An Overview of Diversion and the Prison Situation for

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An Overview of the Statistics (2013)

**Occurrence of Crime**
- Reported cases: (1,900,000)
- Identified suspects: (880,000)

**Penal Code Offenses**
- Reported cases: (450,000)
- Identified suspects: (23,000)

**Special Law Offenses**
- Identified suspects: (450,000)

**Prosecution**
- Non-prosecution: (830,000)
- Summary prosecution: (310,000)
- (To Family Court): (100,000)
- (Prosecution): (90,000)
- (Suspended): (32,000)
- (Imprisonment): (23,000)

**Sentencing**
- 6,700 persons awaiting trial
- 55,000 prisoners

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


Source: Annual Report of Statistics on Prosecution
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

**Criteria**

- Almost same as court judgement
- Proof beyond a reasonable doubt

**Importance of Interview**

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

**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.
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
Yakuza (mafia) 80,000
Prisons 60,000~87,000
Yakuza (mafia) 2,000~4,000

Shinkansen capacity 1,300
Society 0.8 person

Prison 2 to 4 cars

One car for 100 passengers
Prisoners for Drug Related Crimes (194 – 2013)

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

Repeat Prisoners

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

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

<table>
<thead>
<tr>
<th>Year</th>
<th>Over 64 yrs</th>
<th>50 to 64 yrs</th>
<th>40 to 49 yrs</th>
<th>30 to 39 yrs</th>
<th>20 to 29 yrs</th>
<th>Under 20 yrs</th>
</tr>
</thead>
<tbody>
<tr>
<td>2013</td>
<td>29.2%</td>
<td>17.7%</td>
<td>12.9%</td>
<td>11.7%</td>
<td>11.3%</td>
<td>17.2%</td>
</tr>
</tbody>
</table>

Elderly Prisoners (1994 - 2013)

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

THANK YOU FOR YOUR ATTENTION

Mt. Fuji