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# Offender rehabilitation reform in Japan: Effective cooperation between professional and volunteer probation officers

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## ABSTRACT

Probation programmes in Japan have drawn critical attention over the last decade for not effectively preventing recidivism and for relying too heavily on volunteers. Despite the establishment of a Council for Offender Rehabilitation Reform in 2006 and consequent legislative clarification of the roles of professional probation officers (PPOs) and volunteer probation officers (VPOs), the repeat offender rate has been increasing and the prevention of recidivism remains an urgent issue in criminal justice in Japan. At the same time, it is important to recognize that parole and probation revocation rates have dropped slightly and that recidivism rates are lower for sexual offenders who have undergone specialized treatment programmes administered by PPOs. This article considers what issues were addressed by Offender Rehabilitation Reform and examine whether further clarification of the roles of VPOs and PPOs is needed in terms of legislative status, caseload, personnel matters, and functions in the community. Finally, this article will discuss ideal roles for VPOs and PPOs in the face of changing social contexts in Japan.

## 1. Introduction

Offender rehabilitation in Japan is characterized by the extensive participation of volunteers and volunteer organizations that contribute to the prevention of crime and rehabilitation of offenders. In addition to approximately 1000 professional probation officers (PPOs) who are full-time officers permanently employed by the Ministry of Justice, approximately 48,000 volunteer probation officers (VPOs) are drawn from the community to support offenders through the process of probation, parole and reentry into society. Japan's VPO system has attracted much attention from criminologists and practitioners in other countries<sup>1</sup> as an effective and efficient method of offender treatment. It allows for localized support and greater personal interaction and continuity compared to institutional and government-sponsored corrections programmes that are limited in their ability to intervene in the lives of offenders (Kubo, 2012: 95, Hagiwara, 1999). The utilization of VPOs and other community volunteers has also been praised for cost effectiveness (Nakajima, 2011, UNODC, 2006<sup>2</sup>).

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<sup>1</sup> UNAFEI developed the Juvenile Volunteer Probation Officer System in Kenya and has directed special training courses in for prevention of delinquency and treatment of juvenile delinquents since 1997. In the Philippines, UNAFEI has directed a training course since 2003 on community-based treatment of offenders under a government programme for Holistic Approaches to Volunteer Resource Development. Japan's VPO system has had an impact on the utilization of volunteers in community corrections in Singapore, Thailand and other countries in Asia as well. At the Second Seminar on Promoting Community-Based Treatment in the ASEAN Region held at UNAFEI in September 2015, many attendees expressed interest in learning best practices and successful experiences related to deployment of volunteer probation officers (VPOs) in Japan.

<sup>2</sup> Nakajima (2011) and UNODC (2006) both promote community-based treatment of offenders in terms of costs related to the criminal justice system, although neither specifically refers to VPOs.

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Following a series of crimes committed by parolees and probationers in 2004 and 2005, however, the offender rehabilitation system was called into question by the public for not effectively preventing recidivism. In response, the Minister of Justice established a Council for Offender Rehabilitation Reform in 2006 and ordered a broad review of the system. One of the Council's main findings was that PPOs were understaffed, lacked professionalism and relied too heavily on VPOs. This reflected a conceptual dichotomy in Japan between professional and volunteer centered efforts and an ongoing debate on the ideal relationship between law enforcement, PPOs and VPOs (Hagiwara, 1999, Segawa, 1982; Kitazawa, 2003:66–68). The respective roles of PPOs and VPOs were thus subsequently clarified through legislation under the Offender Rehabilitation Act of 2007. The number of PPOs was increased, and PPOs now concentrate primarily on case management and supervision of difficult offenders who must undergo specialized treatment programmes developed by the Ministry of Justice. Relatively low risk offenders are delegated to VPOs, who offer daily life support as opposed to disciplinary instruction provided by PPOs.

This article (1) reviews major issues that were addressed by the reform. It in addition (2) examines whether and to what extent the implemented reforms improved the effectiveness of probation and parole programmes in Japan, focusing especially on recidivism rates and revocation and redispotion rates,<sup>3</sup> as these form the two most important criteria to measure the effectiveness of VPOs and PPOs activities. The article finally (3) considers appropriate roles for PPOs and VPOs in the face of changing social contexts in Japan.

## 2. Offender rehabilitation and its executors

Offender rehabilitation in Japan is a nationally directed effort consisting of programmes in which PPOs and VPOs work together to provide instruction, supervision, guidance and assistance to offenders and juvenile delinquents to help them restructure their lives as sound members of society. This section introduces the administrative structure of Japan's offender rehabilitation system and outlines the statutory duties assigned to PPOs and VPOs under the Offender Rehabilitation Act and other legislation.

### 2.1. Administrative structure

The origin of modern offender rehabilitation in Japan dates back to establishment of the Shizuoka Prefecture Discharged Offender Protection Company in 1888. The company was established by Meizen Kimpara, a businessperson renowned for his lifelong devotion to public interests, in cooperation with Kyoichiro Kawamura, the then-vice warden of Shizuoka Prison, and others (Rehabilitation Bureau, 2015a:2). Reportedly, the company provided discharged offenders with lodging and job opportunities and deployed as many as 1700 probation staffers across the prefecture to aid with reintegration into the community. These activities are said to be the forerunners of halfway houses and the VPO system in Japan, and similar private associations were established nationwide in response to the central government's aggressive encouragement. Although these associations initially supported only offenders discharged from prison, services expanded to include offenders who had been granted a stay of execution or suspension of prosecution after such systems were introduced by special law in 1905 and under the Criminal Procedure Code of 1922, respectively.

Following enactment of the Judicial Rehabilitation Services Act in 1939, however, the national government took over full responsibility for the rehabilitation of adult offenders who had been discharged or granted a stay or suspension as well as for juvenile delinquents in connection with enforcement of the old Juvenile Act.<sup>4</sup> Today, rehabilitation policies and programmes are organized and administered by the Ministry of Justice and not by the courts or other governmental agencies. This is contrary to administration in other countries such as the United States, for example, where the courts are responsible for probation and pre-trial systems.<sup>5</sup> In Japan, actual implementation of rehabilitation programmes is carried out by probation offices under the Ministry of Justice as provided under Clause 1, Article 29 of the Offender Rehabilitation Act:

“The probation office shall take charge of the following affairs:

(i) Conducting probation as provided for by this Act and the Anti-Prostitution Act<sup>6</sup>”

While judicial organizations implement probation supervision in the United States<sup>7</sup> and other countries, in Japan, probation is conducted by a regional probation office under the administrative authority of the sentencing court. In addition, parole decisions are made by a regional parole board independently of other administrative bodies, and parole supervision is conducted by probation offices based on the decision of the parole board. One of the hallmarks of Japan's probation system is this separation of the organization that renders judgement from the organization that implements probation. In addition, probation offices in Japan are in charge of both adult and juvenile offenders on probation or parole whereas in many other countries they are handled by separate organizations.<sup>8</sup>

<sup>3</sup> Redispotion and revocation rates respectively refer to the percentage of persons who received a criminal disposition during their probation/parole supervision period and who had their parole revoked (those who fall under both categories are counted as one person).

<sup>4</sup> Ministry of Justice website: [http://www.moj.go.jp/hogo1/soumu/hogo\\_hogo02.html](http://www.moj.go.jp/hogo1/soumu/hogo_hogo02.html).

<sup>5</sup> <http://www.uscourts.gov/services-forms/probation-and-pretrial-services>.

<sup>6</sup> The Anti-Prostitution Act establishes parole procedures and parole supervision upon release from guidance homes for women.

<sup>7</sup> <http://www.uscourts.gov/services-forms/probation-and-pretrial-services>.

<sup>8</sup> The implementing organizations of probation and parole supervision vary around the world. According to country papers collected by UNAFEI at the 162nd International Senior Seminar, the 164th International Training Course and the Seminar on Promoting Community-Based Treatment in the ASEAN Region, probation and parole are implemented by separate agencies in countries such as Brunei Darussalam and Malaysia while the implementing body of both probation and parole supervision is the same agency in countries such as Indonesia, Japan, Kenya, Korea, the Philippines, and Thailand. In countries such as Malaysia and Singapore,

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