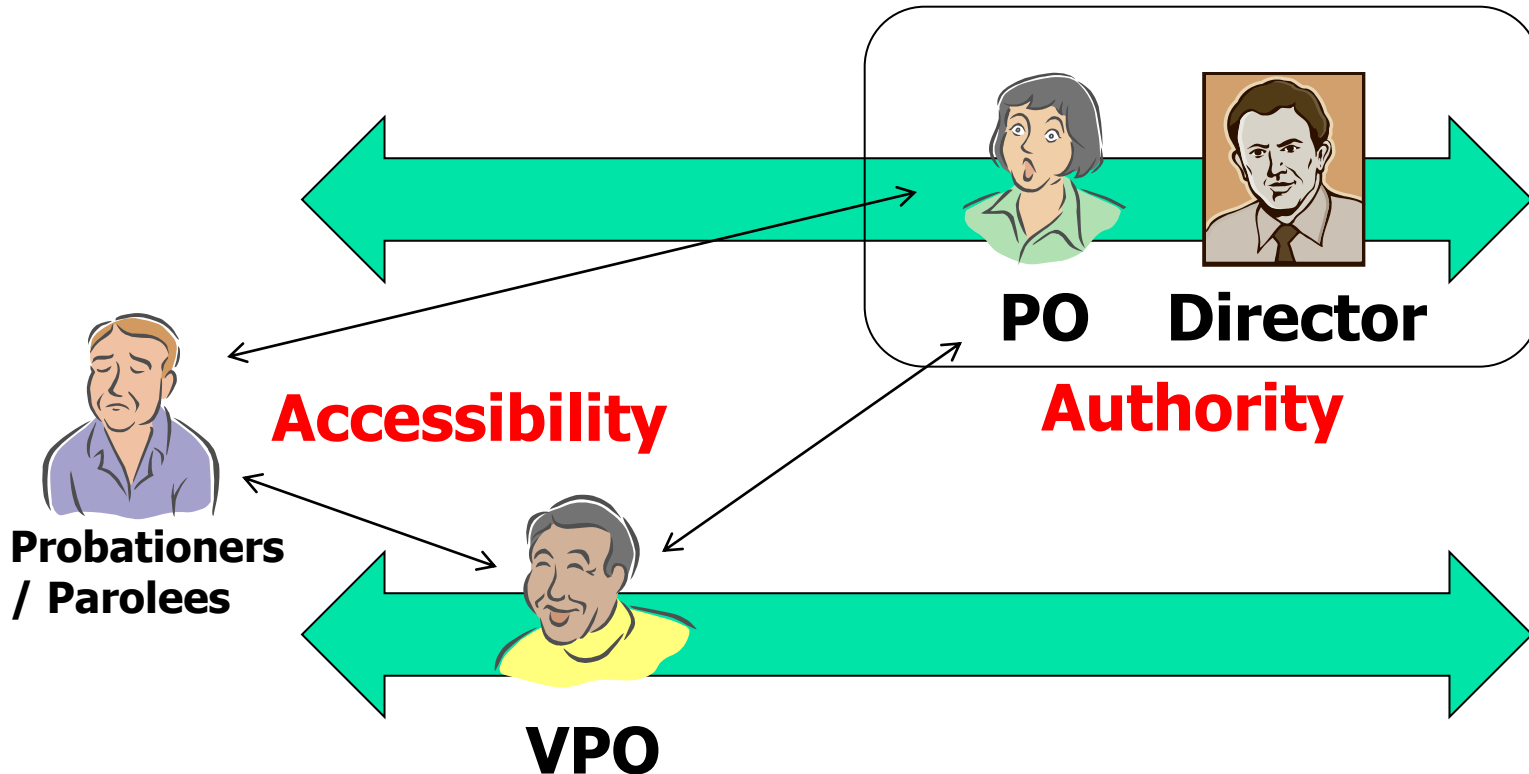


As district managers

The relationship among POs, VPOs and Probationers/Parolees

Advantage of the VPO system and the role of probation officers

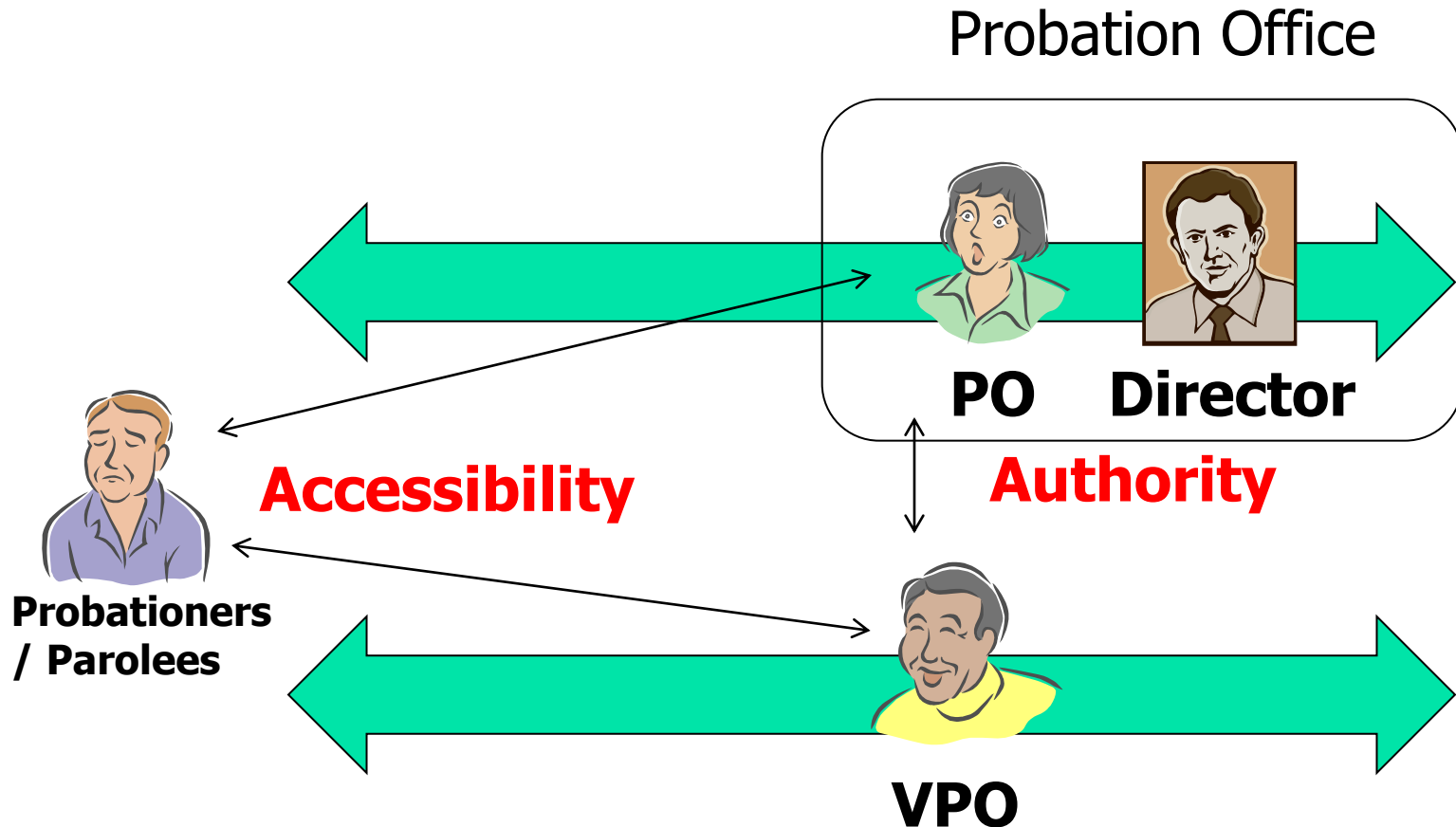
Probation Office



As district managers

The relationship among POs, VPOs and Probationers/Parolees

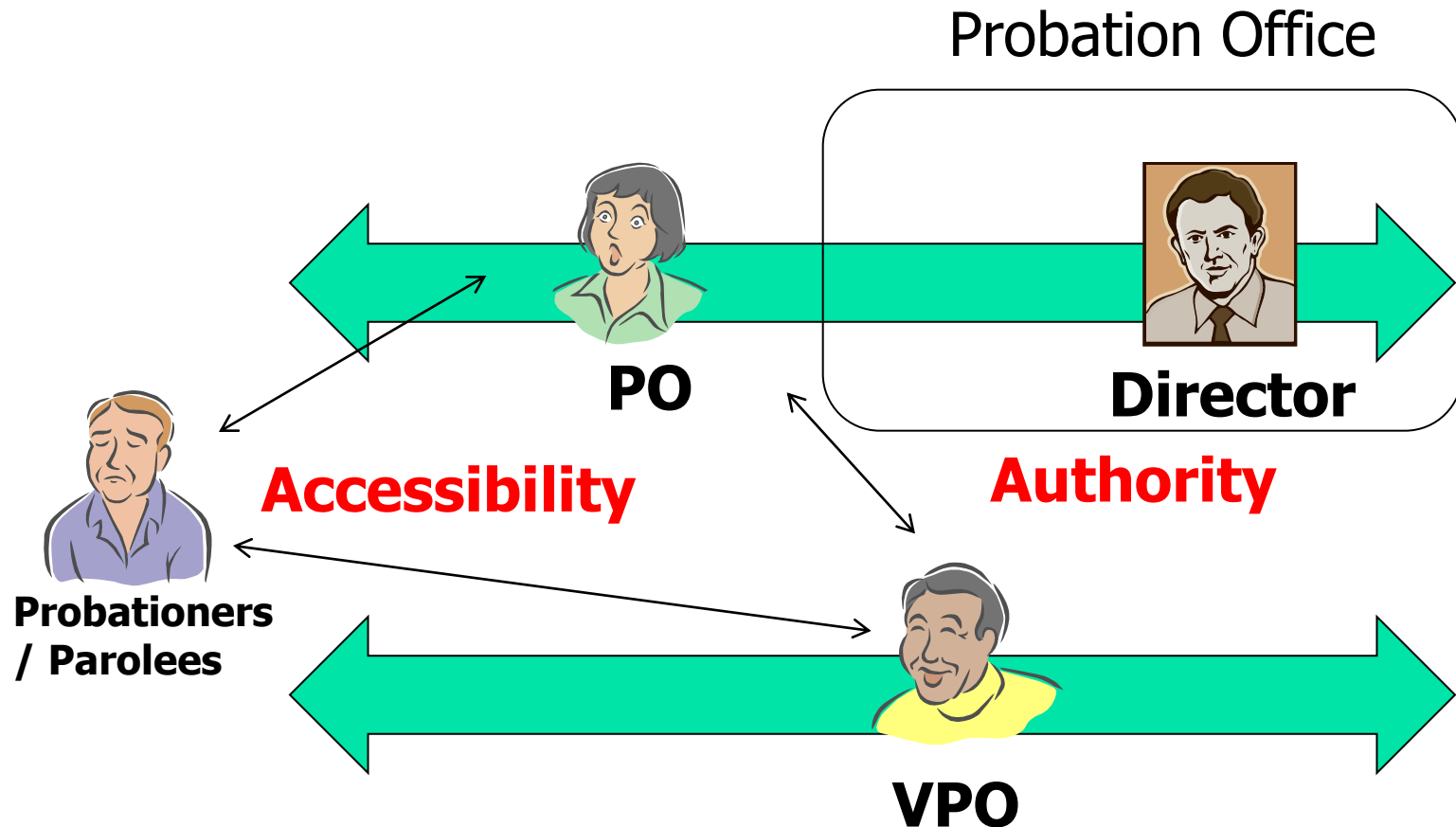
Advantage of the VPO system and the role of probation officers



As district managers

The relationship among POs, VPOs and Probationers/Parolees

Advantage of the VPO system and the role of probation officers

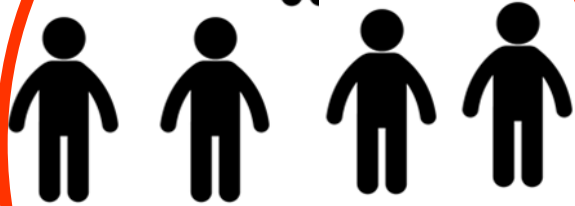
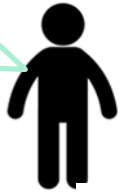


As district managers

VPOs in Fuchu Probation District organized "Fuchu VPO's Association"

Tokyo Probation Office Tachikawa Branch

President of Fuchu VPO Association

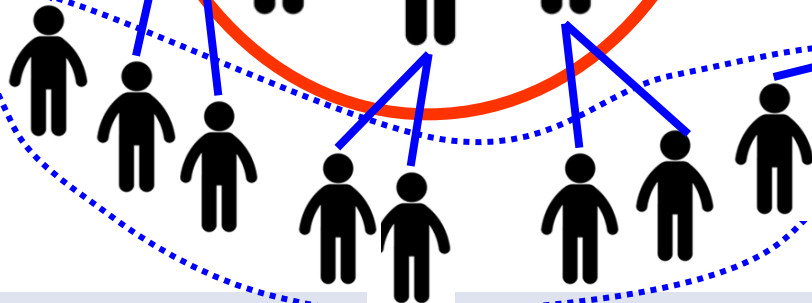


Management



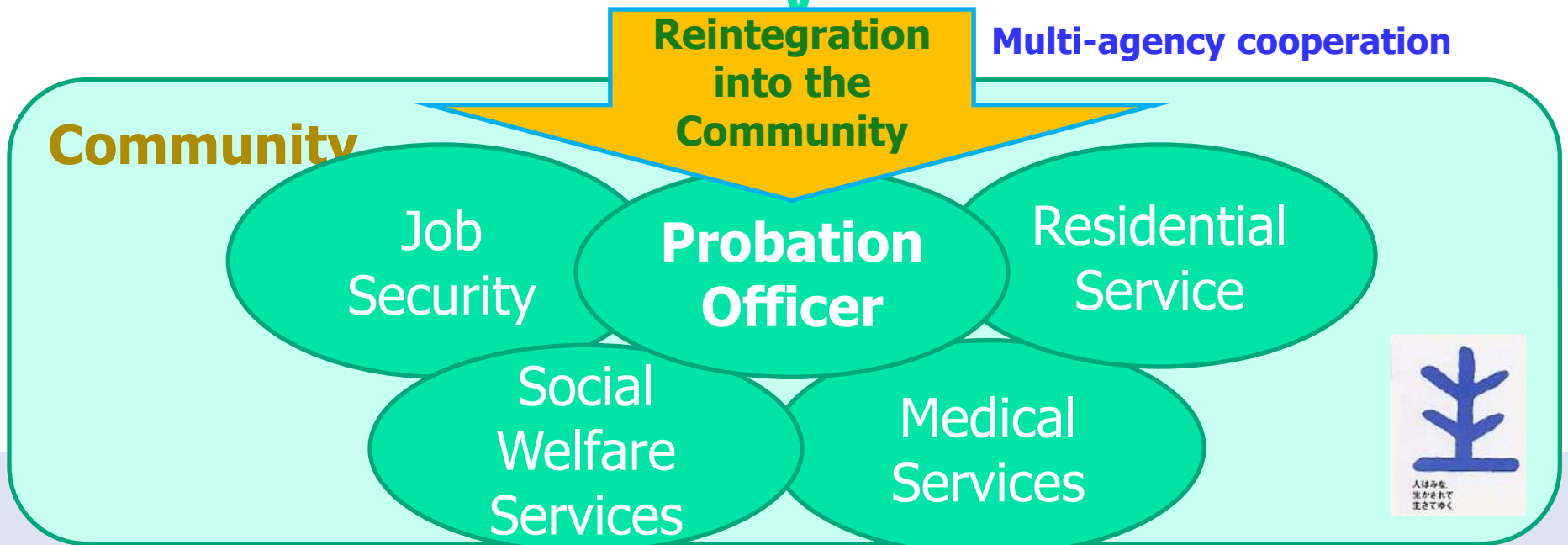
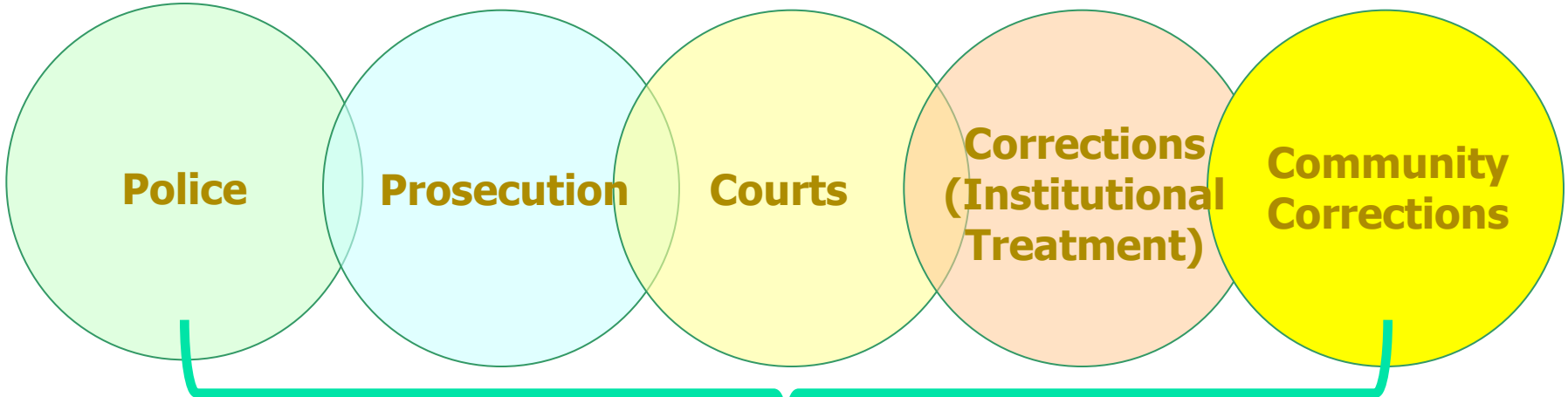
Probation Officer assigned to Fuchu Probation District (District Manager)

Probationers and Parolees living in Fuchu





As district managers





1. Probation Officers

- a. Prevention of recidivism through the supervision and necessary interaction with probationers/parolees
- b. Necessary support for probationers/parolees for their effective re-integration into the community

2. Volunteer Probation Officers

- a. Immediate contact with probationers/parolees based on VPOs' local character
- b. "Neighbours" rather than "representatives of the government"
- c. Fraternal concern about the welfare of the probationers/parolees as fellow citizens
- d. Encourage the probationers'/parolees' rehabilitation with patience and trust focusing on their strengths

3. Probationers/Parolees

- a. Fulfillment of probation/parole conditions
- b. Solving their own problems





Necessary attitudes of Probation Officers for effective collaborative work with VPOs

1. Sense of responsibility and sense of mission as a main executor of probation
2. Professionalism
3. Sense of gratitude towards probation volunteers

(The recommendation by the Council for Offender Rehabilitation Reform)₀₁





Key attitudes of Probation Officers for the effective treatment of offenders

1. Prosocial behaviour model for probationers/ parolees
2. The probation officer must make probationers/ parolees understand that the PO does not accept excuses for anti-social behaviour or violation of conditions.





Collaborative Problem-Solving with Offenders

In order to make offenders abide by conditions...

1. Discuss the contents of conditions and make offenders express their problems in their own words.
2. Identify offenders' problems and set goals which they are able to reach.
3. The probation officer should work with the offender to solve problems.



Revocation of Probation / Parole



What measures can the probation officers take, when probationers/parolees breach the conditions?

1. Order of Summons

- ✓ The Regional Parole Board or the director of the probation office may, if deemed necessary in performing its or his/her duty, order the probationers and parolees to be summoned.

2. Arrest

The director may apprehend such probationers and parolees...

- ✓ By a warrant of arrest issued by a judge in advance
- ✓ If probationers/parolees fail to live in a specified residence during the probation/parole period without justifiable grounds
- ✓ If there are sufficient grounds to suspect that they have not abided by the conditions and they have not obeyed or are likely not to obey the order of summons pursuant to the provision of the preceding paragraph without justifiable grounds.
- ✓ 24 hours



Revocation of Probation / Parole



3. Detention

- ✓ Period of detention
 - Probationers/parolees who are suspected of violating conditions of probation/parole may be detained for a period of **ten days** from the day on which the probationer/parolee is apprehended.
 - For the revocation of juvenile parole and the revocation of adult probation, it is possible to continue the detention until a notification of the decision of the court, but the period of detention shall not exceed **twenty days** in total.
- ✓ Place for detention
 - a penal institution or a juvenile classification home

4. Examination for Probation

- ✓ The director of the probation office may, if deemed necessary in the examination for probation, ask questions and request relevant persons₆₅ to submit materials.





5. Equipment for the arrest

- ✓ Based on the regulation of the Rehabilitation Bureau of the Ministry of Justice, probation officers may use metal handcuffs.

6. Suspension of Parole Supervision (Adult Parolees)

- ✓ If the Regional Parole Board determines, based on the proposal of the director of the probation office, that the parole supervision can no longer be conducted as the whereabouts of the parolee are unknown, it may suspend the parole supervision.

7. Other

- ✓ The Code of Criminal Procedure (Act No. 131 of 1948) shall apply mutatis mutandis to the warrant of arrest under the Offender Rehabilitation Act.





VI. Summary and Conclusion



VI. Summary and Conclusion



1. Japanese community-based treatment is conducted by the joint efforts of government (probation officers) and the **community**.
2. Approx. 48,000 **Volunteer Probation Officers** play crucial role in Japanese community-based treatment.
3. The characteristics of probation officers in Japan are specialists of offender treatment and district managers.
4. We are continuing in making efforts to match offenders' complicated needs by **multi-agency cooperation** and conducting **scientific treatment**.



Thank you very much for your
attention!

