



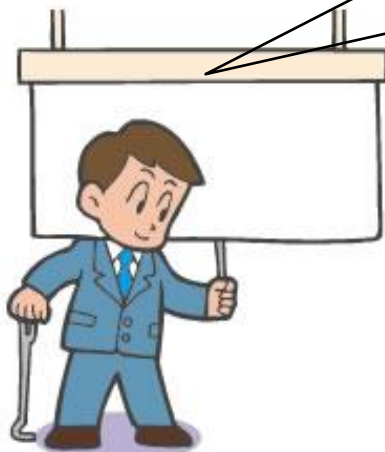
An Overview of Diversion and the Prison Situation

for



6 October 2015

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An Overview of the Statistics (2013)

Penal Code Offenses

Occurrence of Crime	(unknown to the police)	?
Reported cases		(1,900,000)
Identified suspects	(880,000)	

Special Law Offenses

Reported cases	(450,000)
Identified suspects	

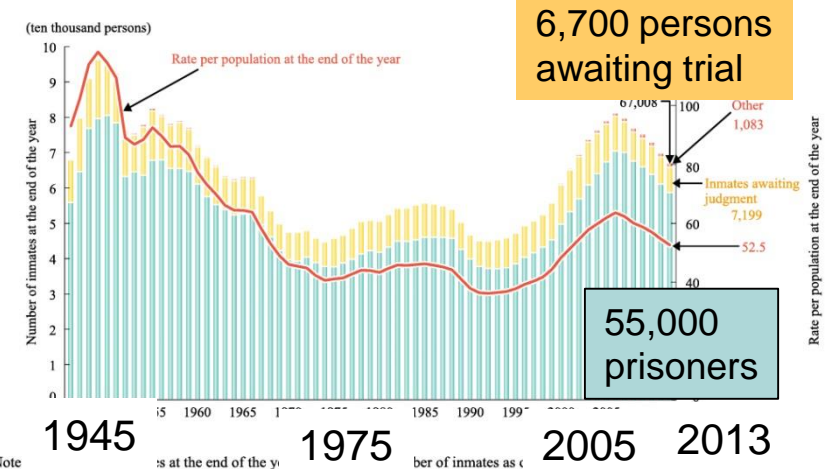
Prosecution

Non-prosecution	(830,000)
Summary prosecution	(310,000)
(To Family Court)	(100,000)
(Prosecution)	(90,000)

Sentencing

(Suspended)	(32,000)
(Imprisonment)	(23,000)

Fig. 2-4-1-1 Inmates in penal institutions: number and imprisonment rate (1946-2012)



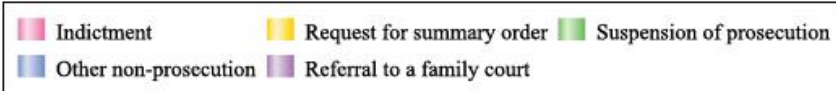
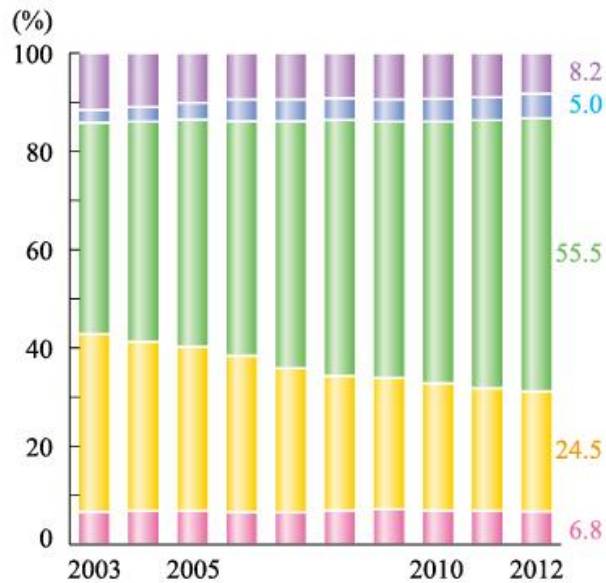
Note
 2. "Other" includes inmates sentenced to workhouses, detainees under various of arrest, detainees subject to court-ordered confinement, and juveniles provisionally detained under protective detention.
 3. "Rate per population at the end of the year" indicates the number of inmates as of December 31 of the respective years per 100,000 inhabitants.
 Source: Annual Report of Statistics on Correction
 The Statistics Bureau, Ministry of Internal Affairs and Communications (population data)

From White Paper on Crime (2014)

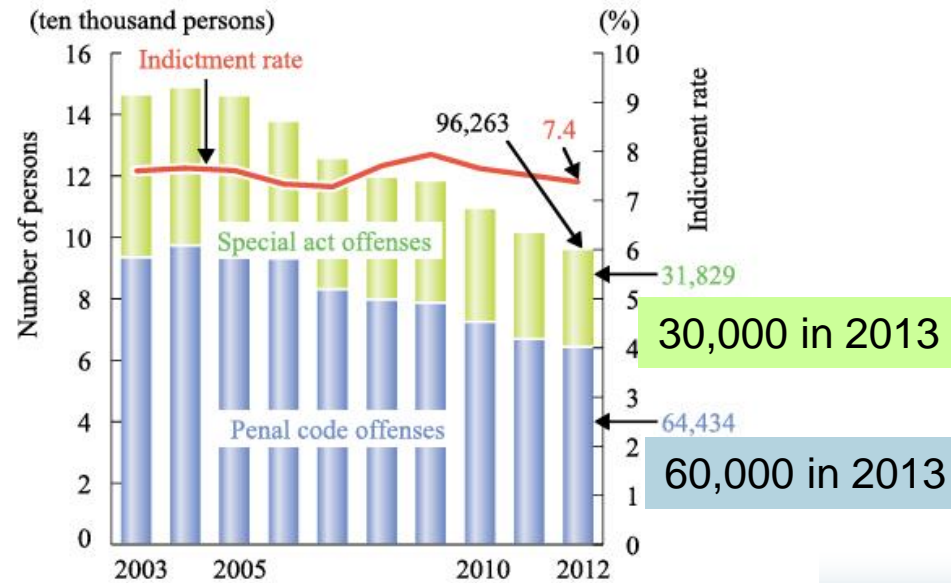
Prosecutorial Disposition (2003 - 2012)

Fig. 2-2-2-1 Percent distribution of persons whose cases conclusively disposed of by public prosecutors by type of disposition and number of persons indicted (2003-2012)

[1] Percent distribution of persons whose cases conclusively disposed of by public prosecutors



[2] Number of persons indicted/indictment rate



From White Paper on Crime (2013)

Legal System and Practices Behind Diversion

- A. Exclusive Power of Prosecution
- B. Discretionary Power of Non-prosecution
- C. Degree of Certainty in Proving a Case for Prosecution
- D. Utilization of Summary Procedure for Fine
- E. Investigative Authority of Prosecutors

Criminal Procedure Code
Art. 248

Considering

- the character, age, environment of a suspect
- The gravity of offence
- Circumstances and situation after the offence

Prosecution is not needed.

Importance of Interview

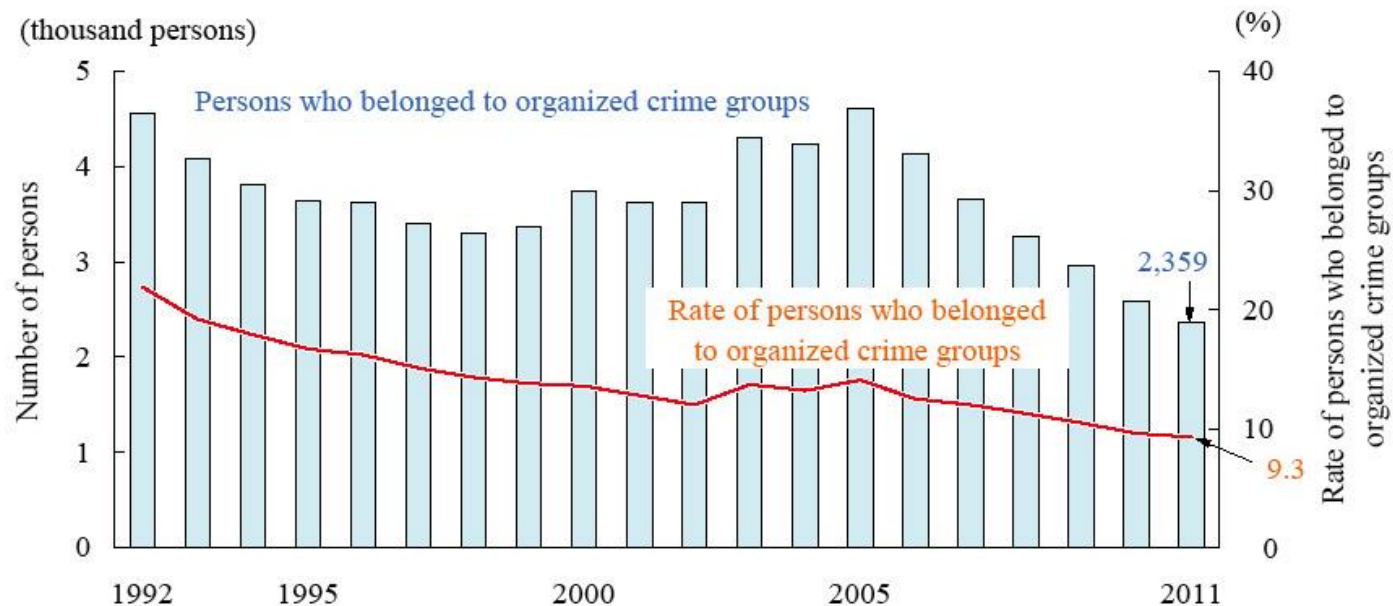
Criteria almost same as court judgement
Proof beyond a reasonable doubt

Criteria

No written guidelines
Unwritten and/or customary law
accumulated from the past practices

Yakuza (Japanese mafia) in the Prisons

Fig. 4-2-3-2 Number of new inmates who belonged to organized crime groups (1992-2011)



Note: 1. “Persons who belonged to organized crime groups” refers to regular members and quasi-members of designated organized crime groups, etc. as identified under the Anti-Organized Crime Group Act at the time of the offense.

2. “Rate of persons who belonged to organized crime groups” indicates the percentage of those who belonged to organized crime groups among the total new inmates.

Source: Annual Report of Statistics on Correction

Yakuza (Mafia) in the Prisons

Population 120,000,000

Prisons 60,000~87,000

Yakuza (mafia) 80,000

Yakuza (mafia) 2,000~4,000



Shinkansen capacity 1,300

Society 0.8 person

One car for
100 passengers

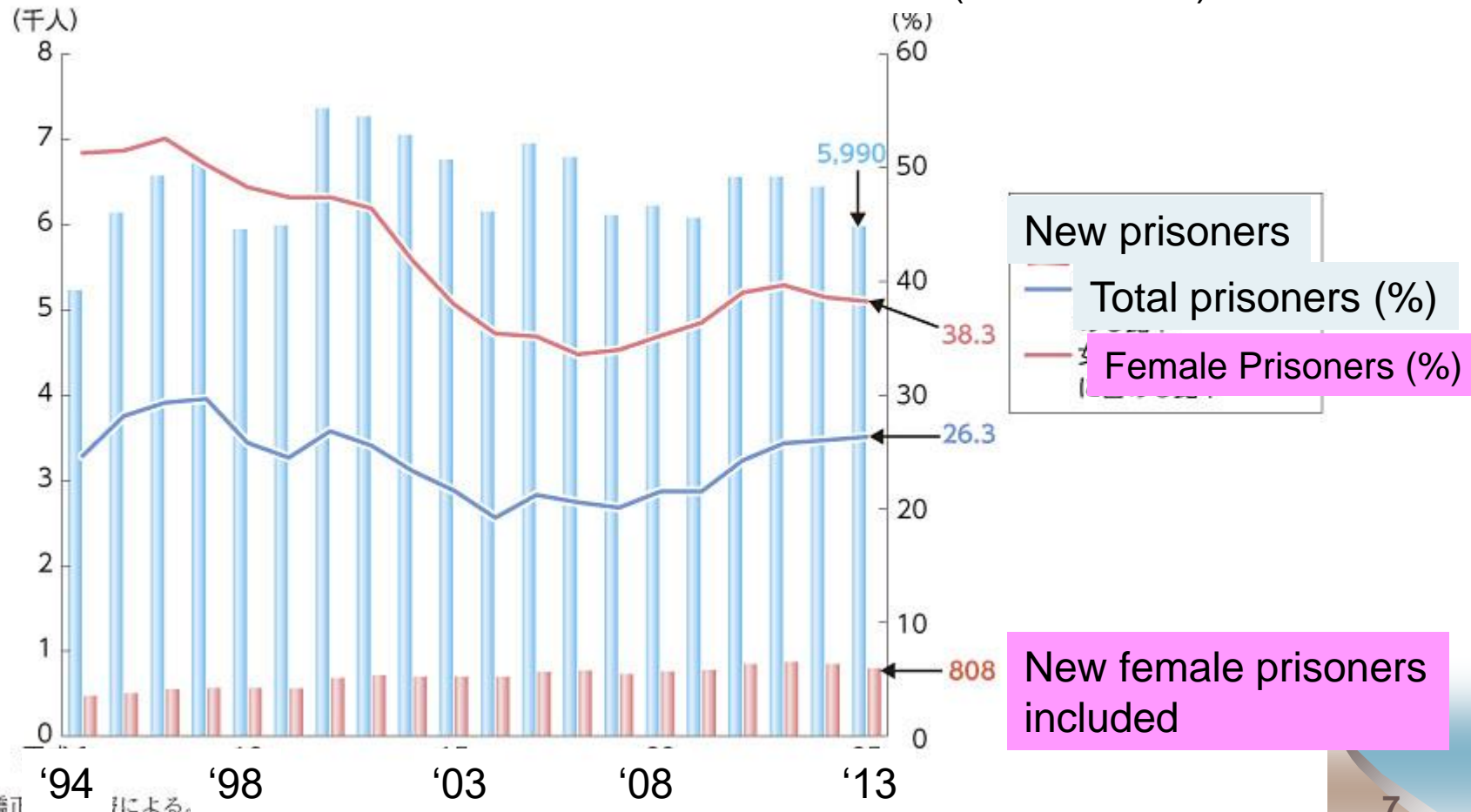
Yakuza in
Shinkansen

Prison 2 to 4 cars

Prisoners for Drug Related Crimes (1994 – 2013)

4-4-3-1 図

prisoners newly sent to prisons for drug related crimes (1994 – 2013) ~25年



注 籍 による。

From White Paper on Crime (2014)

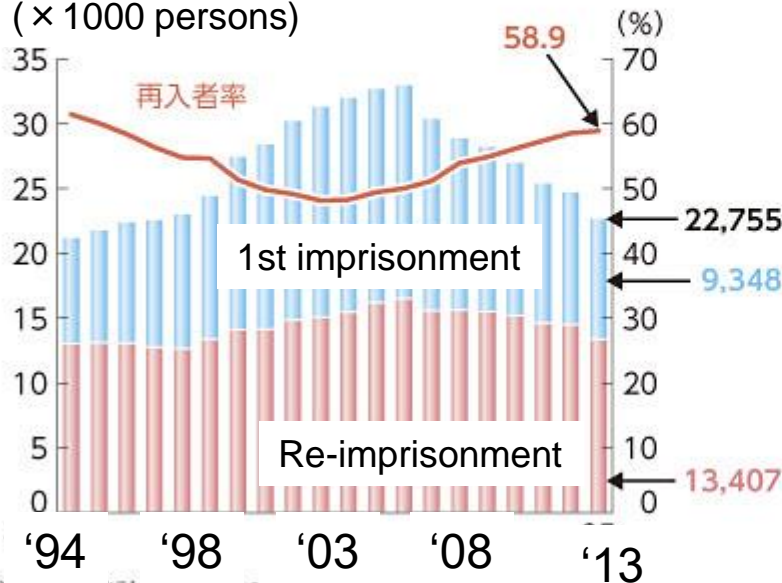
Repeat Prisoners

4-1-3-1 図

Repeat offenders among prisoners newly sent to the prisons (1994 – 2013)

① Total

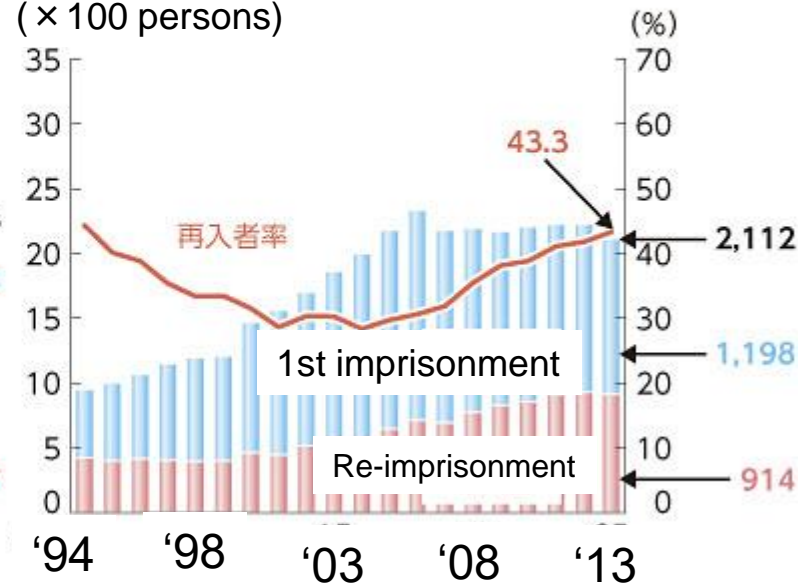
(× 1000 persons)



注 前記統計年報による。

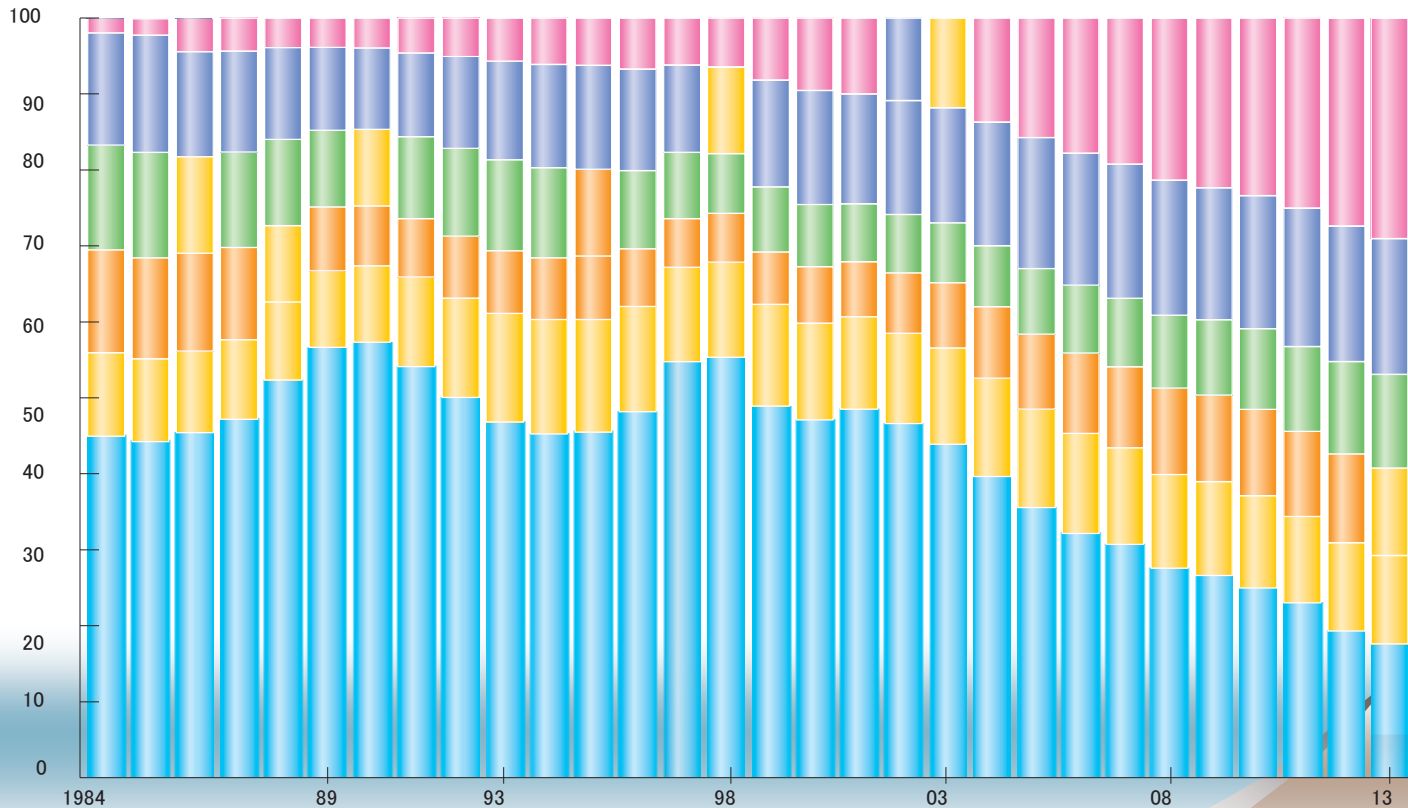
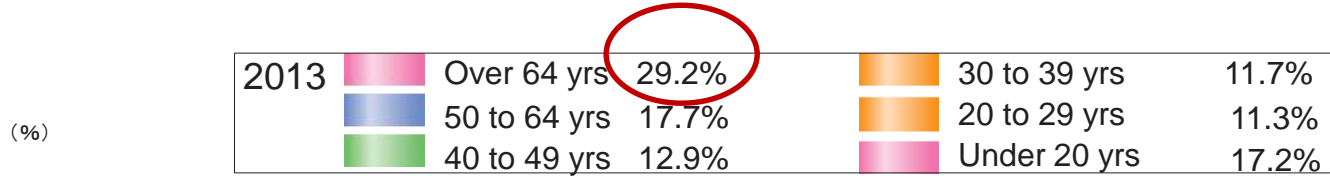
② Female

(× 100 persons)



From White Paper on Crime (2013)

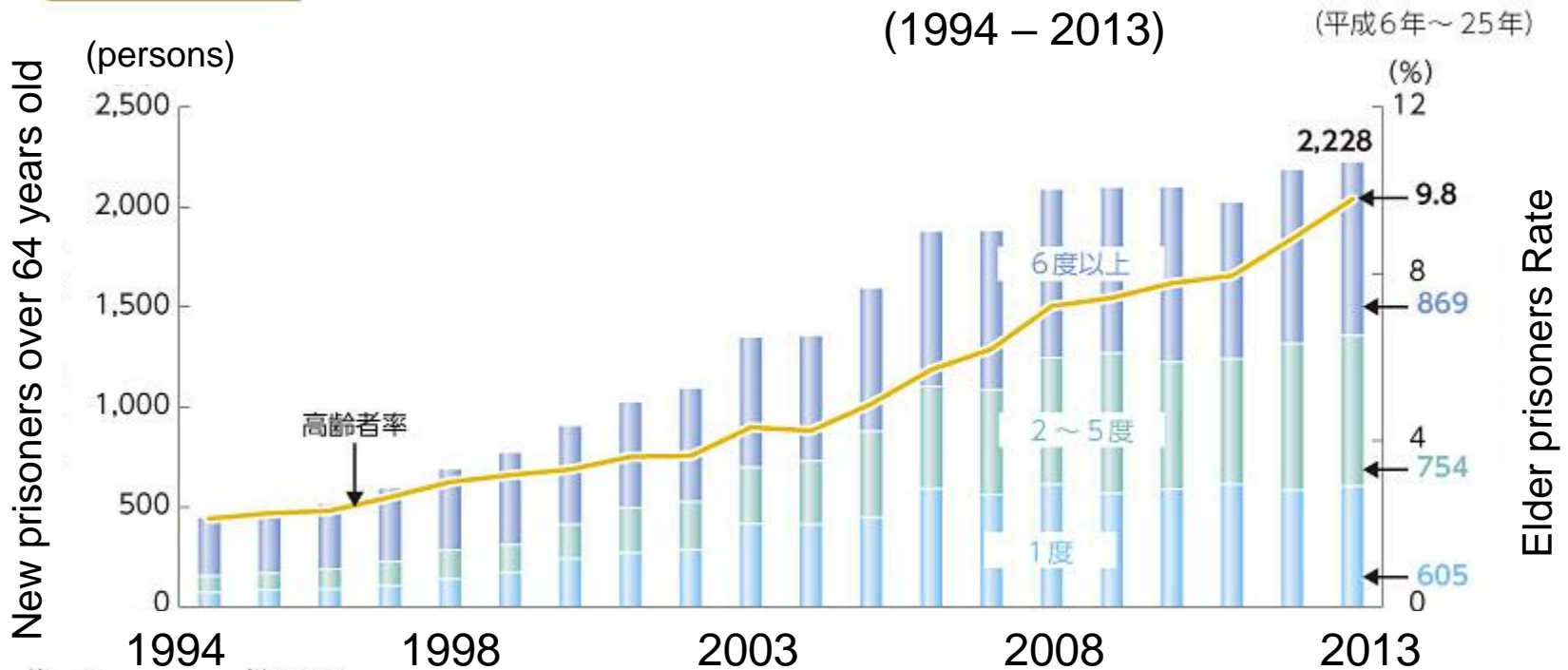
Elderly Female Prisoners (over 64 yrs) Newly Sent to Prisons accounts for around 30 %



Elderly Prisoners (1994 - 2013)

4-5-2-2 図

Elder prisoners newly sent to the prisons
(1994 - 2013)



- 注 1 刑務所収容者年報による。
 2 入所時の年齢による。
 3 「高齢者率」は、入所受刑者総数に占める高齢者の比率をいう。

From White Paper on Crime (2014)



**THANK YOU
FOR YOUR ATTENTION**



Mt. Fuji