Penal Institutions in Japan

CORRECTION BUREAU, MINISTRY OF JUSTICE
The penal institution is responsible for realizing a society where people can live safely and securely by contributing to the smooth operation of the criminal justice procedure and preventing re-offending by released inmates through secure accommodation of inmates, treatment with due respect to the human rights of inmates and appropriate treatment of inmates according to their legal status.
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1. General Outline of Penal Institutions in Japan

Organization, Staff and Budget

Organization and Staff

In Japan, the collective term “penal institutions” denotes prisons, juvenile prisons and detention houses. Penal institutions are under the jurisdiction of the Ministry of Justice. The Correction Bureau, which is one of the inner organs of the Ministry of Justice, and the eight regional correction headquarters, which are the field offices of the Ministry, serve a supervisory function over the penal institutions. Inspectors designated by the Minister of Justice conduct on-the-spot inspections at each penal institution at least once a year.

Organization

Prison (62)  
Juvenile Prison (6)  
Detention House (8)

Penal Institution Visiting Committee (76)

Regional Correction Headquarters (8)

-the field offices of the Ministry

Regional Correction Headquarters

Local branch offices of the Ministry

The Ministry of Justice

Correction Bureau

Internal organ of the Ministry

Organizations (as of March, 2018)

Organization of a Large-Scale Penal Institution

General Affairs Division

- Responsible for general affairs concerning public relations and admission/release of inmates
- Responsible for the payment for staff and management of retained articles of inmates
- Responsible for serving meals, lending and supplying of clothing, bedding etc. for inmates
- Responsible for the security and the treatment of inmates
- Responsible for the planning and guidance of work in institutions as well as vocational training, etc.

Education Division

- Responsible for the guidance for reform (p. 15), the guidance in school courses (p. 16) and the leisure activities of inmates

Treatment Division

- Responsible for the assessment for treatment of inmates (p. 13), assignment of work for inmates, parole examination, etc.

Medical Division

- Responsible for translation, interpretation and investigation regarding treatment of foreign inmates

Assessment Specialists

- Provide counseling and engage in the assessment of the personalities and circumstances of sentenced inmates

Welfare Specialist

- Provide welfare support for inmates with difficulty in leading independent lives such as the elderly or disabled

Medical Doctors, Pharmacists, Nurses, etc.

- Ensure the hygiene of and provide medical care for inmates

Prison Officers

- Provide guidance for daily life and vocational training for inmates as well as the security of penal institutions

Industrial Specialist

- Provide guidance for prison work for sentenced inmates

Educational Specialist

- Provide guidance for reform (p. 15) and guidance in school courses (p. 16) for sentenced inmates

Assessment Specialist

- The assessment specialists provide counseling and engage in the assessment of the personalities and circumstances of sentenced inmates

Welfare Specialist

- The welfare specialists provide welfare support for inmates with difficulty in leading independent lives such as the elderly or disabled

Medical Doctors, Pharmacists, Nurses, etc.

- Ensure the hygiene of and provide medical care for inmates

Staff Members of Penal Institutions (Fiscal Year 2017)

- Total Number of Staff 19,649
- Clerical Staff, etc. 176
- Prison Officers 17,586
- Medical Doctors, Pharmacists, Nurses, etc. 749
- Industrial Specialists 1,138
1. General Outline of Penal Institutions in Japan

**Budget**

The government bears all costs necessary for clothing, food, and housing for inmates’ daily lives. The budget for penal institutions for fiscal year 2017 was about 196.8 billion yen. The estimated daily expenses per inmate were approximately 1,826 yen.

**The Penal Institution Visiting Committee**

A Penal Institution Visiting Committee, consisting of third parties, is established in each penal institution. The committee is composed of a maximum of 10 members appointed by the Minister of Justice from among persons of integrity and insight with a passionate interest in the improvement of the administration of penal institutions. The committee studies the circumstances of the administration of the penal institution by visiting the penal institution and holding interviews with inmates, and gives its opinions to the warden of the penal institution with regard to the penal institution’s administration. This serves to ensure the transparency of administration of the penal institution, improve the administration of the penal institution, and enhance the partnership between the penal institutions and the community. The Ministry of Justice posts a summary of both the opinions expressed by the committee to the warden of the penal institution and the measures taken by the warden of the penal institution responding to the opinions on its website.

**Flow of the Criminal Justice System**

The number of newly admitted sentenced inmates (who were newly committed to penal institutions after conviction) in 2016 was approximately 20,000. This number was only 1.8 percent of the cases public prosecutors offices handled in 2016 and a relatively small number of offenders are actually committed to the penal institutions.

**Daily Inmate-Related Costs per Person by Type of Expenditure**

<table>
<thead>
<tr>
<th>Expenditure</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Incentive remuneration</td>
<td>¥93</td>
</tr>
<tr>
<td>Medical care</td>
<td>¥184</td>
</tr>
<tr>
<td>Education</td>
<td>¥63</td>
</tr>
<tr>
<td>Other equipment</td>
<td>¥335</td>
</tr>
<tr>
<td>Transportation</td>
<td>¥38</td>
</tr>
<tr>
<td>Fuel</td>
<td>¥79</td>
</tr>
<tr>
<td>Meals</td>
<td>¥534</td>
</tr>
<tr>
<td>Clothing</td>
<td>¥29</td>
</tr>
<tr>
<td>Electricity</td>
<td>¥464</td>
</tr>
<tr>
<td>Meals</td>
<td>¥7</td>
</tr>
<tr>
<td>Total</td>
<td>¥1,826</td>
</tr>
</tbody>
</table>

**Flow Chart of the Criminal Justice System**

(as of the end of 2016)
### Population Trends

The average daily population for the total penal institutions has been decreasing year by year after peaking in 2007. The ratio of total number of inmates in penal institutions to the capacity thereof was 62.6 percent at the end of 2016.

In 2016, the number of newly admitted inmates was 20,467 with re-offenders making up approximately 60 percent of all the inmates.

A number of first-timers had prior records such as protective measure (15.1 percent) or suspension of execution of sentence (67.0 percent). Organized crime members accounted for 6.8 percent of all newly admitted inmates; and stimulant drug offenders accounted for 27.3 percent thereof.

One recent characteristic is the increase of both ratios of the elderly and female sentenced inmates to all the inmates respectively.

#### Average Daily Population in Penal Institutions and Its Breakdown

![Graph showing average daily population in penal institutions and its breakdown.]({"note":1,"note_text":null,"note1":null,"note2":null,"note3":null})

#### Elderly Sentenced Inmates

![Graph showing percentage of elderly sentenced inmates to the total number of sentenced inmates as of December 31 of each year.]({"note":null,"note1":null,"note2":null,"note3":null})

#### Female Sentenced Inmates

![Graph showing percentage of female sentenced inmates to the total number of sentenced inmates as of December 31 of each year.]({"note":null,"note1":null,"note2":null,"note3":null})
2. Treatment of Inmates in Penal Institutions

Daily Lives of Inmates

The following is the typical daily routine for sentenced inmates in penal institutions.

Although the daily routine of inmates other than sentenced inmates is almost the same as that of sentenced inmates, such inmates are not obliged to work and on non-trial days spend their time preparing for their trial or reading.

Daily Lives of Sentenced Inmates

<table>
<thead>
<tr>
<th>Time</th>
<th>Activity</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>6:45 am</td>
<td>Rise</td>
<td>After washing their faces and using the bathroom, a morning roll call is taken.</td>
</tr>
<tr>
<td>7:00 am</td>
<td>Roll call</td>
<td>The main purpose of the roll call is to confirm that no inmates have escaped. However, this also serves as a daily checkup of inmates’ mental and physical health.</td>
</tr>
<tr>
<td></td>
<td>Breakfast</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Move to workshops</td>
<td>On their way to the workshops, sentenced inmates change their clothes to work clothes. At this time, a body search is conducted to confirm that there has been no unlawful trafficking of property and to check the condition of their health.</td>
</tr>
<tr>
<td>8:00 am</td>
<td>Start of work</td>
<td>Sentenced inmates take part in warm-ups and are notified of some basic rules of their work in order to ensure smooth proceedings for the day. After that, prison work begins. During working hours, the sentenced inmates receive visitors, such as family members, and are provided with guidance for reform.</td>
</tr>
<tr>
<td>10:00–10:30 am</td>
<td>Exercise</td>
<td>Working hours can be shortened according to bathing schedules.</td>
</tr>
<tr>
<td>12:00–12:40 pm</td>
<td>Lunch</td>
<td></td>
</tr>
<tr>
<td>2:30–2:40 pm</td>
<td>Short breaks</td>
<td></td>
</tr>
<tr>
<td>4:40 pm</td>
<td>End of work</td>
<td>A body search is conducted after the end of work.</td>
</tr>
<tr>
<td></td>
<td>Bathe</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Move to room</td>
<td></td>
</tr>
<tr>
<td>5:00 pm</td>
<td>Roll call</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Supper</td>
<td></td>
</tr>
<tr>
<td>6:00–9:00 pm</td>
<td>Free time</td>
<td>Sentenced inmates may use this time to sleep, relax, watch TV or listen to the radio. Also, some sentenced inmates spend this period reading letters or writing letters to their family members, and meditating on themselves and their future life after release.</td>
</tr>
<tr>
<td>9:00 pm</td>
<td>Lights out</td>
<td></td>
</tr>
</tbody>
</table>

The above is the schedule for “persons sentenced to imprisonment with work” because most inmates in penal institutions are “persons sentenced to imprisonment with work.”
Doctors, as the staff members of penal institutions, conduct medical treatment. Inmates are treated in a medical institution outside the penal institution when necessary. The health examination after admission, regular health examinations, various cancer screenings, etc. are offered as well.

Sentenced inmates are required to select a given hairstyle in view of keeping better hygiene and work safety.

Every inmate is provided with clothing and bedding suitable for seasonal weather changes. Inmates may use self-supplied clothing and bedding depending on their status. Self-supplied underwear and socks are available for all inmates.

The state provides meals for every inmate. Lunch is served in the dining room. Meals that contain sufficient calories to suit gender, age and work assignment of each inmate.

Meals that take into consideration the particular conditions, customs and religions of each inmate are also provided as needed.

The rooms have proper sizes of windows and air vents for lighting and ventilation. Further, the heating systems are equipped with consideration of regional characteristics.

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Inmates are allowed to bathe at least twice a week. The bathing time is 15 to 20 minutes on average. The frequency of bathing is increased for hygiene maintenance in the summer season.

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Some rooms are provided with beds and chairs for inmates who are physically challenged or foreign nationals.

Meals that contain sufficient calories to suit gender, age and work assignment of each inmate.

Meals that take into consideration the particular conditions, customs and religions of each inmate are also provided as needed.

Inmates are provided with an opportunity to exercise in the open air for more than 30 minutes a day for maintaining mental and physical health. Special light exercises such as stretching exercises, etc. are conducted depending on their physical strength.

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Reading books and other materials are considered effective as a means of cultural enrichment and as a way for inmates to spend their free time in penal institutions. Access to self-supplied books and reading materials by inmates should not be prohibited nor restricted unless otherwise provided by the provisions of laws and regulations owing to the risk of hindering adequate pursuance of correctional treatment for sentenced inmates or the risk of causing destruction of evidence in unsentenced inmates' trials, as well as the risk of causing disruption to discipline and order in the penal institution.

For foreign inmates, books and other reading materials in their own languages are specially purchased by the penal institutions or are donated to penal institutions generously by nearby libraries and embassies. Foreign inmates may relieve their sense of isolation through contact with their native language.

In most of the institutions, the penal institution journals are edited and printed by inmates.
Penal institutions house a wide spectrum of inmates whose characteristics and life histories vary considerably. In such a climate, it is indispensable to keep a safe penal institution environment. To realize such an objective, the order and discipline in the penal institutions should be maintained appropriately. Disturbances of discipline and order in penal institutions often result in intimidation by stronger inmates against the vulnerable, rampant rule violations, escape, assault, disturbances and riots which pose a great threat to society. Such incidents greatly harm the objectives of penal institutions. It goes without saying that the various measures to keep order and discipline should not be unreasonably strict. Therefore, it is stipulated that measures for order and discipline shall be no more restrictive than is necessary to secure the custody of inmates and to maintain both adequate conditions for treatment of inmates and a safe and peaceful community life. Requirements to confine an inmate to a protection room and to use handcuffs are stipulated by law.

Although prison officers are allowed to use handguns within the restrictions stipulated by law, they do not usually carry weapons and have not had to use weapons for about 60 years. This is probably due to the fact that the relationship between prison officers and inmates is built on mutual trust and prison officers do not need to protect themselves by using firearms to keep discipline and order.

### 6. Maintenance of Order and Discipline

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### Incidents in the Penal Institutions

<table>
<thead>
<tr>
<th>Year</th>
<th>Types</th>
<th>Suicide</th>
<th>Assault on Inmates</th>
<th>Assault on Staff</th>
<th>Fire</th>
<th>Escape</th>
</tr>
</thead>
<tbody>
<tr>
<td>2013</td>
<td></td>
<td>20</td>
<td>7</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>2014</td>
<td></td>
<td>11</td>
<td>3 (1)</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>2015</td>
<td></td>
<td>18</td>
<td>7</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>2016</td>
<td></td>
<td>11</td>
<td>6</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>2017</td>
<td></td>
<td>14</td>
<td>7</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

NOTE: The number in parentheses indicates the number of deaths resulting from assault, which is included in the subtotal of "Assaults on Inmates."
When an inmate commits disciplinary offenses such as violation of the compliance rules set by the warden of penal institutions and disobedience against the instruction of a staff member of the penal institution to maintain discipline and order in the penal institution, the warden may impose disciplinary punishment on the inmate.

The contents of disciplinary punishment include suspension from the use or consumption of self-supplied articles, suspension of access to books, and confining the inmate to their room.

In 2016, the total number of inmates who were punished amounted to a total of approximately 45,000. Inmates are informed that their behavior may result in disciplinary punishment when they are committed to the penal institution. They can also consult the compliance rules booklet distributed in their rooms.

Inmates can lodge complaints against the decision on disciplinary punishment through the various appeals mechanisms described below.

### Petition for Review and Further Petition for Review

A person who is dissatisfied with the measures taken by the warden of the penal institution such as restrictions on correspondence and disciplinary punishments may file a petition for review with the Superintendent of the Regional Correction Headquarters. If the inmate is still dissatisfied with the decision made on the petition for review, he or she may file a further petition for review with the Minister of Justice.

### Report of Cases

An inmate against whom a staff member of the penal institution has committed an illegal or unjust act such as physical assault may report the case to the Superintendent of the Regional Correction Headquarters. The Superintendent of the Regional Correction Headquarters confirms whether or not the incident occurred and notifies the results to the inmate. If dissatisfied with the contents of the notification, the inmate may report the case to the Minister of Justice.

### Filing of Complaints

An inmate may file a complaint with the Minister of Justice, an inspector or the warden of the penal institution with regard to any treatment he or she has received.

The contents of the abovementioned complaints are kept secret from the staff members of the penal institution, and inmates are never treated adversely as a consequence of filing a complaint.

As for further petitions for review and reports of cases to the Minister of Justice, there is a system whereby the Minister consults the review conference with experts before he or she dismisses inmates’ complaints, and fair and equitable handling is secured.

As is guaranteed for the general public, an inmate may take such legal action as civil or administrative lawsuits, or file complaints or accusations with the public prosecutors offices.
3. Implementation of Correctional Treatment of Sentenced Inmates

With regard to the treatment of sentenced inmates, the Act on Penal and Detention Facilities and the Treatment of Inmates and Detainees provides that treatment shall be implemented with the aim of stimulating motivation for reform and rehabilitation and developing adaptability to life in society by working on the inmate’s sense of consciousness in accordance with his or her personality and circumstances.

Correctional treatment of sentenced inmates which consists of three main components: work, guidance for reform, and guidance in school courses, is conducted to achieve the principle of treatment for sentenced inmates, after conducting assessment for treatment, placing the inmates into separate groups, and determining the treatment guidelines for each inmate. In addition to this, various measures such as alleviation of restrictions, privilege measures, commuting to outside work, and day leave and furloughs are provided.

### Procedures of Correctional Treatment

**Commitment to Treatment Institution**

- Assessment for treatment (Assessment at the commencement of execution of sentences)
  - Designation of treatment index / Formulation of treatment guideline

**Guidance at the Commencement of Execution of Sentences**

- Guidance for Reforms
- Guidance in School Courses

**Support for Reintegration into Society**

- (Job assistance, welfare support, etc.)

**Guidance for Release**

- Work

**Release**

- (Parole, Expiration of prison term, etc.)

### Assessment for Treatment

With regard to inmates whose sentence has become final and binding, the penal institution which houses him or her (sentence institution) such as the detention house, conducts an assessment (assessment at the beginning of execution of the sentence) of him or her. This assessment looks into physical and mental conditions, life history, characteristics of criminal tendencies, family and life environment, life plans, etc., by applying medical, psychological, pedagogical and sociological techniques, and other expert knowledge and techniques, by methods such as interviews and clinical examination, and with the assistance of a risk-assessment tool developed for inmates.

In addition, an assessment center, which conducts an assessment for treatment by applying advanced expert knowledge and techniques, is assigned to each jurisdiction of the Regional Correction Headquarters. The assessment center conducts, over a period of approximately two months, a detailed assessment of the following sentenced inmates whose sentence is final and binding and who fulfill the relevant requirements.

### Procedures of Assessment for Treatment

<table>
<thead>
<tr>
<th>Inmates Subject to the Assessment Center (※)</th>
<th>Inmates Other than Inmates Subject to the Assessment Center</th>
</tr>
</thead>
<tbody>
<tr>
<td>Detention House</td>
<td>Sentence Final and Binding</td>
</tr>
<tr>
<td>Transfer</td>
<td>Assessment for Treatment (approx. 10 days)</td>
</tr>
<tr>
<td>Assessment Center</td>
<td>Detailed Assessment for Treatment (approx. 55 days)</td>
</tr>
<tr>
<td>Transfer</td>
<td>Transfer</td>
</tr>
<tr>
<td>Prison</td>
<td>Assessment for Treatment (approx. 5 days)</td>
</tr>
<tr>
<td>Formulation of Treatment Guideline</td>
<td>Assessment for Treatment (approx. 20 days)</td>
</tr>
<tr>
<td>Implementation of Correctional Treatment (Re-assessment)</td>
<td></td>
</tr>
</tbody>
</table>

※ Inmates Subject to the Assessment Center (Some may be excluded due to the term of imprisonment, etc.)

1. Under 16 years old
2. Male under 20 years old with no history of imprisonment
3. Male who is 20 years of age or older and younger than 26 years with no history of imprisonment
4. Persons sentenced for the crime of committing an intentional criminal act that caused death to a victim, with no history of imprisonment (26 years of age or older and younger than 30 years)
5. Persons for whom it is deemed necessary to conduct assessment for sex offenders
② Group Formation

An index for a sentenced inmate which indicates the type and contents of correctional treatment to be administered to the inmate, category and criminal tendencies (a treatment index) is assigned to each sentenced inmate on the basis of the assessment. Each penal institution is assigned a classification which indicates the types of correctional treatment which can be conducted in it and the categories and criminal tendencies of the sentenced inmates to be housed there (as treatment classification). The penal institution places inmates into separate groups in accordance with the treatment classification and conducts correctional treatment.

③ Treatment Guidelines

The penal institutions conducting the correctional treatment (treatment institution) conduct a more detailed assessment (assessment at the beginning of the execution of the sentence) on the basis of the assessment conducted by the sentence institution, and determine the treatment guidelines for him or her.

The treatment guidelines are determined for each sentenced inmate to provide the objective, the contents, and the methods of correctional treatment. Every six months and on an as-needed basis, the warden of the penal institution evaluates the degree to which the purpose of the correctional treatment determined by the treatment guidelines of the sentenced inmate has been achieved. The treatment guidelines are revised if necessary on the basis of this periodical and necessary evaluation for treatment (re-evaluation).

④ Prison Work

Prison work imposed on sentenced inmates is organized as to enhance re-entry into society through not only providing inmates with vocational knowledge and skills, but also by enhancing mental and physical health and the will to work, and encouraging inmates to become more conscious of their role and responsibility in community life. Although sentenced inmates usually work within the grounds of the penal institution, in order to cultivate sociality, the penal institution sometimes permits inmates to commute to a business establishment outside the penal institution without being escorted by the staff members of the penal institution. Although the state bears the expenses for daily life such as food, clothing and accommodation, sentenced inmates who engage in work are paid an incentive remuneration. The incentive remuneration is for the purpose of encouraging their work and providing them with funds for rehabilitation after being released from the penal institution. The average monthly incentive remuneration per person was 4,340 yen in fiscal year 2017.

Types of Prison Work

Production Work

Manufacture of goods and provision of labor service
- Furniture, print, dressmaking, farming, etc.

Vocational Training

Planned and organized training to help sentenced inmates to acquire or improve knowledge and skills necessary for an occupation
- Obtain a vocational qualification contributing to work after release
- Training, such as to become an automobile technician, care worker, or operator of construction machinery, through which inmates can obtain vocational licenses contributing to a job

Woodwork Workshop

Printing Workshop

Division of Care Welfare

Information Processing Technology Courses
Guidance for reform is provided in order to encourage sentenced inmates to take responsibility for their crime, and to acquire the knowledge and lifestyle necessary for adapting themselves to life in society. The guidance for reform consists of general guidance for all sentenced inmates and special guidance for sentenced inmates who are deemed to have special problems with reform and rehabilitation or smooth re-entry into society due to specific circumstances.

### General Guidance for Reform
General guidance for reform aims, through lectures and interviews: ① to make sentenced inmates understand the circumstances and feelings of crime victims and their families, and make him or her feel remorse for the crime, ② to have inmates develop a regular lifestyle, and a sound perspective and point of view, and ③ to have inmates understand information for life planning after release and develop a law-abiding spirit and behavior.

### Special Guidance for Reform
Special guidance for reform consists of guidance for overcoming drug addiction, guidance for withdrawal from organized crime groups, re-offending prevention guidance for sex offenders, education from the victim’s viewpoint, traffic safety guidance, and job assistance guidance.

#### ① Guidance for Overcoming Drug Addiction
The penal institution with private self-help groups for recovery from drug addiction, conducts guidance for sentenced inmates to acquire the knowledge and skills to prevent them from re-using drugs, and recognize the need to take continued treatment in society after their release from the institution.

#### ② Guidance for Withdrawal from Organized Crime Groups
The penal institution conducts guidance for sentenced inmates to have them realize the antisocial nature of organized crime groups and develop the will to withdraw from the group.

#### ③ Re-offending Prevention Guidance for Sex Offenders
The penal institution conducts guidance in line with a treatment program designed on the basis of the practices and experiences of similar programs abroad, in order to have the inmate consider the extensive factors leading to the sex crime, identify them, and learn concrete ways to prevent a relapse.

#### ④ Education from the Victim’s Viewpoint
The penal institution invites crime victims and others as instructors, and has sentenced inmates listen to feelings and opinions directly from them, in order to have the inmates face up to their crimes, respond to victims and the bereaved families sincerely, and become determined never again to commit a crime.

#### ⑤ Traffic Safety Guidance
The penal institution conducts guidance for sentenced inmates who have caused traffic accidents with grave consequences for human life and personal safety or who have repeatedly committed serious traffic violations to acquire a sense of compliance and respect for human life by making them think about the causes of the traffic violations and accidents.

#### ⑥ Job Assistance Guidance
The penal institution conducts guidance for sentenced inmates to have them develop an appropriate attitude in the workplace so that they can develop healthy human relationships in the workplace and work steadily.
A considerable number of sentenced inmates have poor academic performance, including some dropouts from compulsory education or underachievers even if they have completed their education. The penal institution provides guidance in elementary school and junior high school course for sentenced inmates who are deemed to have problems with reform and rehabilitation or smooth re-entry into society due to a lack of an academic background fundamental to social life. The penal institution may provide guidance in high school courses, etc. for sentenced inmates whose progress in studies has been deemed conducive to his or her smooth re-entry into society.

Sentenced inmates may take a junior high school equivalency examination or a high school equivalency examination in the penal institution if he or she so wishes.

At Matsumoto Juvenile Prison (Matsumoto City, Nagano Prefecture), a branch of a municipal junior high school has been established which accepts eligible candidates from penal institutions all over Japan. If they successfully complete the courses, the main school presents them with graduation certificates. In addition, some juvenile prisons have set up correspondence courses for high school education with the assistance of local high schools in the area.

The alleviation of restrictions is a system in which restrictions of the lives and activities of inmates, which are required for the maintenance of discipline and order in the penal institution, are alleviated in phases by the restriction level as assigned in accordance with the development of their motivation for rehabilitation and their ability to adapt to social life, in order to cultivate the self-control and self-reliance of sentenced inmates.

The privilege measures are a system in which the penal institution assigns sentenced persons a privilege level in accordance with relatively short-term assessments of their attitude toward their sentence and gives privilege measures depending on the privilege level assigned in order to encourage willingness for rehabilitation of sentenced inmates.

Assignment of Restriction Level

- Level 1
- Level 2
- Level 3
- Level 4

Circumstances such as the restriction of facilities and treatments are alleviated.

For example, a sentenced person assigned to Restriction Level 1 is accommodated and treated in an open-type institution, etc.

Assignment of Privilege Level

- Level 1
- Level 2
- Level 3
- Level 4
- Level 5

Frequency of contact with the outside world is increased and the range of usage of self-supplied articles is expanded.

Assignment to Restriction Level

Commuting to outside work, day leave and furloughs are allowed in order to encourage sentenced inmates’ reform and rehabilitation and smooth re-entry into society.

On the basis of these systems, if deemed necessary for smooth re-entry into society, sentenced inmates placed in open-type institutions which do not have some equipments or measures normally required to secure custody such as fences and bars, inmates whose parole has already been decided and other suitable inmates may commute to a business establishment outside the penal institution without being escorted by staff members of the penal institution and may engage in the work of an outside business establishment or undergo vocational training, or be permitted day leave or a furlough to settle important matters such as securing their residence and employment following their release and to visit people relevant to their rehabilitation.
4. Prevention of Repeat Offenses

① Current Situation of Repeat Offenses and Recidivism Prevention Measures

The ratio of repeat offenders has been increasing. In 2016, roughly half of offenders cleared for non-traffic Penal Code offenses were repeat offenders and the ratio of reimprisoned inmates among newly admitted sentenced inmates reached about 60 percent.

Thus, reducing repeat offenses is a major challenge in order to reduce crimes and construct a society where people can live safely and in peace.

Penal institutions have implemented measures for recidivism prevention in accordance with “Comprehensive Measures for the Prevention of Repeat Offenses” decided by the Ministerial Meeting Concerning Measures Against Crime in 2012.

In this context, the Act Pertaining to Promotion of Recidivism Prevention was enacted in December 2016. This act establishes the fundamental principles of measures and policies for recidivism prevention, clarifies the responsibilities of national and local governments, and establishes the basic point of measures and policies for recidivism prevention.

Since the Recidivism Prevention Promotion Plan was formulated by Cabinet Decision in November 2017, in accordance with the above Act, penal institutions have been involved in recidivism prevention in cooperation with local governments and relevant organizations pursuant to the plan more than ever.

The Number and Ratio of Reimprisoned Inmates among Newly Admitted Sentenced Inmates (2004-2016)

(Persons) (%)

Ratio of Reimprisoned Inmates among Newly Admitted Sentenced Persons

② Improvement of Reintegration Support for Sentenced Inmates

In penal institutions, vocational training has been conducted effectively, based on the needs of labor markets, to secure sentenced inmates’ employment following their release. Also, since 2006, penal institutions, in collaboration with the Rehabilitation Bureau of the Ministry of Justice and the Ministry of Health, Labour and Welfare (MHLW), have implemented Comprehensive Measures for Employment Support for Released Sentenced Persons, by providing vocational counseling by staff with professional qualifications such as career consultants and employment information by officials of the Public Employment Security Office.

The Employment Support Information Center of Correction, which was established in Tokyo and Osaka in 2016, is engaging in wide-area employment support, by collectively managing information such as residence after release and qualification of sentenced inmates across the country, and matching inmates with private companies which seek employees.

Furthermore, for inmates who have difficulty in leading independent lives such as the elderly or disabled, coordination has been made by penal institutions in which social workers are staffed, in cooperation with probation offices, the Regional Settlement Support Center, welfare organizations, etc. so that they can receive appropriate welfare services such as nursing care, medical care and pensions immediately after their release.

National and local governments and the private sector need to provide, in cooperation with each other, long-term support for sentenced inmates according to their characteristics so that the inmates can lead stable lives in their communities after their release as well as in penal institutions.
5. PFI Prisons, etc.

The Private Finance Initiative (PFI) is a method of utilizing private capital and expertise in the construction, maintenance and operation of public institutions.

In Japan, there are two penal institutions: Mine Rehabilitation Program Center (Mine City, Yamaguchi Prefecture) and Shimane Asahi Rehabilitation Program Center (Hamada City, Shimane Prefecture) constructed and operated through joint cooperation between the public and private sectors using the PFI.

Kitsuregawa Rehabilitation Program Center (Sakura City, Tochigi Prefecture), and Harima Rehabilitation Program Center (Kakogawa City, Hyogo Prefecture) have consigned their operation, including partial operation of neighboring institutions, to the private sector using the PFI.

In addition, International Justice Center was newly established in Akishima, Tokyo in 2017, by relocation and consolidation of Hachioji Medical Prison (currently Medical Correction Center in East Japan), Training Institute for Correctional Personnel, etc. International Justice Center has consigned a part of its operation and maintenance to the private sector using the PFI.

Furthermore, aiming to establish "simple and efficient government," penal institutions have consigned a variety of services to the private sector in accordance with the law enacted under the recognition that introducing the principle of competition into national service encourages executing entities to promote their originality and ingenuity. Currently, some penal institutions consign their operation, general affairs and food service for inmates to the private sector.

As described, the government is increasing transparency through public and private sector collaboration on the operation of institutions and building correctional institutions open to society.

6. International Transfer of Sentenced Persons

The System for International Transfer of Sentenced Persons transfers sentenced persons, who were rendered a sentence in a foreign country, etc. and incarcerated serving the sentence in the prison, etc. of the country, etc., back to their home countries, etc. and allows them to complete their sentence there in order to encourage their reform, rehabilitation and smooth re-entry into society, and to enhance international cooperation in the criminal justice field.

In Japan, incoming transfer and outgoing transfer are implemented under the convention on the transfer of sentenced persons and other relevant treaties. "Incoming transfer" refers to the transfer of Japanese nationals serving sentences in state parties back to Japan to serve their sentence in Japanese penal institutions, while "Outgoing transfer" refers to the transfer of foreign nationals who are serving their sentences in Japan back to their home countries, etc. (state parties) to serve their sentences there.

As of the end of January 2018, penal institutions in Japan can transfer sentenced persons from or to 67 countries, etc. Nine cases of incoming transfer and 390 cases of outgoing transfer have been implemented.

The Number of Outgoing Transfer Cases

![Chart showing the number of outgoing transfer cases to various countries as of the end of January 2018.](chart-image)
### Background History of Japanese Penal Institutions

<table>
<thead>
<tr>
<th>Year</th>
<th>Act/Rule/Recommendation</th>
<th>Description</th>
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</thead>
<tbody>
<tr>
<td>1868</td>
<td>Provisional Punishment Rules (Kakeiritsu)</td>
<td>The provisional punishment rules relaxed the cruel punishments that had been administered during the Edo era and introduced humane punishments.</td>
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<tr>
<td>1872</td>
<td>Rules and Illustration of a Penitentiary</td>
<td>The rules introduced a distinction between sentenced and unsentenced inmates, a distinction between first time offenders and recidivists from among unsentenced inmates, and the detention of juveniles in a reformatory. It also regulated the detention of severely handicapped, blind and terminally ill inmates in workhouses.</td>
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<tr>
<td>1881</td>
<td>The first amendment of the Prison (Penitentiary) Rules</td>
<td>Separate detention of inmates according to the offense, age, circumstances of the offense and the number of previous convictions was implemented in order to prevent penitentiaries from becoming a school of crime.</td>
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<td>1889</td>
<td>The second amendment of the Prison (Penitentiary) Rules</td>
<td>Alliation of the restrictions on unsentenced inmates such as allowing the buying of self-supplied food, etc. A reward system for sentenced inmates was introduced.</td>
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<tr>
<td>1890</td>
<td>Establishment of a Training School for Penitentiary Officers</td>
<td>A school was established for the training of penitentiary officers, which was later turned into the current Training Institute for Correctional Personnel and its seven branches.</td>
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<tr>
<td>1899</td>
<td>The third amendment of the Prison (Penitentiary) Rules</td>
<td>The regulations aimed for further individualized treatment by introducing an enriched system of inmates' classification. It encompassed a standardization of classification classes and classification criteria as well as establishment of classification centers under each regional correctional headquarters.</td>
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<tr>
<td>1908</td>
<td>The Prison Law</td>
<td>The Prison Law was promulgated on March 28, 1908 and entered into effect on October 1 together with the Penal Code. It led the world and was innovative in the sense that the whole system of prisons was regulated under an independent code. Moreover, importance was given to individualized treatment while also achieving a balance between single confinement (Auburn system) and group confinement (Pennsylvania system).</td>
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<tr>
<td>1931</td>
<td>Regulations for Examinations of Release on Parole</td>
<td>The regulations established the system of examining the personal circumstances of sentenced inmates in order to form a decision about their release on parole.</td>
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<tr>
<td>1933</td>
<td>Ordinance for the Inmates' Progressive Stage Treatment</td>
<td>The ordinance took the premise of the classification of sentenced inmates and introduced a purpose-oriented treatment system that is aimed at social adaptation by means of progressive rewards and responsibilities.</td>
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<tr>
<td>1946</td>
<td>Fundamental Principles on Application of the Prison Law</td>
<td>This set out the three principles of administration of penal institutions during the aftermath of confusion after World War II. The principles were the principle of respect for human rights, the principle of rehabilitation and the principle of self-supply.</td>
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<tr>
<td>1948</td>
<td>Guidelines for Inmates' Diagnoses and Classification</td>
<td>In order to establish the most appropriate treatment and guidelines on training for sentenced inmates, scientific classification assessments and admission classifications were systemized.</td>
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<tr>
<td>1969</td>
<td>Establishment of an Open Institution</td>
<td>An open prison was established in order to house traffic-offense-related inmates in one place.</td>
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<tr>
<td>1972</td>
<td>Regulation of Inmates' Classification</td>
<td>The regulations aimed for further individualized treatment by introducing an enriched system of inmates' classification. It encompassed a standardization of classification classes and classification criteria as well as establishment of classification centers under each regional correctional headquarters.</td>
</tr>
<tr>
<td>1976</td>
<td>Consulting the Legislative Council</td>
<td>The Minister of Justice asked the Legislative Council to study reform of the Prison Law.</td>
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<tr>
<td>1982-1993</td>
<td>Submission of Penal Institution Bills to the Diet</td>
<td>Penal institution bills were submitted to the Diet three times and were abolished each time due to dissolution of the House of Representatives.</td>
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<td>2003</td>
<td>The Recommendations of the Correctional Administration Reform Council</td>
<td>After the death and injuries of sentenced inmates in Nagoya Prison, the Correctional Administration Reform Council was established and various recommendations were put forward including revision of the Prison Law.</td>
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<td>2005</td>
<td>The Act on Penal Institutions and the Treatment of Sentenced Inmates</td>
<td>The Act on Penal Institutions and the Treatment of Sentenced Inmates was promulgated on May 25, 2005 and entered into effect on May 24 of the following year. It changed the name of &quot;prison&quot; to &quot;penal institution&quot; and fully revised the provisions of the Prison Law on institutional items (on-the-spot inspections, the Penal Institution Visiting Committee, etc.) and treatment of sentenced inmates.</td>
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<tr>
<td>2006</td>
<td>The Act for Partial Revision of the Act on Penal Institutions and the Treatment of Sentenced Inmates</td>
<td>The Act for Partial Revision of the Act on Penal Institutions and the Treatment of Sentenced Inmates was promulgated on June 8, 2006, and entered into effect on June 1 of the following year. It revised the treatment of unsentenced inmates and detainees still regulated under the old Prison Law. It also changed the name of &quot;The Act on Penal Institutions and the Treatment of Sentenced Inmates&quot; to &quot;Act on Penal Detention Facilities and the Treatment of Inmates and Detainees.&quot;</td>
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