

# Japan's Reducing Crime Rate

By Mr K.J. STOTTER

Mr Stotter is the Superintendent of Nyandi,  
3 Allen Court, Bentley, Western Australia  
and is also an Ordinary (Associate) Member of the  
Australian Crime Prevention Council.

## EDITORIAL NOTE:

During 1979 a group of six people representing the various States of Australia and differing areas of work within the Australian Criminal Justice System participated in a study tour of Japan. The tour was arranged by the Australian Institute of Criminology and funded by a Grant to them from the Australia/Japan Foundation. Its purpose was to examine the various components of Japan's Criminal Justice System in an attempt to understand why, as an industrial nation, it has a reducing crime rate.

Kim Stotter participated in the study tour and is a Social Worker and Superintendent of the Nyandi Treatment and Research Centre for adolescent girls in Western Australia. This article is based on a talk given by him to the Western Australian Branch of the Australian Crime Prevention Council.

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In trying to understand why Japan, as one of the world's leading industrial nations, has a reducing crime rate, it is necessary to consider a number of complex and interacting factors. The effectiveness of the adult criminal justice system depends on contributions made by the Police, Judicial system, Probation and Parole service, and Prisons. Pervading all these services is the all-important factor of the Japanese Character.

Before examining the Japanese Character and each of the major components of the Criminal Justice System, it is important to establish that Japan does, in fact, have a lower crime rate and that it is continuing to reduce.

The following table was produced in the White Paper on Crime 1977, published by the Japanese Ministry of Justice.

TABLE 1

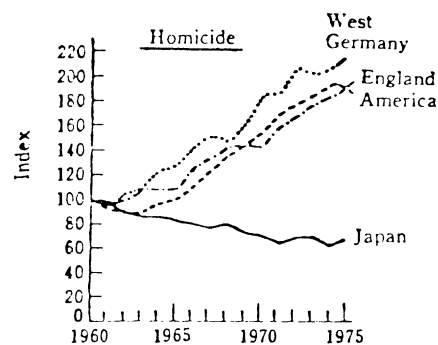
CRIMES				
COUNTRIES	HOMICIDE	ROBBERY	RAPE	THEFT
America	9.6	218.2	26.3	3,274.2
West Germany	4.8	33.4	11.1	3,088.1
England	2.3	23.0	2.1	2,483.0
Japan	1.9	2.1	3.3	927.3

Table 1 shows the rates of major crimes known to the Police per 100,000 population in America, Western Germany, England and Japan, for the year 1975. As can be seen America suffered the highest rates with Japan having the lowest rates — apart from Rape, where England's figure is slightly lower.

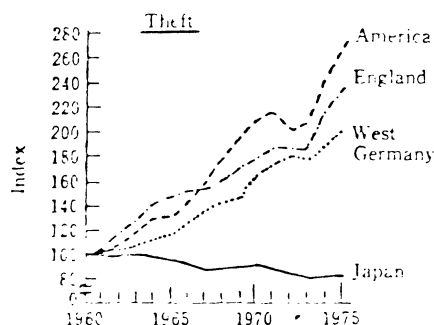
Probably more significant however, is the comparison of crime trends between the same four countries. The 1977 Japanese White Paper on crime claims that Penal Code crimes, excluding traffic crimes, have shown a general downward trend in post-war years compared to the significant rises experienced by other major industrialized countries.

Graph I and II give examples of this trend.

GRAPH I



GRAPH II



Before considering the various components of the Japanese Criminal Justice System in an attempt to find reasons for Japan's reducing crime rate, it is necessary to understand something of the Japanese "character", as it is this overriding factor which enables the system to function as it does.

### **JAPANESE CHARACTER**

The Japanese are extremely concerned with hierarchies and roles in society. It is from their position in society, and those people around them, that they largely derive their self-image. There is tremendous pressure to conform and people are judged on the zeal with which they live up to the obligations of their position. Nonconformity brings not only shame on oneself, but also on one's family, friends and associates. Japan is a homogenous society and these values have become firmly entrenched. Because of this, it is difficult for a Japanese person to justify committing a crime. The common rationales used by criminals in western societies are clearly unacceptable. The only way a Japanese person can commit a crime without bringing shame on those closest to him, is to join a deviant sub-cultural group which does not hold the traditional values. Thus, in recent years, Japan has seen the development of "Gangsters" – criminals who operate from an organized crime base.

Derived from their concept of self-image are a number of other characteristics which have an influence on crime control in Japan. Firstly, the Japanese are extremely honest and it is a characteristic which can be relied upon. Secondly, the Japanese are very concerned with their obligation to others, whether it be family, friends, employer or their nation in general. It is this ever-present consciousness of their obligation to others that is at noticeable variance from other current western philosophies where the emphasis tends to be on individual rights, with numerous single interest groups pushing their own causes, often with little concern as to whether it is in society's best interest. Thirdly, employees and management seem to have reached reasonably amicable agreements which appear to create industrial harmony, benefiting both parties and the national economy. It is factors such as these which make Japan an extremely safe place in which to live.

In seeming contradiction to the general rigid and inflexible existence that most Japanese lead, they do exhibit a remarkable degree of tolerance in certain areas – particularly in the area of victimless crime. For example, homosexuality has never been an offence and abortion laws are seldom enforced. Similarly, gambling laws are not enforced – except where organized crime is involved. Mixed sex bath houses are common and the Geisha mistress has become a recognized form of extra-marital sex. Drunkenness is accepted and the Police see it as their duty to assist rather than punish people who are inebriated.

### **POLICE**

Perhaps the most logical place to look for reasons for Japan's reducing crime rate is to that body which is formally charged with keeping law and order – the Japanese Police Force. Japan has 47 Prefectures, which are divided into a number of Police Districts, each of which has a Police Station. Attached to each Police Station are a number of Police Boxes. It is these Police Boxes and the activities conducted from them which is one of the most interesting concepts of the Japanese Police System.

The Police Box is a small grey building usually found situated in a prominent position such as a busy street corner. It is staffed by three or more Police Officers, depending on the work-load in the area. In Tokyo which has a population of 11.7 million people, there are 1,238 Police Boxes. Throughout Japan there are 16,000. As well as being on duty

24 hours per day to attend to normal criminal investigations, the Officers are also extremely service-oriented. Normal duties include geographical guidance, listening to complaints and giving consultative advice regarding grievances. In addition, Officers carry out routine patrols of their area approximately every six months. These entail the Officer calling on every household and worksite in the area for the purpose of getting to know the residents, ascertaining how many reside in each household, and dealing with any queries or complaints they may have. This personalized contact is an example of the traditional Japanese village system operating in a highly urbanized society. This liaison with community residents is also promoted by the circulation of a Police Bulletin known as "Police Box News".

The Police also establish Liaison Councils with schools and business organizations in their area who are dealing with juveniles. The purpose of these councils is to discuss methods of preventing delinquency, deal with problems which have arisen and generally exchange any relevant information.

The Japanese Police Force has a Crime Prevention Division which relies heavily on public co-operation and involvement. This Division uses newspapers, radio and various local organizations to make the public more aware of the crime prevention methods they can undertake themselves. Four major crime prevention campaigns are run each year.

In addition, this Division organizes and works in co-operation with a number of voluntary organizations. Firstly, there is the Crime Prevention Association. Voluntary Crime Prevention agents are appointed to this organization at the rate of one person per thirty households. Thus in Tokyo alone there are 109,250 agents. Their duties include activities such as circulating "Crime Prevention News", putting up posters and reporting crimes and accidents. Secondly, there are persons selected as juvenile guidance agents who are actively engaged in street work with juveniles, working in co-operation with the Police. Thirdly, there is the Hello Dear Movement. Persons appointed to this movement, when in the street, are expected to take the initiative in encouraging any appropriate behaviour they see juveniles performing and admonishing inappropriate behaviour. Fourthly, there is the Mothers' Association. There are 330,000 members in Tokyo alone and they co-operate with the Police in education programmes and delinquency prevention. In all, approximately 10% of Japan's population is involved in various crime prevention activities.

Clifford (1976) states that the Police present an impressive example of efficiency based upon community knowledge, public participation and dedication to the task. Their Headquarters are usually a masterpiece of the best modern electronic technology, but their operations are based primarily on the relationships with the people they serve.

### **PRISONS**

In many of the westernized countries today efforts to rehabilitate prisoners within the confines of prison walls have ceased. This is largely the result of an ever-growing body of research (for example, see Lipton D. Martinson R. and Wilks J. 1975) which indicates that efforts to date have been mostly ineffective.

As a result the western world is tending to drop back again to the philosophy of punishment as the prime response to crime. Deprivation of liberty is regarded as sufficient punishment and many prison managements do not regard themselves as being in the business of rehabilitation but rather concentrate on the management of difficult men in difficult circumstances.

This approach to adult correctional institutions is in marked contrast to the prisons in Japan. Once a person is admitted to prison, the whole emphasis is on rehabilitation

and changing the prisoner into a better citizen. As such, the activities carried out and the skills taught are, for the most part, directly relevant and beneficial to the life the prisoner will lead after discharge.

Over ninety percent of the prisoners in Japan are sentenced to imprisonment with labour. These prisoners must work and as a result, work has become a central characteristic of Japanese Prisons, many areas of them resembling factories. Prison industries include welding, printing, sewing, jewellery, and electronics, plus the normal maintenance works, such as laundry and cooking. Because of these activities Japanese Prisons are largely financially self-sufficient, some even making a profit. Trade Unions do not object to prison industries competing on the open market because such a move is seen to be in the best long-term national interest.

In addition to the factory-type work programme, prisoners are able to take on trade courses or pursue normal academic courses by correspondence. However the simple acquisition of work skills and knowledge is not seen as being sufficient in itself. In addition, prisoners are encouraged to develop a sense of responsibility for their crimes. This is often referred to as Living Guidance and can take on various forms such as meditation in a solitary confinement cell, organized counselling (group or individual), informal discussion, counselling by warders, or religious instruction. The aim is to correct the prisoner's attitudes and make him realize and accept his obligations to others.

The rehabilitation process in Japanese prisons also includes a motivational system. Prisoners commence their sentence as a 4th class prisoner which is signified by a yellow marker that they wear. They can then work their way up through 3rd class (pink), 2nd class (blue) to 1st class (red) — dependent on the percentage of time they have served on their sentence and their behaviour in prison. The higher the class, the greater the number of privileges the prisoner receives. When a prisoner has completed his sentence there is often a discharge ceremony. The Superintendent gives a speech and family members attend. The occasion is presented as one of significant achievement.

Another outstanding feature of the Japanese prison system is the amazingly low escape rate. While, like prisons in other western countries, there are sentry boxes at the corners of prison walls, the guards manning these posts in Japan, are unarmed. Yet at Fuchu, a prison of over two thousand men serving up to eight years gaol, there have been only three escapes in the past eight years. This is also despite the fact that the guards inside the prison are unarmed and often supervise prisoners in a ratio of 1:30 or 40. For example, at Fuchu prison there were two unarmed guards supervising 97 prisoners in a large workshop. Similar statistics were quoted throughout Japan.

## **PROBATION AND PAROLE**

The probation and parole systems in most westernized countries have become heavily professionalized. In contrast to this the Japanese system is characterized by the extensive use of volunteers, to the extent that they form the mainstay of the service. A survey in 1967 indicated that each probation officer in Japan was responsible for an average of 273 cases. However, the officer seldom worked directly with these cases and on an average had 91 volunteer probation officers assisting him.

In 1972 there were in excess of 46,000 Voluntary Probation Officers (V.P.O's) throughout Japan. They were people who had earned the respect of the community and were thus most likely to be in the best position to influence offenders. They were seen as representatives of the community and in turn, the community supports them. Only 2% of the V.P.O's were under the age of 40 and 32% were over the age of 64.

This heavy involvement by the older members of society is possible because of the great respect accorded to them by the young. Although the V.P.O's come from a wide variety of occupations, the achievement of common goals is made easier by the homogeneity of the Japanese race and the common general philosophy of life.

In addition to supervising the V.P.O's, the Probation and Parole service is also responsible for overseeing a number of voluntary organizations. Firstly, there is the Rehabilitation Aide Association which run Half-way Houses. They provide board and guidance for juvenile and adult probation and paroles as well as other discharged offenders. Their operation is subsidized by the Government. Secondly, there is the Volunteer Probation Officers' Association, which is an autonomous organization which provides an important means of communication between members and also with the Probation and Parole Department. It also provides training programmes for members and provides feedback to the general public on the policies and aims of the Probation and Parole service. Thirdly, the Rehabilitation Service Promotion Association is an organization which assists V.P.O's and Half-way Houses by providing them with such things as money, books and lecturers. The organization does not work with offenders directly. Fourthly, the Big Brothers and Sisters Association is an organization of youths who assist professional and volunteer probation officers with their cases. They also organize recreational programmes for children. Fifthly, the Women's Association for Rehabilitation Aid is a body representing mothers and housewives who give financial, material and moral support to V.P.O's, Rehabilitation Aid Hostels and Big Brother and Sisters workers.

## **JUDICIAL SYSTEM**

In 1948 a new Criminal Procedure Code was adopted in Japan. This incorporated some of the merits of the English and American systems as well as retaining sections of the traditional Japanese judicial system. The highlights of the changes were firstly that the Court was vested with the power to determine the constitutionality of any law, as well as the power to make rules. Secondly, the Court obtained complete independence from the executive branch of the State.

There are a number of features which distinguish the criminal justice system in Japan from the Australian system. Firstly, the Police in Japan do not prosecute their own cases. Rather, once the initial investigation has been made, the case is referred to the Public Prosecutor's Office for further investigation and prosecution if considered desirable. Similarly there is no system of private prosecution in Japan. The power of prosecution is monopolized by the Public Prosecutors. At the same time, Public Prosecutors have been vested with the power to withhold prosecution if it is deemed unnecessary after considering the character, age and situation of the offender, the circumstances and gravity of the offence, and the conditions subsequent to the offence. This power covers serious crime and every field of the substantive criminal law.

The general public in Japan accept that the Public Prosecutors use their powers in a fair manner. However when the principle of discretionary prosecution is combined with the monopolization of prosecution, there is an inherent danger of abuse. Because of this, a number of safeguards have been built into the system. There is an Inquest of Prosecution Committee which is composed of eleven randomly selected members of the general public. This body conducts enquiries into the decisions of Public Prosecutors, either as the result of a complaint or on its own initiative. Another safeguard is the quasi prosecution system. When a person who has lodged a complaint or accusation concerning the abuse of authority

by a Public Prosecutor is dissatisfied with the disposition made by the Public Prosecutors office, he may apply to the Court to commit the case to a Court trial.

Clifford (1976) states that the public prosecutor in Japan is, in a sense, the interpreter of public morality, in that he decides who shall be made an example of, who shall be given another chance, and what is most required by the public interest. He interprets that climate of permissiveness of concern in the way he handles the cases submitted to him. He regulates the distribution of the criminal stigma and acts to reconcile the demand for social conformity with the need for a degree of toleration of indiscretions and misdemeanours.

Secondly, there is no jury system in Japan. In 1928 a jury system was introduced for criminal offences. However popular inclination to the trial by professional Judges caused the suspension of the Jury System in 1943 and to date, there has been no pressure to have it revived.

Thirdly, the conviction rate of those appearing before the Courts is extremely high. For example, in 1975, 99.5% of the cases appearing before the Courts were found guilty. This is largely a function of the discretionary powers exercised firstly, by the Police who have the power to decide not to refer "petty offences" to the Public Prosecutor's Office, and secondly, by the Public Prosecutors as already discussed. The Japanese also claim that the careful presentation of cases is a significant factor.

The effect of this is that the role of the Judge becomes not so much one of deciding whether a defendant is guilty or not, but rather in determining an appropriate consequence for the offence. Similarly, lawyers are not so much concerned in defending the guilt of their client but rather in negotiating, firstly, with the Public Prosecutor and later in Court if necessary, any mitigating circumstances which may result in their client receiving a lighter sentence. Consequently, defence lawyers have not made much of a mark on the Japanese Criminal Justice System and are more likely to gain prestige in working with companies or industrial concerns.

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#### CONCLUSION

Kosai (1973) lists seven causes for Japan's decreasing crime rate. These are:—

1. The means of livelihood of the nation are abundant and relatively secure and only a few people are compelled to engage in criminal activity to make a living.
2. Family pride, honour and solidarity remain strong.
3. The stringent and effective control of firearms and narcotic drugs.
4. Japan's geographical isolation and lack of a land border with neighbouring countries that criminals can easily cross to escape.
5. Police efficiency in administration, equipment and investigation.
6. Active public involvement and co-operation.
7. Certain aspects of the Japanese National Character, in particular, their sense of shame and respect for authority.

On closer examination however, it will be seen that a number of these factors have remained consistent over many years. Thus, while they may indicate the reason for a low crime rate in Japan, they do not necessarily explain why it is continuing to reduce. Japanese who work in the criminal justice system also find the reason for the reducing crime rate very difficult to specify. The most common reason given was the improving state of the economy.

Ladbrook (1975) in examining urbanization and crime rates in Japan used the Japanese Prefectures as units of analysis, some having a distinctly urban character whilst the lifestyle in others continued on a more traditional rural basis. The indicators used did not explain convincingly the variation in the rates of homicide, arson, and rape. However, there were significant differences in the rates of assault, larceny and robbery. Analysis also indicated that the variation in property crimes was best ascribed to — 1) the high proportion of young adults in urban populations, followed by — 2) population mobility, then — 3) the degree of urbanization.

It has been suggested by a number of writers that it is disenfranchised youth who are the most vulnerable-to-crime segment of urban populations. Given that Japan's economy has been improving consistently and dramatically since soon after World War 2, it is reasonable to suggest that the young of the country are better integrated into the society and thus, less likely to commit crimes.

Japan's reducing crime rate is obviously a complex phenomena which needs further research. For westernized countries there are obvious potential benefits to be gained from such research.