

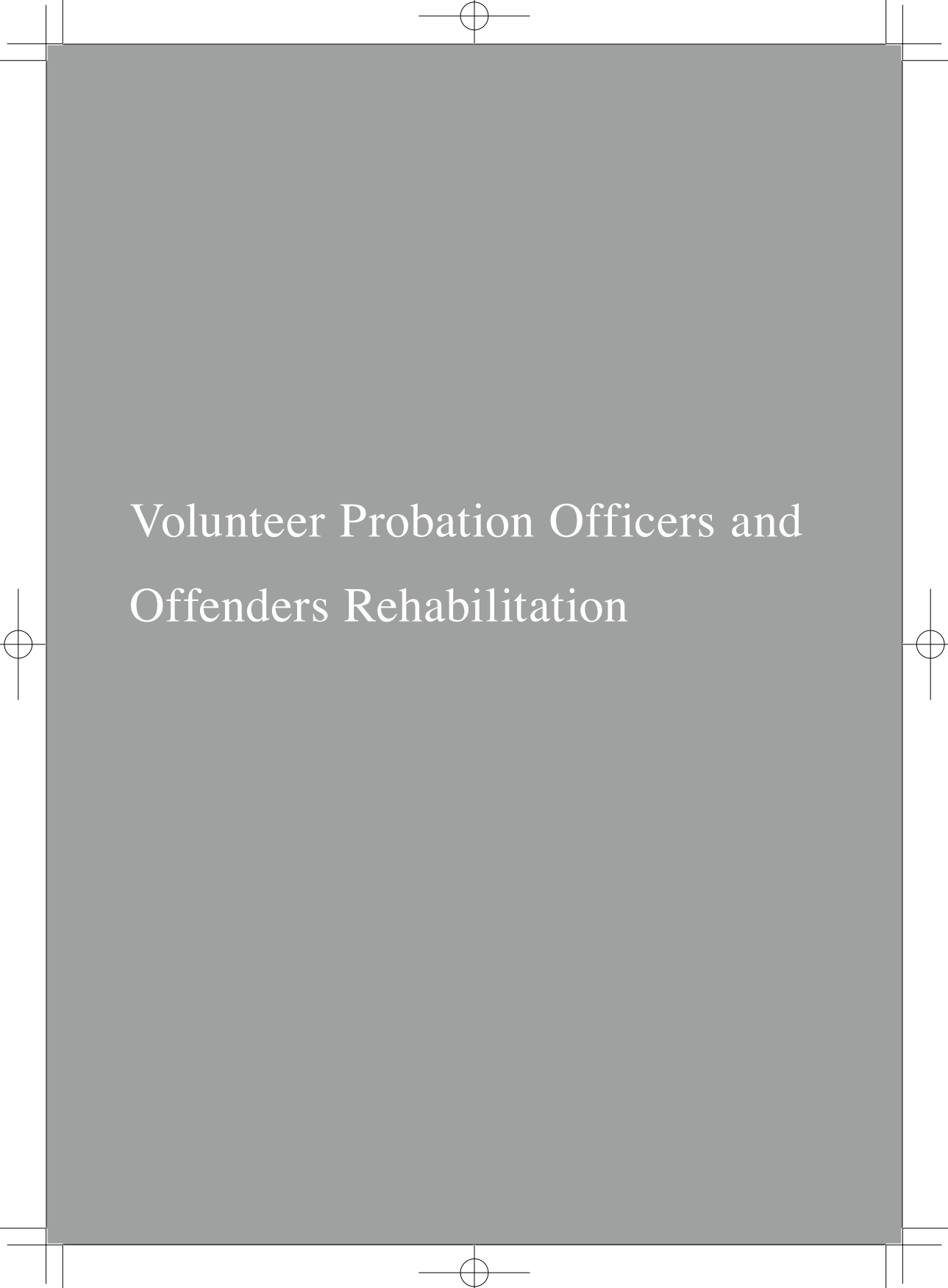


# Volunteer Probation Officers and Offenders Rehabilitation

Volunteer Probation Officers

and Offenders Rehabilitation

The Third World Congress on Probation Organizing Committee

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# Volunteer Probation Officers and Offenders Rehabilitation

## **Preface**

The main theme for the Third World Congress on Probation held on September 12-14, 2017 in Tokyo is “Development of Probation and the Role of the Community.”

Japan’s offenders rehabilitation system has been established with the assistance of many private supporters, including not only probation officers who are experts in the community-based treatment of offenders, but also Volunteer Probation Officers (“*HOGOSHI*”), Offenders Rehabilitation Facilities, Women’s Associations for Offenders Rehabilitation, BBS Associations, and Cooperative Employers. In this way, the system is characterized by the important role of the community in developing the community-based treatment of offenders.

Japan’s volunteer probation officer system has been evaluated as one of the world’s rare systems whereby the general public supports the recovery of offenders and juvenile delinquents, and contributes greatly to safety in the community. However, there have not been many books written in foreign languages which specifically explain the activities of volunteer probation officers in Japan or systematically analyze their role and significance in the treatment of offenders from historical, cross-cultural, and legislative points of view.

Therefore, using the opportunity of the Third World Congress on Probation, we have decided to publish an English language book about the volunteer probation officer system in Japan so that people engaged in the community-based treatment of offenders worldwide can deepen their understanding of the system.

We will be glad if this book can be used as a reference for communities to gain power, and to establish and further develop the community-based treatment of offenders in each of the countries or regions where the readers are living.

September 12, 2017

The Third World Congress on Probation Organizing Committee

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I

# Volunteer Probation Officers in Japan

# 1. Volunteer Probation Officers in Japan

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## 1. Introduction

In Japan, the supervision of probationers and parolees is performed by approximately 1,000 professional probation officers (PPOs), who are full-time officers employed by the Ministry of Justice. In addition, approximately 48,000 volunteer probation officers support the efforts of the professional probation officers by providing offenders with additional supervision and assistance. These volunteers are recruited from among private citizens. (As of the end of 2016, there were 33,394 probationers and parolees; 14,465 Juvenile Probationers, 3,650 Juvenile Parolees, 4,935 Adult Parolees, 10,344 Adult Probationers).

## 2. Rehabilitation Services

Rehabilitation services in Japan are organized and administered by the Ministry of Justice. Four governmental offices are concerned with the administration of the community-based treatment of offenders: namely, (1) the Rehabilitation Bureau of the Ministry of Justice, (2) the National Offenders Rehabilitation Commission, (3) the Regional Parole Board and (4) the Probation Office. Probation Offices are the basic organizations that implement the community-based treatment of offenders. There are 50 probation offices, 3 branches and 29 local offices throughout Japan.

The purpose of rehabilitation services is to protect society and enhance

the welfare of individuals and the public by (1) preventing offenders and juvenile delinquents from re-offending, (2) helping them become self-reliant as sound members of society and helping them improve and rehabilitate themselves by treating them as normal members of society, (3) ensuring the suitable operation of pardons, (4) promoting crime prevention activities etc. (Art. 1, Offenders Rehabilitation Act).

In addition, rehabilitation services mainly cover the administration of the following five areas:

- (1) Probation (supervision and support of adult and juvenile probationers)
- (2) Parole (from granting parole to the supervision and support of adult and juvenile parolees)
- (3) Aftercare services for discharged offenders (providing various kinds of support and helping them rehabilitate)
- (4) Pardon
- (5) Crime prevention activities (locally and nationally)

Rehabilitation services include the community-based treatment of offenders of all ages and types, e.g. juveniles and adults, probationers and parolees; in Japan, these services are characterized by the extensive participation of volunteers and voluntary organizations. Volunteer Probation Officers (VPOs) play a crucial role in offenders rehabilitation and crime prevention in the community.

## 3. Overview of VPOs

### A. Mission of VPOs

The mission of VPOs is as follows:

The mission of all volunteer probation officers shall be, in the spirit of volunteer social service, to assist persons who have committed crimes and juvenile delinquents to improve and rehabilitate themselves, and to en-

lighten the public on crime prevention, thereby enhancing the local community and contributing to the welfare of both individuals and the public. (Art. 1, VPOs Act)

## B. History of VPOs

The Japanese Volunteer Probation Officer system can be traced back as early as the 1880s. In 1888, a private organization (halfway house) was established and it provided a residence for ex-prisoners. It appointed about 1,700 volunteer workers throughout the prefecture to support ex-prisoners with counselling and assistance. Then, those kinds of organizations were established in other areas and the number of volunteer workers increased. These volunteer workers were recognized formally as “Probation Staffers” by the enactment of the Juridical Rehabilitation Services Act in 1939. At the beginning, approximately 13,000 Rehabilitation Workers were appointed.

On the other hand, when the former Juvenile Law established the probation system for juvenile delinquents in 1923, the shortage of regular staff was supplemented through an increased number of “Juvenile Volunteer Probation Officers”. It can be said that these “Probation Staffers” and “Juvenile Volunteer Probation Officers” are forerunners of modern-day volunteer probation officers.

## C. Legal Status

VPOs are commissioned by the Ministry of Justice and are given official legal status as part-time government officials. The maximum number of volunteer officers allowed by law is 52,500 (Art. 2-2, VPOs Act). However, as of 1 January 2017, there were 47,909 commissioned volunteer probation officers. VPOs serve for two years, however, they can be reappointed repeatedly until they reach retirement age, which is 76 years old. In practice, more than half of all VPOs have been serving for more than eight years. Although they are not paid salaries, the government pays all or part of the expenses incurred in discharging their duties, such as transportation

and communications expenses.

## D. Recruitment of VPOs

Since VPOs’ character and personality have a great effect on their success, the VPO Act (Art. 3) requires that VPOs should be:

- (1) Evaluated highly with respect to their character and conduct in the community;
- (2) Enthusiastic and sufficiently available to work;
- (3) Financially stable and
- (4) Healthy and active.

To recruit VPOs, the directors of the 50 probation offices prepare lists of candidates based on the information gathered from various sources in the community. In effect, the list reflects the opinion of representatives of the VPO’s Association. Further screening is carried out by a VPO Screening Commission, an advisory committee to the Ministry of Justice that is established in 50 locations corresponding to probation offices. This committee consists of representatives of the court, prosecution, the bar association, correctional institutions, other public associations in the community and learned citizens. The Minister of Justice then appoints the candidates who pass the screening process as VPOs.

## E. Main activities of VPOs

The main activities of VPOs are (i) to supervise and assist probationers and parolees, (ii) to inquire into and coordinate the social circumstances of inmates, and (iii) to promote crime prevention activities in the community.

### (i) Assisting and supervising probationers and parolees

The supervision and assistance provided to probationers or parolees are performed by collaborative teams normally composed of one probation officer and one VPO. Volunteer Probation Officers interview probationers



and parolees about two to three times a month. The minimum number of contacts per month is based upon the treatment plans set by the probation officer depending on the risks and needs of the offenders. Volunteer Probation Officers listen attentively to probationers and parolees, give them advice, help them find jobs, meet with their families, and liaise with local social resources from the viewpoint of a private citizen from the offender's community. Based on monthly progress reports submitted by VPOs, probation officers interview the probationers/parolees and take necessary measures such as revocation of parole.

#### **(ii) Inquiring into and coordinating inmates' social circumstances**

For offenders rehabilitation and prevention of re-offending, social environments and support after release have significant effects. To facilitate a smooth transition to the community, probation offices are responsible for the coordination of inmates' (adult and juveniles) social circumstances prior to release on parole.

After offenders enter correctional institutions, the Probation Offices begin coordinating the social circumstances of the inmates. VPOs meet with inmates' families or guardians on a regular basis, confirm whether family members will accept the inmates after release, and coordinate family relationships, residence and job placement. VPOs also write letters to inmates or visit them in prison to coordinate family relationships and understand their future plans. These continuous contacts with family members and inmates encourage fostering mutual trust between the VPO and the inmate or family members, and ease the transition to parole supervision.

#### **(iii) Promoting crime prevention activities in the community**

While probationary/parole supervision is carried out by the initiative of the probation office, crime prevention activities are carried out under VPOs' initiative. In order to promote public awareness of the importance

of offender rehabilitation, improve social environments and engage communities in the prevention of crime, various activities are carried out in local communities by VPOs. These activities include street parades, small symposia for local citizens, video forums in school, essay competitions and displaying posters. VPOs conduct these crime prevention activities in cooperation with municipal governments, community citizens, police and other volunteer groups. Through these activities, local communities promote bonds in the community, and as a result, those efforts build safer and stronger communities.

### **F. Advantages of the VPO system**

There are three main advantages of the VPO system: (i) local character, (ii) personal interaction with offenders and (iii) continuity of activities.

#### **(i) Local character**

Since both VPOs and the probationers/parolees live in the same community, offenders can contact their VPOs immediately if necessary. The offenders and their relatives look upon VPOs as neighbours rather than as representatives of the government. In some cases, VPOs and offenders knew each other before probationary/parole supervision started. Moreover, since VPOs are rooted in the community, and know the community well, they can provide the offender with social resources and useful information, such as employment opportunities and local group activities, to help them rehabilitate in the community.

According to a research conducted by the Japanese Ministry Justice, almost all VPOs had lived in their communities for a long time. VPOs' average length of residence in their communities is about forty-six years. Furthermore, more than ninety percent of VPOs have experience with other volunteer activities, such as neighbourhood associations and social welfare commissioners. Thus, VPOs are the ideal persons to change the public's attitude towards offenders and to implement various kinds of community work.

### **(ii) Personal interaction with offenders**

As fellow citizens, VPOs demonstrate purely fraternal concern about the welfare of the offenders. VPOs regard offenders not as probationers/parolees but as individuals, and encourage the rehabilitation of offenders with patience and trust. Although it may take a long time to open up offenders' minds, VPOs listen attentively to probationers/parolees with compassion. At the beginning of probation/parole, offenders tend to be reluctant to visit VPOs' homes as one of the conditions of probation or parole. However, the offenders' attitudes change gradually. Developing relationships with VPOs encourages the offenders to regain their self-respect and identify themselves with law-abiding culture, since most offenders have never experienced such warm concern.

### **(iii) Continuity of activities**

Usually, the VPO in charge of coordination of social circumstances will be assigned to supervise an offender released on parole. If the parolee re-offends and is committed to a correctional institution, the same VPO will start coordination of social circumstances during the new prison term. The same VPO will be assigned again to supervise the offender after release. Thus, VPOs maintain long relationships with offenders and their family members compared to professional probation officers who are transferred to other offices every two to three years.

Furthermore, even after the expiration of the supervision period, private relationships between offenders and VPOs may continue as citizens living in the same community. I often hear VPOs saying something like "I feel very happy when my 'students' come to see me after expiration of their sentences. For example, they come to see me to tell me about their marriages or to introduce me to their children". VPOs receive fulfilment from their activities, especially when offenders rehabilitate themselves and live in happiness.

## **G. Other Characteristics**

The average age of VPOs is 64.7 years (as of 1 January 2017). In terms of gender, about one quarter (26.0%) of all Volunteer Probation Officers are female. As to their occupations, VPOs represent almost every sector of society. The largest group (12.8%) is housewives, followed by the religious profession (11.1%), executives or officials of companies or other organizations (9.7%), employees or officials of companies or other organizations (8.0%), those engaged in primary industries, such as farming and fishing (7.6%). Other individuals serving as VPOs include company owners, manufacturers, social workers, schoolteachers, medical doctors and lawyers in private practice, and so on. Since it is better to have as much variety as possible in the selection of VPOs, recruitment from a wide range of people, such as persons who have expert knowledge and younger generations should be encouraged.

As for length of service, half have been serving for more than eight years. This means that their term of office has been renewed more than three times. On the other hand, 10% drop out within 1-2 years. So probation offices make an effort to support their activities.

## **H. VPO Organizations**

VPOs are assigned on the basis of their place of residence to one of 886 Administrative Areas for Offenders Rehabilitation (Probation Districts) throughout the country (as of 1 April 2017) (Art. 2, VPOs Act). There is a VPO's Association in each Probation District (Art. 13, VPOs Act). Every VPO is affiliated with one such association depending on their residence. A probation officer is normally assigned in charge of one or several areas (district manager). Under Article 14 of the VPOs Act, the local VPOs' associations are directed to establish VPO associations at the prefectural level (Prefectural Federation of VPO Associations). The prefectural associations organize the Regional Level Federation of VPOs. The eight regional federations coincide with the jurisdictions of the eight Regional Parole Boards.



Finally, the National Federation of VPOs is organized as a “juridical person for offenders rehabilitation” at the national level based on the provisions of the Offenders Rehabilitation Services Act. The National Federation plays a crucial role in facilitating VPO activities by means of organizing systematic training, giving awards to outstanding VPOs and other services.

#### **4. Recent Challenges**

Although the Japanese volunteer probation officer system has a long history and the number of volunteers is much larger than other countries, due to societal changes which have taken place over the last several decades, the traditional volunteer probation officer system is now facing various challenges.

Firstly, these are the problems external to the VPO system as follows:

- 1) The probationers’ and parolees’ needs are becoming more complicated and diversified, including issues such as drug and alcohol addiction, ageing, mental disease, and developmental disorders.
- 2) Since the bonds within the family and the local community are becoming weaker, the number of offenders that do not receive support or assistance from their families and neighbours is increasing.
- 3) Because of the current severe economic situation in Japan, many offenders are unable to find jobs and cannot support themselves financially.

Secondly, in addition to these social situations facing the community-based treatment of offenders in Japan, the VPO system, itself, has been challenged.

##### 1) Decline of the capacity rate of the VPOs

The VPO system is only operating at 91.3% capacity and the rate is on the decline. Finding appropriate candidates for volunteer officers is getting more and more difficult, because human relationships in the community are grow-

ing more attenuated. In particular, in the urban areas, the capacity rate tends to be low; for instance, capacity is at about 80% within the jurisdiction of the Tokyo Probation Office.

##### 2) The ageing of the VPO population

The average age of VPOs is 64.7 years old, and it has been on the rise for years. Almost 80% of VPOs are over 60-years old.

##### 3) The early retirement of VPOs.

In 2004, only 9.9% of volunteer officers retired within five years after their first appointment, but the percentage grew to 13.1% in 2010. Some of the reasons for early retirement are that VPOs do not have the support of their families, they lack confidence to supervise and assist offenders, and there are too many meetings and trainings. Thus, it shows that newly appointed VPOs are nervous about taking charge of probationers individually.

#### **5. Recent Measures to Reinforce the VPO System**

In order to enhance the effectiveness of the VPO system, these are some of the measures the Rehabilitation Bureau has taken.

1) The roles of probation officers and volunteer officers were clarified after the adoption of the Offenders Rehabilitation Act, in order to avoid over-dependence on volunteer officers and to enable both probation officers and volunteer officers to take advantage of their respective characteristics.

2) To secure appropriate candidates, “VPO Candidate Information Meetings” have been established by some local VPO associations in 2008, and these meetings have been established in all local VPO associations in 2013. These meetings aim at promoting public understanding of VPO activities and securing appropriate VPOs from a broader cross-section of the population, as well as transparency of VPOs recruitment procedure. The meetings consist of members from the local community, such as municipal governments, neighbourhood associations and education committees.

3) “Offenders Rehabilitation Support Centres” to support volunteer officers’ activities have been established. These centres serve as places where any VPO activity can occur, such as interviews with offenders, meetings of local VPO associations, meetings between volunteer officers and related bodies, volunteer officer training programmes, and so on. In some centres, VPOs open counselling rooms to the community citizens. These centres are expected to become hubs for each VPO association and to promote understanding of the community about VPOs’ activities. By the end of fiscal year (FY) 2017, 501 Centers will be established nationwide.

4) Building rapport and standing by the probationers throughout their rehabilitation is a positive experience for the volunteers and will be a strong motivating force. However, without such a positive experience, new VPOs’ motivation will become weaker and weaker. Thus, in order to help unexperienced VPOs to find fulfilment in their VPO activities, POs encourage new VPOs to take charge of probationers, or POs assign more than one VPO to supervise one probationer: for example, one is a veteran VPO, the other is an inexperienced VPO. The newly appointed VPO will gain experience supervising probationers but will also receive advice from the experienced VPO. Also, when a probationer has various or complicated needs, VPOs can share tasks so as to lessen the burden psychologically and physically.

5) To facilitate volunteer officers’ activities, the Rehabilitation Bureau and the national VPO Association jointly introduced a compensation system for volunteer officers and their family members who are victimized or suffer property damage in the performance of their duties.

## **6. Conclusion**

The offenders rehabilitation system, or community-based treatment of offenders, in Japan is implemented by the joint efforts of the government (mainly professional probation officers) and community volunteers (mainly VPOs).

VPOs assist the offenders based on personal interaction, making use of

their local knowledge, and provide them continuous support as neighbours. VPOs are community volunteers by nature, but due to their significant responsibility, to implement community-based treatment of offenders VPOs are granted official status as part-time government officials. They are also organized locally and nationally, and the VPOs’ Associations support their activities in various ways.

In order to rehabilitate and reintegrate offenders into the community, it is crucial that the citizens in the offender’s community understand, accept and stand by the offender as a neighbour and citizen. VPOs, as liaisons between offenders and their communities, are the key individuals to facilitate this sense of acceptance by the community as well as the rehabilitation of offenders.

The VPO system is facing some challenges due to the societal changes in Japanese communities such as the weakening of relationships among neighbours. Despite the many challenges that volunteer probation officers are facing, the Japanese government remains strongly committed to the VPOs’ system. As described above in Section V, the Rehabilitation Bureau has reinforced the system by clarifying the roles of VPOs, improving the recruiting process, utilizing Rehabilitation Support Centers, encouraging knowledge sharing among VPOs and introducing a compensation system for VPOs injured in the course of their duties. These efforts are expected to enhance VPOs’ activities and to strengthen the system.

## **2. The Development, History, and Spirit of the Volunteer Probation Officer System**

**— Analyzing the development and history of the volunteer probation officer system, and considering the origin and significance of the Japanese system from a historical point of view —**

**Kenji YAMADA**

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### **1. Introduction**

Every time I explain to people from overseas about the volunteer probation officer system in Japan, they respond with surprise, saying, “I cannot believe it!” For them, it is unbelievable that volunteer probation officers invite offenders and juvenile delinquents into their homes and interview them. What’s more, they do this as volunteers. Whenever I talk about this system to university students, they respond with simple questions, “Why are they not paid? Can such a system be maintained?”

Why is there such a system in Japan? Before tracing the history, I would like to summarize the characteristics of the offenders rehabilitation system in Japan.

For your reference, I worked for government rehabilitation offices (Ministry of Justice, Regional Parole Boards, and Probation Offices) for 40 years. Since my retirement, I have served as a volunteer probation officer. I would like you to understand that what I have written in this paper is entirely my own opinion.

### **2. Characteristics of the Offenders Rehabilitation System**

The purpose of the offenders rehabilitation system is “to protect society from the dangers of crime and to promote both individual and public welfare through the provision of support and supervision to offenders and juvenile delinquents as part of their rehabilitation as sound members of society without re-offending.”

Although probation lies at the center of offenders rehabilitation system, it does not only consist of probation. Article 1 of the Offenders Rehabilitation Act (hereinafter, the “Act”) states “treating them properly within society,” without using the term “probation.” As a means for treatment of offenders within society other than probation, the Act also contains provisions concerning the urgent aftercare of discharged offenders and the protection of persons under a stay of execution of their sentences. These can also be regarded as offenders rehabilitation. Therefore, offenders rehabilitation can be summarized as the treatment of offenders and juvenile delinquents within society and the provision of aid for their recovery. Although centered on probation, other means are also included in the scope of offenders rehabilitation.

In Japan, offenders rehabilitation is provided by government-employed probation officers. Their duties are specified in the Act as follows: “Based on medicine, psychology, pedagogy, sociology and other expert knowledge relating to rehabilitation, probation officers shall engage in the work of probation, research, coordination of the social circumstances, and other work relating to the rehabilitation of persons who have committed crimes and juvenile delinquents, and the prevention of crime.” In Japan, there are about 1,400 probation officers, including executives, who have been positioned at the secretariats of each Regional Parole Board and at the Probation Offices.

Japan’s offenders rehabilitation is characterized by the participation and cooperation of many private individuals other than the government-employed probation officers.

Most of them are volunteer probation officers, who carry out probation and crime prevention activities locally. There are about 48,000 volunteer probation officers in Japan.

In Japan, 103 offenders rehabilitation facilities take care of persons who have been discharged from detention facilities but have no relatives, for their smooth reintegration into society. They are all private facilities.

There are about 16,000 cooperative employers in Japan that support offenders' reintegration into society. All of these are also private companies.

Moreover, about 170,000 women all over Japan serve as members of the Women's Association of Offenders Rehabilitation, which provides support for offenders' reintegration into society. In addition, there are about 4,500 BBS (Big Brothers and Sisters Movement) members in Japan, who provide support for juvenile delinquents' recovery. Therefore, the total number of private philanthropists is more than 240,000.

In this way, Japan's offenders rehabilitation system is characterized by the existence of not only government-employed probation officers but also community residents and associations which support offenders rehabilitation in the spirit of social service and human love, and participate and cooperate in their reintegration into society.

### **3. Significance of Offenders Rehabilitation**

If offenders rehabilitation is compared with "institutional treatment," such as imprisonment, either with or without labor (which is sometimes expressed as "freedom-restricting punishment"), it can be called "non-institutional treatment," but it is generally known as "treatment within society." There is a slight difference between "non-institutional treatment" and "treatment within society." While "institutional treatment" differs from "non-institutional treatment" according to whether the treatment is provided inside or outside an

"institution," "treatment within society" contains not only the physical meaning of treatment outside an institution but also treatment in cooperation with society through the use of every social resource – that is, treatment supported by society. In place of "treatment within society," the Rehabilitation Bureau of the Ministry of Justice appropriately uses the term "community-based treatment".

To promote community-based rehabilitation, the people in the community must hold the view that because crime or delinquency is a problem to the community, the community itself must solve the problem – that is, because crimes are produced by the community, the community itself regards the enactment of crime measures as its own responsibility. It is inappropriate for people to think that just because they pay tax, which the government uses to employ staff, the staff should carry out crime measures on behalf of those who have already performed their tax payment duty.

Next, whether community-based treatment is possible or not depends on people's views on crime and offenders. In communities where most of the residents have a severe view of offenders and think that they should be isolated, separated or discriminated against, community-based treatment will not work effectively. It will be difficult to appoint volunteer probation officers, and it will be impossible to establish rehabilitation facilities.

Luckily, Japanese people are generous enough to warmly welcome those who have paid compensation or have repented for their offenses, even though they criticize the offenses themselves.

According to an opinion poll which the Prime Minister's Office conducted in 1989, in response to the question "Which is greater, the number of people who commit crime or delinquency due to their natural propensity to commit crime, or the number of people who gradually become prone to commit crime due to their circumstances," 77% of the respondents answered that crime is caused by social circumstances rather than the individuals' natural

propensity.

Moreover, on the subject of how to deal with former offenders or juvenile delinquents' requests for employment, 65% of the respondents answered that if they were employers, it would be acceptable for them to employ such persons. In this way, Japanese people hold the view that the main causes of crime and delinquency arise from social circumstances rather than from individuals. Based on this view, some people may say that "because people can recover through their eagerness to rehabilitate and their appropriate environment, it is acceptable for us to cooperate in improving their circumstances and providing assistance." However, according to another opinion poll conducted in 2009, 20 years after the one mentioned above, 51% of the respondents answered "No" to the question "Do you want to support rehabilitation of offenders and cooperate with carrying out activities for the prevention of re-offending?" This ratio is smaller than that of those respondents answering "Yes" (42%). This indicates that it has become more difficult to gain concrete cooperation in regard to offenders' reintegration into society. However, according to a survey conducted in 2013, 59.1% of the respondents answered "Yes" to the question "Do you want to cooperate with offenders' and juvenile delinquents' rehabilitation?" This is larger than the ratio of those who answered "No" (33.2%). About 60% of the respondents answered positively that they would like to employ offenders.

As described above, the offenders rehabilitation system is based on community. Changes in society will influence the treatment of offenders within that society. If a community is confused, the basis for rehabilitation will accordingly also be confused. For example, if atrocious crimes occur one after another, resulting in an increase in people's anxiety about security and an increase in people's demand for stricter punishment, the offenders rehabilitation system will also be influenced, including people's understanding of the need for offenders rehabilitation, the securing of volunteer probation officers, and the policy of managing parole. In addition, it can be said that the offenders rehabilitation system is influenced by social changes.

Generally, when looking back over the history of Japan, it can be said that the basis of the offenders rehabilitation system already existed in the Meiji era (1868-1912).

Below, I will look back over the history of Japan's volunteer probation officer system.

#### ***4. Development of the Volunteer Probation Officer System in Japan***

In the US, the establishment of the probation system started with John Augustus, a shoemaker in Boston. He happened to attend a court trial and took charge of rehabilitating an offender. After that, he began to carry out rehabilitation activities. During his lifetime, he took charge of 2,000 offenders, provided them with protection, and led them to rehabilitation. Because his activities were highly regarded, the world's first probation law was enacted in the State of Massachusetts in 1878. John Augustus is said to be the world's first volunteer probation officer.

In Japan also, the first probation system was initiated by a private philanthropist. His name was Meizen Kinpara. He founded an association for the aftercare of ex-convicts in Shizuoka Prefecture in 1889. He began the aftercare of offenders because of the following episode.

An infamous villain had been reformed, discharged from prison, and returned home. However, instead of his wife's warm welcome, she had married another man and none of his relatives welcomed him. He killed himself by drowning himself in a pond, because he had "no house to live in and no job to do" and because he promised Kyoichiro Kawamura, the then director-general of the prison, not to commit any offense again. When Kinpara and Kawamura heard about his suicide, they thought that even if excellent admonition was provided to offenders, it would be useless unless the people around them also provided them with assistance after their discharge. As a result, they found-

ed an association for the aftercare of ex-convicts with no one to depend on (Shizuoka-ken Shutsugokunin Hogo Gaisha “Shizuoka Prefecture Discharged Offender Protection Company,” which was similar to an NPO), constructed aftercare facilities (which were similar to “offenders rehabilitation facilities”) and established a system for placing 1,700 probation staffers (who were the forerunners of volunteer probation officers) all over Shizuoka Prefecture, taking care of discharged offenders, and giving them advice. This is said to be the origin of offenders rehabilitation services in Japan.

If the then population is compared with the present population, it becomes clear at a glance how stunning it was that 1,700 probation staffers were placed all over Shizuoka Prefecture. Because the prefectural population was 1.06 million in 1888, there was 1 probation staffer for every 624 people. Because the prefectural population in 2017 is 3.68 million and the fixed number of volunteer probation officers is 1,495, there is currently 1 volunteer probation officer for every 2,464 people. Thus, the ratio of people in charge of probation in 1888 was four times larger than 2017, which shows how large the number of probation staffers was.

Fukui Fukuden-Kai was founded in Fukui Prefecture in 1913 and consisted of rehabilitation facilities and 132 local staffers. After that, other rehabilitation facilities for discharged offenders and more judicial probation staffers were placed in succession. For example, Hakodate Josei-kai was founded in 1915 and Aichi Jikei-kai was founded in Aichi Prefecture in 1921. The National Association of Judicial Probation Service was organized in 1937 and appointed 14,000 private philanthropists as judicial probation staffers in 1938. Responding to such movements in the private sector, the Judicial Rehabilitation Services Act was enacted in 1939. This was the first law concerning judicial probation staffers “*Shiho Hogo In*”.

Although judicial probation staffers were institutionalized for the rehabilitation of adult ex-convicts, the emergence of private philanthropists also preceded that of judicial probation staffers in juvenile rehabilitation and other

fields. I will examine this further below.

### **(1) The Birth of Part-time Juvenile Probation Officers**

The Penal Code, which came into force on October 1, 1908, raised the minimum punishable age from 12 to 14 and provided that an act of a person less than 14 years of age should not be punished. Because there was a demand that protective measures be applied to juveniles instead of punishment in principle and it was not appropriate to provide for this in the Penal Code, it was decided that this should be enacted as a special law later.

However, the enactment of measures concerning juvenile crimes could not be postponed at all. Therefore, as a transitional measure until the enactment of the special law, national subsidies were paid to found a juvenile reformatory in each prefecture to strengthen the rehabilitation system which centered on the use of these juvenile reformatories. However, because the capacity and the rehabilitation methods were inadequate, the number of minor prisoners increased year after year, and with no means of aftercare, it became urgently necessary to establish a juvenile rehabilitation system.

To cope with this, the Ministry of Justice established the Rehabilitation Division in the Minister’s Secretariat to establish a juvenile rehabilitation law. Until then, because Japan had no special division with jurisdiction over the rehabilitation of discharged offenders, the Prison Bureau maintained jurisdiction over it. The Secretariat of the Rehabilitation Division in the Minister’s Secretariat, which was established in October 1920, was the first independent division which specialized in juvenile rehabilitation services.

Although criminal or delinquent juveniles had been treated like adults since the Meiji era, the Ministry of Justice established the Rehabilitation Division, responding to the people’s demand for a juvenile rehabilitation system for special treatment of juveniles.

The former Juvenile Act was promulgated together with the Reform



School Act on April 17, 1922 and came into force in January 1923. As a result, together with reform schools, juvenile courts were established, which consisted of juvenile judges, juvenile probation officers, and secretaries. However, juvenile courts were only established in Tokyo and Osaka at first. It took 20 years to establish them all over Japan.

The Juvenile Act divided protective measures into nine different types, gave integrated legal grounds for juvenile rehabilitation activities by related agencies and the private sector, adopted indeterminate sentences, and guaranteed a future to the capacity of juveniles. Of the nine types of protective measures, “being put under the observation of a juvenile probation officer” was the first probation system in Japan. When a juvenile received a suspended sentence, was paroled, or was provisionally discharged from a reform school, the juvenile was to be put under the observation of a juvenile probation officer. In this way, probation was fully adopted for juveniles. Because full-time government officials and private philanthropists (part-time juvenile probation officers) were appointed as juvenile probation officers, the probation system became unique to Japan in that it was based on public-private cooperation.

## **(2) The Birth of the Part-time Probation Officer**

A probation system for adults was established on November 20, 1936, when the Ideological Criminal Probation Act came into force. In this Act, the word “probation” was first used in a Japanese law.

The ideological criminal probation system was managed by the probation offices and the probation examination committees which had been established at 22 locations in Japan. Under this system, if an offender against the Maintenance of Public Order Act received a suspended execution of sentence, or received a suspended prosecution, completed their sentence, or was provisionally discharged, that person would be put on probation by a resolution of the probation examination committee. The term of probation was two years and was renewable via a resolution of the committee. During the term, the obligation to comply with limitations on residence, friendship, communication and

other conditions was imposed on the probationer. In addition, the probationer was put on probation by a probation office’s probation officer (full-time or part-time probation officer), under the care of a guardian or in the custody of an appropriate association so that the probationer’s ideas and behavior could be observed in order to prevent repeat offenses.

## **(3) Legislation on Judicial Rehabilitation Services and Judicial Probation Staffers**

Unlike in the field of support for juveniles or ideological criminals, in the fields of support for general discharged offenders and persons who received a suspended execution of sentence and a suspended prosecution, there was no government agency, such as the juvenile courts and the probation offices. Therefore, a private association called “*Hosei-kai*” (the forerunner of the Japan Rehabilitation Aid Association) guided and developed support associations. The association provided assistance for rehabilitation services, held lectures and conferences for those engaged in rehabilitation services, and founded training centers for rehabilitation officers, thus contributing to the development of rehabilitation services. However, although the number of rehabilitation associations increased year by year, their economic bases were weak and only depended on the contributions of private philanthropists. With the passage of time, the opinion emerged that rehabilitation services should be provided by the central government, and demand for the legislation of rehabilitation measures and the government’s assistance in rehabilitation services increased. In 1932, private entrepreneurs compiled the “General Plan of the Judicial Rehabilitation Act.” In response to this, Diet members submitted the “Judicial Rehabilitation Bill” to the Imperial Diet in 1933. Although the Bill passed the House of Representatives, it was shelved by the House of Peers. Although it was also submitted to the Diet in 1934 and 1935, it was shelved again without being passed.

During this move, the Ideological Criminal Probation Act was approved in 1936, accelerating the trend toward the legislation of judicial rehabilitation. On May 28 and 29, 1937, three associations jointly held the first meeting to

demand the systematic integration of support for discharged offenders, juveniles, and ideological criminals, and to strengthen cooperation among the associations. It was a mass meeting, including the Minister of Justice, 300 guests, and 1,700 participants. Responding to the Ministry of Justice's request for advice, the three associations recommended the following: establish a probation agency and appoint judicial probation staffers to promptly apply a probation system to general offenders; establish juvenile courts and reform schools all over Japan; and revise laws to promote the restoration of ex-convicts' rights. Moreover, in August that year, the National Association of Judicial Rehabilitation Services was formed in order to integrate a liaison network between rehabilitation associations.

In this way, it was expected that the rehabilitation system for general discharged offenders would be legislated and a probation system would be established. At that time, however, tight financial conditions caused by an increase in war expenditures made it difficult to fully establish such systems. Consequently, the Judicial Rehabilitation Services Act was promulgated on March 29, 1939 and came into force on September 14 that year to institutionalize rehabilitation associations and judicial probation staffers for the time being.

The Judicial Rehabilitation Services Act provided that "judicial rehabilitation services" should consist of the following: rehabilitation services for persons whose prosecution was suspended, persons who received a suspended execution of sentence, persons for whom execution of sentence was shelved, persons exempted from execution of sentence, provisionally discharged prisoners, offenders who had completed their sentence, and persons on juvenile probation; and services to provide guidance, to communicate, or to provide assistance toward the above rehabilitation services. In addition, the Act provides that "judicial probation staffers" should be placed in order to provide the rehabilitation services. In addition, the Regulation for the Enforcement of the Judicial Rehabilitation Services Act divided the support of offenders into three different types: "institutional support," "probationary support," and "temporary support." Providers of judicial rehabilitation services were called

"judicial rehabilitation associations," which were in charge of institutional support and temporary support. On the other hand, judicial probation staffers were in charge of probationary support. In addition, judicial rehabilitation associations which directly provided rehabilitation services were divided into "probationer rehabilitation associations," "ex-convict rehabilitation associations," "juvenile rehabilitation associations," and "ideological criminal rehabilitation associations."

### **5. The Judicial Probation Staffer System Crisis after World War II**

As a result of Japan's unconditional surrender to the US and other Allied Powers in 1945, Japan was placed under occupation by the General Headquarters (GHQ).

As a postwar measure against crime, the Ministry of Justice planned to revise the Judicial Rehabilitation Services Act and apply a probation system to adults. However, the GHQ insisted that full-time salaried government officials should take charge of probation instead of the private judicial probation staffers. As a result, the judicial probation staffer system faced a crisis.

In response to this, the Japanese side insisted as follows: judicial probation staffers were voluntarily engaged in public duties without pay and accomplished satisfactory results; private philanthropists living in the communities were suitable for probation, which required an appropriate level of contact, and it was difficult for a small number of full-time government officials to carry out probation properly. As a result, the GHQ approved the proposal that allowed judicial probation staffers to remain engaged in probation if the probation officers cannot perform their duties fully.

Japan's rehabilitation system was established when the Offenders Prevention and Rehabilitation Act came into force on July 1, 1949. While it had previously been known as "judicial rehabilitation," it was now called "offenders rehabilitation."

When the Volunteer Probation Officers Act was enacted in 1950, it was decided that 52,500 voluntary probation officers should be placed all over Japan. Because 67 years has passed since the enactment of the Act, I will summarize the reasons why the volunteer probation officer system has been maintained.

### **6. From Judicial Rehabilitation to Offenders Rehabilitation: Continuation of the Volunteer Probation Officer System**

What was unchanged during the shift from judicial rehabilitation to offenders rehabilitation was the non-governmental nature of rehabilitation. The main reason for the continuation of the judicial probation staffer system (volunteer probation officer system) lies in the undeniable fact that the private sector, not the public sector, already played the leading role in providing rehabilitation services during the era of the judicial rehabilitation services system.

The following table summarizes the numbers of full-time government employees (probation officers) and private philanthropists (volunteer probation officers) both in the era of judicial rehabilitation and in the era of offenders rehabilitation.

Under the present offenders rehabilitation system, there are 44 volunteer probation officers for every probation officer. The ratio of probation officers to volunteer probation officers under the era of judicial rehabilitation was 1:54 in the case of juvenile rehabilitation and 1:18 in the case of ideological criminal rehabilitation. These facts show that the number of private probation officers is far larger than that of public probation officers. (Such comparison cannot be made concerning the rehabilitation of general discharged offenders because their rehabilitation was entirely under the charge of judicial probation staffers, while government probation officers only coordinated with the judicial probation staffers.)

It is therefore possible to understand that because private philanthropists had been in charge of rehabilitation services, the offenders rehabilitation system was created as an extension of their activities.

Mr. Saburo Saito, the first Director-General of the Rehabilitation of the Ministry of Justice, correctly said that “Japan’s offenders rehabilitation system was created by grafting probation and parole, the buds of criminal policy onto judicial rehabilitation.” What Mr. Saito wanted to protect most was the volunteer probation officer system.

Mr. Saito also said that “the offenders rehabilitation can be regarded as people’s earnest wish to avoid punishment which was painful for people as much as possible, rehabilitate offenders through the use of probation, affection and human wisdom, and realize a society without crime” (see Saburo Saito, “History of Offenders Rehabilitation”).

Offenders Rehabilitation	Judicial rehabilitation		
	Juvenile	Ideological criminal	General discharged offender
1,094 probation officers at the secretariats of each Regional Parole Board and at the Probation Offices* (Apr. 1, 2017)	73 juvenile probation officers (Sep. 30, 1948)	8 guidance officers 33 full-time probation officers (Dec. 31, 1937)	6 probation officers 5 assistant probation officers (Nov. 1, 1942)
47,909 volunteer probation officers (Jan. 1, 2017)	4,000 part-time juvenile probation officers (Sep. 30, 1948)	764 part-time probation officers (Dec. 31, 1937)	35,000 judicial probation staffers (Nov. 1, 1942)

\* Executives are excluded from the number of probation officers.

### **7. The Concept of Offenders Rehabilitation**

As described above, the concept and characteristics of offenders rehabilitation in Japan can be divided into three parts:

First, it aims to protect society.

Article 1 of the Act specifies the purpose of offenders rehabilitation,

which can be summarized as the prevention of repeated offenses by offenders and juvenile delinquents, and the provision of support for their rehabilitation. The final purpose is “to protect society, and enhance the welfare of individuals and the public.”

Second, each member of society tries to create a society without crime or delinquency. People may tend to think, “We have no relation to crime. Crime should be dealt with by the police and judges. Government employees hired using the taxes we’ve paid should carry out crime measures.” However, this is not true. Crime and delinquency are caused by society and the key to exterminating them is held by each member of that society. To realize a society without crime, people must contribute according to their position and their capabilities (Article 2 (3) of the Act).

Third, rehabilitation services should be provided through public-private cooperation and the central government is responsible for promoting the private-sector’s activities (“The Government shall promote activities which contribute to realizing the purpose described in the preceding Article and which are voluntarily carried out by organizations or individuals in the private sector, shall coordinate and cooperate with such persons, and shall endeavor to deepen the understanding of the general public and attain their cooperation for the purposes of rehabilitation” (Article 2 (1) of the Act).

In this way, Japan’s offenders rehabilitation is characterized by a “system of society, by society, for society” and it can be said that the leading part in the whole system is each community.

## **8. The Spirit of Offenders Rehabilitation**

I have learned the spirit of offenders rehabilitation from many people. Among them, I would like to introduce three persons.

One of them is Kyoichi Miura, a volunteer probation officer who wrote in his book “Volunteer Probation Officers” that volunteer probation officers

should not bear arms. I think this expression means that volunteer probation officers have relationships with their probationers by “authority” rather than by “power.”

Another one is Ikuo Hirayama, a Japanese painter born in Hiroshima in 1930. He was a survivor of the atom bomb which was dropped when he was a third grader at Hiroshima Shudo Junior High School. He graduated from the Tokyo University of the Arts and became one of the most prominent persons in Japanese painting circles. He supported the “Movement Towards a Brighten Society,”<sup>1</sup> supplied his works for offenders rehabilitation calendars free of charge, and donated his paintings to offenders rehabilitation facilities all over Japan.

About 30 years ago, I asked him an impolite question, “Why have you supported offenders rehabilitation?” I still cannot forget his answer, “Pictures cannot be painted with hate. This also applies to offenders rehabilitation.” Although there is a saying that “You must hate the sin, but not the sinner,” it is difficult for volunteer probation officers to have contact with offenders while maintaining such feelings of hate. Volunteer probation officers seem to have affectionate feelings. Without such feelings, they cannot continue their activities.

The last one is Mitsuo Setoyama, who served as Chairman of the National Federation of Volunteer Probation Officers for 16 years. Whenever Mr. Setoyama addressed a meeting of volunteer probation officers, he first said that “I have been able to meet God and Buddha today. I’m happy.” I thought he was an odd old man. Recently, however, I have come to understand what he said. When he was asked to write something, he wrote “Mercy is for yourself, altruism is for others.” This means, “Offenders’ rehabilitation is altruistic. It

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1. A national movement organized by the Ministry of Justice to build a brighter community without crime and delinquency by encouraging all people to deepen their understanding of the importance of prevention of crime and rehabilitation of offenders, and combine their efforts from their respective positions to contribute to the society

gives advantages to others, not yourself. Do for others what you want others to do for you.”

Mr. Setoyama died at the age of 93 on June 23, 1997. Four days before, he wrote the following on his deathbed:

“Although volunteer probation officers carry out unnoticed and troublesome duties, it can be said that they are practitioners of God’s love and the embodiment of Buddha’s mercy, because they put their whole heart and soul into the rehabilitation of people who have committed crimes and delinquencies, caused damage to others, disturbed the social peace and made themselves unhappy, renouncing their own interests and expressing real human love, and into the creation of a peaceful and bright society without any crime or delinquency.”

Article 1 of the Volunteer Probation Officers Act provides that “The mission of all volunteer probation officers shall be, in the spirit of volunteer social service, to assist those persons who have committed crimes and juvenile delinquents to improve and rehabilitate themselves, and to enlighten the public on crime prevention, thereby enhancing the local community and contributing to the welfare of both individuals and the public.”

In addition, the following Principles for Volunteer Probation Officers were enacted in 1994:

- With the spirit of social service, as volunteer probation officers, we will:*
- Devote ourselves to the rehabilitation of people who have made a mistake, keeping fairness and sincerity in mind.*
  - Make efforts to prevent crime and delinquency in cooperation with all people in order to brighten society.*
  - Make efforts to improve our character and insight, always dedicating ourselves to study.*

The ideal image of volunteer probation officers may emerge from the Volunteer Probation Officers Act and the Principles for Volunteer Probation Officers.

I would like to introduce a memorandum written by one of the volunteer probation officers I know.

“Three years ago, Ms. Aizawa, an active volunteer probation officer, died of an illness. One year later, the husband also died of a worsening chronic illness, ‘I feel intensely lonely,’ the husband lamented. “I do not trust any probationer. They hardly trust others and they all have a cold heart. They do not keep their promises and think of nothing but telling lies. They are really troublesome. Why did my wife accept the post of volunteer probation officer?” However, when I visited him in hospital, I heard an unexpected and touching story from him.”

One day, a young office worker wearing a suit suddenly visited him and said “Because I was informed of Ms. Aizawa’s death, I would like to offer some incense sticks before the family altar.”

After a short while, in front of the family altar, the young man broke down and cried loudly. He said, “Whenever I was in despair in the past, Ms. Aizawa always welcomed me warmly and listened intently to whatever I had to say. I owe my independence as a member of society to her.” Responding to this, the husband repeated, “I’ve never felt so deeply moved in my life. I would like to express my gratitude to my wife. I’m pleased that she was a volunteer probation officer. I will report this to her immediately.” Hearing this from the husband, I could not help but feel a sense of my own mission as a new volunteer probation officer.”

About 48,000 volunteer probation officers all over Japan put their whole heart and soul into the rehabilitation of probationers, sacrificing their own private lives. They fully support their recovery, sending warm, welcoming

feelings into the hearts of the injured probationers.

### **9. Evaluation and Prospects of Offenders Rehabilitation**

There is a global trend to use the treatment of offenders within society or non-institutional treatment as an alternative to incarceration or freedom-restricting punishment. This implies a greater use of diversion as the result of an increase in the number of offenses.

However, the number of inmates in correctional facilities in Japan is small, only about 50 per 100,000 population. Compared with foreign countries, Japan has an extremely small number of inmates. In Japan, the community-based treatment of offenders is regarded not as a diversion but as what is necessary for offenders rehabilitation and their smooth reintegration into society.

In Japan, as a result of the introduction of the lay judge system in 2009, there is now an increasing number of cases in which a suspended execution of sentence with probation is given instead of a suspended execution sentence without it. This indicates that people are considering not only how to impose punishment for committed offenses but also what kind of treatment is suitable for the accused persons' rehabilitation.

Although other advanced countries are worried about the frequent occurrence of offenses, the number of offenses is relatively small in Japan. The homicide rate in Japan is about one-fifth of that in other advanced countries. It has been pointed out that this is because of geographical and natural conditions – Japan is an island country surrounded by the sea – and social conditions, such as the use of a single language. In addition, the general public's participation in criminal justice and the public-private cooperation system are also important factors especially for the community-based treatment of offenders.

In other words, it seems that the Japanese people have the spirit of “You

must hate the sin, but not the sinner,” even if they first isolate offenders from society. In addition, they seem to have accepted the concept of social inclusion or re-entry. They have trust in human plasticity – that is, “people can change.”

I think that the participation and cooperation of the volunteer probation officers and other volunteers are encouraged by people's recognition that crime is a problem for each community and therefore every community should tackle crime as a whole.

The existence of volunteer probation officers and other volunteers who participate and cooperate in offenders' recovery is the “power” of communities to support the community-based treatment of offenders, and this plays a role as an intermediary between the offenders and the communities.

In Japan also, however, mental poverty, insufficient human relationships, and an increase in both the number of lonely deaths and the number of abused children have gradually begun to be pointed out. Volunteer probation officers and other persons engaged in offenders rehabilitation will play an increasing role in realizing communities where each of the residents, including the socially isolated, will gain self-respect as human beings, live a life worth living, feel they are enjoying a useful life, and feel gratitude.



### **3. The Role and Significance of Volunteer Probation Officers from the Viewpoint of Offender Treatment Theories**

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#### **1. Introduction**

The main purpose of offender treatment is to prevent recidivism and to protect society from the dangers of crime. For this purpose, supervision and support have been provided for offenders rehabilitation and for their reintegration into society. Such a purpose is common in many countries. Article 1 of the Offenders Rehabilitation Act, the basic law for the offender community-based treatment in Japan, provides that the purpose of offender rehabilitation is “to prevent offenders from engaging in recidivism or to eliminate their delinquencies and assist them to become self-reliant as sound members of society, and improve and rehabilitate themselves by treating them properly in the society,” which indicates that the Act shares the above-described purpose of offender treatment.

In addition, the structure of offender treatment has been standardized. Japan’s current rehabilitation system was established after World War II. Although “probation officers for juvenile cases”,<sup>1</sup> and “judicial probation associations”,<sup>2</sup> in the pre-war era were incorporated into the current system, since the system was developed on the model of equivalent systems in the United States and the United Kingdom, it is generally similar to the world’s standard system for the offender treatment in the community. The current probation system

originated in these countries.

However, both the content and management of the community-based treatment of offenders depend on the values of the society in which the treatment is being conducted. This is because community-based treatment is influenced by various social conditions and the services are provided within society. Therefore, each community’s characteristics are reflected in “treating them properly in the community” as specified in the Offenders Rehabilitation Act. Like many other countries, Japan thinks of freedom and equality as important social values to be observed. However, Japan seems to place more importance on cohesion of the group and people’s cooperation than other countries. These characteristics of Japanese society influence the community-based treatment of offenders.

The most unique characteristic of the Japanese system is that the volunteer probation officer system is placed at the center of the community-based treatment of offenders. The system reflects the characteristics of communities in Japan and the national character of Japanese people. Collaboration with non-governmental organizations in the offender treatment and the participation of citizens in criminal justice field have become global trends. Furthermore some countries have volunteer probation officer system. Nonetheless, Japan’s volunteer probation officer system is unique in that it has formed the basis of Japan’s system.

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1. The previous probation system was introduced under the former Juvenile Act, which was enacted in 1922, and probation officers for juvenile cases were appointed to enforce the Act, Article 35 thereof provided that the Juvenile Inquiry and Evaluation Offices and the full-time probation officers might appoint part-time volunteer probation officers, who were the forerunners of volunteer probation officers (Matsumoto, 2015 & The official Gazette No.3126,1923).

2. Judicial probation associations, which provided institutional care, and judicial probation commissioners, who were in charge of probation, were institutionalized as a service authorized by the national government under the Judicial Rehabilitation Services Act, which was enacted in 1939. The service was provided by private associations and philanthropists (Rehabilitation Bureau, Ministry of Justice website).

This paper will consider the function and significance of volunteer probation officers, taking into consideration the characteristics of the community-based treatment of offenders in Japan.

## **2. Structure of the offender treatment**

The community-based treatment of offenders has been standardized considerably in many countries, and it mainly consists of the following three factors: 1) intervention to control or transform behavior which leads to crime for the purpose of managing the recidivism risk; 2) case work to support and promote stability of the ego and development of the personality for the purpose of offenders rehabilitation; and 3) social work using social resources and social capital for the purpose of offenders' reintegration into society.

Although there are overlaps in the functions and effects of these three factors, their roles theoretically differ in the prevention of recidivism and the purpose of the treatment. Casework and social work have been regarded as the main factors and methods for the community-based treatment of offenders since rudimentary probation began in the United States and the United Kingdom in the 19th century. On the other hand, although managing recidivism risk was regarded as an effect of rehabilitation rather than the purpose of it, this has now come to be regarded as most important for the offender treatment for the purpose of public safety, and conscious intervention has been made for this very purpose.

What is now characteristic is that the approaches and directions of these three factors have been determined based on evidence from empirical research. The main method for managing recidivism risk is the risk-need-responsivity (RNR) model, which originated in Canada. Casework and social work are also carried out using methods verified as effective for the prevention of recidivism.

## **3. Strength-based approach on the basis of rapport**

As described above, it is preferable to carry out the offender treatment ratio-

nally based on evidence. However, because the subjects are human beings and most offenders are those who have difficulty adapting to society for multiple reasons, it is clear from the research-based evidence and practical experience that no intervention can produce good results if there is no relationship of trust with the offenders being treated. For example, a cognitive behavioral program using the RNR model verified that the effects are influenced by the way the program is implemented and the relationship between the implementing agency and the program participants (Andrews & Bonta, 2010, pp. 393-403, pp. 410-411).

Moreover, if intervention contributes to the offenders' human development and well-being, it will prevent recidivism more certainly and lead to community well-being in light of the development of useful human resources. Some empirical studies show that encouragement effective for the recovery of young offenders includes the following factors (Lösel 2012, p. 100):

- Stable emotional relationship with at least one reference person
- Acceptance and supervision in social contexts
- Adequate social support
- Social models that encourage constructive coping
- Appropriate social responsibilities
- Cognitive competencies such as realistic future planning
- An easy temperament and resiliency ego
- Experience of self-efficiency and an adequate self-concept
- Actively coping with stressors and strains
- Experience of sense and meaning in life

These factors can be applied to knowledge gained from the desistance research. The period of recidivism covered by the desistance research was longer than the period covered by the research on which the RNR model was based, and the desistance research verified that the factors for preventing recidivism and promoting rehabilitation include: stable relationships with others, optimistic attitude, self-efficacy, a stable job, and hopes and dreams for the future. This means that positive relationships and positive mental attitude

promote rehabilitation (Bottoms and Shapland, 2011; Farrall and Calverly, 2006; and others).

Paying attention to such knowledge gained from the desistance study, the UK's National Offender Management Service recommended that the following factors should be incorporated in the offender treatment (Pitts, 2011):

- Strong and meaningful relationships
- Optimistic messages – avoid labeling, and mark achievements
- Focus on strengths – not just risk (“Hope - a new self”)
- Support practical assistance, families, communities
- Emphasises long term change rather than short term control

#### **4. Today's framework for the offender treatment**

Given what has been described above, today's framework for the offender treatment can be summarized as follows:

The offender treatment consists of three elements: managing the recidivism risk; casework for personal development; and social work for reintegration into society. Methodologically, it is necessary not to try to control offenders' behavior in vain but to apply the effective evidence-based approach of focusing on offenders' strengths as much as possible based on relationships of trust with offenders. If such intervention leads to personal development, it will become possible to prevent their recidivism more certainly for the long term. This approach to the offender treatment has already been adopted in many countries including Japan.

Thus, is the Japanese system—whereby the community-based treatment centers on the volunteer probation officer system—consistent with the framework for the offender treatment regarded as the world standard described above? This question will be examined below.

#### **5. Collaborative structure of professional and volunteer probation officers in Japan**

In Japan, although there are some exceptions, a government employee serving as a professional probation officer and a private citizen serving as a volunteer probation officer are assigned to each probationer, and both officers collaborate to provide appropriate treatment for probationers in the community. The existing system was established as a result of tight national finances during the period in which the offender rehabilitation system was built. At the same time, the founders of the system planned to increase the effectiveness of the probation system through the synergy of combining the professional probation officer's specialty with the volunteer probation officer's knowledge of his or her locality and nature as a private citizen.

The specialty of the probation officer refers to expertise on offender treatment based on knowledge of the applicable laws and skills for casework and social work as a professional. On the other hand, the local knowledge and private nature of the volunteer probation officer can be interpreted as a resident's ability to be familiar with and utilize social resources and social capital in the community, their ability to increase the community's level of concern and involvement regarding the community-based rehabilitation services for offenders, their ability to form rapport with offenders based on goodwill as residents living in the same community, and the possibility of them becoming role models for offenders. In other words, volunteer probation officers supplement rather than replace probation officers, and they also—from a different perspective than professional probation officers—play a positive role in supporting offenders as they settle down and reintegrate back into the community.

Probation treatment consists of supervision and rehabilitation support. Probation officers and volunteer probation officers have both functions. Mainly, however, probation officers execute laws to control problematic behavior of offenders, and carry out cognitive behavioral programs. On the other hand, it generally seems that the rehabilitation of offenders in community life and

practical support for social adaptation can be promoted more frequently and effectively by volunteer probation officers.

Collaboration with non-governmental groups and residents in the offender treatment has today become a global trend. Volunteer probation officers in Japan were years ahead of their time in the way they work for offenders. The above-described system for public-private collaboration is especially suitable for the characteristics of communities in Japan, and the system is functioning well and has produced good results. I will further discuss the characteristics of communities in Japan, which make the collaborative system of probation effective.

## **6. Characteristics of communities in Japan**

### **(1) Neighborhood association**

The strength of Japan's communities is one of the important factors for providing support to offenders during the process of reintegration. Neighborhood associations have been organized in all districts of Japan.

There are various opinions about the origin of these neighborhood associations. Some say that neighborhood associations originated in the 10th century while others say the 16th century. At any rate, the then ruler officially organized them at the lowest level of governance, paying attention to the households in those villages that had mutually helped out of the necessity for living. The neighborhood associations were reorganized as residents' self-governing bodies after World War II and have been democratic associations independent of any governance body. The Ministry of Internal Affairs and Communications has defined a neighborhood association as a "group of households formed based on a shared territorial bond among people living in a certain area" and it is optional for the residents to participate in it. As of April 1, 2014, there were 298,700 neighborhood associations in Japan (according to the Ministry of Internal Affairs and Communications). Although the percentage of residents participating in their neighborhood association is on a

downward trend, it still remains high. For example, the percentage in Yokohama, a large city, was 74.8% as of April 1, 2016 and the "participation rate"<sup>3</sup> might be higher in rural areas.

Although a neighborhood association is a group based on a shared territorial bond, it is not a mere friendly get-together but rather a functional association that carries out cooperative activities to promote common welfare. For example, it carries out beautification campaigns, preserves the environment, promotes the prevention of disasters and crime, provides support to vulnerable people within the community, holds festivals and sports events, and carries out many other local activities. Recently, due to some trends in Japanese society, such as the reduction in the size of households,<sup>4</sup> an increase in the number of single elderly households or single-parent households,<sup>5</sup> and the frequent occurrence of natural disasters, the residents themselves have recognized anew the significance of mutual aid. There are many cases where local governments or public corporations provide subsidies to neighborhood associations for highly publicized activities.

Such community groups based on a shared territorial bond also exist in other Asian countries, such as "Barangay" in the Philippines and "Shequ" in China.

### **(2) Communities with economic and social diversity**

Another characteristic of the communities in Japan is the coexistence of

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3. "Participation rate" is percentage of the households, which join "the neighborhood association" with membership, among all households living in the area where the association concerned covers.

4. The size of a household in Japan has been decreasing since the end of World War II. It decreased from 5.00 in 1953 to 2.4 in 2015 (Ministry of Health, Labour and Welfare, 2016).

5. In 2016, single households accounted for 18.2% of the total number of households. Single-parent households accounted for 5.1% and households with elderly persons aged 65 and over accounted for 26.0% (of these, households consisting only of elderly people accounted for 23.9%) (Ministry of Health, Labour and Welfare, 2016).

residents who differ in social and economic conditions within the same community and neighborhood associations. Like other countries, Japan also has districts where relatively many high-income people live and those where deprived people live. However, residential districts are not completely divided by income level or social or economic status. If communities are viewed relatively widely, various people in different social and economic conditions live in every area.

In other words, even in communities where many former offenders live, there are also people who live socially and economically stable lives, and have capacity to contribute to both the well-being of others and the community.

### **(3) Characteristics of historically formed communities in Japan**

The formation of communities in Japan has been influenced by history. Because Japan greatly depended on agriculture until around 1950<sup>6</sup>, and the farmers were small in scale, the solidarity of people in the community and mutual help were essential for flood control, production, and procurement of materials. Without community cohesion and mutual help, it was impossible to maintain agricultural production.

In addition, because the systems of the modern nation were rapidly developed under the leadership of the government from the second half of the 19th century, the government needed administrative bodies that operated close to the people in order to support the construction of a modern state, while the neighborhood associations cooperated because their support of the government's measures led to an improvement in their lives.

It can be said that, influenced by this history, Japanese society has been formed not by the tense relationship of rights and obligations between citizens or between citizens and society, but by the residents' cooperation and soli-

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6. The major industry seen by the number of workers was agriculture until around 1950 (Ministry of Health, Labor and Welfare, 2013).

arity. With the passage of time, such characteristics have changed, and the tendency toward individualism has become stronger. In spite of this, it can be said that the characteristics which lie at the heart of Japanese society have been maintained, and Japanese society's solidarity and cohesion are still comparatively strong and stable.

However, strong cohesion has advantages and disadvantages. If residents comply with the group's rules and act to the extent permitted by the group's sense of values and philosophy, they can receive protection from the group. However, once they violate the group's "norms," they tend to be excluded from the group. Although the rules in Japanese society have become more lenient, members' conduct is still highly restricted tangibly or intangibly, compared with Western society. Thus, it can be said that group pressure is high in Japanese society.

This characteristic of society is related to the offender treatment. If a person violates a legal rule and infringes on others' or society's peace and tranquility, that person will be stigmatized as an evil man and will be avoided by others. Once such a person is excluded from the community, it is not easy for him to be reintegrated into it.

In Japanese society, which has the above-described characteristics, a volunteer probation officer, a member of the community, plays an important role in the rehabilitation and social reintegration of offenders who live in the same community. Then, what kind of person is a volunteer probation officer? This question will be considered next.

## ***7. Characteristics of a volunteer probation officer***

### **(1) Qualifications for volunteer probation officers**

Although volunteer probation officers are civil philanthropists, they are not mere volunteers. They are appointed through public procedures and play a "public" role. Article 3 of the Volunteer Probation Officers Act, which spec-

ifies how they are appointed and what duties they should carry out, provides that “Volunteer probation officers shall be delegated by the Minister of Justice from among those persons who have all of the following qualifications:”

- 1)The person is highly evaluated in terms of character and conduct in the community;
- 2)The person is enthusiastic and has enough time available to accomplish the necessary duties;
- 3)The person is financially stable; and
- 4)The person is healthy and active.

In addition, they are not recruited openly from the public and candidates are not allowed to apply directly for the appointment. It does not matter what professions candidates have had in the past or have at present.

## **(2) Volunteer Probation Officers’ Association**

A Volunteer Probation Officers’ Association identifies those who are well-qualified to become a volunteer probation officer and carries out the appointment procedure. The associations are composed of volunteer probation officers living within a “probation district,” a unit district for probation, and serve as the base for the volunteer probation officers’ community activities. They are public bodies based on Article 13 of the Volunteer Probation Officers Act. The district covered by a Volunteer Probation Officers’ Association almost entirely overlaps the geographical territory of “allied neighborhood associations,” a group of several neighborhood associations, or a junior high school district. Moreover, they also have the same jurisdiction as that under the “community-based integrated care system” for elderly welfare planned by the Ministry of Health, Labour and Welfare (Ministry of Health, Labour and Welfare, 2017). Such districts geographically overlap with a community where a residents’ social capital has been formed of a size that enables the accumulation of both the social resources necessary for living and the residents’ recognition of each other’s existence. One Volunteer Probation Officers’ Association exists in each of these districts.

Many volunteer probation officers also serve other important volunteers for well-being of residents in the neighborhood association such as volunteers of residents’ welfare promotion associations, the children’s association and health promotion associations. Moreover, they often serve local welfare commissioners.<sup>7</sup> Thus it can be said that they hold important positions in the local network.

## **(3) Procedures for appointment of volunteer probation officers**

Substantially, the Volunteer Probation Officers’ Associations initiate the procedures for the appointment of volunteer probation officers. The procedures leading up to commission can be described as follows:

A Volunteer Probation Officers’ Association identifies a person who satisfies the four above-stated qualifications and who lives within the association’s jurisdiction, and then confidentially reports to the probation office.<sup>8</sup> In response to this, the director-general of the probation office recommends the person to the Minister of Justice after hearing opinions from the volunteer probation officer selection council (consisting of local criminal justice-related persons and experts established in the probation office). Then the person is commissioned as a volunteer probation officer by the Minister.

If a person who wishes to become a volunteer probation officer applies to the probation office, and the office determines that applicant is qualified, the person will be introduced to the neighborhood communities within the association’s jurisdiction. If the communities determine that the person is well-qualified, the procedures leading to commission will be carried out in the form of a recommendation from another person. In other words, it does

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7. Local welfare commissioners have a duty to promote the social welfare of their residential areas, to fully understand the living conditions of the residents – mainly, the elderly, children, the poor and needy, and other socially weak people – and provide protection and guidance to people in need of protection. They are recommended by the prefectural governor and commissioned by the Minister of Health, Labour and Welfare.

8. In this case, opinions may be heard from the local government.

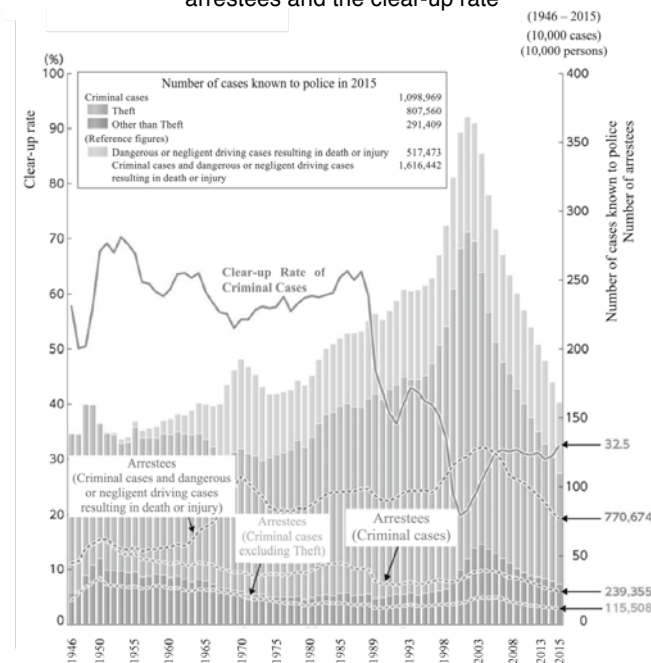


not matter whether the act that initiates the procedures is the person's direct application or a recommendation from another person, but it is necessary to gain the approval of the communities, which can be said to guarantee the legitimacy of the volunteer probation officers.

Because volunteer probation officers are only commissioned after going through these appointment procedures, it can be said that, in light of their personality and insights, the communities, local governments, and probation offices have all recognized them as community residents fit to play a part in providing probation services. In other words, persons who have assumed important positions based on local social capital are identified from among the community residents and become volunteer probation officers.

## 8. The role and significance of volunteer probation officers in the offender treatment

**Figure 1** Trends in the number of criminal cases known to police, the number of arrestees and the clear-up rate (1946 – 2015)



### Notes

1. According to National Police Agency statistics
2. The number of cases of illegal behavior by juveniles was included until 1955.
3. The number of "Criminal cases" until 1965 did not include the number of professional negligence cases.
4. Dangerous driving cases are included in "Criminal cases" between 2002 and 2014, and "Dangerous or negligent driving cases resulting in death or injury" in 2015.

Source: White Paper on Crime 2016, Ministry of Justice, Japan

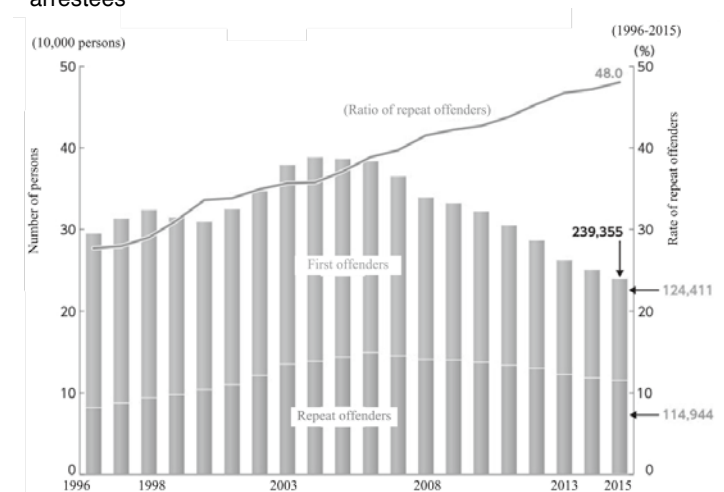
So far, I have described the structure of the community-based treatment of offenders, the characteristics of communities in Japan, and the characteristics of volunteer probation officers. Last, I would like to discuss the significance of the part volunteer probation officers play in the community-based treatment of offenders in Japan.

## (1) Probationers in Japan

To set the stage for this discussion, I would like to illustrate what kind of person is placed on probation.

In Japan, a considerable decrease can be seen not only in the number of criminal cases but also in the crime rate as shown in Figure 1. Despite this downward trend, the percentage of repeat offenders has been increasing as shown in Figure 2. This may indicate that repeat offenses are committed by a

**Figure 2** Trends in the number of criminal cases and ratio of repeat offenders among the arrestees (1996-2015)



### Notes

1. According to National Police Agency statistics
2. "Repeat offenders" are criminal arrestees who were previously arrested for an offense other than a violation of the Road Traffic Act and were arrested again.
3. "Ratio of repeat offenders" is the ratio of repeat offenders to the number of criminal arrestees.

Source: White Paper on Crime 2016, Ministry of Justice, Japan

few special individuals who live separately from the ordinary people. In addition, public statistics (Ministry of Justice, 2016a, 2016b) prove that offenders in living aspect are vulnerable people with poor academic backgrounds, bad economic conditions, and undesirable relationships with others, including their own family members.

## **(2) The significance of volunteer probation officers' support for probationers' rehabilitation in communities**

As described above, from the viewpoint of social approval, there is a significant and symbolic meaning in offenders rehabilitation support being provided by volunteer probation officers commissioned through legitimate procedures. Because, as described above, volunteer probation officers can be regarded as people with social capital in the community, there is symbolic meaning in the communities' reintegration of former offenders who are eager for rehabilitation through volunteer probation officers as community representatives. Given Japanese society's especially strong sense of avoidance of people who have violated social norms, it is greatly significant for former offenders to attempt rehabilitation with the support of volunteer probation officers. Their support serves as mental support for former offenders who have backgrounds of social and economic deprivation and who are likely to be excluded from society due to their criminal history.

At the same time, the support of volunteer probation officers has realistic, substantial meaning. As described above, volunteer probation officers hold social capital in the community, are familiar with the social resources useful for offenders rehabilitation, and have the ability to make use of those social resources. Therefore, they can provide support, such as support in finding a job, support in acquiring the social skills necessary for vocational life, and advice and support concerning access to public services. Such support helps offenders to socially adapt.

In one interesting incident, a volunteer probation officer<sup>9</sup> told me that "Because a probationer was exploited at a workplace where labor conditions

were poor, I introduced him to the Labor Standards Inspection Office. I would like to give probationers the message that as long as they are trying to live and work sincerely, there is justice in the society which can be helpful to them." Moreover, some volunteer probation officers also have the ability to develop and organize social resources for the purpose of offenders rehabilitation.

Offenders rehabilitation requires that "communities as places for offenders rehabilitation must have social conditions which allow and support their reintegration and rehabilitation (places and means for living)" (Suzuki, 1999, p. 283). Therefore, the locality and the private nature of the volunteer probation officers greatly facilitates the rehabilitation and social reintegration of offenders, both physically and mentally.

From the results of the above-described desistance research adopted by the United Kingdom's National Offender Management Service (now called "Her Majesty's Prison and Probation Service"), volunteer probation officers can be viewed as providers of the following points.

- Strong and meaningful relationships
- Practical and effective support in cooperation with the family and the community
- Emphasis on long term change rather than short term control

Because they are residents living in the communities, they can watch and support the stability and development of offenders' lives as neighbors even after the end of the probation, if offenders hope so.

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9. She was a participant of "the UNAFEI International Seminar for Volunteer Probation Officers" held in the spring of 1996. The author was UNAFEI (The United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders) Professor in 1996, and heard this episode from her directly. She is a wife of a politician and eager volunteer probation officer.

### **(3) Advantages of volunteer probation officers concerning casework for offenders**

In addition, volunteer probation officers can also greatly contribute in specific examples of offender treatment. Looking at Lösel's useful factors for the offender treatment described above, the characteristics of volunteer probation officers are advantageous for the following factors:

- A stable emotional relationship with at least one reference person
- Acceptance and supervision in social contexts
- Adequate social support
- Social models that encourage constructive coping
- Appropriate social responsibilities
- Cognitive competencies such as realistic future planning
- Experience of self-efficiency and an adequate self-concept
- Actively coping with stressors and strains
- Experience of sense and meaning in life

Volunteer probation officers have gained the confidence of society and are living stable lives. This means that they can supply a useful social model to probationers concerning the above-described factors.

### **(4) Volunteer probation officers' contribution to cognitive behavioral programs for the purpose of managing the recidivism risk**

In Japan also, cognitive behavioral programs are incorporated into the probation service and have been regarded as useful methods for risk management. It is pointed out in cognitive behavioral programs that it is important to relate concepts that have been learned to everyday life (Kumano, 2012, pp. 149-150; 2015, p. 25). As described above, Japan has a collaborative system of probation officers and volunteer probation officers. In addition, larger probation offices have special teams engaged in cognitive behavioral programs. When a probationer undergoes a cognitive behavioral program, the probation officer in charge of the program, the probation officer in charge of the case, and the

volunteer probation officer can all be involved in "strengthening" of the program effect. Information on the results and issues regarding the probationer's participation in the program are communicated and shared among them.

This promotes the generalization of the probationer's learning under the program. At the end of the program, the probation officer in charge of the program hands the case over to the probation officer in charge of the case in order to assist the probationer's "strengthening" of learning. Next, when the probation officer in charge of the case hands the case over to the volunteer probation officer, this makes it possible to create "strengthening" during everyday life in the community. Moreover, if the volunteer probation officer provides information on the probationer's efforts to the family, this will help with "generalization" of the contents of the probationer's study within their family life. Furthermore if, after that, the probationer applies what has been learned to actual social situations, the volunteer probation officer can give feedback and provide support for the probationer to reliably deepen their study.

## **9. Conclusion**

In this paper, I have surveyed the characteristics of Japanese society and considered the role and significance of volunteer probation officers. Although the volunteer probation officer system was established through the use of pre-existing community relationships against the background of various restrictions, after 70 years from the inauguration of the probation system, Japanese society really feels that the volunteer probation officer system is rational and meaningful so as to be suitable for the structure and characteristics of Japanese society. The system is based on the social capital of communities and is excellent especially for the reintegration of former offenders into society.

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II

Case Reports from  
Volunteer Probation  
Officers in Japan

## ***Case1. A New Start for Arisa***

A teenager named Arisa (a pseudonym) with bleached hair came to me. She came together with her father and younger sister, who was 10 years old.

The father, who worked in a nursing care facility, was cheerful and talkative, and he was a kind father.

Arisa seemed similar to her father, and she talked a lot about herself. She dropped out of high school a short while after enrolling. She said clearly, “I don’t want to study anymore,” so I told her that if she isn’t going to school, she needs to stop depending on her father, and I recommended that she help him with the housework and do some other work. At the same time, I tried to listen to her.

At the time, I could tell that Arisa was very irritated and on edge. She once got into a fight with one of her friends and said, “I beat her up. It was her fault because she borrowed money from me but didn’t pay it back. I didn’t do anything wrong.” The mother of the other girl, whose face was injured by Arisa, sued her.

Arisa’s cell phone rang often during our interview, so it seemed that she was in contact with her friends. When she asked if she could bring a close male friend to the interview, I was surprised but allowed it. The boy was about Arisa’s age, and he was one of her friends who skipped school regularly.

Four months after I was assigned to her, Arisa started to go out at night, and just as I became worried, she was caught for shoplifting. Furthermore, it became clear that she had shoplifted several times before. She was then referred to a juvenile training school (juvenile correctional institute) based on the family court’s decision.

This was the first time that I went to a family court and observed the proceedings as a volunteer probation officer. I prayed that Arisa, whose feelings have been hurt and who cannot control her emotions, would calm down in the peaceful environment of the juvenile training school.

Arisa sent me letters while she was there. From the ordinary expressions she used in these letters, I could tell that she was leading a tough life. “I’ll be waiting, so hang in there,” I wrote back. Arisa’s first letters described the hard life in the juvenile training school, but eventually she started to write about fun things, such as a field day and a Christmas party, as well as about the times that she was commended by her instructors.

After she was discharged from the juvenile training school, I was assigned to conduct her probation again. Amid pressure from the heavy responsibility and concerns about whether I was up to the task, I saw Arisa as she came to my home accompanied by her father, and I realized that Arisa’s aura was different enough to make me feel it would be all right, that she would not re-offend.

After getting used to a life outside, while walking with her father in town, she found a clothing store that was looking for help and decided right then to work there. It was a small store, so she would need to mind the place by herself. I felt relieved that there were no problems, and around the time that she’d gotten used to the work, she said, “I want another job.” She seems to have gained a life rhythm, thanks to waking up early and working hard until early evening every day. She got back together with her ex-boyfriend, she prepared boxed lunches for her hard-working boyfriend and she cooked dinner for her



family every day. Even though it seemed she was already doing a lot, she wanted to have another job, save money and support herself. I told her, “You’re working hard. If you have the physical strength, I think it would be a good thing to try different kinds of jobs.” She decided to work in a restaurant.

One day, a customer at the restaurant asked Arisa to work at their nursing care facility. She told me that she decided to work there after discussing the matter with her father.

Since then, she talked a lot about her nursing care job at our interviews. With her eyes sparkling, she said, “It’s hard work but fulfilling” and “This job is my calling.” She told me that she had her grandfather and grandmother come to the facility so that she could take care of them. I felt that all this was possible because she changed while in the juvenile training school, including gaining confidence in herself for the first time when she acquired qualifications by passing such exams as the secretary test and the kanji test while she was there. She told me that her dream was to take the state exam for nursing care in three years and acquire that qualification.

Arisa is now an ordinary girl who works diligently. Even though she works hard, she still makes time to have interviews with me. So I decided to talk with the probation officer about the future.

The probation officer instructed me to first pay her a visit and have a three-way interview including the father. The father has been raising the children by taking on the mother’s role. So I promptly paid a visit and asked the father, “What is the reason that Arisa changed for the worse?” Listening to his reply, I understood how much of an important role his deceased wife had played, and how much she had kept this family together. Her mother’s sudden death due to disease was an incredibly sad event for the sensitive Arisa. And the father, who had just bought a home and was preparing to work hard, hit rock bottom. But more recently, Arisa and her father have started to understand each other and can now speak honestly with each other.

Next, I took Arisa to the probation office to have her meet with the probation officer. Although it was difficult for Arisa to make time since she was so busy with work, I wanted the probation officer to see how cheerful and gentle Arisa had become. Before long, the probation office decided to finish her probation before the expiration of the probation term, due to her good record. When it was decided to end the probation, I asked the probation officer to conduct a “graduation” ceremony only for her.

On the day, Arisa arrived at the probation office early, as usual. The probation officer read the completion document out loud, and that was the “graduation ceremony”. I saw Arisa off, hoping that we have helped her make a new start.

**--- Comment from the Probation Officer ---**

Arisa was a well-known juvenile delinquent locally. In fact, Arisa has a very slight intellectual disability, but not enough that she would be classified as having a disability, so she had “fallen through the cracks” in the system. It was this intellectual disability that caused her to be misunderstood by others and be left out. In the end, it was with the other juvenile delinquents, the misfits, that she found her place.

When I first met Arisa, it was four months after her second probation (release on parole). She looked like a show-off on the outside, but after talking with her, I was surprised to find that she was hard-working. She pulled out a notebook to explain to me about her job, in which she had written down the various tasks she had to perform at work, complete with illustrations. She had written down the mistakes she had made and important pointers in detail.

After the interview, the volunteer probation officer told me about her strengths. While the volunteer officer also mentioned points of concern, the volunteer officer was looking at Arisa from a “strengths perspective; the de-

velopment of a person's strengths" and the officer was facing "Arisa here and now" without being prejudiced by her past or her bad reputation. Through this interview with Arisa and the treatment deliberations with the volunteer probation officer, I felt as a probation officer that I wanted Arisa to believe that what she had learned in juvenile training school was not a waste but was rather a success; - in other words, I wanted to end Arisa's probation with her discharge. To this end, I held multiple treatment deliberations with the volunteer probation officer while thinking about the right timing.

At first glance, Arisa's second probation seems to have been smooth sailing, but of course, there were small relationship problems and times that she almost lost heart or became desperate. However, each time that happened, the volunteer probation officer faced Arisa squarely and provided warm words of encouragement. Arisa responded to this by opening up, and she was eventually able to talk about her problems with the officer without hiding anything. I believe that Arisa was able to maintain her "desire to rehabilitate" due to her own efforts, of course, but also thanks to the volunteer probation officer who continued to support Arisa's wishes.

At Arisa's "graduation ceremony," other volunteer probation officers who happened to be at the same venue joined us to celebrate Arisa's departure. I will never forget Arisa's embarrassed but happy expression at that time. Although there will likely be some small stumbles in the future, I believe that Arisa will now be able to overcome those obstacles.

(Translated and Reprinted from *the Tokyo Probation Journal*, vol. 718 Oct.2014)

## ***Case2. Importance of the Family Environment***

Akira (a pseudonym) was 14 years old when his first probation began. He was placed on probation for committing assault at school. The victim was another school boy. I was appointed to be in charge of him by the probation office. When I had my first interview with Akira, he was short, cheerful and energetic. His mother was unemployed, was raising Akira and his siblings as a single parent and was receiving public assistance. However, soon after I started looking after him, he inflicted bodily injury again. Ignored by a boy that he knew, Bunta (a pseudonym), Akira called him to the park, attacked him, and broke his arm. Akira was sent to juvenile training school (juvenile correctional institute) by the decision of a family court.

The mother said that at the time of the incident, Akira had said, “I’m going to hit Bunta,” and left the house carrying a stick. I asked her why she didn’t stop him, but she didn’t answer. After Akira was sent to juvenile training school, I was instructed by the probation office to coordinate his family conditions and meet his mother regularly.

The mother played pachinko (a game of chance similar to slot machines) all day and neglected the children, letting them do whatever they wanted. The children mistakenly believed that she was an understanding mother who gave them their freedom, and they didn’t criticize her.

Akira’s home environment was severe. When I visited the home for the

first time, I was astonished by what I saw.

In the two-bedroom apartment, futons (Japanese mattress bed) were left out without being put away in the two tatami-mat bedrooms, and scattered on these futons were empty boxed lunch containers, chopsticks and an ashtray full of cigarette butts. Akira’s five-year-old younger brother was sleeping on one of these futons. This brother had been playing video games late at night, so he was sleeping during the day and stayed up at night. Through discussions with the relevant entities, the brother was enrolled in a nursery school in the middle of the year, but he was only able to go a few days each month because the mother couldn’t wake up in the morning. In the beginning, the teacher visited the home but eventually nobody came to visit.

The child consultation center decided to hold a multi-agency meeting to discuss this family issue. I attended the first one along with the child consultation center, the board of education, the child support center, the welfare office and the probation officer. At the meeting, I was informed of the family’s circumstances before Akira was placed on probation and the participants were all concerned of the mother’s inability to raise children.

The second multi-agency meeting was attended by the same participants as the first meeting plus the junior high school principals and daily life guidance teachers from the three schools of that area. Each school strongly refused to accept Akira. Their opinion was that based on the actions of the parent and child so far, Akira should be placed in an offenders rehabilitation facility directly after leaving the juvenile training school. However, both the mother and Akira refused to agree to put him in an offenders rehabilitation facility. The mother and I both went to the board of education several times to ask it to take action so that Akira could get into junior high school, but his return to school was more difficult than expected. We continued to coordinate after Akira was discharged from the juvenile training school, and permission to attend school was finally given a month after his discharge.

When Akira came out of the juvenile training school, his expression had changed to one that was gentle, and he was almost a different person. Although there were only a few months left until graduation, he was excited to go to junior high school. However, the school took a very rigid approach in receiving him. With the exception of physical education, he had to take classes alone in the school's reception room.

Akira had no friends and was isolated. After three months, he began to skip school on some days and went out on the town at night. I walked around and searched the town's hangout spots to look for him.

Akira and his mother attended the junior high school graduation ceremony, but he received his diploma alone in the reception room. He took his high school entrance exams but did not pass. So the probation officer, Akira and I visited the public employment security office several times, but Akira couldn't find a job because he asked for so many conditions. There was a time that the probation officer and I were supposed to meet him at the employment office, but he didn't show up. I was worried that Akira didn't have the desire to work.

At the time, Akira seemed restless, partly because his mother was having a baby, but he did come to my house for his interview twice a month as promised.

For Akira's rehabilitation, I knew it was important to support his mother. But I was unsure how far I should intervene in her personal matters, so I consulted with the probation officer.

I visited their home three times a week, but instead of saying anything critical to the mother, I decided to let my actions speak for themselves.

I brought some vegetables that I had grown along with some other food, and told the mother they were today's "ingredients for miso soup," encouraging her to cook. When she told me that the younger brother who was going

to enter elementary school in six months still wore diapers, I brought a potty to the home. We struggled, but the brother was able to stop using diapers by the time he entered school. Regarding the futons that had been left out, I persistently instructed the brothers to put them away so that they got into the habit of doing so, telling them, "Let's make more space to play." The mother always welcomed me warmly, and the brothers fought over who would sit on my lap.

Once I'd started to visit the home frequently, the mother suddenly came to visit me seeking advice several times, arriving by bicycle with her child.

The mother told me, "I have relatives but none of them talk to me anymore, and I don't know where they live now. There is nobody I can ask for help." She also said, "I can only live the way I have lived." The mother had grown up in an environment similar to the current one.

Although the mother had difficulty waking up early every day, she did start to prepare meals, fold the futons and vacuum.

Once a relationship of trust had been established between the mother and me, Akira started to listen to me with a gentle disposition. He looked for a job on his own and started working.

I looked after Akira for more than four years in total. During his probation period, there were several times that I felt filled with helplessness. But thanks to warm words from the probation officer, I was able to get through the difficult times with Akira, which ended when his family moved away. This case made me keenly realize the importance of the home environment.

**--- Comment from the Probation Officer ---**

When I was a rookie probation officer, I remember one probation officer who was my senior complaining that, “the parents need to be instructed first.” This senior probation officer must also have been having trouble coordinating with the family. Behind any problematic activities such as delinquency, it’s not unusual for them to be connected with the person’s personal relationships at home or the conditions of the family. To address the issue, it becomes necessary not just to instruct the person directly, but to also influence the family. The enactment of the Offenders Rehabilitation Act provided legal grounds for influencing the guardians of minors. This can be said to be the result of recognizing the importance of influencing guardians.

This case was one that made me feel the size of the problem involving the family was greater than the problem involving the person. Of course, the family is a member of the community. The person’s rehabilitation cannot be considered by ignoring the person’s relationship with the community. The volunteer probation officer handling this case attended the multi-agency meeting to look for cooperation, and after Akira was released from juvenile training school on parole, the volunteer probation officer supported an easily despairing Akira, made efforts to motivate him, and influenced the family so that they could have hope regarding Akira’s rehabilitation. The mother was seen by society as lacking the ability to raise children, and was labeled as not being in any condition to receive instruction. However, the volunteer probation officer dealt with the entire family through frequent visits to the home, and by showing appreciation for the hardships that the mother had been through. By showing through kindness that the officer was on the family’s side, the volunteer officer was able to build a relationship of trust and even became a person that the mother, who was practically isolated in the community, could consult with.

This result came about because when interacting with the family, the

officer didn’t seek to make any abrupt changes but rather persistently and patiently made efforts to influence the family while still respecting the family’s way of doing things. The volunteer officer continued to support the family as someone who helped to bring out their potential strength. When I meet probationers/parolees for the first time, I always tell them that the volunteer probation officer is a kind neighbor in the local community, and this gets nods of understanding. With the family now turning in a better direction, I’m hopeful that Akira will lead a life free of in crime and delinquency after his probation is completed.

(Translated and reprinted from *the Tokyo Probation Journal*, vol.747 Mar. 2017)

### **Case3. The Place Where Taro Belongs**

Taro (a pseudonym), who was in the second year of junior high school (8th grade), was a well-known juvenile delinquent in his town. He was sometimes the topic of discussion at the Council of Welfare and Child Welfare Commissioners meetings, when there was talk about how to deal with him from a welfare point of view. The school was apparently at a loss over what to do with him, as he continued to refuse to attend school. I had thought at the time, what a hard task it would be if he were to be put on probation and I was assigned to him. Well, that “what if” became a reality. When the probation officer mentioned his name to me, I was at a loss for words. Taro seemed to have all sorts of family problems as well, so I even thought about declining the assignment. The case involved Taro believing he had been looked down on by a senior figure among his juvenile delinquent friends. For payback, Taro and an accomplice assaulted this senior figure with a metal bat and their fists.

The accomplice was sent to juvenile training school (juvenile correctional institute), and Taro was put on probation. I had also heard rumors about Taro’s mother, so I was very nervous when we had our first interview.

The boy came to my house with his mother, and he was nothing like I expected. Although he had glaring eyes, he was short and looked young. He was smiling radiantly as he greeted me, but he was not smiling just to curry favor with me. The mother was so protective that she would answer my questions to him. My impression was that she would cooperate with the probation. I felt

relieved that the mother and son were quite different from the rumors that were swirling around town.

Based on his referral to a juvenile classification home and trial observation at home, it was decided that Taro would be placed on probation. A special condition was that he should attend school every day. Before the ruling, he had been going to school to take two hours of classes in the morning, but around the time the probation started, he had gone back to skipping school often. At our second interview, he said that he was taking classes with the others but didn’t understand the lessons at all so he didn’t want to go to school; he said that he would go to a special class for handicapped children run by the ward, like the one he went to when he was in elementary school. He had gone to that special school because he was beaten by his father for not going to school due to his inability to understand the classwork. It appears that both boys and girls like him got together and formed a group of juvenile delinquents. At the time, due to problems with his home environment, Taro was receiving support from the child consultation center and the ward’s family support center. As part of this, Taro began going to special classes for children who refuse to go to school, but apparently, this did not last long.

I could see how Taro might have trouble understanding the schoolwork in junior high school, so in order to make his wish come true, after consulting with the probation officer, I conveyed Taro’s wishes to the school and tried to make it happen.

The ward promptly held a case meeting, and Taro’s acceptance was discussed. I didn’t want to place a burden on the very busy probation officer, so I attended the meeting by myself. The school social worker from the ward’s school education support center acted as the coordinator for the meeting, which was attended by about a dozen prominent people: a teacher from his school, a guidance director from the board of education, teachers from the special school for children who refuse to go to school, counselors from the education consultation office, and staff from the family support center. In



consideration of the fact that the school had never accepted a juvenile on probation before and his low academic ability, it was decided that he would not attend the special classes for children who refuse to go to school, but rather take one-hour private lessons twice a week.

According to Taro and his mother, Taro had hardly ever continued doing something. After discussion with the probation officer, it was decided that the classes twice a week would replace the special condition for his probation. At each interview, I asked him about the contents of the class, tried to motivate him, and focused on getting him to continue going. Although he was absent from time to time because he was sick, those absences did not lead to him stopping going to school as in the past.

Around the time that his probation was getting on track, I urged Taro to participate in an agricultural experience program offered as a social contribution activity, based on a proposal by the probation officer. Although Taro was a bit reluctant at first, he agreed to participate, and his mother came as well. He was totally absorbed in harvesting produce, and seeing him silently wash the produce in cold water in November made him seem like a different person than usual. The probation officer was also impressed. If somebody had lent Taro a hand to motivate him earlier, then he may not have joined the group of juvenile delinquents, and I felt that was regrettable.

Taro only had two or three friends other than the juvenile delinquents that he hung out with, and he had nothing that was fun or worthwhile to do besides talking with those friends once in a while. Concerned that this was not good for a growing junior high school youth, I asked him if there was something he wanted to do, and he replied that he wanted to learn martial arts. He looked for a place that would teach him, and he started to go with his mother's permission.

Personally, I was a bit worried that this could lead to fighting, but based on the advice of the junior high school principal, I urged him to stick with it.

Although he was still taking classes at school, his academic ability was not improving, so I consulted with the probation officer about whether there was any way Taro could improve in this area, and the probation officer called a second case meeting about 16 months into the probation. This time, the probation officer attended, and it was agreed to increase Taro's school classes to three times a week. Although the lesson content and Taro's academic ability are advancing at a snail's pace, he has continued to go despite missing classes once in a while. The teachers were concerned that increasing the number of classes might cause Taro to stop coming because he could not endure the heavier burden, but this fear has turned out to be groundless. Plans call for Taro to graduate junior high school in March and start working at an acquaintance's company. With the probation period having reached 20 months, I'm now making a request that this opportunity be taken to consider ending Taro's probation.

**--- Comment from the Probation Officer ---**

Once, two days after a junior high school student's probation started, the teacher called me and said, "The student hasn't changed despite being on probation. It would have been better if the student had gone to juvenile training school." Junior high school students are at a difficult age, both physically and mentally. They cannot rehabilitate overnight, and the school must have been struggling to decide how to deal with the probationer.

Many juvenile delinquents are said to be very dissatisfied with their personal relationships at home, at school and within the community. I believe that they hold a negative self-image - "I'm a worthless individual who doesn't contribute to society" - and begin to live recklessly, resulting in their losing the place where they belong.

For a junior high school student, school is no doubt an important place where he or she belongs. Probation must play an increasingly important role

in figuring out how to conduct treatment while the probationer is attending school.

I believe that our job is to deepen understanding by listening to the probationer, and to think about the probationer. This leads to a gradual building of trust, and we can become somebody who the probationer can consult with.

Furthermore, the community forms the stage on which the juveniles live, so their relationship with the community is an essential element in their rehabilitation. For this reason, I believe that juveniles need a place where they belong in the community. Conducting activities in the community with purpose is thought to lead to a feeling of belonging in the community. From this perspective, I feel that social contribution activities are a good opportunity for probationers.

The volunteer probation officer assigned to this case worked to motivate Taro while supporting him, and also continued to influence the easily despairing family so that they could have hope regarding Taro's rehabilitation. At the same time, the officer made repeated visits to the family support center to consistently request their cooperation.

Thanks to such devoted efforts, in the end, Taro visited the family support center for his own benefit to receive guidance, words of encouragement and other forms of support from the instruction staff. After being accepted, he finally seems to have found "a place where he belongs."

The acceptance of Taro and the constant support that was provided to him, as well as the constant efforts to get those around him to understand him, can be said to have led to his growth. This was a case that made me recognize again that "the community nurtures a person's growth."

(Translated and reprinted from *the Tokyo Probation Journal*, vol.735 Mar. 2016)

## ***Case4. From the First Case That I Handled***

I was 30 years old when I received my first probation assignment, the day after I completed my training for new volunteer probation officers.

The probationer, Ichiro (a pseudonym), had just dropped out of high school due to a case in which he had been placed on probation. He had a full-fledged rebellious attitude toward his parents, he justified himself and blamed others, and he quickly ran away when cornered. My first impression of him was that he was a juvenile who was very “selfish and quick to run away.”

Ichiro made trouble from the very beginning: he didn't show up for the first scheduled interview. His mother spent an hour contacting various places in an attempt to find him. When we finally found out where he was and went to pick him up, he was no longer there. So my first meeting with Ichiro took place three days later. However, he didn't say anything at our interview and just hanged his head and offered no response to my questions. I wondered, “What should I do?” As a rookie volunteer probation officer, I was still feeling my way in the dark.

Later, when I visited him, I found game software in his room. I casually asked him about it, and he smiled for the first time. Seeing this as an opportunity, I bought the same game. At our next interview, I told him, “I started playing,” and then he started talking excitedly. Before I realized it, he was talking about topics such as his friends and complaints about his family. This

was the moment that I broke the ice and he opened his heart to me.


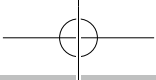
One day, he came to me with his hair bleached blond and said, “This looks cool, doesn't it?” I said, “It's not cool, and how are you going to find a job like that?!” He replied, “This won't affect my job search!” In order to discourage him, the next day I bleached my own hair blond and visited Ichiro's home. And when I pressed him, saying, “What company do you think will hire me with hair like this!” he didn't laugh but opened his eyes wide and stood speechless. The next day, we dyed our hair back to black at the hair salon together.

Also, even though I had managed to get him a job by asking a company president that I knew, he quit after just a week, saying, “I want to get another job.” But I didn't scold him, and just said, “Let's try hard next time!” but then Ichiro gradually started to avoid me. A short time later, Ichiro was arrested for a subsequent offence, and that time I really cried.

I was assigned to handle Ichiro's second probation, and at that time his classmates had started to be accepted into college or receive job offers. This prompted him to look for work, and he gradually became more stable emotionally. Ichiro found a job with a company outside the prefecture, and after that, he successfully completed his probation.

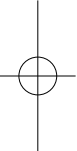
More than 10 years passed since then, and the Great East Japan Earthquake struck. There was a massive earthquake, huge tsunami, and major fires. The city of Kesenuma was devastated. In my volunteer probation officers' association, two precious lives were taken, and most of the volunteer probation officers suffered from the disaster. When taking secondary damage into account, pretty much everyone in the association was a victim.

About a month after the big earthquake, Ichiro visited me out of the blue. Before I could say anything to him, he said, “Let me help!” We settled down and talked, and he told me that after the disaster struck, he quit the company



outside the prefecture and now wants to get people together to conduct volunteer work to help his hometown rebuild. He wanted me, the manager of a construction business, to instruct him on “what to do and how to do it.” I was deeply moved from surprise and happiness.

For the next two months, we carried out various tasks together, including the removal of mud, sludge and debris from homes, cleaning of interiors and simple repairs, and delivery of food and other items to the evacuation centers. By this time, the youngsters were able to find work to do on their own, so I gave them a supportive push forward. On the final day, I said to Ichiro, “I’m happy and proud to have worked with you!” Embarrassed, he said, “I wanted to do something with you.” The “selfish and quick to run away” teenager was nowhere to be seen. Next to me was an adult, around the same age as I was back then, with his own fresh and strong identity.



I believe that these youngsters will be the driving force behind this city’s reconstruction.

(Translated and reprinted from *the Offenders Rehabilitation Journal* (“*Kosei Hogo*” Mar.2014))



## ***Case5. Staying by His Side***

This probationer was a man in his mid-50s who was put on probation with suspension of execution of the sentence because he hit and injured an acquaintance of his younger brother. The brothers lived together.

Before this case, he had been going to the hospital as an outpatient and receiving counseling under the independence support medical program because he suffered from such disorders as high blood pressure, hearing loss and PTSD, and he lived by receiving public assistance. He had never married.

While he was in detention after his arrest, his younger brother had cleared out of the residence and was out of touch. Because his public assistance was temporarily cut off and he had lost his accommodation, he stayed in a capsule hotel for a while after the sentencing. Later, it was decided that he would work as a shuttering carpenter with his older brother, who was his guarantor. Just when he moved into an apartment provided by the company, I was assigned as his volunteer probation officer.

At our first interview, he talked about such topics as his dissatisfaction with his younger brother's disposal of his belongings and work tools without his permission. He was delusional and tended to become violent when drinking, but was extremely lonely and had a loud voice, and liked to talk so much that he could not stop once he started talking.

In our subsequent interviews, I tried to make him feel at ease by bringing myself closer to his feelings, by thinking together, and by encouraging him to organize what he wanted to say.

For a while, the probationer was psychologically stable after being seen by a psychiatrist and taking medication that had been prescribed, but eventually he started to take days off work. When I asked him why he didn't go to work, he said, "I don't want to cause my company trouble." His company was a subcontractor of a major construction company, and every morning the on-site workers received a health checkup. The probationer felt guilty about hiding his disorders and his hearing difficulties, and it was also difficult for him to communicate with his fellow workers while hiding his hearing problem. These factors apparently caused fatigue to build up both physically and mentally, causing him to miss work more frequently.

Every time he visited me, he kept saying, "I can't do it anymore, I can't do it anymore." I repeatedly praised him for somehow continuing with his work and encouraged him to keep trying hard. I also talked to the probation officer about increasing the number of interviews, and I devoted myself to listening to him at these interviews. During the interviews, while he talked about his mother's suicide when he was young and other problems, he would start crying, or his hands would tremble from excitement, or the expression of his eyes would change, and this surprised me on several occasions. Sometimes when that happened, I made him take a short pause by offering food or a beverage, and then sent him home after he had calmed down. As days like this passed, the probationer somehow continued to work, and it appeared as though his life was becoming more stable.

However, the elder brother who was his guarantor said to him, "You're saying that you're sick because you want to receive public assistance and have an easy life." The brother treated the probationer as lazy and didn't try to understand him, and lectured him persistently every time they met.

The probationer was just managing to continue working, but his health worsened - one time he collapsed due to heat stroke - and in the end he no longer went to work. He started living his life playing mobile games all day in a dark room with the curtains closed, which smelled bad as soon as the door was opened.

I felt that I could not let him become isolated at that point, so I visited him repeatedly. He was clearly more irritated than before; his skin was pale and he became thinner by the day. I continued to try to allay, even if just a little, his nervousness and delusionality.

The probationer seemed to know that he could not keep going on like this, but was unable to act. His inability to sleep led him to start drinking alcohol, which was banned in the life and conduct guidelines imposed by the probation officer, and he was finding himself trapped in a downward spiral that he could not escape from.

Thinking that this could not go on, I finally visited him with the probation officer, and strongly appealed to him, "Only you can protect your own body." We persuaded him to promise to go to the hospital immediately.

As a result, he was seen by a psychiatrist, and when he visited me, he brought with him a medical report with a diagnosis of depression and PTSD. The medical report said, "Patient has difficulty working so he needs to receive public assistance." At this point, I thought that he might start to go to the hospital for treatment, begin receiving public assistance, and allow his body to recover so that he could work again.

However, just as this was happening, the older brother contacted me suddenly and said, "I moved him into the company dormitory," which surprised me. This was a forced move, without the probationer's consent. And the situation got worse, as the probationer ran away from his new residence and went missing. He was found later, but only because he had been transported by am-

balance to hospital with a high fever as a result of sleeping outside. This left me very worried.

When I visited him at his new residence, he complained about his older brother for forcing him to move and said that he was now concerned that he would surely be fired and kicked out of the dorm because he had been diagnosed with depression. After listening to what he had to say, I recommended that he go through the various procedures to change his address and to apply for public assistance, but he refused. I felt there was no other choice, so I drove him to the city office to take care of the address change paperwork. I persuaded him to go through the procedures for public assistance, and he later contacted me to tell me that he did so, which made me very happy.

Recently, he has been calling me more often, sometimes as many times as five times in one day. I still devote myself to listening to him, and at times, I have advised him, "You still haven't been approved for public assistance, and you will eventually have to leave the dorm, so don't spend too much money freely so that you'll have enough to live on in the future, and wait patiently." He seems to be gradually getting better thanks to the hospital visits and medication. He is starting to take action on his own, such as going to the real estate agent, going to the public employment security office, and consulting with the Japan Legal Support Center, but I still worry about him, such as when the police were called on him for making a fuss at the city office where he went for a consultation.

This case made me experience the difficulties of dealing with a probationer who suffers from mental issues such as depression and PTSD. I also learned the importance of trying to read what he is thinking and being by his side, and I also realized how important it is to give thanks to others. Looking at the progress so far, the probationer has been better one day and worse the next, so there is plenty for me to still be worried about, but I do hope that he will move forward.



**--- Comment from the Probation Officer ---**

The first time that I as a probation officer met this probationer was after he could no longer go to work due to collapsing from heat stroke on the job.

At the time, he had lost confidence about whether he could keep working due to his illnesses, declining strength from aging, hearing difficulties and the fact that he had collapsed on the job. Furthermore, his older brother, who was his guarantor claimed that he was depending on others, did not understand him. As a result, the probationer seemed to be in a dilemma between believing his own situation and his brother's claim, and this caused an additional psychological burden, leading to a downward spiral. I was truly impressed how the volunteer probation officer made several visits to his filthy home as the probationer withdrew from society, checked on his health, and helped him with food and other matters.

Amid these concerns, the probationer said clearly, "I want to work if I can," so we tried to support him by respecting his wishes while ensuring that we didn't cause him to lose motivation, and this led to the good signs.

At present, the probationer has been dismissed from his company and been told to leave the company dormitory because he was diagnosed with PTSD and manic depression, but his application for public assistance has been approved. When he went to the city office to go through the procedures, he acted violently and had the police called on him, but otherwise he is now looking for a new place to live.

The probationer doesn't easily accept other people's opinions. I believe it was the volunteer probation officer's daily efforts to treat the probationer with respect for his wishes without giving up that led to the probationer eventually starting to accept the volunteer probation officer's guidance and instructions.

While many difficulties still lie ahead, including the probationer's short

temper, accommodation and work, I hope that we can find a path toward his rehabilitation by staying at his side while thinking about what is truly necessary for his rehabilitation, and by making sure that he stays connected with society.

(Translated and reprinted from *the Tokyo Probation Journal*, vol.700 Apr. 2013)

## ***Case6. A Parolee Who Stopped Re-offending***

A few years ago, I received an assignment involving the coordination of social circumstances for a man named Jiro (a pseudonym), who received a sentence of six years imprisonment for larceny and fraud. His guarantor was a friend with whom he had become close through construction-related work. I promptly paid a visit and saw that the guarantor lived on the second floor of an old apartment building, and while there were two rooms, I felt it was cramped for two grown men to live together. The guarantor seemed to understand the circumstances of Jiro well and cared about him, and when I visited six months later, he had moved, saying that a bigger apartment on the same floor had become available.

About two years later, with no change in the guarantor's willingness to accept Jiro, he was released on parole and moved into the guarantor's place. I was contacted right away, and the following day I paid a visit and conducted an interview with Jiro and the guarantor. Jiro said, "I slept well and have recovered from my fatigue. I hope to find work quickly so that I don't trouble my guarantor." He seemed like a serious and honest person, so much so that I wondered whether he really had committed extortion and fraud three times.

Since then, I have visited him and he has visited me (at a ward facility), and to save on transport expenses, Jiro used a bicycle provided by the guarantor to visit me and to look for work. Jiro wanted to find work quickly but was unable to do so due to his advanced age of almost 70. The country was also in

a recession after the Great East Japan Earthquake, so the only work available at the public employment security office was debris removal (in Fukushima Prefecture), but that turned out not to be possible.

I proposed that he look for work while also considering seeking public assistance, and he contacted me to say, "I went to apply for public assistance but was told I cannot receive it because I'm currently released on parole." In fact, that was not correct; there is only a prohibition on receiving double benefits for public assistance at a single address. The guarantor had also been receiving public assistance. I regretted that I didn't confirm this as part of my coordination of social circumstances. Because he didn't want to trouble the guarantor further, Jiro decided on his own to move his registered address to an adjacent ward and applied for public assistance, but apparently, this didn't work. Jiro ran out of money and felt guilty about having borrowed money from the guarantor. While in prison, he had a strong will to lose 10 kg and quit smoking for the future after release, but he still had concerns about his health.

I recommended that he move his registered address back and consult with the ward's welfare office. I accompanied him as his volunteer probation officer and talked with the person at the office. We were told that, "You can probably receive public assistance if you submit a hand-written document stating that the guarantor is part of a different household." We received a "response to pension record request" which is necessary for the application from the pension office, and had the guarantor write a document after explaining the situation. Two days later, Jiro called me and told me cheerfully, "I was just contacted by the welfare office and was told to come to the lodging facility and stay there for two weeks. I'll try my best."

At his next visit, he told me, "If my public assistance application is approved in two weeks, I'll be able to receive medical support, so I'll go to the hospital and then look for an apartment. I'll try my best." He had been walking on the riverbank for two hours every morning to take care of his health.

Later, his application for public assistance was approved and he was able to receive the medical care that he had long wished for, and as he walked every morning without fail, he also got a tan and his health recovered somewhat. Using the commuter pass issued to him for the metropolitan bus and other services, he looked for an apartment while receiving medical treatment. I also contacted the guarantor, and through him, I was able to find out about the Jiro's positive feelings about wanting to work again once his health was better.

The probation office decided that I would continue to look after him after he moved, and that seemed to put Jiro at ease. He continued to visit me for interviews, and he was never late or failed to show up. He went to doctors and received medical treatment for his stomach, gall bladder, eyes, prostate and other organs. The approval of his public assistance appeared to have led to a reduction in stress, and his health improved. I was happy to see that his desire to start working soon was becoming stronger.

His parole period was expired before he had his gall bladder re-examined, but he had kept all his interview appointments with me and talked to me frankly about everything. Despite his strong desire to rehabilitate, harsh realities meant that he couldn't work, and public assistance had saved him from that situation. Because of the accurate decisions and advice provided by the welfare office, Jiro was able to live his life with a positive attitude. I felt relieved to see his attitude of giving thanks to the people who had helped him, yet trying to live positively without being too dependent on others.

In this case, the guarantor was receiving public assistance, but he wanted to help Jiro who had no relatives. I hope that Jiro's wish to find an apartment near the guarantor and get a job comes true.

**--- Comment from the Probation Officer ---**

Jiro's guarantor was an acquaintance and former co-worker. Jiro's relatives consisted of an estranged older brother who lived far away, so the only person who the subject could rely on after being released from prison was the guarantor.

Jiro had been sentenced several times in the past, but because he didn't have any relatives or acquaintances who would become his guarantor, he served the full sentence each time. However, as he reached an advanced age after repeatedly committing crimes and being sentenced, he apparently felt more strongly that he didn't want to return to prison. This time, having gained someone willing to become his guarantor for the first time, he acted as a model prisoner with the hope of being released on parole as soon as possible, and he was released on parole for the first time.

In order not to trouble the guarantor, the subject went to the public employment security office as soon as probation started, and was very eager to find work quickly. However, with the number of job types limited at first, he experienced firsthand how difficult it is to find a job due to his advanced age, backache and other health problems, yet he didn't give up.

Facing difficulties with his job search and with his cash about to run out, I was starting to think that it was necessary to receive public assistance and to start treatment of his diseases before he started working. But just around that time, the volunteer probation officer called me and reported that the guarantor is receiving public assistance. "Really?" I said, surprised.

While it depends on the person, probationers are often people who find going to the city office, filing paperwork and going through procedures very cumbersome, are not good at handling such tasks, and are not good at talking. So when the volunteer probation officer called me and asked if it was all right if he accompanied the subject to the welfare office to file an application for

public assistance, I said yes, and that I was sure Jiro would feel reassured to have his volunteer probation officer with him, as long as confidentiality was maintained as a matter of course.

Later, the application for public assistance was approved, and Jiro moved from the guarantor's home to another location. The volunteer probation officer and I felt that it was time for Jiro to live on his own. Jiro's new address was outside the volunteer probation officer's probation area, but at the subject's strong insistence, the volunteer probation officer remained the same and interviews were still conducted.

With medical treatment of his illnesses is going smoothly, the subject's facial expression became more cheerful every time I met him, and he also became more stable psychologically. It was under such circumstances that his probation was completed.

This case made me think about the difficulties of coordination of social circumstances, employment security for elderly probationers, maintenance of living standards, health management and other issues.

Although his parole period was just shy of six months, I believe that the volunteer probation officer was able to establish a relationship of trust with Jiro by providing appropriate and prompt encouragement and detailed care.

(Translated and reprinted from *the Tokyo Probation Journal*, vol.706 Oct. 2013)

## ***Case 7. My Assignment Working with a Man on Probation for Stalking His Wife and Child***

Ken (a pseudonym) was put on probation with suspended execution of sentence because he contacted his wife a few days after an order of protection prohibited him from contacting his wife and child. He had always had problems with drinking, so he had a history of fines and suspended sentences without probation for property damage and driving under the influence of alcohol. The special conditions of his probation were that he “not drink alcohol at all” and “not stalk the victim,” but because the wife who was the victim had come to visit him, the probationer didn’t agree with the special condition that prohibited him from contacting his wife. When I first met him, the elderly man appeared gentle but also seemed somewhat gloomy and morbid.

Since they were seen as a co-dependent couple, the probation officer instructed Ken, “Don’t follow your wife around without a reason against her wishes.” And to his wife, the officer said, “We’re not responsible if you try to make contact and as a result you are harassed.” However, a short while later, Ken had been drinking and barged into the wife’s home and made a fuss, which led to him being reported. As a result, the probation officer recorded a statement from the probationer.

Ken explained, “I wanted to follow the special conditions, but I drank alcohol to alleviate my concerns as I was unable to sleep, and then I wanted to see my son, so I went to see my wife who accepted me willingly.” After the probation officer offered guidance, Ken decided to divorce his wife, so he

handed his wife the divorce papers.

After a while, Ken asked me for an interview, and he asked that his wife accompany him. I granted his request, and I met the wife for the first time. She said, “I still love my husband, all of him.” She talked about her complicated and painful feelings, noting that the husband “is usually kind, but has caused psychological repression due to alcohol and violence, and I have taken refuge at the women’s center in the past.” She said, “He doesn’t understand me.” While she was talking, Ken was at her side looking uninterested. I talked about the bond and the relationship of trust between married couples and said to Ken, “If you notice that you have acted wrongly, then it’s important to return to supporting your wife and child admirably by listening to the advice of others and with a will to change.” I encouraged him, saying, “Show your intention through your behavior by quitting drinking,” to which he smiled and said, “I’ll try.”

However, just a week later, the wife contacted me, saying, “My husband isn’t trying to stop his drinking,” and so I had another interview with Ken accompanied with his wife. Ken claimed that he is doing his best, saying, “I’m going to the hospital and taking medication for my illness, while helping my friend’s work. I’m also meeting my wife in a way that doesn’t cause her any trouble.” After this interview, despite his words, however, he had still called his wife’s mobile phone persistently and had continued to drink, and I had even gone to look for him to see if he was drinking at the local park.

At the next interview with Ken and his wife, I explained the special conditions again, and also confirmed whether he had still been drinking. The wife had continued to contact him, and there was no sign that she was trying to resolve her own problem. So the probation officer interviewed the wife, and she said, “I understand that we’re co-dependent, but my feelings get in the way.” She added, “I’m approaching my limit.”

Since the wife’s feelings seem to have changed, I decided to change the

way I conducted my interviews with Ken. Ken and I reviewed his upbringing together so that we could think about whether his actions have caused others any trouble. He talked about his upbringing which was hard to the point of being harsh, saying, "I dropped out right after entering high school. I drifted from job to job, got irritated often, got angry easily, hit people if things didn't go my way, and turned to alcohol as a way to escape. I've constantly caused people trouble." I said to him, "I believe that for everybody, life is full of troubles and things not going the way one wants, but we learn the preciousness of life and that allows us to be kind to others." I continued, "You couldn't handle the hardship so you turned to alcohol and women to escape, which resulted in you being put on probation. Look squarely at your current situation in which you are receiving help, understand that moving forward with a positive attitude is the best path toward living in society, and give thanks."

However, Ken continued to torment his wife because of jealousy. If the wife was wearing makeup, he pressed her, saying, "What's going on? You're seeing another man, aren't you?" and her mobile phone call history showed that he called about 100 times a day. When the probation officer took his "official statement", he had said, "I'll divorce her," but when it came time to act, he would say, "I don't want a divorce," and wouldn't budge. The wife was also unclear about what she wanted to do, so the talk of divorce was stalled.

Seeing no improvement in the situation, the probation officer strengthened the intensity of his probation from "Level B" to "Level A." Based on this couple's relationship, it was seen as difficult to provide guidance regarding the stalking. It was under these circumstances that his second "official statement" was recorded by the probation officer. The wife had moved without telling the husband her new address, but Ken had found out the address and barged in, drunk, and caused a commotion again. He said, "I knew that she wouldn't meet me unless there was a reason, so I barged in, emboldened by alcohol."

In fact, a few days earlier, I had conducted an interview with Ken and his wife. He lacked the understanding that his actions were hurting his wife, and

he seemed to be angry in his belief that he was putting up with the situation more than his wife was. This time, since it was the second statement, he was prepared to have his suspended sentence canceled.

However, the probation officer decided to give him one last chance. "Get diagnosed at the hospital so that you can stop drinking. Join a sobriety group. Go to a domestic violence rehabilitation office," the probation officer instructed again strongly, and added, "If something like this happens again, the suspension of your sentence will be canceled." The probation officer had been in close contact with the relevant entities, and thanks in part to these efforts, Ken called the domestic violence rehabilitation office himself and visited them. Although he didn't show any signs that he truly wanted to change, saying at the office, "I came because I was told to do so," he did go to the hospital later. And since he seemed to have started to think about which sobriety group to join, I encouraged him to act by thinking about how to become sober and how to alleviate the anger that he usually felt.

Quoting Buddhist teachings, I said to the couple, "Life is about suffering, and there is suffering of both the body and mind from the three poisons (greed, anger and ignorance), and we hurt each other, and we are troubled. When we realize this about our bodies and our minds, that is when we can forgive one another."

I started to recognize a change in Ken's attitude. I believe that this change was due to such factors as his joining the sobriety group with the coordinated support of the relevant entities, the interviews that had included his wife, and that he started to become conscious of his responsibilities as a father.

In addition, I believe that he was also affected by a story I told him about an acquaintance of mine close to his own age who had been living well despite having a disease, but who suddenly fell ill, became paralyzed on one side, and had to enter a facility because the man had no family or relatives. Ken apparently felt weaker due to his age, and considering that he now had an



illness, he started to think that eventually somebody would need to take care of him. I told Ken, "It is important that you cherish your wife and child, and that all family members love and support one another as soon as possible, and move forward one step at a time while giving thanks."

These days, I encourage him with these words, "Take the path toward living together by hoping that you will genuinely grow as a couple by sharing the hardships of life with a positive attitude."

**--- Comment from the Probation Officer ---**

Initially, this case was expected to be difficult to treat because the probationer and the spouse were co-dependent. I issued a stern warning because the special conditions were violated twice, and I thought that a major lifestyle change was unlikely to take place.

However, the probationer is now actively participating in weekly sobriety group meetings. The volunteer probation officer and I have also been pleasantly surprised at the greater-than-expected change, as the probationer has spoken kindhearted words about his wife and child at the interviews with the volunteer probation officer which included his wife, and also began to actively talk about his feelings as a husband and a father.

The probationer had experienced few successes in more than 60 years of his life. But now, he is able to think about not just himself, but also his marriage, and the academic and career course of his son who is now in junior high school. I believe that this change is due in large part to the volunteer probation officer's interactions which were full of love as well as the volunteer probation officer's warm and sympathetic words, not just to the probationer but also to the wife and child.

Just the first half of the period has passed since the probation began. There will surely be more twists and turns ahead, such as some trivial matter

causing the probationer to resume drinking, but I hope to carry out this supervision through active cooperation with all relevant entities such as the sobriety group and the hospital, and by being right by the probationer and his family's side, while discussing with the volunteer probation officer how the probationer can stay sober and spend peaceful days with his family as long as possible.

(Translated and reprinted from *the Offenders Rehabilitation Journal* ("Kosei Hogo" Jul. 2014))

## Case8. “Eat and Talk Meetings” for Children

### 1. Introduction

I enjoyed watching “*Gochisosan* (Thank you for the Meal),” the morning television drama series broadcast on NHK (Japan’s public broadcasting television channel). The theme of this drama, I felt, was to learn about the meaning and joy of life through food.



I hold meetings called “Eat and Talk Meetings.” I would like to talk about why I conduct such activities, and also explain what I have learned from my activities as a volunteer probation officer.

### 2. What Prompted Me to Become a Volunteer Probation Officer

I was serving as a board member of the PTA (parent-teacher association) of a junior high school, which led to my becoming a volunteer probation officer. While taking various steps to tackle issues such as classroom chaos and listening to what problem children had to say, I found out that each family has different circumstances, and that prompted me to accept an offer to become a volunteer probation officer. That was thirty years ago.

### 3. What Led Me to Start the “Eat and Talk Meetings”

My first assignment as a volunteer probation officer was working with a boy

in the second year of junior high school (8th grade) who could not quit inhaling paint thinner.

It was much later that I realized, “Maybe he can’t quit inhaling paint thinner because he’s hungry.” So I asked him, “Could you quit if you ate a meal?” and he replied, “Probably.” He said, “When I inhale paint thinner, I can forget that I’m hungry.” I told him, “I should’ve noticed earlier. I’m sorry that I couldn’t figure it out.” Since then, he started to eat a meal whenever he came over, and he would go home with a full stomach. In the end, I made him take home a boxed meal, but he apparently ate it outside because his parents would eat it if he brought it home. We continued with the boxed meals until he graduated from junior high school, and he stopped inhaling paint thinner and shoplifting. I thought, “When people don’t eat, they inevitably head in the wrong direction.”

Eventually, the child started to bring his friends over, and my home became a hangout spot for children without a place where they belonged, so there was no way that I could handle all this by myself. So I sought the cooperation of people in the community, and started the “Eat and Talk Meetings.”

The Eat and Talk Meetings are held in the evenings of the first and third Sunday of each month at the community center in the Motomachi district in the Naka Ward of Hiroshima. The staff of about 5 to 10 consists of volunteer probation officers, members of the Women’s Associations for Rehabilitation Aid, members of BBS Associations (Big Brothers and Sisters Movement), volunteers from the community and others. About 25 to 30 children take part each time. Money to cover the costs is raised through bazaars, and the staff bring in vegetables and other items.

We start cooking around 3 p.m., and the children start gathering a little after 4 p.m. While some children help with the cooking, others talk with the staff. At 5 p.m., we put our hands together and say “*Itadakimasu*” (an expression of gratitude before a meal) and begin eating. The staff always say to the

children, “Eat a lot” and “Do you want seconds?”

The menu at one of the Eat and Talk Meetings was minced-meat cutlets, potato salad, a vinegared dish, octopus tempura, dumpling soup and pickles.

#### **4. The Reality That Became Apparent Through This Activity**

Some of the children who come to the Eat and Talk Meetings are really hungry. There are actually children with empty stomachs in this affluent society of ours. For various reasons, the children are unable to eat meals cooked by their parents at home because their mothers have mental issues or are addicted to drugs, for example.

The other day, a child in the third year of junior high school (9th grade) said, “I like my mother more after she started doing drugs than before.” I asked, “Huh? Why is that?” He replied, “Before she started doing drugs, she became irritated and threw things at me, but after she started doing drugs, she is very affectionate to me and gives me an allowance.” I thought, “There is no way a child can grow up properly in this environment.”

#### **5. Children without a Place Where They Belong**

I am currently dealing with children who have a home yet don't have a place where they belong, who don't get meals and who have never seen their parents cook. Furthermore, they have problems such as parents who are addicted to drugs or alcohol, are constantly in a daze from taking too many tranquilizers, are engaging in prostitution, are in prison, or are former members of organized crime groups. It's not that the children have problems, but rather the households have problems and the parents have problems.

In particular, the drug problem is an issue that needs to be tackled by the community as a whole. I also work with Hiroshima DARC (Drug Addiction Rehabilitation Center) and Hiroshima D-net (Hiroshima Network for Persons Concerned with Drug-Related Problems, whose representative is a psychiatrist). My other activities include serving as a director at “Pipio's House,” a

shelter for abused children.

Broadening my activities led to the creation of a community network. Recently, I have been collaborating with “Second Chance”, a non-profit self-help group for those released from juvenile training schools. In July 2013, roughly 100 people gathered when an exchange meeting and meal was held by Eat and Talk Meetings with “Second Chance” among others.

#### **6. What I Learned from Activities as a Volunteer Probation Officer**

The following is a list of the things I have learned from my activities as a volunteer probation officer and through community activities.

- (a) Some children don't cry, no matter how badly they are bullied or how difficult the hardships they are suffering. It's not because they are unable to cry, but rather that crying serves no purpose. Children who can cry out loud are fortunate.
- (b) When something sad happens, people want somebody to listen to them. It's important to be by their side and listen.
- (c) When I meet children for the first time, I start with, “Don't lie. Be on time. Say your greetings.” They become honest when I tell them, “If you lie, then I can't help or protect you when something happens.” I say, “If you don't want to talk about something, you don't have to, just don't lie,” and I make them promise not to lie.
- (d) Excessive help leads to a decline in motivation. “Don't get too close, yet don't be too distant, and don't meddle.”
- (e) Don't scold a child in front of others. Don't do to others what you wouldn't want done to yourself. And don't criticize what a child says. Start by listening to the child. When they are suffering and sad, children want someone to listen over time, so spend lots of time to listen to the child.
- (f) Children realize their good points when they are praised. There is an old adage, “Children grow up by scolding them three times, praising them five times, and teaching them seven times.” Children who have never been

praised are unable to communicate with others, and they have a strong negative image of themselves.

## **7. Conclusion**

I believe that to eat is to acquire the energy for living by receiving the blessings of nature. I also believe that eating is a joy and connects the hearts of those making the meal with those eating the meal. A delicious meal heals both the body and the mind.

The meals at my home, and at the Eat and Talk Meetings, are basically Japanese cuisine. It's the smiles of the children when they say, "This is delicious", that motivates me.

## **8. On Being Called "Bacchan"**


The children call me "*bacchan*" (grandma). Not their own grandmother, but like an old woman who lives in the neighborhood. My term as a volunteer probation officer ended in November 2010, but my role as a *bacchan* in the community still continues. There are many children in the community who don't have a place where they belong. They barely have anything to eat. As long as I'm alive and well, I can't stop being a *bacchan*.

I love the word "*Okaeri*" ("Welcome home") which is written on the posters for the "Movement Towards a Brighter Society,<sup>1</sup>" As long as my body can move, and as long as there are children that need me, I hope to continue offering support in spite of my advanced age.

(Translated and reprinted from *the Offenders Rehabilitation Journal* ("Kosei Hogo" Jun. 2014))

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1. A national movement organized by the Ministry of Justice to build a brighter community without crime and delinquency by encouraging all people to deepen their understanding of the importance of prevention of crime and rehabilitation of offenders, and combine their efforts from their respective positions to contribute to the society

The Roman numeral III is displayed in white on a dark gray rectangular background. The numeral consists of three vertical bars of equal height and thickness, spaced evenly.

Volunteer Probation  
Officer System in Japan  
from a Global Point of  
View

# ***The Volunteer Probation Officer Scheme as a Key Component of Community Corrections in Japan: Is it Evidence-Informed?***

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## ***Introduction***

Human service delivery is inherently difficult. Routinely, service providers have to find ways to engage recipients who are marginalized, distrustful, emotionally volatile and fragile, dispirited, unmotivated and uncooperative. This is perhaps one of the most enduring challenges in human service delivery in criminal justice, and especially in the delivery of services in the community context. Probation and parole officers around the world have to contend with the reality of limited time and resources available to manage and provide services to their bulging caseloads, a less than ideal breadth of programs and supports for addressing offender needs, and quite often, little if any ongoing professional development training. One way of filling the resource gap for exerting some level of pro-social influence on justice-involved clients supervised in the community is through reliance on volunteers. Though varied in structure or focus, the mobilization of volunteers has become an important component of many probation and community corrections departments' efforts to offer some enhanced, meaningful and concrete level of 'support and

assistance' to clients. Reliance on volunteers is common probation practice. However, the way that volunteers have been incorporated into the core of probation practice in Japan, both in scale and function, is not only innovative but unusually impressive. It is an approach that is now being emulated in other countries in the ASEAN region and elsewhere, but the flagship *Volunteer Probation Officer* (VPO) scheme is still in Japan.

From the perspective of a corrections professional who has always believed in community engagement as a necessary backbone for successful reintegration of justice-involved individuals, this short paper will try to highlight what I see as the unique contribution of the VPO model and how I believe it fits with evidence-informed practice in corrections. In an attempt to draw some lessons for other jurisdictions, I will touch as well on some of the reasons why Japan's VPO model has been able to be so strongly sustained. Finally, I want to end with a brief discussion of some recent challenges faced by the VPO scheme, but conclude that despite these challenges the VPO model should be given continued government priority as an invaluable complementary support to professional probation practice.

## ***The VPO Model in Brief***

Other papers in this booklet will give detail on the structure and aims of the VPO model in Japan, but I want to highlight a few points that stood out for me when I first became aware of this approach for augmenting the support and services provided by a professional Probation Officer workforce. The VPO scheme in Japan is not just an idea supported by correctional officials, or an initiative that was organized by community volunteers and has to struggle for continued government support. It is a long-standing government sponsored tradition supported by the VPO Act first enacted in 1950. That Act outlines what qualifications VPOs should have, how they should be appointed and recognized as part-time government officials, what range of duties they are expected to perform, and what might lead to disqualification either through dereliction of duties or behaviour that is inconsistent with

what is expected in terms of ‘character and conduct in the community’. The scheme was perhaps initially conceived of as a cost avoidance strategy that would support the mission of Probation. But it is now respected as a central component in the delivery of probation services in Japan. The scale of the initiative is impressive. The Act allows for some 52,500 VPO positions that can be filled nationally, and it specifies the particular number of positions that can be assigned to different Probation Offices across the country.<sup>1</sup> VPOs are not paid any salary, but are paid reasonable expenses required in performing their duties. Because of their status as government-appointed officials, they are also eligible to receive compensation for any injury they might incur in performance of their functions. VPOs work as individuals but they are also part of local VPO Probation District Associations as well as a national VPO Association. They are furthermore closely and formally connected to the supervision process that is managed by Professional Probation Officers (PPOs).

The Probation service in Japan is divided into some 886 districts, with PPOs serving as District Case Managers of one or more districts and supervising a total of some 70,000 offenders in the community. There are only some 1,000 PPOs in Japan (as of April 2017) and so, both by necessity and by design, a considerable amount of the ‘personal contact’ with offenders on probation or released from prison is exercised by VPOs.<sup>2</sup> To assist VPOs in their activities and as a base for their work, the Ministry of Justice has supported the establishment of some 459 ‘*Offender Rehabilitation Support Centers*’ across the country which are now in the process of being improved and expanded.<sup>3</sup> Interestingly, however, the majority of contacts with offenders is still conducted either in the VPOs own home or during home visits with

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1. The model operates at about 80% of its full capacity and, as will be discussed later, there has been some struggle in filling all positions in recent years, a situation which the Ministry of Justice is well aware of and is following various promotional strategies in attempting to re-invigorate the recruitment process. As of January 2017 there were 47,909 VPOs.

2. Although it is noted that high-risk offenders are more closely supervised by PPOs even if there is also involvement of VPOs.

3. Funding has been approved to add another 42 such centers in 2017.

the offender. VPOs work closely in collaboration with and under the broad oversight of PPOs. PPOs are responsible for developing an initial individualized treatment plan with the probationer/parolee and the VPO then provides relevant guidance and assistance through regular contact with the probationer/parolee and their families. The VPO also reports on progress every month to the Director of the probation office and, in consultation with the PPO, recommends any necessary sanctions or measures that may need to be taken. PPOs also take a significant level of responsibility for training and capacity building of their VPOs and are available as advisors and problem-solvers for VPOs.

The VPO model in Japan is unique in a number of ways in capitalizing on the efforts and the energy of a mini-army of VPOs and it has been referred to by some probation scholars as a ‘third sector template’ for probation practice and delivery of community corrections services (Ellis, Lewis & Sato, 2011). There is certainly some controversy both in terms of: (a) whether the model actually ‘works’ in helping reduce re-offending, and (b) whether it is proper to ‘off load’ responsibility on such a scale to volunteers for offender community supervision and support. The first question is a difficult one to answer since the model is now such a major multi-faceted component of community corrections in Japan. Research to disentangle what parts work, more or less effectively and why, would pose a very difficult methodological challenge. As for the second question, this is tied up with social-cultural perspectives and traditions on the role of community (versus only government institutions) in supporting the welfare and personal growth of all of its citizens.

What can be said with some degree of certainty about the VPO scheme in Japan, however, is that it adheres to some of the essential elements of successful volunteer support initiatives in criminal justice. We know what doesn’t work with volunteer schemes and it shouldn’t be surprising. Schemes that are too short-term, under-resourced, not well coordinated or supervised, where volunteers are inadequately trained, and where there is inconsistent and/or lack of any intensive contact with offenders tend to make little difference. But reverse all of these conditions and impact begins to appear in clear and mea-



sureable ways (Jolliffe & Farrington, 2007).<sup>4</sup>

The VPO model in Japan clearly follows the key characteristics of good practice in enabling the deployment of volunteers – it focuses on engagement and participation as a primary aim, and it is individually tailored, continuous and well coordinated. In the next few sections of the paper, I want to highlight in what other ways the VPO model is consistent with evidence-informed practice in corrections. This may have occurred unintentionally, but I will argue it has occurred nonetheless.

### ***Why Does the VPO Scheme Seem to Work?***

A number of years ago I had the privilege of lecturing for UNAFEI at the 157th International Training Course in Fuchu, Tokyo. Fortuitously, I had the double privilege of meeting a group of Japan's VPOs ('hogoshi'). I listened to their stories about why they had become involved in this work and I was touched by the repeated theme of wanting to give back to their communities and assisting others who had been less advantaged in their lives. In their recounting of a number of case histories of clients they had worked with, I was left awestruck by the warmth and compassion that was expressed, the level of commitment to help re-direct individuals who were stuck in living often lonely and chaotic lives, the intuitive understanding of what might have led these individuals into pathways of crime, and the patience and optimism to stick with it despite the usual setbacks. What could account for this kind of very humane spirit and dedicated enthusiasm in spite of the fact that they were working with difficult individuals who faced very difficult circumstances with multiple issues and needs and a history of failure that would have likely crippled their resilience to bounce back and try to improve their lives? On

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4. Another good example of a well coordinated volunteer effort that originated in Canada and is now spreading internationally is the Circles of Support and Accountability (C.O.S.A.) framework where a group of well trained and carefully screened volunteers (up to 5 or 7) become a 'circle' of 24/7 support for a given offender, and where the offender meets with the circle as a group and then again individually with each circle member as often as once a week (Wilson et al., 2009).

reflection, here are some of my explanations for why VPOs in Japan seem to be able to engage with offenders, and why in turn they get engaged, receive satisfaction and remain personally committed to this work.

### ***Devoting Time for Connection***

In contrast to professional community justice workers who have to deal with ever growing caseloads where they are bombarded every day with some client crisis or problem and where they have to squeeze in time on their schedules to have some personal contact with their offenders, in between the paperwork they have to negotiate, and the meetings they have to attend, VPOs have the luxury of only a few clients they deal with at a time. The majority of VPOs in Japan are in their elder years (averaging about 65 years old). They are recruited with the understanding that they will have the time and energy to devote to their VPO duties (see the section below on recruitment). Most of these VPOs are retired, are both financially and emotionally stable, in good health, undistracted by the usual stresses of earlier stages in life, having left behind productive careers, not needing to worry about earning further income, and looking for some meaningful way to still 'make a difference'. With relative peace and clarity of mind, they have the time to listen to offenders, get to know them, and get to connect with them before beginning to give advice or counsel.

The initial motivational engagement phase of working with offenders, considered so crucial in all of the literature on effective practice in corrections, does not have to be rushed. It can be attended to flexibly, and it can begin to occur both at a 'time and place' convenient to the offender – not just in the probation office at a given time on a given day, but in a coffee shop, a park, or even in the VPOs own home over a cup of tea. This is not forced engagement following some structured motivational technique but rather naturally evoked engagement between two people with different sets of experiences and backgrounds where each can learn from the other.

Though the notion of 'respect for the elderly' may enter the dynamic, more likely is the fact that the absence of any power imbalance, as in the classic

probation officer dilemma of being both enforcer and supporter, allows for a more human connection to take place. Time allows trust to develop and trust becomes the fuel that powers pro-social influence. From the offender's perspective, as trust unfolds, there is no ambiguity or suspicion about the VPOs motives. The VPO becomes seen as a steadfast and non-judgmental 'helper' pure and simple, in an uncomplicated relationship-building process, where the offender may genuinely experience a caring other, perhaps for the first time in their lives. VPOs in turn receive an uplifting sense of having had a positive influence on someone else's life. The literature on aging is clear on the importance of social networks as a protective factor for the elderly. The relationships VPOs nurture with their offenders, and with their fellow VPOs, undoubtedly contribute to a zest for living a continued worthwhile life.

### ***A Supportive and Respectful 'Relational' Style***

In a number of early ethnographic studies of probation practice (Bailey & Ward, 1992; Ditton & Ford, 1994; Rex, 1999), a particular blending of style and skills emerged as *core* in importance in working effectively with offenders. More contemporary notions of 'motivational' practice for working with offenders and other resistant clients point to the same qualities (Miller & Rollnick, 2002; McMurren, 2002; Prochaska & Levesque, 2002; Stinson & Clark, 2017). A recent qualitative study of probation practice (Lewis, 2014), that is fully consistent with other studies looking at probation officer qualities influencing desistance (Robinson et al., 2014), has narrowed in on 5 key dimensions -- *acceptance, respect, support, empathy and belief*. It is this adroitness in enabling a positive relational climate with the offender that in turn can effect a significant change in beliefs and behaviour. The conclusions are strikingly consistent. Effective helpers in working with offenders need to show:

- a demeanour that shows sensitivity and understanding of the offender's perspective (without collusion);
- an ability to negotiate active participation;
- an attuned sense of how and why offenders may tend to react to and/or re-

ject what is proposed to them;

- an approach that focuses on encouraging the offender to arrive at sensible and reasonable conclusions (through analysis of their own decisions/thinking);
- a facility for providing 'critical' and 'problem-solving' advice when it seems welcomed, but grounded in a 'demonstrated understanding of the offender's situation';
- the ability to talk convincing about the consequences of, and alternatives to offending;
- encouragement that is perceived as genuine, coming from a desire for 'wishing you make a success of your life'; and
- attentiveness to promoting self-determination and change in the offender's 'self-identity and sense of maturity and responsibility'.

As I sat that afternoon in the comfortable UNAFEI meeting room listening to the personal stories and case studies the VPOs were presenting, I was struck by how easily I could complete a mental checklist. All of these core qualities came out clearly and frequently. These VPOs were being intuitively effective in interacting with offenders. It could be that some greater theory or structure could help them get even better at their work. But I felt uneasy that interference in an attempt to 'professionalize' VPOs might have unintended consequences. I concluded with a hope that Japan would mostly adhere to the old adage - 'don't try to fix what isn't broken'!

It has been suggested that a 'relational revolution' is needed in criminal justice where offenders are situated as the 'experts' and given opportunities to project their voice and be heard 'to alleviate feelings of social exclusion and reconsider their identity' (Lewis, 2016, p. 163). This is fully in accord with the principles of the increasingly respected 'desistance' paradigm that calls for more attention on the factors that can help offenders find their way 'out of crime' rather than the just the risk factors that led to propelling their lives 'into crime' (Porporino, 2010; Maruna & Immerigeon, 2004; McNeil, Raynor & Trotter, 2010). The VPOs I met in Japan, perhaps in part because of their ma-

turity and range of life experience, seemed to me to adopt a relational style, effortlessly and naturally, that could help offenders navigate through their struggles to desist from further offending. To breakthrough credibly with offenders, the message giver may have to display certain characteristics, and be able to deliver the message in a trusting interpersonal relationship, where the offender decides it may be worth self-disclosing meaningful and sensitive information. The VPOs I met impressed me as these kinds of credible ‘message givers’.

### ***Coaching to Support and Mentoring to Inspire***

In the business management literature, a distinction is made between the focus of ‘coaching’ and ‘mentoring’ (McCarthy, 2014). The terms are often confused in criminal justice. In summary, the mentor in the leadership development literature is seen generally as person-focused and future-oriented; the coach, on the other hand, is seen as task or performance-focused and mostly present-oriented. The mentor is someone who is personally involved and displays an obvious personal interest – in a sense a respected ‘friend’ who cares about you, your future and your long term development. On the other hand, the coach concentrates on helping you develop specific skills for the task, and coping with the challenges and performance expectations that you are facing in the present.

The most distinguishing features of the mentor is how they are able to ‘listen and understood me’ and how they can ‘build my confidence and trust in myself, and empower me to see what I can do’. The mentor serves as a sounding board, creating a two-way mutually beneficial learning experience where the mentor provides advice, shares knowledge and experiences, and gently teaches in a Socratic questioning style to encourage self-discovery. A coach can be more directive in pointing someone to some end result. Though the other may choose how to get there, the coach should be strategically assessing and monitoring progress and giving advice for effectiveness and efficiency.

One has to stretch very little to appreciate the fact that one of the essential skills that VPOs should master is the ability to oscillate between being both ‘coach’ and ‘mentor’ to the offenders under their care. Again, in my interactions with the VPOs I met, I saw evidence that they remained attuned to both of these aspects of their work. Offenders need coaching to deal with the many facets of their lives, in the short-term, that can create ‘clear and present danger’ – a return to substance abuse, managing their emotions and especially their anger and depression, dealing with conflict with loved ones, boredom, the discouragement of continued unemployment ...etc. Coaching offenders with realistic options and strategies they can use to cope with (and hopefully resolve) these issues is clearly invaluable. The coaching is unlikely to take hold as a one-shot intervention. But repeating and reinforcing, clarifying and adjusting, and helping the offender remain positive even in the face of inevitable setbacks, is the kind of supportive ‘stick-to-itiveness’ that I noticed in the case histories that VPOs presented on that afternoon in Tokyo.

Beyond the coaching effort, where the need to do it becomes almost immediately apparent in beginning to work with offenders, mentoring begins to take center stage as the relationship unfolds and offenders begin to find some semblance of stability in their lives. Once again owing to a combination of their age, their life accomplishments, their experience and their intimate knowledge of the community context and the opportunities it can present, VPOs in my view have the potential to serve as powerful and empowering role-models. They can nudge and influence offenders in realizing they can achieve not just basic adjustment – but their full potential. A consistent finding in positive psychology is that ‘implementation planning’ (the how, when, and where of goal pursuits) works only when there is strong autonomous motivation to strive for the goal, and when consistent approach-oriented strategies are applied. In working with offenders, it means that we should be helping them with their planning skills for the future, practically and concretely, and that we should remain by-their-side as their approach-goals emerge, and not just be there to admonish and call out what they should avoid.

One of the essential tenants of the ‘desistance’ paradigm is that over the longer haul what will support desistance are the positive qualities of sustaining hope, maintaining a strong sense of self-efficacy, and re-defining one’s sense of self and identity. This necessitates that the individual achieves at least some of their personal aspirations, both for new meaning and for gaining pro-social legitimacy (Porporino, 2010). The VPOs I met seemed to be acutely aware of this.

### ***Providing Meaningful Practical Assistance***

In the case histories that the VPOs presented that afternoon in Tokyo, there was repeated emphasis on efforts made to give offenders some level of ‘practical assistance’ (e.g., a suggestion or referral for possible employment, a place to sleep for the evening, a warm meal, transportation, help in acquiring some official document, support in entering a substance abuse program ... etc.). We know that desistance seems to be accompanied by active, offender-led, *agen-tic* resolution of social obstacles (Farrall, 2002). It is this sense of ‘agency’ experienced by the offender -- where they feel they have been able to personally surmount some significant concern or obstacle in their lives -- that in turn seems to strengthen motivation and resolve even further (Burnett & Maruna, 2004). Curiously, much of our standard community supervision often fails to recognize (or is unable to respond to) the often indirect or vague requests for practical assistance received from offenders. Instead, supervision tends to lead with standard options rather than compliment emerging offender ‘agency’ motives with timely and contextualized practical support (McNeill, 2006). To paraphrase a dictum regarding what works generally in intervention, for support to make a difference, it has to be the right support, offered at the right time, and in the right way. In the end, the individual should believe that though the support was helpful, it was their own efforts that made the greatest difference.

As I listened to my group of VPOs, I began to appreciate that they fully accepted their role as ‘practical helpers’ – who should use their contacts, their connections, and their influence in the community to help offenders surmount

some of their key obstacles and deal with some of their most immediate concerns. These VPOs moreover seemed to understand the importance of ‘agency’ and how it can ‘lift the individual up’ -- perhaps because ‘agency’ had been so important in their own lives. Even in their elder years, these were individuals who took control of their lives and agreed to take on a significant new challenge as VPOs. A good deal of ethnographic research on probation practice points to the fact that ‘good’ practice should remain attuned to giving timely, concrete and meaningful ‘practical support’ that can begin to improve the quality of life for offenders, even if only in small ways (Farrall, 2004; Mair, 2004; Robinson et al., 2014). VPOs seemed to me to be ready, willing and able to play this role.

### ***The VPO Scheme as Self-sustaining: VPOs as Recruiters of Other VPO’s***

The last stage in implementing effective practice is often the most difficult. Once good practice has been entrenched, it has to be sustained. Too often in corrections we fail to sustain effective practice and it ends up becoming fragmented, spotty in quality and generally more true ‘on paper’ than in reality (e.g., outlined only in policy).

One of the most significant informal functions of VPO’s in Japan is to look for, identify and recruit other VPOs. In most correctional jurisdictions, recruitment of volunteers is an up-hill struggle. Recruiting the right volunteers is even more difficult. The public has a stereotyped view of offenders, often assuming them to be dangerous, unpredictable and uncooperative. Some volunteers may be attracted more because they are curious or intrigued – and not because of any particular dedication to support and assist others who are troubled and disadvantaged. Because they have done the work, VPOs are more likely to have a deep appreciation of the characteristics and qualities that are needed. They can remain alert in looking for, identifying, educating, informing, and encouraging others to take on the role of VPO. From personal experience and real examples, they can point to what makes the work both rewarding and meaningful. The VPO system becomes self-sustaining, with

one generation of VPO's recruiting and then guiding and advising the next generation.

Noteworthy is the fact that being appointed as a VPO also carries some level of prestige. In Japan, for example, individuals who apply to become VPO's are screened and then officially appointed by the Ministry of Justice. They became part of a 'community of VPO's' both locally and nationally as members of a recognized, structured and rather dynamic National Association of VPO's. The system, in essence, is effectively and easily sustainable because it feeds and nourishes itself. Of course PPOs also play an active role in continuing to engage VPOs through various training seminars, encouraging the sharing of practice-based experience in treatment meetings held at Rehabilitation Support Centres, and in recognizing the work of outstanding VPOs with recommendations for particular commendations. But it is the continued networking of VPOs themselves that seems to be the glue keeping the VPO scheme dynamic in the present and sustainable for the future.

### ***VPOs as Community Engagers and Community Advocates***

There is clear and unambiguous evidence to support the buttressing of active community involvement for successful offender reintegration. For example, over a period of more than a decade, the well-respected Urban Institute in America conducted perhaps one of the most comprehensive evaluations ever of prisoner reintegration initiatives across the nation. They explored the pathways for successful reintegration and concluded that when key elements are addressed – in the areas of employment, housing, substance use, physical and mental health, family, and community supports – success is consistently improved.<sup>5</sup>

The effectiveness of community corrections hinges on how well we can mobilize greater community acceptance and engagement as our full partners.

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5. For a summary listing of research reports, see: <http://www.urban.org/center/jpc/returning-home/publications.cfm>

We should not be so constrained by NIMBY and BANANA (Build Absolutely Nothing Anywhere Near Anything) in introducing transitional residential facilities and community treatment or resettlement centers. Though community resistance at some level has to be inevitably managed, it is also true that when 'populist punitiveness' is confronted, even by providing only minimal, accurate and relevant information, public attitudes can change.

A number of countries are now following the example of Singapore with their far-reaching annual Yellow Ribbon Campaign, co-opting the media, celebrities, government officials, the private sector and an impressive array of community based organizations in celebrating the theme of giving offenders a 'second chance' by 'helping unlock the second prison'. The campaign has effectively engaged hundreds of new employers to offer jobs to ex-offenders and a national survey a number of years ago showed that 9 out of 10 Singaporeans endorsed the aims of the Yellow Ribbon Campaign.

Most communities in most parts of the world are still restrained by the attitude that offenders' well being and adjustment is a correctional services responsibility and not a community responsibility. Because of their status and their interconnectedness in their local communities, VPOs in Japan are ideally positioned to counter this sentiment and to promote instead the proposition that the responsibility is *joint*. When the community gets involved and the offender succeeds, it is both the community and the offender that benefit. Though perhaps not on the scale of the annual Singapore Yellow Ribbon Campaign, VPOs in Japan have entrenched themselves as local Yellow Ribbon Campaign ambassadors, reaching out to the community in a myriad of ways – in all of the various community events they participate in, social gatherings they attend, discussions they have with their neighbours, presentations they make to other association meetings, contacts they have with employers and business people, the exposure they may get in the local media ... etc. There is an unleashing of energy and creativity needed to engage our communities and help them see that offenders, with the right support, can indeed become an asset instead of a liability. Government institutions have a difficult

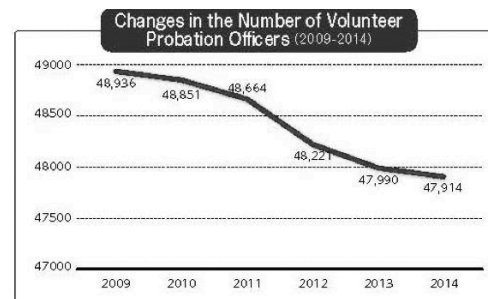


time to orchestrate this kind of momentum. However, though it would be perhaps difficult to measure how and how much, I am convinced that VPOs in Japan are creating this momentum, as ambassadors for a community-responsive, reintegration philosophy for corrections, both at the local and national level.

### **Future Forward: Challenges Confronting The VPO Scheme**

The Ministry of Justice in Japan has made note of the fact that the VPO pool is quickly aging. In recent years there has also been a gradual but precipitous decline in the number of appointed VPOs (see the Chart below). Obviously, should this trend continue, it would jeopardize the vitality and effectiveness of the VPO scheme. It has been noted that recruitment of new VPOs is becoming increasingly difficult owing to the steady urbanization of Japanese society, the fracturing of community relations, and a situation of growing financial hardship among the elderly. Japanese society is changing and the recruitment of VPOs will have to adapt and adjust to those changes. That may involve, for example, incorporating greater use of social media to attract younger VPOs, the co-opting of the celebrity culture to promote the VPO scheme (as has been done so successfully in Singapore), and perhaps even a lessening of the bureaucracy and ‘officialism’ that has developed around the appointment of VPOs. It is not just the ‘community service’ aspects of the VPO scheme that should be highlighted, it is the potentially very rewarding and meaningful learning experience that the scheme can afford to those who get involved.

But there is another subtler and perhaps even more difficult challenge facing the VPO scheme in Japan. After a number of high-profile cases of serious violent offences committed by offenders under community supervision, the



Ministry of Justice enacted a new law regarding probation and parole in 2007 in the form of the Offenders Rehabilitation Act. As has occurred in many other countries, the new legislation was intended to respond to growing public fear of crime with a ‘toughening up’ of policies and sanctions. What has been referred to as the ‘new look’ probation service (Ellis et al., 2011) now places more emphasis on surveillance, including more intensive supervision with more frequent contacts and home visits by VPOs, more restrictions and more ready use of revocation. Enforced community service (i.e., community punishment) is also now much more frequently used. In many ways, the relatively informal, supportive, offender-focused approach that has developed so naturally with the tradition of the VPO scheme is being challenged as perhaps ‘too soft’. Whether VPOs will be able to counteract this public perception and remain dedicated to their original goals and aims will remain to be seen. Whether government, in concert, will be able to work to support these original goals and aims, and see them for the ‘evidence-informed’ practice that they really are, will also remain to be seen. Criminal justice practice should not be categorized as either soft or hard. It should be seen as either smart, evidence-informed and community responsive – or NOT.

### **Conclusion**

I want to end with a quote from a chapter I wrote a number of years ago which still very much applies today.

“Creating an effective practice framework (in corrections) that is responsive to change, encouraging it to start, alert to noticing it when it begins, sensitive to mutually reinforcing ways of supporting it when it does, is supposed to have an underlying integrative theme to it. It is complicated by an ever present need to balance conflicting imperatives to protect (the public) and to serve (the offender). It begs the question as to whether an essentially coercive system can accommodate, or claim to be supporting, a non-coercive practice framework. It is challenging in the way it strains resources, requires skilled, human-service oriented staff and so heavily depends on timely accessibility to a range of community services that are at best spotty in their availability. And there is no escaping that this process,

especially in the community context, cannot be made to come to life simply with more flexible, more refined, or better targeted programmes and services. What will always underpin or undermine effectiveness is how we 'relate' with offenders throughout the process ..." (Porporino & Fabiano, 2005; p. 3).

When we cut through to the core of all the research and all the theorizing about 'What Works' with offenders, one conclusion comes to the forefront. Corrections is fundamentally about relationships – and how to influence change in others through the building and leveraging of those relationships. When we get this right, whether in prisons or in community contexts, then magic can occur. We can help transform others lives. This is what makes corrections a noble profession and this is what makes the VPO model in Japan an innovative, far-reaching and important component of community corrections that should be preserved and applauded.

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# ***An enlarged role for probation in Japan to reduce drug offending.***

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## ***I Introduction***

In Chiba on the 2nd June, 2016 the District Court sentenced a 37 year old woman to two years imprisonment, six months of which was suspended, for possession and use of illegal stimulant drugs. She was ordered to be supervised after her release by a probation officer for two years. The presiding judge said this sentence would allow the defendant to receive sufficient guidance from a probation office with a drug abuse prevention program. Partly suspended sentences for similar offences were also passed later that day in both Osaka and Nagoya District Courts.<sup>1</sup> The courts were exercising powers under a law, passed in 2013, but which came into effect the previous day, to lessen recidivism amongst drug offenders and aid their rehabilitation. Important new responsibilities have been placed on probation officers. It is the intention of this article to: explain the distinctive nature of the Japanese probation system; outline the nature of drug abuse and offending in Japan; consider, with particular reference to the newly introduced partly suspended sentence of imprisonment linked to probation, the role of the probation service in reducing drug offence recidivism and promoting rehabilitation; and highlight some matters which must also be addressed if this is to be substantially achieved.

## ***II Some Features of the Modern Probation System***

1. Kyodo Press, 3rd June, 2016.

Although organized rehabilitation of offenders is clearly traceable to the late 19th Century, the present system arose after the Second World War.<sup>2</sup> As part of sweeping reforms of pre-war criminal procedure in Japan by the mainly American “General Headquarters of the Allied Powers”, which operated until 1951,<sup>3</sup> the Offenders Rehabilitation Law 1949 introduced a modern rehabilitation system to protect society, promote the welfare of the public and aid the reformation and rehabilitation of offenders.<sup>4</sup>

There are 50 probation offices, 3 branches and 29 local offices throughout Japan,<sup>5</sup> administered by the Rehabilitation Bureau, one of six departments within the Ministry of Justice. A striking feature of the Japanese probation system is how few Professional Probation Officers (“PPOs”) are appointed compared to the large number of Voluntary Probation Officers (“VPOs”). Figures supplied by the Rehabilitation Bureau show that at the end of 2014 there were approximately 1,000 PPOs, employed as civil servants by the Ministry of Justice, in the field (additionally some 112 PPOs work for Regional Parole Boards.) and 48,000 VPOs who support them by providing offenders with additional supervision and assistance. The foremost duties of PPOs in both adult and juvenile cases are supervision of probationers and parolees which requires close working with VPOs; inquiry into domestic circumstances for purposes of possible parole from prison or Juvenile Training School; aftercare

2. Offenders Rehabilitation of Japan, Rehabilitation Bureau, Ministry of Justice, Japan, (2015), 2-4.

3. H. ODA, Japanese Law, Oxford University Press. 2nd Edition. 1999: 29-31; 423.

4. Article 1. The law relating to probation and parole is now contained in the Offenders Rehabilitation Act 2007, often referred to as the “Basic Law”, replacing both the Offenders Rehabilitation Law (1949) and the Law for Probationary Supervision of Offenders under Suspended Execution of Sentence (1954). The Offenders Rehabilitation Act 2007 deals with: the organisation of rehabilitation services; categories of persons eligible for parole and probation, conditions they must meet while subject to them, and length of supervision; parole and probation procedures, including termination and revocation; aftercare for discharged prisoners; and crime prevention activities.

5. FAKASHI, Community –Based Treatment of Offenders in Japan, Materials for a Presentation to the 162nd International Senior Seminar, United Nations Asia and Far East Institute For the Prevention of Crime and the Treatment of Offenders (“UNAFEI”) (2015) : 5.

for discharged offenders who apply for it (this may include financial assistance for accommodation, meals, transport and clothing<sup>6</sup>); liaison with halfway houses run by voluntary organisations to obtain accommodation for persons released from prison or Juvenile Training School; promoting crime prevention activities and investigation and application for individual pardons<sup>7</sup>). A further important task is organising and conducting training for VPOs and staff in halfway houses.

An offender placed on probation or released on parole is required to report immediately to a probation office for an interview with a probation officer during which how probation or parole supervision operates is explained. The probation officer then designs a treatment plan based on the interview, relevant records and an assessment of need and risk.<sup>8</sup> As well as general conditions that apply to all supervisees, including attending interviews and residing at an agreed address, special conditions may also be imposed such as avoiding contact with a certain person or group, attending a special programme on preventing sex offending, violence or stimulant drug taking and, since 2015, participating in social contribution activities, a form of community work.<sup>9</sup>

The Director of the Probation Office assigns a VPO as the day-to-day supervisor of the offender. Regular meetings, two or three times a month, take place with the VPO, usually at his or her home, but visits to offenders homes are also sometimes made. In accordance with the treatment plan, the VPO visits and works with the supervisee's family and provides guidance and practical support for the him or her, often helping to obtain employment. The VPO submits a monthly progress report to the PPO who, if necessary,

6. Offenders Rehabilitation of Japan, supra note 2, 30.

7. Offenders Rehabilitation of Japan, supra note 2, 32.

8. F. AKASHI, Community-Based Treatment of Offenders in Japan, United Nations Asia and Far East Institute For the Prevention of Crime and the Treatment of Offenders ("UNAFEI"), (2016) :31-32.

9. Offenders Rehabilitation of Japan, supra note 2, 22.

intervenes with the offender and can begin procedure to revoke parole or probation.<sup>10</sup>

If thought unsuitable to be assigned to a VPO a parolee may be supervised directly by a PPO. In certain circumstances a parolee or probationer can be allocated to more than one VPO.

Another key task undertaken by VPOs is visiting the families of those serving custodial sentences to investigate their domestic circumstances. Information about family relationships, accommodation and employment prospects is then sent to PPOs who make it available to Regional Parole Boards. In the course of these duties VPOs write to inmates or visit them to confirm information and ascertain their future plans. It is not unusual for a VPO who has already contacted a prisoner to be appointed as his or her supervisor on release.

### **III Volunteer Probation Officers**

Volunteer Probation Officers (VPOs) are appointed to office by the Minister of Justice under the Volunteer Probation Officer Act 1950 (the "VPO Act") .

Under Article 1 of the VPO Act :

"The Mission of all volunteer probation officers shall be in the spirit of volunteer social service to assist persons who have committed crimes and juvenile delinquents to improve and rehabilitate themselves and to enlighten the public on crime prevention , thereby enhancing the local community and contributing to the welfare of both individuals and the public".

Legally defined, VPOs are non-permanent government officials and remain private citizens. As such they are not prohibited from political activities or bound by the civil service code of ethics. The maximum age of appointment is 66. Although their term of office is two years, they can be

10. In 2014 4.6 percent of adult parolees had parole revoked. Revocation was 25percent for those subject to probation orders by the courts. (AKASHI (2015), supra note 5, 10.)

continuously reappointed (Article 7, VPO Act) until a retirement age of 76 is reached. More than half all VPOs have served for more than eight years, nearly a quarter fifteen years and over a tenth twenty or above years.<sup>11</sup> They are not paid a salary but are entitled to be reimbursed for expenses necessary to perform their duties up to set limits in approved categories. VPOs are also eligible for compensation for injury sustained during their work. The scope of compensation was expanded in 2012 to include damage to property and injury to family members and damage to their property due to the acts of probationers, parolees or their families.<sup>12</sup> The VPO Act (Article 3) requires VPOs to be: highly thought of for their character and conduct; enthusiastic and have sufficient time to accomplish their necessary duties; financially stable; and healthy and active.

The first stage in recruiting VPOs involves listing by the probation office director of candidates on the basis of information supplied by the VPOs' Association for the area covered by the office or from other sources. Candidates are usually recommended by present VPOs. The director then seeks an opinion on each candidate's suitability from the VPOs' Screening Committee, established at each probation office under the VPO Act, made up of representatives of the courts, prosecutors, local bar association, correctional institutions, other public associations in the community and learned citizens. Candidates found to be acceptable by the Committee are then recommended to the Minister of Justice for appointment.<sup>13</sup>

The maximum number of VPOs permitted by the VPO Act is 52,500 nationwide. Statistics kindly provided by the Rehabilitation Bureau show that on the 1st January 2015 the actual number was 47,872 of whom 26% were women. Although 90% of appointments are filled the rate is decreasing,

11. S. MINOURA, *Volunteer Probation Officers in Japan*, UNAFEI (2015):3.

12. MINOURA, *supra* note 11, 9

13. MINOURA, *supra* note 11, 3-4; Y. MURAKI, *Recruitment, Capacity-Building and Public Recognition of Volunteer Probation Officers in the Tokyo Probation Office*. Chief Probation Officer, Tokyo Probation Office (2015) : 2-3.

especially in urban areas.<sup>14</sup> The average age of VPOs was 64.7 years.<sup>15</sup> The majority (51.4%) were 60 to 69 years old, followed by 70 years of age and above (28.5%), 50 to 59 years old (15.7%) and under 50 years (4.5%). They are drawn from various occupational backgrounds. The largest group (27.1%) was persons not in paid employment, including housewives, followed by employees of companies or other organisations (22.6%), members of religious professions (11.1%), persons in commerce service industries (9.2%), those working in agriculture, forestry or fisheries (7.6%), and other occupations, which included manufacturers, schoolteachers and those engaged in social welfare.<sup>16</sup>

VPOs are allocated to a "probation district" and become involved in activities within it. Probation districts are administrative areas created by subdividing the territory of each probation office. As of 1st January 2015, there were 886 probation districts. Probation officers are assigned to one or more probation districts. Acting as district case managers they are responsible for supervision of those on probation or parole within them.

VPOs in each probation district are required, by an amendment to the VPO Act in 1998, to establish a VPOs' Association (similar organisations existed in many areas on a voluntary basis beforehand). Associations each year hold a general meeting and elect a chairman, vice chair and board members. Their various activities include: providing assistance to individual VPOs from those who are more experienced; offering VPOs opportunities to meet others and "network"; training which may comprise holding seminars for newly appointed VPOs, organising case study meetings, visiting penal institutions and inviting police officers, school teachers and lawyers to deliver lectures; main-

14. For example in Tokyo 80 percent were occupied - 3,507 out of the 4,375 places allocated to the jurisdiction Tokyo Probation Office. See MURAKI, *supra* note 13, 12.

15. In 1953 the average age was 53. By 1974 it had risen to 60. Women constituted 7 percent of the total number of VPOs in 1953. This had increased to 20 percent by 1986. See White Paper on Crime, Training and Research Institute, Ministry of Justice, Japan, 2014, Figure 2-5-3-2.

16. T. OTSUKA, *Volunteer Probation Officer System in Japan*, Rehabilitation Bureau, Ministry of Justice, Japan, (2015) 2.

taining relationships with probation offices and other organisations such as local authorities; and organising community activities, publicity, social events and the circulation of a newsletter.<sup>17</sup>

The Probation Office provides training for VPOs within its area. New appointees must attend an initial course which mainly covers basic information about the system of offender rehabilitation. This is followed by a course, run annually, for VPOs who have served less than two years, on basic treatment skills. VPOs of between two and four years experience, attend a training course, also presented each year, designed to reinforce their abilities of leadership and, like the previous course, to expand their practical knowledge and skills. Special training courses, delivered usually by probation officers specialising in these areas, are also taken on treatment for sex offenders, drug offenders and the mentally disordered. In addition to the training already outlined, guidelines issued by the Rehabilitation Bureau of the Ministry of Justice oblige Professional Probation Officers (“PPOs”) to provide regular training for VPOs at each probation district. Held about every three months, they cover various themes and are designed to develop VPOs knowledge and practical skills.<sup>18</sup>

The Ministry of Justice has encouraged probation offices to establish Offender Rehabilitation Support Centres (“ORSCs”) to assist VPOs and their associations. By March 2015 some 345 were open. Located in buildings rented from local government, or other public bodies, they are staffed on weekdays by experienced VPOs. VPOs’ Associations may use ORSCs to hold meetings, cooperate with related agencies and consult with the public.<sup>19</sup> If they wish, individual VPOs can conduct interviews at these locations, rather in their homes or those of probationers or parolees. Opposition from family members to visits by offenders and limited domestic space for interviews in the large

17. OTSUKA, supra note 16, 4 -5.

18. AKASHI (2016), supra note 8, 13; OTSUKA, supra note 16, 5; MURAKI, supra note 13, 4-5.

19. M. NAKUTA . Ota City VPOs proactive in environmental management, Ota City Volunteer Probation Officers Association, 2016.

cities has been identified as discouraging some people from becoming or remaining VPOs.<sup>20</sup> Provision of these centres may help recruitment and retention, enhance co-operation with local government and other bodies and help gain wider public understanding of VPOs’ work.

Although facing some challenges, notably in recruitment, and not immune from critical scrutiny<sup>21</sup>, there is general agreement the VPO system has a number of strengths including: geographical closeness between supervisees and VPOs enabling them, if necessary, to intervene rapidly; social resources and useful practical assistance, including introductions, an important form of social capital, that can be offered to supervisees; supervisees and their families frequently see VPOs more like neighbours, and often similar to unthreatening and helpful uncles and aunts, rather than government officials and may be more responsive to them; many VPOs demonstrate genuine concern for supervisees helping offenders to re-gain respect, or gain it for the first time, and identify with a law-abiding and pro-social culture; and, in contrast to PPOs who are moved to different offices every two or three years, provide continuity of support which sometimes extends beyond the period of supervision adding to stability in the lives of former offenders.<sup>22</sup> Continuity of contact is contributed to by the fact that over half the number of VPOs have been in that role for more than eight years. It is worthy of note that the VPO system in Japan has been a major influence on probation services in a number of other countries including Kenya, Malaysia, Philippines, Singapore, South Korea and Thailand.

#### ***IV Halfway Houses and Other Voluntary Bodies***

Halfway houses are an important feature of rehabilitation in Japan. They accommodate persons on parole from prison or Juvenile Training School, who

20. MURAKI, supra note 8, 7-8.

21. T. MORIKAWA, Recent Challenges in Community-Based Treatment in Japan. Rehabilitation Bureau, Ministry of Justice, Japan, 2-5; T. OSAKI, Volunteer probation officers face uphill battle, Japan Times, 28th August, 2013.

22. AKASHI(2016) supra note 8,15; OTSUKA, supra note 16, 4.

otherwise be ineligible because they lack a place to live, and on probation and other persons released from prison or Juvenile Training School at the end of their custodial sentence because they did not obtain parole. The average stay is three months. Staff help parolees cope with the sudden change of release from a highly disciplined and regimented prison regime, foster a sense of self-reliance and assist them to find housing and employment in co-operation with public employment offices and employers who are members of the Cooperative Employers Organisation (a national non-profit making body of employers willing to employ former offenders). Additionally in recent years social skills training and programmes for drug and alcohol abuse have been developed. The Ministry of Justice is currently carrying out training courses for halfway house staff on treating these conditions. Some halfway houses collaborate closely with Nihon DARC, a nationwide voluntary organisation which holds self-help meetings and provides residential and day centre treatment for drug addicts and alcoholics.

Most halfway houses were founded in the 1880s by volunteers.<sup>23</sup> They remain privately run and number 103 throughout Japan.<sup>24</sup> Most are in urban areas. Three halfway houses receive only juveniles, 19 house just adults, whilst 81 take both. Ninety house only men. Seven halfway houses exist exclusively for women and six provide accommodation for both men and women.<sup>25</sup> On the 1st November 2015 the total half way house capacity was 2,354 places. During the financial year 2014 some 8,237 persons were accommodated. Halfway houses took more than a quarter of prison parolees. A total of 710 persons were employed nationally in half way houses, an average of 6.9 staff in each. More than 60% of all employees were concurrently appointed as VPOs in 2015.<sup>26</sup> Further local VPOs and VPO Associations in the area often assist in various activities. Practical help may also be provided by Members of the Women's Association for Rehabilitation Aid ("WARA"), a voluntary na-

23. Offenders Rehabilitation of Japan, supra note 2, 2-3.

24. For a map showing their geographical distribution see AKASHI (2015), supra note 5, 7.

25. AKASHI (2015), supra note 5, 7.

26. AKASHI (2016), supra note 8, 17-18.

tionwide organisation with nearly thirteen hundred branches and a very large membership.<sup>27</sup>

The Ministry of Justice supervises half way houses. They receive 75 percent of their budget from the national government.

Professional Probation Officers contact halfway houses and ask them to accept a particular parole candidate or probationer. Despite willingness to change and progress demonstrated by individuals in custody, it remains true to say that, principally because of concerns about neighbouring residents, many halfway houses are hesitant to accept those convicted of sex and drug offences, violence, arson and members of organised crime groups. To help such categories of offenders the Ministry of Justice established National Centres for Offender Rehabilitation to provide temporary accommodation, coupled with intensive supervision and assistance in finding employment by probation officers. However, the total capacity of the four centres created is only 58. Plans to build another centre in Kyoto have met with strong opposition from local residents. Since 2009, the Ministry of Justice has encouraged, with some limited success, halfway houses to widen the types of offenders they will accept.<sup>28</sup>

In addition to VPOs, and halfway houses other voluntary organisations give considerable support to adult and juvenile offenders and have close ties with the probation and rehabilitation system already described.

The Women's Association for Rehabilitation ("WARA") is a large organisation that conducts a variety of activities including promoting the idea of

27. At the Step Oshiage Halfway House, Tokyo, visited on 26th July, 2016, it was explained that members of the local VPO Association provide various forms of entertainment including a twice yearly "curry feast" and WARA collect clothes for residents and donate cooking.

28. Because of an exceptionally good relationship with its neighbours, the Step Oshiage Halfway House in Tokyo, which has 38 places, is prepared to take persons that other halfway houses might be reluctant to receive.



rehabilitation of offenders, support and encouragement for probationers and parolees, co-operation with VPOs, crime prevention measures, and assisting young mothers experiencing difficulty in raising their children. In 2015 WARA had 170,066 members and 1,293 branches.<sup>29</sup> It is almost a convention that the wife of a male appointed as a VPO will join WARA. Many women who are appointed as VPOs joined WARA earlier in their lives.

Big Brothers and Sisters Association (“BBS”) is a youth organisation with 50 local branches, including in universities and high schools, and a membership of just over 4,500. Its members try to relate to juveniles similar to a responsible older brother or sister to deflect them from crime. Members take part in “befriending activities”, such as sports, karaoke, barbecuing and talking and studying together, to gain their trust, give them a greater sense of stability and act as positive role models. BBS intervention is usually requested by Probation officers, who suggest the approach to be taken for each young person, but may be initiated directly by Family Courts or child guidance centres.<sup>30</sup> Some BBS members are interested in becoming Professional Probation Officers or VPOs later in life. A number of VPOs interviewed expressed the hope that BBS will expand to counterbalance the increasing average age of VPOs, seen by some as an impediment to understanding young people.

“Co-operative Employers” is a national non-profit making voluntary body, with nearly fourteen and a half thousand members who have said they are willing to employ former offenders.<sup>31</sup> Construction firms account for about half, followed by the service industry, approximately 15 percent and manufacturing just over 13 percent. However, despite the large number of firms who claimed they were prepared to take former offenders, a survey conducted for the Ministry of Justice Rehabilitation Bureau in 2013 showed a mere 3.4 percent of the then membership had done so. Following this the Ministry

29. AKASHI (2016) , supra note 8, 19.

30. T. OSAKI, *Troubled youths find friend, ally in students*, Japan Times, 28th August, 2013.

31. AKASHI (2016), supra note 8, 19.

renewed requests to employers to employ former offenders. Membership of Co-operative Employers subsequently rose by nearly four and a half thousand. Amongst employers who have taken on convicted persons are former offenders. Since April 2015, employers may receive payment from the Ministry of Justice when they employ and support a probationer or parolee for a certain period. This scheme is expected to boost the number of parolees and probationers in work. More and more local governments are introducing schemes to employ probationers and parolees as temporary staff or to give preferential treatment in considering tenders to employers who hire them.

## ***V Types of Supervision Undertaken by the Probation Service***

### **I. Adult Parole**

A Regional Parole Board (of which there are eight) may order the conditional release of a prisoner if : he or she has served one-third of a sentence of a fixed number of years, or after 10 years of life imprisonment; repentance and motivation to rehabilitate him or herself has been proved; there appears no likelihood of reoffending on parole; supervision of rehabilitation will take place while on parole and society will accept the prisoner’s parole.<sup>32</sup>

In 2014 the parole rate was 56.5 percent. Despite parole being available in law after one third of a defined term sentence, 80 percent of parolees had served 80 percent or more of their original sentence. Some 10, 692 persons obtained parole in 2014.<sup>33</sup>

Parolees have to comply with general conditions including attending interviews with PPOs and VPOs ; living in the residence notified to the Probation Office, seeking permission to change residence or to travel for more than sev-

32. The Penal Code, Article 28, the Offenders Rehabilitation Act, 2007, Article 34 and the Ministry of Justice Ordinance. For a description of the system and procedure of parole, in which information supplied by PPOs is of great importance, see AKASHI (2016) , supra note 8, 22-25 ; AKASHI (2015), supra note 5, 10-16.

33. AKASHI (2015), supra note 5, 10.



en days; and explaining about his or her job, domestic circumstances and associates when asked.<sup>34</sup> Special conditions may also be imposed. These include to work, or make efforts to find a job; not to associate with particular individuals and members of organised crime groups; to obey rules of a halfway house, if accommodated there; to participate in Special Contribution Activities, (essentially community work supported by VPOs, and members of BBS and WARA, introduced in 2015, after an amendment in 2013 to the Offenders Rehabilitation Act 2007) and to attend a Special Treatment programme delivered by a probation officer at a probation office. Special treatment programmes cover sex offending, drug offending, violence prevention and impaired driving prevention. They are delivered one to one or in groups and are based on Cognitive Behavioural Therapy, much influenced by its practice in Britain. Some 95.1 of adult parolees successfully completed their term in 2014.<sup>35</sup>

## 2. Juvenile Parole

In order to be released on parole from a Juvenile Training School by a Regional Parole Board the law states that the juvenile – a person under the age of twenty in Japan – must have reached the highest stage of training suitable for his or her improvement and rehabilitation, or it is specially necessary for his or her improvement and rehabilitation to be released on parole.<sup>36</sup>

Whilst the rate of parole among adults is more than half, the parole rate for juveniles is astonishingly high – 99.9 percent, 3,122 persons in 2014.<sup>37</sup> The difference is chiefly because being committal by the Family Court, where all Juvenile cases are sent from the public prosecutor's office, to a Juvenile Training School is considered a protective measure, rather than a sentence, and there is an expectation all juveniles will be released after receiving training for a certain period.

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34. Offenders Rehabilitation Act, 2007, Article 50.

35. AKASHI (2015), supra note 5, 10.

36. Offenders Rehabilitation Act 2007, Article 41.

37. AKASHI (2016), supra note 8, 21-22.

The period of supervision after release by the probation service lasts until the parolee's twentieth birthday or the last day of a fixed period of custody imposed by the Family Court. Statistics for 2014 indicate that 19.3 percent of those on juvenile parole were discharged early; 65.4 percent completed their term and 15.1 percent had orders revoked.<sup>38</sup>

## 3. Adult Probation

Probation for adults in Japan is not an independent sentence. It is always attached to a suspended sentence. Suspended sentences are more widely used than immediate custody. In 2014 55 percent of prison sentences in the District and Summary Courts were suspended.<sup>39</sup>

To be eligible for a suspended sentence three minimum requirements are necessary: the sentence is of imprisonment for three years or less, or is of a fine of 500,000 Yen (£3,650 approximately) or below; the offender has not been sentenced to imprisonment in the last five years; and the offence was not committed during a previous suspended sentence with a probation order.<sup>40</sup> A person subject to a suspended sentence without probation who commits a further offence during the period of suspension and is subsequently sentenced to not more than one year of imprisonment may be granted a further suspended sentence if there exist especially favourable circumstances for him or her.<sup>41</sup> However in such a case attachment of probation is mandatory. In all other cases it is discretionary. The length of probation is from one to five years and, subject to provisions for early completion because of good behaviour, runs for the period of suspension set by the sentencing court. About 10 percent of persons who receive a suspended sentence are placed on probation. At the end of 2014 the number of adult probationers numbered 5,364.<sup>42</sup>

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38. AKASHI (2015), supra note 5, 10.

39. T. SAKAIYA, Japan, How Safe? Asia Crime Prevention Foundation, 2015, 47.

40. Penal Code Article 25 (1).

41. Penal Code Article 25 (2).

42. MINOURA, supra note 11, 1.

In addition to obeying general conditions of probation, adult probationers must also comply with special conditions imposed at their supervising probation office. Both general and special conditions are similar to those outlined above for adult parolees. In 2014 the rate of successful completion of adult probation was 71 percent while 25 percent of orders were revoked because of a further offence had been committed or because of failure to comply with conditions of probation.<sup>43</sup>

#### 4. Juvenile Probation

Unlike probation for adults, juvenile probation stands alone as a sentence. Numerically young people placed on probation by the Family Court are the largest group supervised by the probation officers. In 2014 they numbered 17,480, amounting to 46 percent of the probation service's caseload. Juvenile Probation accounted for nearly 21 percent of disposals made in the Family Court during that year (Source: Annual Report of Judicial Statistics). The maximum period of supervision is until the probationer's twentieth birthday or at least two years whichever is longer.<sup>44</sup>

Like adult parolees and probationers juvenile probationers must conform with general conditions of supervision and any special conditions imposed by the probation office responsible for them. In 2014 76.7 percent of juvenile probationers were discharged early, 9.5 percent completed their term and 13.7 had orders revoked because of further offences or failure to comply with probation conditions.<sup>45</sup>

At the end of 2014, there were 37,990 parolees and probationers made up of: 10,692 Adult Parolees, 4,454 Juvenile Parolees; 5,364 Adult Probationers and 17,480 Juvenile Probationers. Related to reduction of reported crime in Japan,<sup>46</sup> the total figure for persons under supervision has steadily decreased

43. AKASHI (2015), supra note 5, 10.

44. Juvenile Law 1948, Article 24.

45. AKASHI (2015) , supra note 5, 10.

since 2009 when it stood at 48,488. By far the biggest fall, over 7,500, has been in juveniles on probation (Figures kindly supplied by the Ministry of Justice.) .

#### 5. Partly Suspended Sentences and Probation

On the 1st June, 2016 two new laws came into effect. The first, the Partial Revision of the Penal Code,<sup>47</sup> applies to three groups of convicted offenders: those not imprisoned before ; persons who have previously received a suspended sentence; and individuals who have had a prison sentence but have not subsequently received another within five years of its completion. If given a prison sentence of not more than three years, a person falling in one of these categories may now have part of it suspended. The period of suspension cannot be less than one year or more than five. When a court suspends a sentence it may in its discretion add probation to run concurrently with the suspension.

Under the second law now in force, The Act on the Suspension of Execution of Part of a Sentence for Persons who Committed the Crime of the Use of Drugs etc.,<sup>48</sup> a person convicted of self – use or simple possession of controlled substances, including stimulant drugs, cannabis ,narcotics or poisonous materials such as toluene (a solvent sometimes inhaled recreationally with the potential to cause severe neurological harm), and sentenced to no more than three years imprisonment may have part of that sentence suspended. The period of suspension is not less than one or more than five years. However, unlike the first law described, the offender must be put on probation for that time and is obliged to complete a drug offender treatment programme as a special condition. For example a court might pass two years imprisonment with six months suspended for two years on probation. After one and a half years the offender will be released and two years supervision begin. The requirement

46. Figures for 2015 produced by the National Police Agency (“NPA”) showed reported crimes as the lowest since the Second World War. For a summary of NPA statistics see Independent 16th January, 2016.

47. Law No 49, June 19, 2013.

48. Law No 50, June 19, 2013.

that judges determine the part of the sentence to be suspended has led to calls for pre-sentence investigations written by professional probation officers with a firm base in sociology, psychology and criminology. Although pre-sentence reports are prepared on juveniles by Family Court Probation Officers,<sup>49</sup> employed by the Supreme Court, not the Ministry of Justice, no such system exists for adults.

Judges rely on information about those they sentence from the Public Prosecutors and Defence Attorneys. A former prosecutor, now a professor of law at Doshisha Law School,<sup>50</sup> expected prosecutors to take a greater interest in drug rehabilitation, and bodies working in the area, to inform judges and support whatever sentencing recommendations they may make.

Usually persons convicted for the first time of drug offences receive a suspended sentence normally without probation. Although an immediate custodial sentence is more likely, a further offence may again result in a suspended sentence but this time coupled with probation. According to criminal justice statistics, 3,686 people were given suspended sentences in 2014 for breaking the stimulant drugs control law. Of them, slightly more than 10 percent or 439 were given probation.

The object of the new law is to reduce repeat drug offending by adding probation supervision to custodial sentences. It is a recognition of the importance of sustained rehabilitation in the community, and of the limitations of measures in the artificial conditions of prison.<sup>51</sup>

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49. There are about 1,600 Family Court Probation Officers throughout Japan, 55 percent of whom are women. Their duties include extensive investigations and submission of reports to Family and High Courts to aid adjudication in disputes about child custody and welfare and to assist court sentencing in criminal cases ( Guide to the Family Court of Japan, Supreme Court of Japan, 2013: 6-9 ) .

50. Interviewed on 10th July, 2016.

51. For an exposition and commentary on the laws introducing partly suspended sentences and probation, see Waseda Bulletin of Comparative Law, Vol.33 28-31.

## ***VI Drug Misuse in Japan***

Drug misuse in Japan is significantly lower than in many countries. Statistics issued by the Ministry of Health, Labour and Welfare in 2014, indicate 0.4 percent of the Japanese population aged between 15 and 64 years old have taken stimulants at least once in their life. By contrast in the United States, 5.1 percent of the population over the age of 12 has tried methamphetamine at least once. While, 41.9 percent of Americans have tried marijuana, in Japan it is 1.2 percent of the population.<sup>52</sup> Since the Second World War drug taking has been dominated by stimulants – methamphetamine and amphetamine – “*kakuseizai*” or “*shabu*” in Japanese. Methamphetamine was first synthesized in Japan from ephedrine in 1893. It was then commercially marketed to cope with fatigue. During World War II methamphetamine was taken by military personnel and production workers to help keep them active and alert. In what has been described as the first epidemic of methamphetamine abuse, between 1945 and 1957,<sup>53</sup> military stocks of the methamphetamine came into civilian hands and were widely sold to young impoverished inhabitants of cities. At its height in 1954, police reports estimated there were 550,000 addicts and about 2 million people who had tried it. Originally methamphetamine was mainly taken in pill form but by the end of this period came to be injected intravenously; this method has not altered.

The Stimulant Control Law, enacted in 1951, made unlawful the production, importation, possession or use of methamphetamine. It was rigorously enforced by the police. As a result methamphetamine arrests dramatically fell from 55,664 in 1954 to 271 in 1958, the lowest number in postwar history. However, a second epidemic, lasting from 1970 to 1994, occurred, marked by organized gangs selling supplies of methamphetamine, mainly from Taiwan

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52. M. ITO, Dealing with addiction : Japan’s drug problem, Japan Times, 23rd August, 2014.

53. K. WADA, The history and current state of drug abuse in Japan, Annals of the New York Academy of Sciences, 1216 (2011) : 63 -64 ; A. SATO, Japan’s Long Association with Amphetamines : What can we learn from their experiences?, in R.Pates and D. Riley (Eds) Interventions for Amphetamine Misuse, Wiley –Blackwell, 2009, 151-153.

and later Korea. Arrests peaked at 24,372 in 1984 and from 1990 decreased annually. This halted in 1995 when an upward trend signified the start of the third epidemic of methamphetamine abuse, which is not yet over. Since 1976 the number of arrests has consistently been above 10,000 people.

Most people investigated or arrested for using stimulant drugs are recidivists. According to the National Police Agency,<sup>54</sup> the police in 2015 investigated or arrested some 13,000 people for possession or use of narcotics or psychoactive drugs, 11,000 of these (80 percent) were for stimulant drugs. Recidivists accounted for 64.8 percent those arrested or investigated. The rate of recidivism increased as the age of stimulant drug abusers went up — 36.0 percent among users in their 20s and 57.9 percent among users in their 30s. The rate was highest at 72.2 percent among users in their 40s. Clearly from these , and earlier similar statistics, it is not possible to gauge the extent of stimulant addiction in Japan, but the Ministry of Health Labour and Welfare believes they expose just a small part of the problem.<sup>55</sup>

The cost of illegal stimulants, currently said to be 70,000 Yen (Approximately 610 Euro) per gram, is high. Relatively affluent people, particularly those in middle age, are tempted to buy them to help manage with stress at work and difficult personal relationships. They, and members of the “talento”, media and sports personalities, whose arrests and subsequent court appearances attract very much publicity, are often supplied by gangsters, members of the yakuza. Other users are people who started to inhale solvents when young, usually at school, before graduating, sometimes via other substances, to stimulants. They too frequently receive methamphetamine from members of gangs with whom they form associations or join. About half of all drug offenders in Japan are involved in a gang. Persons released from prison, perhaps with hopes of leaving addiction behind them, because of few opportunities available, often re-establish their gang links and return to drug taking.

54. ‘Helping Drug Addicts Kick the Habit’ , Japan Times 5th June,2016.

55. ITO, supra note 52.

In addition convictions result from possession, use and sale of cannabis (under the Cannabis Control Law), seen as a “gateway drug”, heroine, cocaine (prohibited by the Narcotics and Psychotropics Control Law and the Opium Law) and increasingly proscribed synthetic designer drugs (made unlawful by the Pharmaceutical Affairs Law).

According to the 2015 White Paper on Crime, forty nine percent of those released for stimulant control law offences returned to prison within five years between 2010 and 2014, whereas the rate of re-imprisonment of persons who committed other types of offences was thirty six percent during this period. About a quarter of prison inmates are convicted of drug offences. Others are incarcerated for offences related to the need to buy drugs such as theft, deception and robbery.<sup>56</sup>

Users of stimulant drugs — such as amphetamine and methamphetamine — frequently develop a strong dependency, making it hard to stop and escape addiction. Further crimes may be motivated by the need for money to buy drugs. Social factors also combine to explain why so many offenders return to prison. A criminal history, stigmatic and socially marginalizing almost everywhere, but particularly in Japan, reduces opportunities. Former inmates are likely to find difficulty in obtaining employment, housing, maintaining positive social relationships and developing new ones.<sup>57</sup> Policing has been successful in limiting the number of illegal drug users in Japan. Over the last twenty or so years the Ministries of Justice and Health have promoted a mass media campaign, with its watchwords “Dame Zettai” (No never do it!), to dissuade people from trying drugs. Though generally seen as successful, it

56. In 2014 at Fuchu Prison, which holds about 2,400 inmates and is the country’s largest gaol, around 800 inmates, or 33 percent, were serving custodial sentences for drug or drug related offences. Japan Times 23rd August 2014.

57. S. SUH and M. IKEDA, Compassionate Pragmatism on the Harm Reduction Continuum: Expanding the Options for Drug and Alcohol Addiction Treatment in Japan, Communication-Design. 2015, 13 P.63-72.

is said the campaign has widened the distance between non drug takers and confirmed a popular view that drug taking is evil and that those who do have only themselves to blame for their difficulties.<sup>58</sup> Arrests and court appearances of celebrities are reported sensationally in the press<sup>59</sup> and much is made of the dangerousness of the substances involved prompting public calls for tough action against drugs and the people who consume them. The involvement of Korean and Chinese drug smugglers is sometimes emphasized, especially by nationalists.<sup>60</sup> Very little is said about the problems of addiction. The idea of substance abuse as a disease has yet to be recognized in society at large.

### 1.Limited Medical and Psychological Facilities

The relatively small scale of drug addiction in Japan is said to have contributed to a lack of interest among medical professionals in treatment for addicts, sometimes labelled as troublesome and problematic.<sup>61</sup> The main focus in hospitals has been upon detoxification and dealing with psychotic symptoms. Because taking drugs is a crime, some doctors, although not legally or ethically obliged, call the police, undermining the relationship with patients and deterring others from seeking help, a point made strongly by a DARC worker interviewed in Wakayama, where, unlike neighbouring Osaka, this practice was reported to occur.<sup>62</sup> In recent years a small number of psychiatrists and clinical psychologists have introduced specialized treatment such as motivational interviewing, anger management, social skills training and Cognitive Behavioural Therapy (“CBT”), one being the Serigaya Methamphetamine Relapse Prevention Programme (“SMARPP”). Developed by Toshihiko Mat-

58. SUH and IKEDA, *supra* note 57, 67.

59. A recent example is Kazuhiro Kiyohara, a former baseball star, sentenced at Tokyo District Court on the 30th May, 2016 to two and a half years in prison suspended for four years for purchasing, possessing and using stimulant drugs. The prosecutor had asked for an immediate custodial sentence of thirty months. His attorney had requested a suspended prison sentence with probation which would have required him to attend a drug offender treatment programme. ( See Japan Times 31st May, 2016 and Asahi Shimbun 31st May, 2016.).

60. SATO, *supra* note 53, 155 – 156.

61. SUH and IKEDA, *supra* note 57, 68.

62. Interview 28th July, 2016.

sumoto, a doctor seeking more widespread acceptance of substance abuse as a disease, the treatment is based on a CBT approach originally used in California. An evaluation, published in 2016, of a sample of outpatients who had undergone SMARPP showed a high abstinence rate of 60 percent one year afterwards.<sup>63</sup> Worthy of interest, a study has commenced on the effectiveness of running SMARPP online with tailored feedback for participants.<sup>64</sup>

According to a survey conducted by the Ministry of Justice just three percent of persons on parole and probation with drug dependence received specialized hospital treatment. Only about forty hospitals provided specialist treatment for drug dependence and there were none in twenty four of the country’s forty seven prefectures.<sup>65</sup>

In a press interview Doctor Matsumoto said “Japan is successful in keeping the number of drug users low but is behind in treatment of drug dependence”.<sup>66</sup> His opinion closely matched that of Doctor Nobuya Naruse, deputy head of Saitama Prefectural Psychiatric Hospital who, nearly two years earlier, is reported as saying “Japan is very good at regulating drug-related crime — one of the leading nations in the world — and depends on regulation to keep the crime rate down in terms of drug use. But that is why it has fallen way behind in terms of the treatment and recovery of addiction.”<sup>67</sup>

63. Y.TANIBUCHI,T.MATSUMOTO,F.IMANURA, Efficacy of the Serigaya Methamphetamine Relapse Prevention Program (SMARPP) for patients with drug abuse disorder. –A study on factors influencing 1 year follow-up outcomes. *Nihon Arukoru Yakubutsu Igakkai Zasshi* 2016 Feb : 51(1) : 38-54.

64. A. TAKANO, Y. MIYAMOTO, N. KAWAKAMI, T. MATSUMOTO, Web-Based Cognitive Behavioral Relapse Prevention Program With Tailored Feedback for People With Methamphetamine and Other Drug Use Problems: Development and Usability Study, *JMIR Ment Health*. 2016 Jan-Mar; 3(1): e1. Published online 2016 Jan 6.

65. T. TOMINAGA, Drug dependence needs to be seen as disease requiring long-term care, *Kyodo News*, 30th June, 2016.

66. TOMINAGA, *supra* note 65.

67. ITO, *supra* note 52.



The main source of rehabilitation and social care and for persons released from prison or discharged from hospital are organisations run by recovering addicts. Chief amongst these is Nihon Drug Addiction Rehabilitation Centre (“DARC”) established in Tokyo in 1985.<sup>68</sup> DARC now has 57 branches with 78 centres all over Japan. Every branch is autonomous and separately funded and has established its own support network of doctors and hospitals to help members with medical and psychological problems.<sup>69</sup>

Most members, on average in their early thirties, live in dormitories and generally attend two internal meetings and one Narcotics Anonymous meeting held elsewhere every day, usually in the evening. Narcotics Anonymous in Japan was founded in 1981. It has over 150 groups and holds meetings in churches, public halls and hospitals.<sup>70</sup> Cleaning, cooking and shopping are done by members at DARC centres. Work may also be performed outside, for example, as in Osaka in a restaurant. Social activities, including sports, regarded as physical exercise therapy, are undertaken. Members pay 150,000 Yen (about 1,310 Euro) per month. Some receive financial help from local authority livelihood protection, others are paid for by their families. While a number of DARC branches receive financial help from local authorities, many do not. Funding for those that do is often decided on a yearly basis which, it was explained by an Osaka DARC worker, causes much uncertainty and a sense of precariousness.

DARC is based on the “twelve steps” approach derived from the method used by Alcoholics Anonymous. The suitability of this, with its emphasis on a supreme or divine power, in whom it is necessary to invest trust, in a predominantly non monotheistic Japan has been questioned in some quarters. DARC’s ultimate aim is a life without using harmful substances. Members are, however, encouraged to disclose relapses. These are not regarded as fail-

68. T. KOBAYASHI, *A light in the DARC’ Metropolis*, 2002, Issue 409, January.

69. SATO, *supra* note 53, 152 – 154.

70. SATO, *supra* note 53, 149 – 150.

ures, but inevitable during the process of recovery and something from which they learn about themselves.<sup>71</sup> The majority of employees at each centre are recovering addicts.

The number of people who attend DARC was described in an interview with a worker at Osaka DARC as just the tip of the iceberg of people struggling with addiction.<sup>72</sup>

## 2. Steps Towards Treatment

Unlike many Western countries that favour harm reduction - such as access to clean needles and methadone substitution - and diversion from the system of criminal justice, policy in Japan has been prevention, strict enforcement of the law, “no tolerance”, and custodial sentences, regardless of the level of criminality. Although sentencing is more severe by most European standards,<sup>73</sup> it is considerably less so when compared to many other Asian countries.<sup>74</sup>

Examination of alternative models such as drug courts in the United States, where addicts are ordered to undergo various forms of treatment, and that in Portugal, with its strategy, since the early 2000s, of prevention, decriminalization for possession, treatment, harm reduction and reinsertion, has occurred but seldom beyond university academics. An exception was a discussion in the Ministry of Justice preceding the Prison Law 2006 in which it was suggested that those that those arrested for Stimulant Law offences might be sent to self-help groups instead of custody. This was rejected because of their small number and doubts about their effectiveness.<sup>75</sup>

Nevertheless, a provision (Chapter 82) of the Prison Law 2005, which

71. SATO, *supra* note 53, 148-149.

72. Interview 14th July, 2016.

73. SATO, *supra* note 53, 148.

74. M. BALASEGARAM, *Asia’s misguided war on drugs*, Japan Times, 16th May, 2006.

75. Minutes of Council of Legislation (2006). Meetings on the Policy to Make Proper the Population of Penal Institutions, 3. Ministry of Justice 15th December.

substantially reformed prison law in Japan, did mark a turn towards treatment by requiring prisons to provide prisoners convicted of drug offences with “guidance on overcoming drug addiction”. This resulted in the introduction of courses intended to give prisoners insight into their problems with drugs use and how to avoid them on release. Until recently they typically consisted of lectures from prison staff, often reading from a textbook, and videos about experiments with rats which graphically showed the dangers of drugs. These methods were criticised as inadequate to tackle the physical and psychological problems of addiction. In an attempt to make them more effective some prisons enlisted members of external bodies, especially DARC, to assist. Their direct experience of addiction and recovery, often time served in prison, and ability to conduct meetings in which all participants are encouraged to contribute is said to have greatly strengthened prison drug rehabilitation courses. A DARC worker involved in teaching the course at Wakayama Prison<sup>76</sup> explained it was important to talk about life after prison, depression that might be suffered, temptations to take drugs, drawing up plans for personal recovery, communicating with doctors and what sources of help are available. She was concerned the prison authorities in Wakayama may soon phase out DARC’s involvement as an economy measure. If this happened DARC would seek to continue its involvement on a voluntary basis. It was explained by the DARC worker that some prisoners regard prison, indeed almost welcome it, as a safe place where at least their basic needs, including health, which may have been neglected, will be met and where, away from the many stresses, complicated relationships and other influences that lead to their consumption, they can become physically free of drugs (none enter Japan’s well-staffed, highly ordered and austere prisons where even smoking is banned) . According to her, the real ordeal, which many fail, is managing to live without them on the outside.

She said it is not uncommon for inmates to say they will join DARC when they are free. Other addicts, not yet able to contemplate life without them, ex-

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76. Interview 28th July, 2016.

change information about getting drugs more easily when released and often return to prison quite rapidly.

Another step towards rehabilitation of drug offenders took place in 2010 when the stimulant drug offender treatment was introduced as a special condition for adults on parole or probation. After an initial session they are obliged to attend another five over a period of three months and then a meeting each month to prevent relapse. The course, grounded in cognitive behavioural therapy and containing elements of role play, is delivered to groups, or occasionally individually, by probation officers at their offices. It is combined with “quick screen” drug tests. Parolees and probationers not subject to the special condition of taking the course, but who have a history of drug abuse, may volunteer to be tested. Because drug taking is an offence, a positive test result is reported to the police unless the person him or herself agrees to report it to them. A subsequent conviction will lead to revocation of parole or probation.

A record high rate of recidivism in 2011, 43 percent among nondrug related adult offenders and almost 60 percent for stimulant users,<sup>77</sup> prompted the Ministry of Justice to examine if probation would be more effective to prevent repeat offending. (Statistics then available showed the likelihood of offenders released from prison on parole and supervision re-offending was about half that for those released at the end of their sentences without parole.<sup>78</sup>) In both the Ministry and the Ministry of Health Labour and Welfare, acceptance grew that substance dependence, acknowledged as such by the World Health Organisation, is an illness requiring treatment.

The Prosecutor General addressing at meeting of senior prosecutors in 2012 urged prosecutors to pay more attention to helping criminal offenders re-integrate into society. Following this it was reported that a number of ap-

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77. White Paper on Crime, 2012, Training and Research Institute, Ministry of Justice, Japan, Chapter 6 .

78. Japan Times, 29th December, 2012.



plications were made by prosecutors to courts to pass suspended sentences coupled with probation and undergoing a stimulant drug offender course. Previously such requests were almost unheard of because most prosecutors subscribed to the view severe punishment was a necessary deterrent.<sup>79</sup>

The government inter-ministerial Council for Promoting Measures to Prevent Drug Abuse, in its Fourth Five year Drug Abuse Prevention Strategy, published in 2013, set preventing relapse into drug misuse as an objective to be achieved by treatment, re-integration into society and assistance to drug users families. Measures identified to accomplish this included: better medical treatment of acute symptoms of drug abuse; developing treatment and rehabilitation programmes and explaining their usefulness to health professionals; building a network of institutions, including private and voluntary organizations, concerned with the treatment and recovery of drug addicts according to their specific needs; enhancing courses on drug addiction in prison and the knowledge of those who teach them; improving transition from prison by obtaining accommodation, medical and welfare assistance before release; recruiting volunteer probation officers well able to supervise and support drug offenders; fostering closer cooperation with public employment offices and other related agencies to find work for released inmates; equipping counsellors at health care, mental health and welfare centres with a greater knowledge of drug treatment; improving support and counselling for families of drug abusers; and promoting research on drug abuse and methods of treating drug dependence.<sup>80</sup>

In 2013, to reduce re-offending, rehabilitate offenders and assist their re-integration into society, the Diet passed the two laws, which took effect in June 2016, introducing partially suspended sentences, described earlier. As

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79. The Japan News , 21st May 2013.

80. Council for Promoting Measures to Prevent Drug Abuse (2013),Fourth Five year Drug Abuse Prevention Strategy, Government of Japan. 11 -15. [www8.cao.go.jp/souki/drug/pdf/know/4\\_5strategy-e.pdf](http://www8.cao.go.jp/souki/drug/pdf/know/4_5strategy-e.pdf). Last visited 10th November, 2016.

will be recalled, the one which specifically applies to drug offenders requires them to be placed on probation and attend a stimulant drug offender course. This marked a recognition of the limitation of courses to achieve rehabilitation in the artificial environment of prison, confidence in programmes held outside, belief in the efficacy of prolonged supervision by professional and volunteer probation officers and of their abilities to assist in housing and employment. A senior probation officer attached to the Ministry of Justice was of the opinion that the Japanese “no tolerance and punishment” approach to drugs, the success of which he considered was demonstrated by a decline in arrests over the last five years, (although a university professor interviewed suggested this was mainly because of less police activity, rather than a reduction in the scale of drug taking) , had been preserved : However treatment and rehabilitation had been added to punishment.<sup>81</sup>

### ***VII When and How Frequently Will Partially Suspended Sentences and Probation be Used?***

Press reports, based on Ministry of Justice estimates, when Bills to introduce partially suspended sentences were before the Diet spoke of approximately 3,000 persons each year being released from prison on probation.<sup>82</sup> There is, however, uncertainty how much ,and in what circumstances judges, will use this form of sentence in drug cases. A suspended sentence is usually passed for a first offence of possession and use of drugs. If compelling reasons exist, a second offence may result in another suspended sentence plus probation; however an immediate custodial sentence is more likely.

An attorney interviewed in Wakayama recounted how difficult it was to obtain a second suspended sentence notwithstanding submission of material from the Ministry of Health,Labour and Welfare and DARC as evidence that drug dependency is a disease.<sup>83</sup>

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81. Interview 26th July, 2016.

82. OSAKI, supra at note 21.

83. Interview 28th July ,2016.

Partially suspended sentences are expected by the Ministry of Justice, to be used by judges where an immediate full sentence of imprisonment would otherwise be imposed. Although they obtain some information about the offender from the prosecutor and his attorney, judges do not receive a pre-sentence report as these are not compiled on adults by the probation service in Japan. A professor of criminal procedure, interviewed at Osaka City University, predicted many judges, might consider it safer to impose a full sentence of imprisonment and leave release and supervision on parole to the Regional Parole Board, supplied with considerable and contemporary information about the offender's personal circumstances, attitudes to the offence and determination to avoid re-offending,<sup>84</sup> rather than deciding on less than full information when in the future a person should be freed, put on probation and for what period. It was considered by a professor of criminal procedure at Doshisha University Law School that some judges may use partially suspended sentences "in grey areas" of indecision between immediate and suspended sentences with the result that people will be imprisoned who previously would not. He thought this would become a matter of clear concern for defence attorneys.<sup>85</sup> It was the opinion of a criminology professor at Rissho University Faculty of Law that court sentencing would be improved if judges and lawyers had a greater knowledge of criminology, psychology and social administration, subjects studied less than in the past in law departments.<sup>86</sup>

Despite reports, before partially suspended sentences came into force, of some recommendations made for suspended sentences coupled with probation, the great majority of prosecutors had little interest in, and knowledge of, probation and rehabilitation of drug offenders – their main concern being getting convictions. Indeed most sentencing recommendations were for immediate imprisonment. As they are now required to consider partial suspension as a possible sentence they will have to acquaint themselves much more with

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84. Interview 11th July, 2016 .

85. Interview 10th July, 2016.

86. Interview 25th July, 2016.

these matters. It is conceivable greater comprehension of addiction, treatment and rehabilitation may lead to them recommending more suspended sentences and probation. This would be in keeping with a view, reportedly found increasingly amongst prosecutors, they should not only obtain guilty verdicts but also seek the most appropriate punishment.

Doubt exists whether defence attorneys will often ask courts for partially suspended sentences in drug cases, preferring instead to request complete suspension, perhaps with probation. A widespread opinion, related by an attorney who deals with many drugs cases in Wakayama,<sup>87</sup> is that partially suspended are dangerous – almost setting up people to fail - because they do not match the process of recovery in which relapses do occur. Reconviction, perhaps the consequence of failing just one drugs test administered by the probation service, within the period of probation, which may be up to five years, will result in an offender serving the unexpired period of imprisonment plus another sentence. Accordingly, it is reasoned, a partially suspended sentence and probation is not necessarily lighter than a full sentence, which may be safer because it is over sooner. A criminology professor at Rissho University Faculty of Law<sup>88</sup> (a strong proponent of a social welfare, rather than criminal approach, to drug addiction), saw granting parole earlier than at present, during which intensive medical, psychological and social help would be given, as preferable to partially suspending sentences, prolonging time, and with it the danger of more time, in the criminal justice system.

### ***VIII The Key Role of the Probation Service***

Turning from conjecture about how often partial suspended sentences will be requested and passed by judges to the key role of the probation service in implementing the law. Both professional and volunteer probation officers have experience of supervising drug offenders on probation and parole. Professional Probation Officers ("PPOs") also run the CBT based stimulant drug offend-

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87. Interview 28th July, 2016.

88. Interview 25th July, 2016.

er treatment course. Although of value, especially in conveying to addicts they are not alone and isolated, some, for example Professor Hiroko Goto of Chiba University,<sup>89</sup> doubt whether the sum of this activity is sufficient to deal with the complexity of drug dependency and re-integration into society and stress additional needs for treatment, accommodation, employment and practical skills to survive – matters emphasized by the Council for Preventing Drug Abuse in its Fourth Five year Drug Abuse Prevention Strategy in 2013.

As mentioned earlier, according to a survey conducted by the Ministry of Justice in 2014, merely three percent of persons on parole and probation with drug dependence received specialized hospital treatment. Just forty hospitals provided specialist treatment for drug dependence and there were none in twenty four of the country's forty seven prefectures. In some Prefectures there are no doctors at all dealing with drug addiction.

To provide much needed additional capacity for drug dependency treatment, the Ministry of Justice and the Ministry of Health, Labour and Welfare plan closer collaboration between probation officers, hospitals and voluntary bodies such as DARC, to be managed and coordinated by local mental health welfare centres. Members of the Ministry of Justice interviewed in Tokyo considered such cooperation vital and helping to build it a major task ahead.<sup>90</sup> DARC workers interviewed in Osaka and Wakayama said it is essential to provide stable public funding for their organization, at present dependent on donations, fees from members and help from some local governments, to remove the uncertainty that surrounds many centres, allow them to expand the number of places and develop what they offer to members.

If partially suspended sentences and probation are used extensively extra demands will be made on both professional and voluntary probation officers. PPOs will assess the needs of those to be released on probation, allocate them

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89. OSAKI, *supra* note 21.

90. Interviews 26th July, 2016.

to voluntary probation officers, whilst still retaining overall responsibility for their supervision, coordinate medical and psychological assistance, organize stimulant drug offender treatment programmes, test probationers for drug use and train voluntary probation officers about drug addiction and the help they can offer. Unlike candidates for parole who, before they can be released, must show they have accommodation and a guarantor to assist them in various matters, persons freed on probation under partially suspended sentences are not subject to such requirements. As a consequence, PPOs may find themselves much involved in obtaining accommodation for probationers and, perhaps, acting as their guarantors. PPOs interviewed in Tokyo<sup>91</sup> and Osaka<sup>92</sup> believed working with drug offenders on parole, probation and on partly suspended sentences would be helped by an increase in their numbers.

Volunteer Probation Officers (“VPOs”) questioned in Kyoto<sup>93</sup> and Tokyo<sup>94</sup> said some VPOs had anxieties about the uncertain number of offenders involved, periods they will require supervision, given probation in a partly suspended sentence can range from one year to five, and the possibility of facing people who might be uncommunicative and behave erratically. There was, however, no disagreement about the concept of the new sentence as a means of rehabilitation in the community. Several spoke about the need to intensify efforts to recruit and retain VPOs, especially in the large urban areas where this is most difficult and the majority of drug offenders live. In this respect it was seen as helpful that many probation districts now have Offender Rehabilitation Support Centres where VPOs may meet and interview clients, rather than in their own home, or those of their clients, and can readily call on assistance and expertise from other VPOs. Working closely with PPOs in specific cases was seen as important, as was, if necessary, supervision of demanding cases by more than one VPO. One VPO said that in his experience drug of-

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91. Interviews 25th July, 2016.

92. Interview 13th July, 2016.

93. Interview 21st July, 2016.

94. Interview 26th July, 2016.

fenders were not particularly difficult to supervise and assist, but problems and re-offending began after probation and parole. He wondered what support could be given subsequently. All the VPOs agreed that it would be beneficial to have more training about drug addiction and methods of dealing with it from PPOs, hospitals and organisations such as DARC. It was suggested that certain VPOs could be selected and specially trained to supervise and assist drug offenders.

### ***IX Conclusions and Respectful Suggestions***

Additional duties placed on the probation service, both PPOs and VPOs, by partly suspended sentences and probation will inevitably require increased expenditure. Extra investment to establish a system of pre-sentence reports may well be wise to help judges decide whether this form of sentence is necessary and, if so, when a defendant should be released and the period he or she should be supervised. Family Court Probation Officers, employed by the Supreme Court in the Family and High Court, investigate and prepare reports for judges on juveniles' social and family circumstances, attitudes to offences committed and offending generally. Enabling judges in the adult District Court, through being able to order pre-sentence reports, to find more out about offenders may give them greater confidence in considering passing not only partly suspended sentences but also suspended sentences with and without probation. For constitutional reasons if an adult court probation service was established it would, like the Family Court Probation Service, be under the auspices of the Supreme Court, not the Ministry of Justice. In compiling information about juveniles Family Court Probation officers are sometimes assisted by trained volunteers. Given the tradition of voluntary probation activity in Japan, it is possible to conceive volunteers contributing to an adult court probation service.

At a fundamental level, very considerable additional outlay across the country to develop medical and psychological treatment of addiction, with which the probation service may work, is absolutely indispensable. This is so not only for the success of the new partly suspended sentence coupled with

probation but also for the effectiveness of suspended sentences and probation and parole in reducing re-offending rates and promoting individual rehabilitation. It is tentatively suggested that hospitals and institutions with experience in other dependencies such as alcohol might usefully be approached first and asked to expand their activities.

Major commitments should also be made to increase accommodation for parolees and released prisoners, not least by the Ministry of Justice renewing its backing for halfway houses to accept persons with drug convictions and also by expanding the number of places at National Centres for Offender Rehabilitation to provide temporary accommodation, coupled with intensive supervision and assistance by probation officers to find employment.

Finally, away from allocating resources and expenditure, it is has been suggested the policy of informing the police when a probationer or a parolee fails a probation service drugs test should be applied less rigidly, quite how would have to be agreed after discussion, but possibly one way might be permitting a number of fails before reporting. This would be more in keeping with the position taken by DARC that relapses on the way to recovery do inevitably occur and are experiences that should be learned from. Given that the probation service is to deepen collaboration with DARC, and similar bodies, it is submitted a closer approach on relapses, to avoid what might be damaging confusion, would be desirable. Less stringent reporting of drug test failure is inconsistent with the pure principle of no toleration of drugs. However it could be seen as a strictly exceptional, limited and proportionate measure to achieve rehabilitation and reduce recidivism, thus promoting lawful conduct, and accord with recognition by the Ministry of Justice that substance abuse is a lifelong illness requiring support for a long time.

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# IV

Offenders  
Rehabilitation System  
and Volunteer  
Probation Officers /  
Assistants in Overseas  
Countries

# 1. Republic of Korea

Ministry of Justice,  
 Crime Prevention Policy Bureau,  
 Republic of Korea

## I. Introduction to Community Corrections in the Republic of Korea

### A. Historical Development of Community Corrections

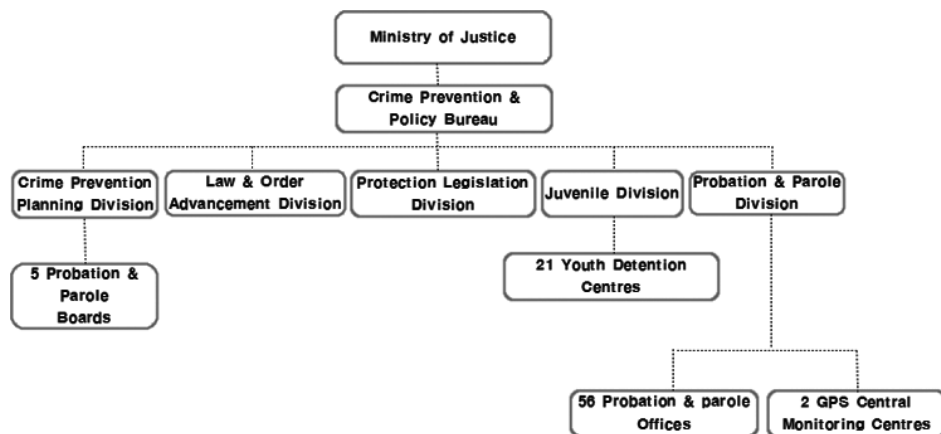
The system of Korean probation services was introduced in 1989. It was first made available to juvenile offenders, and then the services were expanded to adult offenders throughout the country in 1997. The range of the services has been widened, including community service work programs, educational programs and investigations. Also, the 25-year-old Korean probation services have expanded its boundary implementing up-to-date applications such as electronic monitoring, sex offender registration and notification, pharmacological treatment program for sex offenders and so on.

## B. Legal Basis of Community Corrections

Probation Supervision	Criminal Act
	Juvenile Act
	Psychiatric Treatment and Custody Act
	Special Act on Punishment of Sexual Violence
	Special Act on Punishment of Domestic Violence
	Act on Punishment of Intermediating Sex Trafficking and Associated Acts
	Rules of Referral to Probation & Parole Office
Community Service Order	Criminal Act
	Special Act on Punishment of Sexual Violence
	Special Act on Punishment of Domestic Violence
	Juvenile Act
Education/ Treatment Order	Act on Punishment of Intermediating Sex Trafficking and Associated Acts
	Act on child/Juvenile Protection from Sex Offenses Special
	Act on Punishment of Sexual Violence
	Criminal Act
	Special Act on Punishment of Domestic Violence
Electronic Monitoring	Act on Punishment of Intermediating Sex Trafficking and Associated Acts
	Juvenile Act
Pharmacological Treatment Program	Act on GPS Tracking of Specific Offenders
	Act on Sexual Impulse Medication Treatment for Sex offenders



### C. Organization and Personnel



The Crime Prevention & Policy Bureau has 86 facilities nationwide, including 5 Probation & Parole Boards, 56 probation offices, 21 youth detention centres, 2 GPS Monitoring Centres and 2 Institutes of Forensic Psychiatry. About 1,500 officers (the year of 2013) do their best to make the society better and safer place.

To become a probation officer, an applicant must pass a written and oral examination. In some cases, a master’s degree or upper-level, and field experience are required. Probation officers are required to possess excellent oral and written communication skills and broad knowledge of the criminal justice system.

The staff members support the officers with administration, maintenance of facility and etc. They need to pass the application phase and oral exam as well. Some of them work as a contract employee, however, their role in the bureau is as important as the officers’.

### D. Main Tasks

**Probation officer’s main tasks are;**

- Offender Supervision
- Enforcement of Community Service Order
- Enforcement of Education/Treatment Order

Investigations:

- Pre-sentence investigation (requested by judge)
- Pre-ruling investigation (requested by judge)
- Pre-decision investigation (requested by prosecutor)
- Pre-petition investigation (requested by prosecutor)
- Environment investigation (requested by head of correctional facilities)

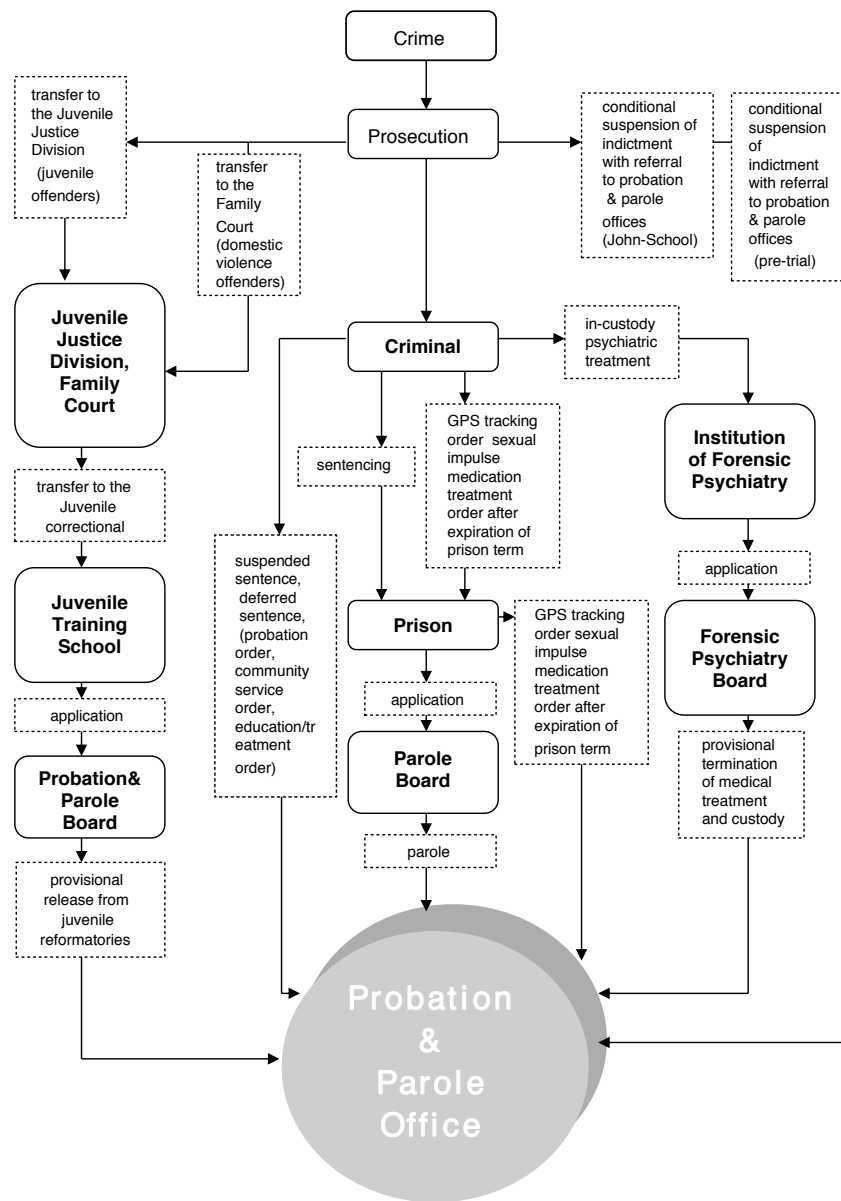
Electronic Monitoring for rapists, murderers and child abductors for 24hours a day and 7 days a week

Implementation of Pharmacological Treatment Program for Sex Offender

### E. Probationary and Parole Supervision

Type (Category)	Description/eligible offenders	Sentencing authority	Supervision/ Treatment period
Adult Probationers	Persons under suspension of execution of sentence	Criminal court	Period of suspension of execution of sentence (maximum 5 yrs)
Juvenile Probationers	Persons under protective disposition	Family court	Short-term: 1yr Long-term: 2yrs

## 1. Organizational Chart of probation process.



## 2. Conditions of Probation and Parole Supervision

### Standard conditions

- Maintaining employment and residence at the registered address
- Being of good conduct and refraining from consorting with people likely to engage in criminal activities
- Faithfully following all the instructions by the probation officers
- Reporting any change of address and getting permission from the probation officer prior to domestic or international for one month or more

### Special conditions

Special conditions are imposed by the court, the probation & parole board or the forensic psychiatry board to reflect the probationer's individual needs and risks

e.g)

- complying with any curfew
- refraining from frequenting specific places or areas
- refraining from contact of certain people such as the victim
- Making an effort to repair damages caused by the crime
- Complying with residency restrictions for those who do not have a permanent address
- Abstaining from the excessive use of alcohol
- Refraining from use of addictive substances such as illegal drugs
- Submitting to drug tests for substance abuse evaluation as directed by the probation officer

## 3. Probation and Parole Supervision

Intake process: refer to the flow chart above

Classification, and Level of Supervision of Probationers and Parolees: Based on KPRAI(Korean Probationers Risk Assessment Inventory) score, the probationers are classified in 3 tiers;

1. High Risk Offender
2. Medium Risk Offender
3. Low Risk Offender

Frequency of contact: A probation officer shall have face to face contacts with a high risk offender at least 4 times a month for 90 days from the classification. After 3 months, meeting with the offender 2 times a month should fulfil the guideline. With a medium risk offender, a probation officer has face to face contacts one time per month, and one time for every 2 months with a low risk offender.

Revocation of probation/parole: When a probationer violates any of the conditions of probation given by the court, or commits a new crime, the probation officer decides whether or not to seek revocation. If a violation is considered serious enough, the officer initiates the process and it will be brought to a sentencing judge for hearing while the probationer is in custody.

Termination of probation/parole :

Probation or parole is terminated in case of ;

- The termination of period of probation
- The revocation of suspension of sentence or suspension of execution of sentence
- The revocation of parole or provisional termination of medical treatment and custody
- The modification of probation
- The termination of penal servitude for an indeterminate term
- Being convicted with a new crime which is punishable by imprisonment

### ***F. Halfway Houses (or other residential facilities within the Probation Services)***

There's no halfway house or similar system provided by the official probation services. However, probation officers strive to provide probationers who are

recently released from jail or can't afford residency a place to stay collaborating with agencies such as Korea Rehabilitation Agency and private organizations.

### ***G. Specific Measures and Programmes of Community Corrections***

community service, electronic monitoring, educational programmes, psychological programmes, vocational training, pharmacological program, sex offender registration and notification, etc.

## **II. Participation of the Community**

### ***A. Volunteer Probation Officers***

#### **1. Mission**

The official name for volunteer probation officers is "a member of the Crime Prevention Volunteer committee." Their mission is to assist professional probation officers and aid offenders of all ages with rehabilitation and to work on crime prevention.

#### **2. Status**

The term of appointment is three years and is renewable. The position a member of the Crime Prevention Volunteer committee is a post without remuneration, nonetheless, the member is entitled to be paid in part or in full for actual expenses during volunteer works and to be compensated for any damage incurred during the performance of the duty.

#### **3. Main Tasks, Duties, and Roles are;**

- Deploying the prevention activities for school violence and crime by establishing a mentor relationship with the delinquent juvenile
- Providing counseling and special instruction for those who have the suspension of indictment under the condition of guidance
- To aid the probation officer's task in the areas of guidance, supervision,

Community Service - Order, pre-sentence investigation, and background investigation

- To support job search, vocational training, care, and financial aid

#### 4. Appointment, Recruitment

A member of the Crime Prevention Volunteer committee is appointed by the Minister of the Ministry of Justice. The member is respected in society with virtues such responsibility, fortitude and possession of a passionate spirit for service. The chief of the probation office can appoint a person, who is qualified, as a special crime prevention member if the person is specially related to the offender.

There is no formal procedure for the recruitment of the volunteers. A survey conducted on the members shows that many of the members were recruited by means of informal procedures like being informed by advice of a related persons or agency or own interest in crime prevention activities.

#### 5. Capacity building (training)

The Minister of the Ministry of Justice, the chair of the crime prevention committee, and the chief of the probation office should provide the members of the Crime Prevention Volunteer committee with the necessary education for effective duty performance. Three stages of education are offered for the members are education for new members, professional education, and advanced or reeducation.

#### 6. Organization of volunteer probation officers (national and regional levels)

The Crime Prevention Volunteer Committee is under the direct control of the Deputy Prosecutor General in the Supreme Public Prosecutor's Office.

The committee can also have the local collaboration committees as branch organizations in order to promote its function more efficiently. The local committees are operated in the offices of cities, provinces, and municipal areas. The local public prosecutor office and its branches can also operate the district committee to perform the same functions as the CPVC does.

### III. Reference

Web site

Ministry of Justice:

<http://www.moj.go.kr>

Crime Prevention & Policy Bureau :

<http://www.cppb.go.kr>

### IV. Statistics(2016)

#### A. Number of Offenders

Total	Probation	Education/ Treatment Order	Community Service Order	John-School	Electronic Monitoring
79,224	52,387	10,985	10,407	3,428	2,017

\*Total admission number

\*Number by type of community- based measure

\*Number by type of offence

\*Number by gender

\*Other

#### B. Recidivism Rate : 5.62%

\*Please provide the definition of the given rate (example: Re-entry rate within 3 years; Re-conviction rate within 5 years, etc.)

#### C. Number of Personnel

a. Governmental staff :1,356

b. Community Volunteers (Volunteer Probation Officers) : about 16,362 other volunteers : about 28,685

**D. Average Caseload per Staff Member** (average caseload per Probation Officer):

203 cases per a probation officer

## **2. Republic of Philippines**

**Manuel G. Co**

CESO I,

Administrator & Ex-Officio Member,

Board of Pardons and Parole,

Republic of Philippines

### **I. The Philippine Probation and Parole System**

#### **A. A Historical Development and Its Legal Foundation of Community Correction**

Probation was first introduced in the Country during the American Colonial period (1898-1945) with the enactment of Act No. 4221 on August 7, 1935 by the Philippine legislature. However, due to some defect in its procedural framework, it was declared unconstitutional by the Supreme Court on November 16, 1937 after two years of implementation.

In 1972, House Bill No. 393 aimed to establish probation, was filed before Philippine Congress. The said House Bill deleted the objectionable features that struck down the 1935 Act No. 4221. The legislative initiative successfully passed by the House of Representatives, but while its pendency in the House of Senate, Martial Law was declared, the Philippine Congress was abolished.

In 1975, acting on a report submitted by the Philippine delegation to the United Nations Congress in Geneva Switzerland on the Prevention of Crime and Treatment of Offenders, the National Police Commission created an Interdisciplinary committee tasked to formulate a national strategy to reduce crime and to draft a probation law.

Eighteen (18) technical hearings over six (6) months, involving international experts in the field of corrections, were conducted. The output was presented and reviewed by a mixture of jurists, penologists, policemen, educators, civic leaders, social and behavioral practitioners, media men, blue and white collar workers, students and housewives. As a result, the legislative measure was overwhelmingly endorsed to pave the way for the establishment of an adult probation system in the country.

In 1976, on the last day of the first National Committee on Crime Control, held at Camp Emilio Aguinaldo, Quezon City, Presidential Decree No. 968, otherwise known as the Probation Law of 1976, was signed into law on July 24, 1976 by the late President Ferdinand E. Marcos. Incidentally, the approval of the law gave birth to the Probation Administration, a line-bureau under the Department of Justice solely tasked to administer the probation system in the archipelago.

Indeed, the pioneering years (1976-1977) of the system was a massive preparatory undertaking. During these years, all judges and prosecutors nationwide were trained in probation methods and procedures; administrative and operating manuals were developed. More significantly, probation officers were recruited and trained, and the newly created Agency's structure from its central headquarters to its provincial and city field offices were organized throughout the country. Among the initial batch of recruited Probation Officers {fifteen (15)} were sent to observe at the Los Angeles Training Academy in April 1977. Upon return, they were assigned to train the newly recruited officers.

The Probation Law of 1976 went to several amendments such as: Presidential Decree No. 1257 approved on December 1, 1977, allowing public prosecutors to participate in the probation process by giving them the power to give comment/s on the application for probation; Batas Pambansa Blg. 76 approved into law on June 9, 1980, extending the benefits of probation to offenders whose sentences of imprisonment is six (6) years and one (1) day from

the original prison sentence the maximum term of which does not exceed six (6) years; Presidential Decree No. 1990, which provided that benefits of probation shall not be granted if the defendant perfected an appeal from the judgement of conviction and likewise amending BP Blg . 76 back to the coverage six (6) years prison term; finally in 2015, the President approved Republic Act No. 10707, which clarifies that disqualification to grant of probation only applies to those, whose maximum term of imprisonment does not exceed six (6) years, but still appealed their conviction. It also grant further incentive to those offenders placed on probation who have been successfully discharged or terminated from probation supervision, as a recognition of their compliance with the terms, conditions and satisfactory outcome of the community-based treatment intervention. It likewise restore all civil rights lost or suspended by reason of their convictions and totally extinguish criminal liability from the offense for which probation was granted.

In November 23, 1989, then President Corazon C. Aquino approved Executive Order No. 292, the Administrative Code of 1987. By virtue of this law, the Probation Administration was renamed as Parole and Probation Administration and given the additional mandate of administering the parole system. The Administrator of the Parole and Probation Administration is designated to serve as an ex-officio member of the Board of Pardons and Parole (BPP). The code transferred the function of supervising released prisoners through parole or pardon with parole conditions from the Judge of the first level courts to the Probation and Parole Officers (PPOs) of the Parole and Probation Administration. Subsequently, by virtue of Board Resolution No. 229, dated April 22, 1991, PPOs were tasked to conduct pre-parole and pre-executive clemency investigation to assist the BPP in its judicious resolution of petitions of prisoners.

Pursuant to Memorandum of Agreement (MOA) entered into between the Dangerous Drug Board (DDB) and the Agency, the latter services was tapped to assist the former in conducting investigation of applicant first time minor drug offender for suspended sentence, and once granted, undergo supervised

treatment by PPOs. Likewise, in line with Republic Act No. 9165, the Dangerous Drugs Act of 2002, some PPOs were designated as DDB-authorized Representatives and granted the authority to assist drug addicts who wants to avail of voluntary submission for confinement in Treatment and Rehabilitation Center (TRC).

On April 28, 2006, with the approval of Republic Act No. 9344, the Juvenile Justice and Welfare Act of 2006, the Agency was tasked to develop individualized probation intervention program appropriate for the correction and rehabilitation of Children-In-Conflict with the law (CICL) consistent with the objectives of rehabilitation and reintegration as provided in said Act.

In 2012 the passage of Republic Act No. 10389 otherwise known as “The Recognizance Act of 2012”, institutionalized “Release on Recognizance” (ROR) as a mode of conditional release of detention prisoners who are behind bars and suffer abject poverty, hence, unable to post bail. The Agency through its City and Provincial Field Offices are given the responsibility to monitor and evaluate conduct and activities of released prisoners while under ROR.

## II. Organization and Personnel

### 1. Organizations

The Parole and Probation Administration (DOJ-PPA) is a line-bureau type of organization created under the Department of Justice. In carrying its objectives, the Administration is organized into sixteen (16) Regional DOJ-PPA Offices and as of March 2017, has two hundred twenty (220) City and Provincial DOJ-PPA field offices scattered all over the country. The administration has seven (7) divisions. It consist of four (4) staff divisions, namely, Administrative, Planning, Finance and Management, and Legal, which are organized for the internal affairs of the Agency. In effect, these divisions are concerned with the day by day operations essential for the orderly and effective man-



agement of the Administration activities, programs and projects. On the other hand, technical assistance are provided to regional and field offices by the Case Management and Records, Community Service and Technical Service.

## 2. Personnel – Complements

In general, recruitment and selection of personnel at the DOJ-PPA is in accordance with the Civil Service Law and Rules, and the Agency policy on Personnel Selection and Promotion Rules and Procedures (PSPRP). It is determined by the stringent requirements of merit and fitness, and that applicant should possess the required government eligibility according to the position being applied for.

The goal of the Agency is to attract the best and the brightest, and maintain a highly competent, qualified, dedicated and motivated work force that will manage the Agency's operation in the pursuit of its mandate of administering the probation and parole system. Specifically, the Agency Rules and Procedure aims to:

- a. Evolve a screening process which shall include tests of fitness in accordance with standards and guidelines set by the Civil Service Commissions;
- b. Create equal access to opportunities for public service and advancement to all qualified and competent applicants / aspirants; and
- c. Establish the criteria for evaluation, conduct of tests and interviews; and systematic assessment of training and experience.

The Agency Rules and Procedures serves as the official guide by all Selection Boards in the recruitment, selection, and promotion of personnel. It shall cover all positions in the central, regional and field offices classified under the first and second level of the career service. For the third level positions of Administrator, Deputy Administrator, Regional Directors and Assistant Regional Directors, it shall be governed by the Career Executive Service (CES) Board regulation and the pertinent laws and policy of the Agency. The third level positions required third level eligibilities, and selected candidates shall

be appointed by the President of the Philippines. For Chief Probation and Parole Officers (CPPOs) position, their appointment papers shall be approved by the Secretary of Justice with the recommendation of the Administrator. For positions of Probation and Parole Officers II to Supervising Probation and Parole Officers (SPPO), Chief of Divisions, personnel in the Central Office, and other positions in the first and second level in career service, the power to appoint lodged with the Administrator of the Agency.

For position of PPO I and Regional staff-staff, their appointment paper shall be approved by the Regional Director of that particular Region, where the vacancy occurs.

Entry qualification for PPO requires minimum educational requirements of Bachelor's degree with major in social work, sociology, psychology, criminology, penology, corrections, police science, police administration, or related fields and with no derogatory record. For the positions not included in the entry positions, in addition to educational requirements, experience relevant to the position being applied for is also required by the Agency regulation.

## 3. Training of Personnel Complements

The training unit of the Agency is primarily responsible for providing capability building program for all personnel. Specific professional courses and development programs for trainers and service providers, and such other training courses are also conducted in the Agency's in-house program.

Basically, the in-house training program consists of employees Orientation Course (EOC) Parole and Probation Basic Course (PPOBC), Basic Supervisory Development Course (BSDC), and the Executive Development Program (EDP) for Supervisors are part of the in-house personnel capability upgrading program.

Special trainings like Therapeutic Community (TC) Ladderized Program, the application of Restorative Justice Program, training on Volunteerism and

Community Organizing are regular activities conducted by the Regional and field Offices personnel who are also trained and competent to conduct training.

The Agency established a Program on Awards and Incentives for Service Excellence (PRAISE) Committee which is tasked to select personnel who deserve recognition or citation of exemplary performance/s. One of its tasks is also to recommend to the Administrator based on the criteria set by this Agency and pertinent policy, the selection of personnel who would be recommended for scholarships program offered by external providers, among others include Development Academy of the Philippines (DAP), the Public Safety College of the Philippines, the National Defense College of the Philippines, the United Nation Asia and Far East Institute in the Prevention of Crime and Treatment of Offenders (UNAFEI) other local and foreign providers.

At present the actual working staff-complements the Agency as of December 2016 are as follows:

Probation and Parole Officers	— 624
Lawyers	— 5
Administrative and other support staffs	— 316
Total Personnel – Complements	— 945

## Organizational Outcome

### I. Investigation

Community-based Investigation, whether in probation, parole, executive clemency, or suspended sentence essentially involved a process of screening, selection and placement of offenders who have satisfied the social and legal requirements established by pertinent laws and regulations for the purpose. Thus, it is in this stage where highly selective assessment and evaluation of the applicants by the PPOs to guide the deciding authorities in the judicious determination of offender's application for a community-based treatment, is being strictly observed.

### 1. Post-Sentence Investigation (PSI)

After conviction and sentence, an offender or through lawyer, could file a petition for probation with the trial court. The latter shall order the PPO to conduct post-sentence investigation and to submit report and recommendation within a period of sixty (60) days. The purpose of PSI is to determine whether an offender could be placed on probation on the basis of legal and suitability requirements provided by law. The grant of probation is premised on three necessary conditions: a.) An application for probation filed by the offender; b.) An investigation conducted by the probation officer; and c.) a determination by the court that the grant of probation shall satisfy the ends of justice, and the best interest of the public as well as that of the offender shall be served thereby.

The grant of probation in effect suspends the execution of prison term, however, it is not considered a final order. It is worthy to note that the grant of probation is only an interlocutory order and has to be followed by a final order of termination of probation upon successful compliance with the conditions attached to it, or a final order of service of sentence if serious violation of conditions is committed by the offender during the probation period.

### 2. Pre-Parole Investigation / Pre-Executive Clemency Investigation (PPI/PECI)

This task involves the investigation and evaluation of the physical, mental and moral records and background of prisoners confined in jails and prisons to determine who are eligible for parole or executive clemency. This will provide the Board of Pardons and Parole (BPP) with a useful tool for better determination of petitioner's qualifications and suitability for community release, identify the most appropriate rehabilitation intervention program and activities for them, and provide supervising officer with vital information necessary for the implementation of the supervision treatment plan for client.

Pursuant to Act. No. 4103, the Indeterminate Sentence Law, as amended, and the Operating Manual of the Board, prisoner's case may be reviewed for

parole provided: prisoner serving an indeterminate sentence the maximum of which exceeds one (1) year; prisoner served the minimum period of the indeterminate sentence; prisoner's conviction is final and executory; prisoner has no pending case; prisoner is serving sentence in a jail or prison facility commensurate to his/her sentence; and prisoner is not disqualified under Section 2 of Act No. 4103, the Indeterminate Sentence Law, as amended.

In addition, significant factors like degree of prisoner's rehabilitation, previous criminal records, gravity of offense, manner of commission, attitude towards the offense, evidence that prisoner will be legitimately employed upon release or has place where he/she will reside; and age of prisoners and availability of after-care services, may be considered in review of parole, which will be reflected in the PPI report.

The Power to grant Executive Clemency to prisoners is exclusively within the sound discretion of the President, and is exercised with the objective of preventing miscarriage of justice or correcting manifest injustice. The Chief Executive, pursuant to Section 19, Article VII of the 1987 Philippine Constitution, states that except in cases of impeachment or as otherwise provided therein, may grant reprieves, commutations and pardons, and remit fines and forfeitures, after conviction by final judgement.

The Board by virtue of Executive Order No. 83, dated January 11, 1937, assist the President exercising the power of Presidential clemency.

The Board may, in its discretion, refer a petition for executive clemency to PPO who shall conduct investigation and submit required report within thirty (30) days from receipt of referral, on the behavior, character, antecedents, mental and physical conditions of the prisoners, and the results of records verification.

For the purpose of the grant of the Executive Clemency, the President could grant commutation of sentence, pardon with parole conditions or with-

out parole conditions, or absolute pardon. The Board may recommend to the President the grant of Executive Clemency, or *moto proprio*, and when any of the following circumstances are present: Court in its decision recommended grant of executive clemency; material evidence which during trial failed to consider which could justified acquittal, prisoner suffering from serious, contagious or life-threatening illness or with severe physical disability; alien inmate where diplomatic considerations amity among nations necessities review, and other similar or analogous cases whenever interest of justice will be served.

## II. Supervision

Probation and Parole Officers (PPOs) are considered the "Gate Keepers" in the Criminal Justice System. Careful selection of offenders is essentially the key to the process of Community Corrections as an alternative to prison term or as a reentry program after serving portion of their sentence.

PPOs, who are highly trained and competent, depend to a large extent on the support of the Community. PPOs are assisted by Volunteer Probation Assistants (VPAs) in monitoring and evaluating the behavior and activities of clients-offenders.

Supervision of clients is a significant function of PPOs. An effective supervision shall ensure clients compliance of the terms and conditions of their conditional liberty, properly manage the process of offender's rehabilitation and reintegration, provide guidance and assistance to clients, and observe actual first hand progress of client's treatment plan.

In this major task, PPOs have to perform the following:

1. Endeavor thorough skillful management of conflict and utilization of Community resources to lead client to a satisfactory level of self-development;
2. Assist client through proper protection and guidance to develop socially acceptable behavior; and

3. Enforce the terms and conditions and the Supervision Treatment Plan (STP), and make necessary modifications if necessary, and with appropriate approval of approving authorities.

### **III. Rehabilitation and Its Challenges**

The Agency is mandated to promote the reformation and rehabilitation of criminal offenders who are placed under community correction, either as an alternative to imprisonment or as reentry program. In its rehabilitative intervention, the Agency employs the individualized community-based treatment through a three-pronged approach specifically: Restorative Justice or its Philosophical Foundation, Therapeutic Community as its modality of choice; and volunteerism as the lead community resource.

Agency's Program and Thrusts

#### **1. Restorative Justice**

It is a philosophy and a process whereby stakeholders in a specific offense resolves collectively how to deal with the aftermath of the offense and its implication for the future. The RJ Process provides a healing opportunity for affected parties to facilitate the recovery of the concerned parties and allow them to move on (victims, offenders and the community) with their lives. RJ treats crime as a violation of people and right relationships. It creates an obligation to make things right through productive involvement of victims, ownerships of the crime by the offender, and participation of the community in search for solution which promote repair, reconciliation and reassurance.

#### **2. Therapeutic Community (TC) Laddered Program**

It is a self-help social learning treatment model used in the rehabilitation of drug offenders and other clients with behavioral problems. The TC Family of the staff (PPOs and VPAs) and the clients are the primary therapeutic vehicle to foster behavioral and attitudinal change. The TC is an environment that helps people get help while helping themselves. It operates in a similar fashion to a functional family with a hierarchical structure of older and younger mem-

bers. Each member has a defined role and responsibilities for sustaining the proper functioning of the TC. There are sets of rules and community norms that members commit to live by and uphold upon entry. Its rules and norms, shared beliefs, tools and processes combine to enable clients to actually work towards their individual goals from "wrong living" to "right living". It consists of preparatory stage, and four (4) treatment phases. It addresses clients individualized and group needs through a holistic / multi-disciplinary range of activities and interventions with five (5) treatment categories: Relational / Behavior Management; Affective / Emotional-Psychological; Cognitive / Intellectual; Spiritual; and Psychomotor / Vocational-Survival Skills.

#### **3. Volunteer Probation Assistant (VPA) Program**

It is a strategy by which the Parole and Probation Administration may be able to generate maximum citizen participation or community involvement.

Citizen with good standing in the community may volunteer to assist the PPOs in the supervision of a number of probationers, parolees and conditional pardonees in their respective communities. VPAs perform a highly specialized supervision service which directly created an impact on the behavior of the clients. In collaboration with the PPO, the VPAs help pave the way for the offender, victim and community to each deal with the harm resulting from the crime done. They can initiate a circle of support for clients and victims to prevent further commission of crimes, thereby be participants in nation-building.

Finally, they serve as strength and role models in ushering the reformation and treatment of clients who are members of their own communities.

### **IV. Condition of Probation and Parole**

The grant of probation is accompanied by conditions imposed by the court. There are Three (3) types of conditions that must be strictly followed or complied with. The general mandatory conditions and the discretionary conditions are both explicitly cited in a probation order. The inherent conditions of "not to commit another crime or offense" is not explicitly mentioned, but it is

essential in the continuance of clients enjoyment of conditional liberty.

#### **a. Mandatory Conditions**

The mandatory conditions require that the probationer shall (a) present himself to the probation officer assigned to undertake the supervision at each place as may be specified in the order within 72 hours from receipt of said order, and (b) report to the probation officer at least once a month at such time and place as specified by said order.

#### **b. Discretionary Conditions**

Discretionary conditions are those additional conditions imposed on the probationer which are geared towards his correction and rehabilitation in the community to where probationer resides. The court may require probationer to: (a) cooperate with program of rehabilitation through participation in the TC Modality Program, (b) meet his family responsibilities, (c) devote himself to a specific employment and not to change said employment without the prior written approval of the probation officer, (d) undergo medical, psychological or psychiatric examination and treatment and enter and remain in a specified institution, when required for that purpose, (e) pursue a prescribed secular study or vocational training, (f) attend or reside in a facility established for instruction, recreation or residence of person on probation, (g) refrain from visiting houses of ill-repute, (h) abstain from drinking intoxicating beverages to excess, (i) permit the probation officer or an authorized social worker to visit his home or place of work, (j) reside at premises approved by it and not to change his residence without prior written approval, or (k) satisfy any other condition related to the rehabilitation of the defendant that is not unduly restrictive of his/her liberty or incompatible with his/her freedom of conscience. A violation of any of the conditions may lead either to a more restrictive modification of the same or the revocation of the grant of probation. Consequent to the revocation, the probationer will have to serve the sentence originally imposed.

#### **c. Other Conditions (Inherent)**

NOT to commit another offense

### **V. Implementation of Probation and Parole Supervision**

#### **A. Modification of Conditions of Probation and Parole Supervision**

During the period of probation, the court may, upon application of either the probation officer, revise or modify the conditions or period of probation. The court shall notify either the probationer or the probation officer of the filing of such an application so as to give both parties an opportunity to be heard.

The court shall inform in writing the probation officer and the probationer of any change in the period or conditions of probation.

In the case of Parole/Pardon, the Board may, motu proprio or upon recommendation of the PPO revise or modify the terms and conditions of released prisoners appearing in their release document.

#### **B. Transfer of Residence**

The probationer and his/her probation program shall be under the control of the court, which placed him/her on probation, subject to actual supervision and visitation by a probation officer.

Whenever a probationer is permitted to reside in a place under the jurisdiction of another court, control over him shall be transferred to the executive judge of the regional trial court of that place, and in such a case, a copy of the probation order, the investigation report and other pertinent records shall be furnished the said executive judge. Thereafter, the executive judge to whom the jurisdiction over the probationer was transferred shall have the power with respect to the probationer that was previously possessed by the court which granted probation.

The request for transfer of residence shall be endorsed by the supervising Probation and Parole Officer to the Chief Probation and Parole Officer for appropriate recommendation and endorsement to the Court.

A parolee or pardonee shall not transfer from the place of residence as imposed by his/her release document without prior written approval of either the Regional Director or the Administrator of the Parole and Probation Administration, subject to the confirmation of the Board.

### **C. Outside Travel**

Probationer may be allowed by his/her Supervising PPO to travel outside the area of jurisdiction of the field office provided his/her stay does not exceed ten (10) days. However, if it exceeds ten (10) days, but not more than thirty (30) days, the approval shall be done by the Chief Probation and Parole Officer (CPPO). If the requested outside travel is more than (30) days, said request shall be recommended by CPPO and submitted to the Court. Outside travel for a cumulative duration of more than thirty (30) days within a period of six (6) months shall be considered as a courtesy supervision. In effect, the field office where the area or place where the probationer is temporary staying shall have the control and actual supervision of the said probationer while he/she is in that area or place.

In the case of parole or pardon supervision, the CPPO may authorize a parolee / pardonee to travel outside his/her area of operational jurisdiction for a period of not more than thirty (30) days. A travel for more than thirty days shall be approved by the Regional Director of the region and having control and supervision over the place or area of jurisdiction where the parolee / pardonee resides or stay.

In meritorious cases, any parolee / pardonee under active supervision and surveillance who have no pending criminal case, may apply in any court, for overseas work or travel abroad. However, such application for travel abroad shall be approved by the DOJ-PPA Administrator, and confirmed by the

Board.

### **D. Revocation**

At any time during probation, the court may issue a warrant for the arrest of a probationer for any serious violation of the conditions of probation or commission of another offense. The probationer, once arrested and detained, shall immediately be brought before the court for a hearing of the violation charged. The defendant may be given bail pending such hearing. In such case, the provisions regarding release on bail of a person charged with crime shall be applicable to probationer arrested under this situation.

In the hearing, which shall be summary in nature, the probationer shall have the right to be informed of the violation charged and to adduce evidence in his/her favor. The court shall not be bound by technical rules of evidence but may inform itself of all the facts which are material and relevant to ascertain the veracity of the charge. The same shall be presented by a prosecuting officer in any contested hearing. If the violation is established, the court may revoke or extend his/her probation supervision period and modify the conditions thereof. If revoked, the court shall order the probationer to serve the sentence originally imposed. An order revoking the grant of probation or modifying the terms and conditions thereof shall not be appealable.

Once the parolee/pardonee commits infraction on the conditions embodied in their discharge on parolee/conditional pardon, the supervising Probation and Parole Officer shall prepare an infraction/violation report through the Technical Service Division (TSD) of the agency to be submitted to the BPP for its approval.

### **E. Termination of Probation/Parole**

After the period of probation and upon consideration of the report and recommendation of the probation officer, the court may order the final discharge of the probationer upon finding that he/she has fulfilled the terms and conditions of his probation and thereupon, the case is deemed terminated.



The final discharge of the probationer shall operate to restore all civil right lost or suspended as a result of his/her conviction and to fully discharge his/her liability for any fine imposed as to the offense for which probation was granted.

The issuance of an order of termination for successfully satisfying all the conditions of probation shall in effect totally extinguish offender's criminal liability as provided by law.

The probationer and his probation officer shall be furnished, each with a copy of such order of termination.

For parole/pardon, the supervising PPO prepares the Summary Report upon expiration of the maximum sentence as stated in the Discharge on Parole otherwise known as "release document" and/or Conditional Pardon document and submit it to the CPPO. The latter shall review the report and recommendation, and if satisfied, endorsed it to the Technical Services Division (TSD) in the Agency's Central Office. The said report again, will be subjected to review and evaluation and finally be submitted to the BPP for consideration and approval. If approved, the Board shall issue a certificate of Final Release and Discharge or if not satisfied, refer back the said report to the source office with its comments and findings.

## **VI. Assessment, Classification and Level of Supervision of Pardonees and Parolees**

The Agency has established its case classification system to assess and evaluate the needs and risks for effective caseload management. The standards, criteria and other vital factors were established to serve as basis of assessment and formulation of Treatment Plan. Factors such as the nature of the offense, manner of commission, extent of participation, prior derogatory record if any, length of sentence among others are given weight. Likewise, as to the psycho-social factors like age of client, civil status, gender, mental ability, health, attitudes towards change, clients awareness, alcohol/drug use, and other fac-

tors are strictly assessed. Lastly, the social and environmental factors like the stability of residence, marital and family relation, peer association, economic status, community acceptability or support, and family support or acceptance are evaluated as part of the assessment tool indicators.

The application of this assessment tool shall in no way restrict the discretion of the concerned investigating/supervising officer concern in cases of newly discovered information, clinical findings, unforeseen events and other analogous factors that may have a bearing in client's rehabilitation.

### ***Level of Supervision***

#### **A. Maximum Supervision**

This requires personal contact at least twice a month with the probationer/parolee including once a month report in person at the field office to attend the ladderized TC program. This also requires multiple services from the probation office and the community resources available. The probation officers provide their clients with services such as employment assistance, vocational training, education and medical assistance, seed money for livelihood activities and home industries and other assistance that may help clients in their rehabilitation. At least, twice a month home visit if the need arises is conducted by PPO and VPAs.

#### **B. Medium Supervision**

This requires once a month personal contact with the probationer/parolee/pardonee and attendance to office initiated activities such as TC ladderized program and appropriate services. At least once a month home/worksites visit conducted either by PPO or VPAs-may be requested

#### **C. Minimum Supervision**

This requires a once a month personal contact and office initiated activities such as attendance to the TC ladderized program.

Finally, at least once a month home/worksite visit conducted by the VPA.

## **VII. Halfway Houses**

At present, The agency has an ongoing construction of a halfway house and Multi-Purpose Rehabilitation Center project in Guimaras Province, Region VI.

On October 23, 2013, the agency entered into a Memorandum of Agreement with the Sikatuna First Baptist Church at Quezon City for the latter to serve as a halfway house (temporary shelter) for those released prisoners who have no place to go or stay. The said religious institution provides appropriate rehabilitation treatment program for residents and non-residents such as counseling, socialization and livelihood projects.

## **VIII. Participation of the Community**

Community involvement is integral to the rehabilitation of the Agency clientele since community members are more likely to be in contact with the clients. Having a VPA is a “win- win” situation. It lightens the load of PPOs while giving more effective supervision at the same time. The agency through this program empowers community members to be part of the rehabilitation of offender and gives the entire community a role in crime prevention.

The Parole and Probation Administration has utilized strategies in motivating community participation in community corrections. Continuous information dissemination being conducted by all field offices in the Agency to stimulate and entice involvement of members of the community. Through positive incentive program, by instilling in the minds of the members that they have a lot to gain if penitent offenders are given the chance and not be ostracized for the rest of their lives, is working effectively. Finally, the other approach to get community involvement is through the application of the social accountability strategy such as an helping a neighbor in need, and the development of emotional dimension of interaction of people caring for others, which is being done by involving the probationer, parolee or pardonee, in various community undertakings.

## **1. Mission**

To Promote the Rehabilitation and development of PPA Client through a competent corps of volunteers using the holistic approach in volunteer and community resource development.

## **2. Status**

The VPAs do not receive any regular compensation for services rendered except for a reasonable travel allowance when they supervise an assigned probationer, parolee or pardonee at a maximum of five clients.

They shall hold office for a period of two (2) years.

## **3. Main Tasks**

- a.To amplify the extent of services rendered to the clients in an effective yet economical means through the use of volunteers;
- b.To develop a competent corps of VPAs who will assist PPOs in the effective supervision of its clients;
- c.To include greater citizen awareness and understanding of the criminal justice system and its components;
- d.To enhance community participation in crime, prevention, treatment of offenders and criminal justice administration; and
- e.To foster an attitude of meaningful involvement in the social, economic, cultural and political affairs of the community.

## **4. Appointment/Recruitment**

### **a. Strategies for Recruitment**

#### **i.Public Information Campaign/information Drive**

- 1.Identification of possible candidates through personal invitation, informal interviews, referrals, letters to interested applicants from all sectors.
- 2.Conduct preparatory meeting with Field Officers on information drive.
- 3.Schedule orientation or briefing of potential VPA candidate.
- 4.Aim for quality candidates rather than quantity.
- 5.Recruit individually rather than in a group.

ii. Establishment of Linkages

1. Referral system
2. Courtesy call to heads of organization (GO/NGO) re VPA Program Identification and Exploration of Possible Volunteers during field work or home visits of clients

iii. Preference in Recruitment of VPAs.

1. Seek candidates with character, competence and commitment
2. Seek candidates with strong involvement in community, civic, social or religious affairs.

**b. Screening/Selection of Volunteer Probation Assistants**

i. Qualification of Volunteer Probation Assistants

1. Preferably 25 years and above
2. A reputable member of the community and of good moral character
3. Preferably a resident of the same community as the client
4. Preferably with adequate source of income or financially stable
5. Willing to serve without compensation
6. Willing to prepare reports
7. No criminal record or conviction except former clients with exemplary behavior fit to be role models
8. With adequate good health

ii. Requirements

1. Duly accomplished VPAs application form with two ID pictures
2. Certification of Barangay Chairman as to place of residence
3. Indorsement of and/or certification of Chief Probation and Parole Officer/Officer-in-Charge based on background investigation
4. Recommendation of the Regional Director/Regional Officer-in-Charge

iii. Appointment procedure

1. Candidate accomplishes the VPA's application form.
2. Officer conducts background investigation
3. Chief Probation and Parole Officer/Officer-in-Charge endorses application with required documents to the Regional Office.
4. Regional Director/Regional Officer-In-Charge recommends application to the Administrator

5. Community Service Division reviews and evaluates application and attachments, and prepares appointment.

6. Administrator approves the two-year term of office.

7. Community Service Division officially notifies the Regional Directors of VPA's.

8. Department of Justice Secretary attests appointment

9. VPA takes an Oath of Office administered by the Chief Probation and Parole Officer/Officer-in-Charge concerned.

10. Parole and Probation Administration issues VPAs Identification Card to be surrendered upon termination or revocation of appointment, or upon renewal of Identification Card.

iv. Capacity Building and Training

The training is focused on the area where the Volunteer Probation Assistants needs some knowledge, namely:

1. Probation/Parole – the mandate, objectives, principles, and methods as embodied in Presidential Decree No. 968 and its amendments; and the Board of Pardons and Parole Manual
2. Basic Volunteer Probation Assistant Course – The rationale for volunteer services, mechanics of probation supervision work, duties, and functions and responsibilities of a Volunteer Probation Assistants.
3. Therapeutic Community Modality
4. Restorative Justice

**XI. Statistics**

**A. Number of Offenders (As of 2016)**

- Total Admission Number

PROBATIONERS	PAROLEES	PARDONEES	TOTAL
33,013	10,566	217	43,796

• Number of Type of Offense (As of 2016)

CRIMES	PROBATIONERS	PAROLEES	PAR-DONEES	TOTAL
Crime Against Public Interest	375	1	0	376
Crimes Relative to Opium and Other Prohibited Drugs	9,887	45	21	9,953
Crimes Against Persons	7,303	6,482	110	13,895
Crimes Against Property	6,257	2,396	41	8,694
Crimes Against Chastity	1,723	351	13	2,087
Crimes Against Security	798	0	0	798
Crimes Against Honor	628	44	5	677
Crimes Against Special Laws	5,812	1,147	13	6,972
Crimes Against Public Officer	63	72	2	137
Crimes Against Ordinance	33	22	12	67
Crimes Against Public Moral	21	1	0	22
Multiple Crime	113	0	0	113
Crimes Against Public Order	0	5	0	5
Crimes Against Liberty	0	0	0	0
Crimes Against The Civil Status of Persons	0	0	0	0
TOTAL	33,013	10,566	217	43,796

• Number by Gender (As of 2016)

SEX	PROBATIONERS	PAROLEES	PAR-DONEES	TOTAL
Male	29,518	10,326	200	40,044
Female	3,495	240	17	3,752
TOTAL	33,013	10,566	217	43,796

**B. Recidivism Rate / Reoffending Rate – within one (1) year**

PROBATIONERS — 1.91%  
 PAROLEES — 1.99%  
 PARDONEES — 1.55%

**C. Number of Personnel**

No. of Probation and Parole Officers (as of December 2016) — 624  
 No. of Volunteer Probation Assistants (as of December 2016) — 7,630

**D. Average caseload**

Ave. No. of Cases handled per PPO — 70

**E. Budget**

In 2016, the Budget release by the Department of Budget and Management for the Volunteer Probation Assistant Program of Parole and Probation Administration is P 6,192,658.30 .

## **3. Republic of Singapore**

### **-Engagement of Volunteer Probation Officers in Offender Rehabilitation and Community Integration-**

Probation and Community Rehabilitation Service,  
Rehabilitation and Protect Group,  
Ministry of Social and Family Development,  
Republic of Singapore

#### **1 Introduction**

Probation in Singapore is a Court-ordered programme for offenders assessed to be suitable for rehabilitation within the community. Intervention aims to instil in offenders a strong sense of social responsibility and self-discipline to lead pro-social lives. The Probation and Community Rehabilitation Service (PCRS) comes under the purview of the Rehabilitation and Protection Group, Ministry of Social and Family Development (MSF).

The Community Probation Service was formed in 1971 to promote volunteer participation in the rehabilitation of offenders placed on probation. The scheme was renamed the Volunteer Probation Officer (VPO) Scheme in December 2012. Volunteer Probation Officers (VPOs) provide additional support and mentorship for probationers and their families during probation supervision.

#### **2 Organisation and Functions**

The role and function of VPOs are spelt out under the Probation of Offenders Act (1985). VPOs are appointed for a two-year term. An annual performance review and a bi-annual re-screening exercise for all VPOs are conducted to determine their suitability to continue as a volunteer before their re-appointment for a new term.

PCRS currently has 309 VPOs. The VPO committee works with PCRS volunteer management team to oversee the VPO activities and engagement. The Committee is mostly responsible for the initiation and planning of activities for VPOs.

#### **3 Areas of Engagement**

VPOs bring with them strengths and talents, life experiences, community networks and resources. The different areas of engagement are designed to leverage on these strengths to complement the work of the Probation Officers (POs). VPOs may be involved in more than one area of engagement at any one time, depending on their availability and interest.

The areas of engagement for VPOs are as follows:

##### **a) Befriending**

VPOs are positive role models and mentors to the probationers. They build a relationship with the probationer by maintaining regular contact with them and engaging them in pro-social activities.

This support is particularly useful for the probationers and families with multiple risks and needs issues, such as those who are known to Child Protection service in addition to being in the criminal justice system. These VPOs are trained in specific areas, such as recognizing trauma and neglect, and child abuse, to help address the needs of this group of probationers.

VPOs also provide POs with monthly updates on their probationers' progress. These inputs provide POs with valuable insights into the probationers' lives. This allows POs to follow up on the issues more effectively.

##### **b) Operation Night Watch (ONW)**

VPOs conduct physical curfew checks at the probationers' homes to ensure they abide by the conditions of probation. This increases POs' ability to focus their time and effort on intervention work with probationers and families.

### **c) Community Service Volunteers (ComServ)**

About 80% of offenders on probation are required to perform community service as a condition of probation. VPOs assist to plan and implement meaningful community service projects for probationers. They work alongside probationers to guide and support them. They also process the community service experience with the probationers and help them to meet their service learning objectives for the projects.

VPOs leading projects enable them to be on-site to supervise and encourage probationers to fulfil their community service hours.

### **d) Facilitation of programmes**

VPOs co-facilitate group programmes for probationers and parents together with the POs. Some of these VPOs are trainers by profession and they have the skills and expertise to enhance the way the programmes are conducted. Some VPO-run programmes include the induction to probation and National Service preparation workshops.

In 2016, PCRS organized Connecting Points, a 6 month mentoring programme to nurture positive relationships, provide a supportive environment for pro-social influence and discover probationers' strengths. Eleven VPO-youth pairs journeyed and bonded together through individual and group sessions. Preliminary results are positive, PCRS is exploring the feasibility of making this an annual effort.

### **e) Career Guidance and Resume Writing Workshop**

In 2016, PCRS started a Career Guidance and Resume Writing Workshop initiated by a VPO. The first workshop was conducted by 8 VPOs for 9 probationers. At the end of the session, each probationer learnt to write their resume and took home a completed piece. PCRS will be holding this workshop regularly to meet the needs of the probationers.

### **f) Academic Support Programme (Aspire)**

To help motivate and better the academic outcomes for probationers, PCRS partnered local Self-Help groups to delivery weekly tuition classes. In 2017, the programme was expanded to include VPOs as group tutors. Some of the VPOs who are teachers by professional and university students, provided tuition to probationers taking the national examinations. Through the interaction, the VPOs also inspired and motivated the probationers to do better in their studies and in life.

Apart from group tuition, VPOs are also matched to probationers for individual tuition where needed.

## **4 Volunteer Management Strategies**

To ensure a meaningful volunteering experience and the active engagement of VPOs, PCRS has continually looked at different ways to organize, motivate and empower the VPOs. Below are some of the strategies that have worked well.

### **a) Volunteer Probation Officer Committee**

PCRS works with a VPO Committee to plan activities to reach out to the other volunteers. These 5-6 VPOs are selected based on their active engagement and leadership abilities. They serve a 2-year term. Serving as the bridge between PCRS and the VPOs, the VPO committee meets up with PCRS' staff on a regular basis to discuss ways to better engage the volunteers. Some of their initiatives include regular tea sessions with volunteers and facilitating bonding activities by VPOs for VPOs.

### **b) Organizing VPOs by areas of engagement**

VPOs are organized according to their respective areas of engagement. Such groupings allow the VPOs to network with one another to share experiences, knowledge and good practices. Regular dialogues and specific training sessions are also organized for the VPOs to gather feedback from them and to



equip them with skills specific to their area of engagement.

### **c) Continual training opportunities**

Training sessions are organized to equip VPOs with specific skills, such as relating to offenders with care and protection issues and organizing group projects. VPOs are also invited to staff training platforms, where applicable. In addition, suitable and deserving VPOs may be sponsored to attend external courses and attend overseas conference.

### **d) Mentoring by Probation Officers**

POs are instrumental in providing VPOs a meaningful volunteering experience through one-to-one mentorship. Each VPO, who befriends a probationer is attached to a PO, who is the case manager for the probationer. The PO introduces the VPO to the probationer and the family, facilitates the first meeting and guides the VPO in building a positive befriending relationship.

This on-the-job training and guidance provided by the PO forms a major part of the training for the VPOs, as they learn how to relate with and motivate probationers and their families to make positive changes in the probation journey.

### **e) Structured work processes**

Work processes are clearly drawn out to ensure that all volunteer applications are processed promptly, and that we train, engage and review the progress of all VPOs actively. There are also regular reviews of the processes to ensure they are relevant and effective.

### **f) Appreciation and Recognition**

Annually, the Ministry recognizes all volunteers, including VPOs, with outstanding contributions and long service through an official awards ceremony. There is also a bi-annual Volunteer Appreciation Event, which brings all the volunteers together to celebrate and have their contributions acknowledged and appreciated.

On a more personal level, PCRS sends festive and birthday greetings to all VPOs and provides informal support to them during incidents, such as illness or bereavement in their families.

### **g) Annual review of VPOs**

VPOs are reviewed annually to ensure that they are engaged and to collect feedback on their performance. This allows PCRS to keep track of VPOs' contributions and to engage those who are inactive. This annual review also serves as the basis for the nomination of suitable VPOs for awards and external training opportunities.

### **h) Sharing of information**

PCRS believes in keeping VPOs up to date and informed about upcoming initiatives, probation-related trends and programmes, which they can be engaged in. PCRS uses a number of different platforms for information flow, such as tea sessions, newsletters and electronic direct mailers.

## ***5 Challenges in Volunteer Engagement***

### **a) Complex needs of offenders**

PCRS has in recent years seen an increase in the proportion of higher risk offenders placed on probation. The profile of offenders and their offences were noted to be increasingly complex. Such offenders require intensive supervision, appropriate psychological/psychiatric intervention, behavioural support and educational/employment support to ensure that they do not continue with their offending behaviour. As a result, this has placed great demands in the supervision of such offenders. VPOs will need to be up-skilled in terms of training to support these diverse and growing needs.

### **b) Culture of the youth and families today**

The youth today seek excitement and are more liberal in their views and actions. They are highly connected via social media and are exposed to vast amounts of information at great speeds. Increasingly, they are also turning

to outdoor activities and the arts to meet their need for social interaction and relatedness. The challenge is for POs and VPOs to be equally savvy in the use of sophisticated technology and be equipped with the knowledge of their interests.

The families in the system often struggle to balance work and family commitments, maintain the household and provide care and supervision to their child, who is in conflict with the law. Due to multiple stressors, parent-child relationships are impacted and parental supervision is weakened. Hence the VPOs are increasingly required to not just serve as befrienders to the youth, but also lend support to their families.

To establish a good relationship with probationers and families, VPOs need to understand the worldview of the probationers and families, without imposing personal values and beliefs. Changing mindsets and seeing positive changes in attitudes and behaviours also requires much time and effort. Thus, patience, perseverance and positivity are necessary attributes for VPOs.

### **c) Changing needs of VPOs**

The needs of the VPOs change according to the life stage that they are at. As the ages of VPOs range from the early twenties to early eighties, it is important for PCRS to continually review the way we engage and motivate these VPOs. Many VPOs recruited in recent years hold full time employment and may also have other commitments, relating to family and other areas of their personal lives. As such, they may have limited time to volunteer regularly or commit to a longer term engagement. It would be essential to have regular conversations with the VPOs, as they embark on the different phases of life to review their volunteering journey and find the best area of engagement for them.

## **6 Moving Forward**

PCRS adopts the philosophy of being a progressive, caring, responsible service. This would ensure a commitment towards evidence-based, client-fo-

cused quality intervention efforts for probationers within a changing justice landscape. This would also require that our volunteer management system remains relevant to meet the changing needs of not just our probationers, but also the different types of volunteers.

We also see value and importance of collaborating with our counterparts in different countries with similar VPO systems. Some possible areas to build a network between the probation systems for information sharing and collaborations would include creating formal or informal platforms for sharing of best practices in volunteer management; and creative engagement of volunteers in offender rehabilitation work.

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## 4. Kingdom of Thailand

Department of Probation,  
Ministry of Justice,  
Kingdom of Thailand

### I. Introduction to Community-based Treatment in Thailand

#### 1. Overview

##### A. Historical Development of Community-based Treatment

In Thailand, the probation services have its origin in 1952. It was unofficially started with juvenile supervision operating by juvenile detention centres. In 1956, the Penal Code was enacted and was also the first statutory foundation of the probation services in Thailand because the Sections 56 – 58 of the Penal Code made it possible for judges to impose a suspended sentence with a probation condition. However, due to the lack of a responsible authority, during that initial period the courts hardly put this into practice. Not until 1979 the first probation office for adult offenders came into being, when the Probation Procedure Act 1979 was enacted. It was inaugurated on August 7th, 1979, directly accountable to the Criminal Court, under the Office of Judicial Affairs. The office was responsible for the pre-sentence investigation and supervision of adult offenders for the court in the Bangkok area. In 1983, it began to expand its work to other regions. In line with this expansion, a volunteer probation initiative was introduced. The first Volunteer Probation Officers (VPOs) was accordingly appointed in 1985. Undoubtedly, VPOs has since become our valuable local resource.

On March 15th, 1992 marked another remarkable reform in the Thai pro-

bation service when the Central Probation Office was officially supplanted by the new “Department of Probation” (DOP) under the responsibility of the Ministry of Justice. The DOP has continued to see many changes afterwards. One is that although for most of its history the probation services served simply adult probationers, it began to supervise other groups of clients within the community. The restructuring followed the recommendations of the cabinet resolution on July 10th, 2001 that the DOP should be the main agency in dealing with community corrections. The role of probation officers has consequently shifted from providing a service to merely adult offenders to all types of probationers. The services include the pre-sentence investigation<sup>1</sup> of adult offenders; post-sentence investigation of parolees; the supervision of adult and juvenile probationers, and parolees; and the provision of welfare for probationers, parolees, and ex-offenders.

In 2002, Thailand witnessed further significant change as a result of the inception of the Narcotic Addict Rehabilitation Act 2002. The Act has introduced the drug compulsory treatment programmes with a new concept in solving drug problems. That is, drug addicts should be considered as patients rather than criminals, according to government announcement ‘...In dealing with aggravating drug crisis, emphasis placed on the prevention, should not be less than the suppression. Drug addicts shall be treated, while drug producers or traffickers shall be harshly punished...’ Therefore, the DOP has become the agency to enforce this act.

In 2003, the Penal Code 1956 was amended and enabled judges to impose the Community Service Order in lieu of fine, supervised by probation officers. Moreover, in 2016 Section 56 of the Penal Code was amended to enhance the scope of cases the court may impose suspension of sentence execution and suspension of sentence determination, and to improve the variety of probation conditions.

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1. The Department of Juvenile Observation and Protection, Ministry of Justice, is responsible for the pre-investigation of delinquents.

## B. Legal Basis

In Thailand, the probation services are served as the condition during suspension of sentence and the condition for parolees and offenders with sentence remission. Here are details of legislation related to the probation services;

- Criminal Code, Sections 30, 30/1-30/3, 56-58, 74 and 75
- Probation Act, B.E. 2559 (2016)
- The Juvenile and Family Court Act B.E. 2553 (2010), Sections 90, 100, 132, 138 - 140, 142(2) and 143
- Correction Act, B.E. 2560 (2017), Sections 52(5) – (7) and 53
- Ministerial Regulation of Ministry of Interior issued under section 58 of the Correction Act, B.E. 2479 (1936)
- Ministerial Regulation of Ministry of Interior No. 8, B.E. 2521 (1987) issued under the Correction Act, B.E. 2479 (1936)
- Ministerial Regulation of Ministry of Interior No. 13 B.E. 2550 (2007) issued under the Correction Act, B.E. 2479 (1936)
- Ministerial Regulation on Criteria and Method for Inmates Classification and Separation of Custody, Changes of Prisoner Classification, Sentence Remission and Parole, B.E. 2559 (2016)
- Narcotic Addict Rehabilitation Act, B.E.2545 (2002)

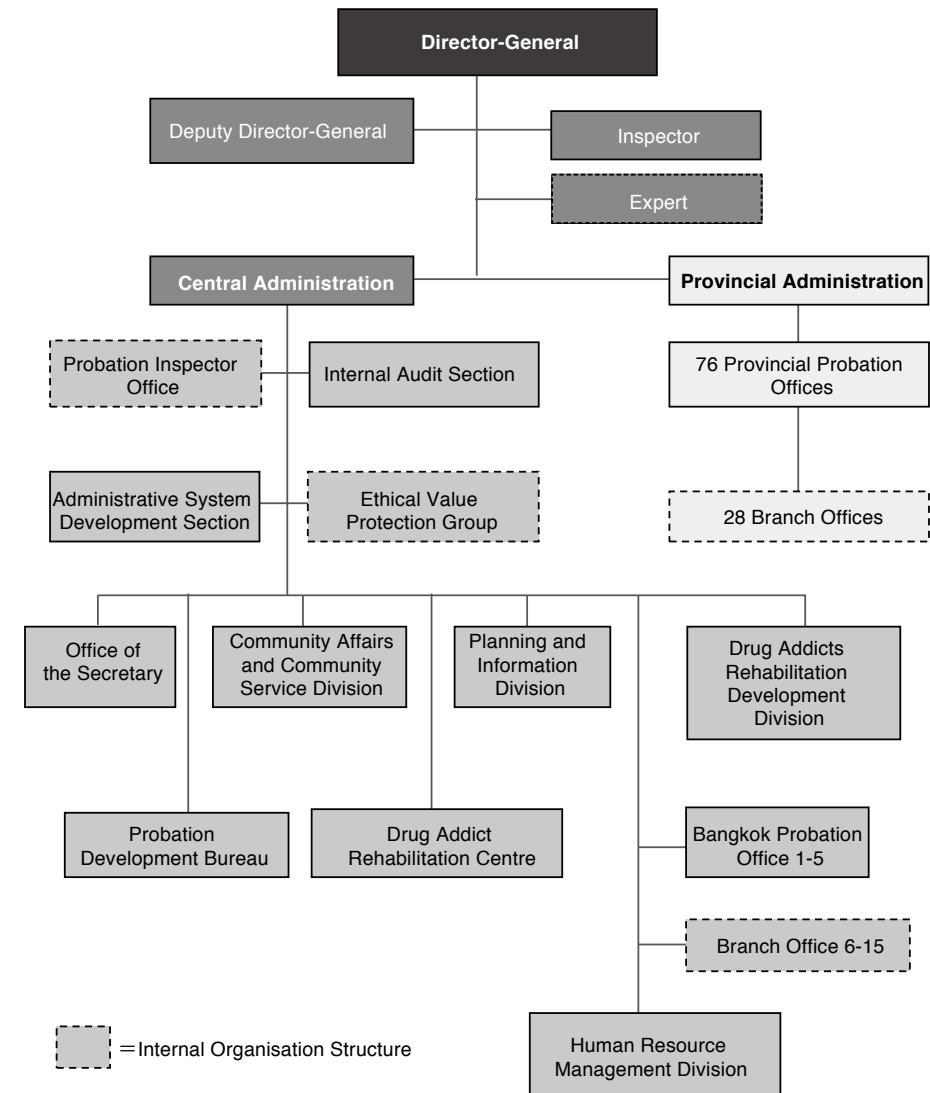
## C. Organisation and Personnel

### 1. Responsible agencies

The Department of Probation, Ministry of Justice is the main agency for administering probation during pre-sentence and post-sentence stages and is assigned to assess and rehabilitate drug addicts in accordance with the Drug Addict Rehabilitation Act 2002. At present, the DOP's vision is the main agency in rehabilitating and supervising criminal offenders by applying non-custodial measures for our sustainably peaceful society.

In 2016, there are 119 probation offices countrywide and 4,471 officers consisting of 2,506 probation officers and 1,965 administrative officers.

## 2. Organisation Structure



## D. Main Tasks

- Preparing the social investigation report with recommendations for appropriate measures for each of the persons under social investigation and submit to the court
- Supervising offenders, which includes monitoring and assisting offenders to comply with their conditions
- Promoting involvement of family, community, and network agencies in providing care, treatment, and rehabilitation services to offenders
- Monitoring the treatment process of drug users and reporting the rehabilitation results to the sub-committee
- Collecting and analysing social background and related information of the prisoners who are eligible for parole or sentence remission. Then report this information to the parole board.

## 2. Probation and Parole Supervision

### A. Types of Community Measures, Orders, Dispositions

Type (Category)	Description/ eligible offenders	Sentencing authority	Supervision/ Treatment Period
<b>Adult Probationers</b>	Adult offenders aged 18 and above, who are imposed probation conditions: •Suspension of execution of sentence •Suspension of sentence determination	Criminal Courts	Suspension period Maximum 5 years but probation period is averagely 1 year.
<b>Juvenile Probationers</b>	Juvenile offenders aged over 10 years but below 18 years who are: a)Sentenced not-guilty but probation is deemed necessary; b)Sentenced guilty but given a suspended sentence with probation; c)Conditionally released from a training centre; d)Discharged from a training centre but probation is deemed necessary.	Juvenile and Family Courts	1 year and not exceed the offender's age of 24

Type (Category)	Description/ eligible offenders	Sentencing authority	Supervision/ Treatment Period
<b>Early-released Prisoners</b> •Parolees •Offenders granted sentence remission	<p>•<b>Parolees</b> are prisoners being early released by the Parole Board and subject to be supervised by probation officers after release. Prisoners eligible for parole must be convicted prisoners who have served at least 1/3 of their sentence, are the first-time prisoners and classified at minimum as 'Good class'.</p> <p>•<b>Offenders granted sentence remission</b> are prisoners receiving Good-Conduct Allowance time by the Good-Conduct Allowance Board. Two main approaches of the allowance are: oGood-Conduct Allowance which varies upon classes of prisoners – the eligible prisoners must be convicted prisoners who are imprisoned at least 6 months or 1/3 of the final sentence, whichever is higher. In case of life imprisonment, prisoners must be imprisoned at least 10 years. oPublic Work Allowance can also be given in accordance with the number of days that prisoners spent for public work outside prison, leading to a reduction in imprisonment terms. To be eligible for public work, •prisoners must have no more than 2 years remaining in his/her term; •prisoners must be convicted of crime other than that against the King/ the Queen, the Heir-apparent and the Regent, offenses against internal/ external security of the Kingdom and Drug offense. •prisoners must have served the minimum term which varies according to his/ her class as follows: - Excellent Class: serve at least 1/5 of the original sentence term - Very good Class: serve at least 1/4 of the original sentence term - Good Class: serve at least 1/3 of the original sentence term - Moderate Class: serve at least 1/2 of the original sentence term</p>	<p>•Parole Board</p> <p>•Remission Board</p>	<p><b>Parolees</b> – Supervision period varies depending on their good conduct classes and their sentence. oExcellent Class prisoner will be under parole supervision for not more than 1/3 of their sentence; oVery Good Class prisoner will be under parole supervision for not more than 1/4 of their sentence; oGood Class prisoner will be under parole supervision for not more than 1/5 of their sentence;</p> <p><b>Offenders granted sentence remission</b> – oPrisoners will be granted Good-Conduct Allowance days varying upon their classes. •Excellent Class prisoner may receive up to 5 days/month; •Very Good Class prisoner may receive up to 4 days/month; •Good class prisoner may receive up to 3 days/month</p> <p>oPrisoners conducting public work will be granted sentence remission days equal to the period of their public work.</p>

## B. Probation Conditions

### 1) Probation Conditions for Adult Offenders (Section 56 of the Criminal Code)

- i. To periodically report oneself to the official authority specified by the court so that the official could make inquiries, provide advice, assistance or admonition as deemed appropriate on the behaviour and the course of occupation, or arrange activities for community service or common good;
- ii. To be trained or to carry on occupation substantially;
- iii. To refrain from socialising or behaving in a way that may lead to a re-commission of the similar offence;
- iv. To undertake drug rehabilitation, therapy for physical or mental or other disorder at the place and the period of time as determined by the court;
- v. To undertake trainings at place and the period of time as determined by the court;
- vi. Not to leave the place of residence or not to enter certain places during the time specified by the court. Electronic devices or other devices may be used to monitor or limit the movements;
- vii. To provide compensation or rectify the damages with other means as mutually agreed by the offenders and injured parties;
- viii. To retribute or to redress the damages caused to natural resources or the environment or compensate for such matter;
- ix. To provide good behaviour bond at the value deemed appropriate by the Court that the person shall not cause mishaps or dangers against persons or properties;
- x. Other conditions as the court deemed suitable to rectify, rehabilitate or prevent the offender from committing offences or opportunities thereto or conditions to redress the injured parties as deemed appropriate.

### 2) Probation Conditions for Juvenile Offenders (Section 138 of the Juvenile and Family Court and Juvenile and Family Procedure Act B.E. 2553 (2010))

- i. Do not enter into restricted areas;
- ii. Curfews unless in the case of emergency or prior approval is obtained from parents or guardians;
- iii. Do not associate with individuals not approved of by the court;
- iv. Do not become involved in any activities leading to any offence;
- v. Report to the court or probation officer or social worker as directed;
- vi. Seek lawful employment, training, or education.

In addition, Section 74(3) and Section 75 of the Criminal Code provides that the court can also impose any probation condition provided in Section 56 of the Criminal Code for young persons aged between 10 and 15 or 14 and 18 who are committing an offence but the court deem no punishment.

### 3) Probation Conditions for Early-Released Prisoners (Clauses 48, 49, 67 and 68 of the Ministerial Regulation on Criteria and Method for Inmates Classification and Separation of Custody, Changes of Prisoner Classification, Sentence Remission and Parole B.E. 2559 (2016))

#### • DO NOT

- i. Do not enter into restricted areas;
- ii. Do not associate with individuals with offending risks;
- iii. Do not possess or involve prohibited drugs including guns or explosive weapons;
- iv. Do not involve with any misdemeanor.

#### • DO

- i. Report to probation officers as directed;
- ii. Reside with the informed guardian in the specified address - any change of address requires approval from the probation officer;
- iii. Comply with the probation officer's guidance and attend required programmes;
- iv. Abide by law, regulations, and rules – any violation or punishment by competent authorities has to be acknowledged by the probation officer;
- v. Obtain legal employment - any change of employment has to be acknowledged by the probation officer.



## C. Process of Supervision

### 1) Inception

After decision-making, if an offender is placed on probation supervision, the intake process will take place. The offender has to meet with an intake officer immediately. After that, the offender will be registered into the probation database system, and allocated to the responsible probation officer.

### 2) Orientation

Within 30 days, the probation officer will make an appointment with the offender for an orientation session. In this session, the offender will be thoroughly explained about the purpose, the requirement, and the compliance result of the court's order. In addition, the offender profile filing will be created, which all related information will be gathered. Appointments will be then scheduled for regular meetings with the probation officer.

### 3) Classification and Planning

Taking related information about the offender into consideration, the probation officer will undergo an offender classification process by focusing on the risks and needs assessment. Then, the probation officer will come up with a supervision plan for the individual. Afterwards, the officer will make sure the offender understand what he/she is required to do by the court or the parole board and instruct him/her how to complete the probation terms according to this plan.

### 4) Supervision

During the supervision period, the probation officer works to ensure that the offender keeps his/her appointments to meet with the officer as directed, perform community service as required, attend recommended rehabilitation programmes, obtain legal job or training, and complete all other requirements placed on him/her. In this period, the probation officer shall make a home visit or work closely with volunteer probation officers in the offender's residential area to optimise the probation supervision.

### 5) Follow-up and Evaluation

Every 1-3 months, the probation officer will review the supervision planning and progress. That is to conduct a regular review and adaptation of plans as appropriate.

### 6) Reporting

In the case of compliance, after completing the probation order, the responsible probation officer will make a compliance report to the court, Parole Board, or Remission Board. Vice versa, in the case of breach, the probation officer will first investigate the incident and then report to the court, Parole Board, or Remission Board.

## D. Assessment, Classification, and Level of Supervision of Probationers and Early-Released Prisoners

In Thailand, the approach of risks/needs assessment has been developed since 2000. It was started with a pilot project in 25 probation offices (25%) before implementing throughout the country in 2002. A follow-up research conducted in 2006 showed that the risks/needs factors in use for probation officers can significantly predict chances of probation completion.

All offenders under probation are to be classified their levels of supervision by the probation officers' risks/needs assessment tool. This is conducted after the first meeting with the probationer when all personal information are gathered and evaluated. Moreover, probation officers are to re-assess risks/needs factors in order to adjust supervision plans for offenders over a period of time, basically every 1-3 months.

In other words, levels of supervision are consistent with results of the offender classification. Those are divided into 3 main categories: high, medium, and low risk. Consequently, probation officers are to set up supervision plans and allocate resources for each offender according to their needs and risk levels.

## II. Volunteer Probation Officer Scheme

### 1. Overview

The Volunteer Probation Officer (VPO) Scheme was introduced in 1985 under the principle that “the community should be empowered to establish the system and mechanism for protecting their own community from crime and reoffending along with the criminal justice system.” The mission of VPO scheme is to make the public and community aware of the crime problems and participate in the offender rehabilitation and aftercare services. Volunteer Probation Officers are community members who voluntarily work with the Department of Probation (DOP) in providing probation services in their local communities. The roles of VPOs are mainly to assist Probation Officers with allocated casework, such as conducting social investigation, supervision, rehabilitation, and monitoring probationers. Apart from these, VPOs also help promote public understanding of the DOP’s duties. Therefore, VPOs are the valuable resource in helping the offenders reintegrate into the community. Considering the importance of such work, the Cabinet declared March 16th each year “Volunteer Probation Officer Day.”

As of March, 2017, there are 23,941 VPOs, working through 690 VPO Coordinating Centers across Thailand. People who are interested in becoming VPOs are carefully screened and recruited before being formally appointed by the Director General of Department of Probation.

### A. Legal Basis

The VPO scheme is administrated and executed in accordance with the following regulations:

- the Regulations of the Ministry of Justice on Roles and Operational Procedures of Volunteer Probation Officers and Roles of Public Sector B.E. 2559 (2016)
- the Regulations of the Ministry of Justice on the Remuneration for Volunteer Probation Officers<sub>2</sub>
- the Regulations of Probation Committee on Qualification, Criteria, Ap-

pointment, and Dismissal of Volunteer Probation Officers<sub>3</sub>

### B. Recruitment

Working with offenders is a vital duty. Not only the task is very challenging, it also requires high responsibilities, patience, and compassion. Thus, people who want to become VPOs shall be willing to dedicate themselves and their time for the public benefit, have public consciousness, have positive attitudes towards the offenders, and be trusted and respected by other community members. The recruitment is the most important step in order to find good people to work as VPOs. To be eligible for the appointment as a VPO, an individual must meet the following qualification requirements:

- Be at least 20 years old;
- Graduate with middle school certificate or equivalent; or has experience in social rehabilitation, social work, social development, behavioral development, or criminal justice system, and also receives trust and respect from the public or the community;
- Live in a permanent residence;
- Hold an decent and permanent job or currently studying in the university;
- Have health conditions that do not restraint the performance
- Demonstrate honesty, dedication and good behavior;
- Not get involved in drugs activities;
- Have never been sentenced to imprisonment, except such case was committed with negligence or was a minor offense;
- Not be persons of unsound mind or suffer from mental disability;
- Not be declared incompetent or quasi-incompetent.

### C. Appointment

DOP or provincial probation offices will recruit qualified individuals and submit the name list to the Director General of DOP for the appointment as a VPO. Prior to working, an individual has to take oath to the Director General

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2. The Regulations is soon to be in effect.

3. The Regulations is soon to be in effect.

of DOP that he/she will carry out duties as a Volunteer Probation Officer with honesty, sacrifice and dedication as well as strictly uphold discipline and intelligence principles of public service.

#### **D. Roles and Duties**

1. Conducting post-sentence investigation to collect relevant information of the prisoners who are eligible for parole or sentence remission
2. Supervising and Monitoring adult and juvenile probationers and adult parolees to ensure their compliance with the probation conditions
3. Making home visit and providing aftercare services to the released offenders and the ex-probationers who completed their probation.
4. Supporting the duties of DOP
5. Getting involved in and encouraging the community members to join crime prevention activities
6. Other duties as assigned by the Director General of DOP

Apart from the above mentioned, VPOs also perform various duties at the provincial probation offices or the VPO coordinating centres such as conducting an intake interview with a probationer, collecting a probationer's finger-print, conducting a urine-test, supervising the probationers as they are doing community services, providing a vocational training, being a lecturer or a master of ceremony. In any case, the performance of VPOs is under supervision by the probation officers

#### **E. Evaluation and Awards**

VPOs will be evaluated every 2 years. Those who passed the evaluation will continue to work. A VPO who dedicates him/herself for probation works may be nominated Honourable Volunteer Probation Officer. Moreover, a VPO with an outstanding performance and meet certain requirements may be nominated for Royal Decorations.

#### **F. Termination**

The termination of VPOs could possibly happen within the following reasons;

- Disqualified by
  - Get involved in drugs activities;
  - Have been sentenced to serve prison sentence, except such case was committed with negligence or was a minor offense;
  - Be persons of unsound mind or people who suffer from mental disability;
  - Be declared incompetent or quasi-incompetent.
- An inappropriate behaviour has been displayed which can harm the image of VPOs and DOP;
- Do not comply with the Code of Conduct;
- Have performed defectively resulting in the damages to government service;
- Fail the evaluation.

#### **2. A New Paradigm of Volunteer Probation Officer Scheme**

It has been over 30 years since the VPO scheme was initiated in Thailand. It can be said that the community-based treatment in Thailand would have not been achieved without the great contribution from the VPOs. When looking at the crime situation these days, the age of the perpetrators continuously reduces, while the age VPOs are getting higher. As of March 2017, there are 23,491 VPOs; however, more than half of them are over 50 years old. Supervising and monitoring the offenders is challenging enough, let alone having the age difference between the VPOs and the offenders. The age gap could be an important barrier to the supervision and rehabilitation.

To address this issue, Pol. Col. Dr. Naras Savestanan, the Director General of DOP proposed to revise the Regulations regarding VPOs. As a result, two new Regulations – 1) the Regulations of Probation Committee on Qualification, Criteria, Appointment, and Dismissal of Volunteer Probation Officers and 2) the Regulations of the Ministry of Justice on the Remuneration for Volunteer Probation Officers are about to be in effect soon. The new Regulations

will bring many changes to the scheme including a minimum age, recruitment process, remunerations. It can be summarized as follows.

### **A. Reducing a Minimum Age of VPO's Eligibility**

The new Regulations has reduced a minimum age of VPO's eligibility from 25 years old to 20 years old in order to widen an opportunity for young adults to participate in this scheme. A lack of the age diversity of VPOs might cause difficulties in working with young offenders such as building a rapport and the way of communication. Therefore, the new Regulations aim to encourage young people, especially the undergraduate students to work with the probation officers in promoting community-based treatment and crime prevention.

### **B. Increasing the Remuneration for VPOs**

By virtue of the Regulations of the Ministry of Justice on the Remuneration for Volunteer Probation Officers, the remuneration for VPOs has been slightly increased. The Regulations of 2004 stated that VPOs would receive 240 Baht per one visit to the offender's place or to assist at the probation officer, but not exceed 3,000-5,000 Baht a month in total. However, the new Regulations has increased the rate to:

- For assisting probation officers in conducting pre-sentence investigation or supervision, a VPO will be provided not more than 300 Baht per time,
- For assisting at the probation offices, the VPO Coordinating Centers, or any other place held the rehabilitation program or community services, a VPO will be provided not more than 300 Baht per day (must working more than 3 hrs.)

The purpose of providing the remuneration is to intentionally support VPOs in the event of subsidizing and reducing the financial burden for their sacrifice and dedication.

### **C. The Recruitment of VPOs**

In the past, VPOs come from those who were referred from the current VPOs or from the leaders of the community. The local probation officers will then invite these people to become VPOs. This referring process could impede an

opportunity for any individual, who are willingly to participate in the VPO scheme. To address this, Pol. Col. Dr. Naras Savestanan, Director-General of DOP has proposed a new recruitment policy, which allows any individual to walk into the DOP or provincial probation offices and apply for a VPO. This new paradigm will wider an opportunity to anyone who would like to contribute to the community by supporting the offenders' reintegration.

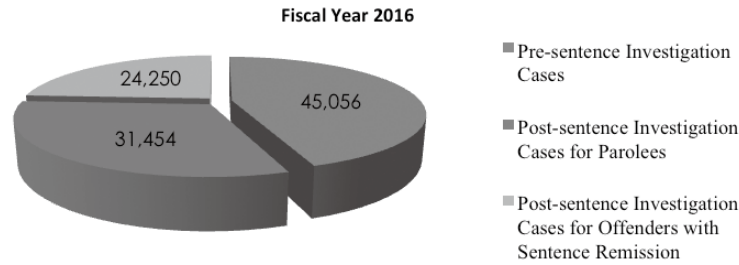
### **D. Fastening the Appointment Process**

According to the Regulations of 2004, one requirement for appointment as a VPO was to succeed the 3-days training course on core knowledge and skills. This training course is normally held once a year by each provincial probation office. The frequency and limited space of the training course have delayed the number of people qualified as VPOs. The new Regulations therefore, offer opportunities for a qualified individual to be promptly appointed as VPO. The appointed VPOs can immediately assist the probation officers in various activities such as to supervise the community services or the rehabilitation activities. However, in order to work with the case such conducting pre-sentence investigation, supervision or home visit, a VPO is required to complete the 12-hour training course.

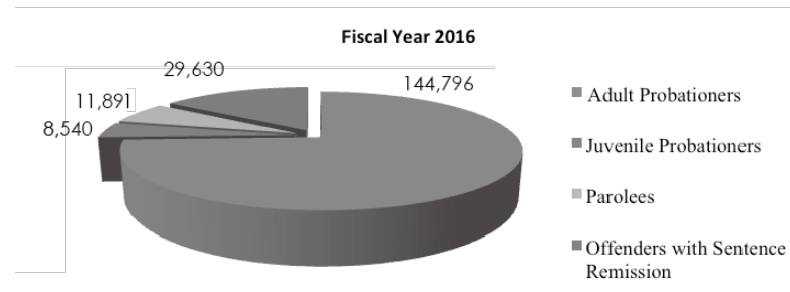
In conclusion, the Regulations of Probation Committee on Qualification, Criteria, Appointment, and Dismissal of Volunteer Probation Officers under the Probation Act 2016 has facilitated the DOP to obtain the VPOs more flexible. The new Regulations has revised the criteria and recruitment process by lowering the minimum age and applying self-application, which open up more chance for new group of people, especially young adults and working population. These efforts do not only increase the number of VPOs, but would also bring a great benefit to the community in terms of promoting community involvement in offender rehabilitation and reintegration in Thailand.

### III. Statistics

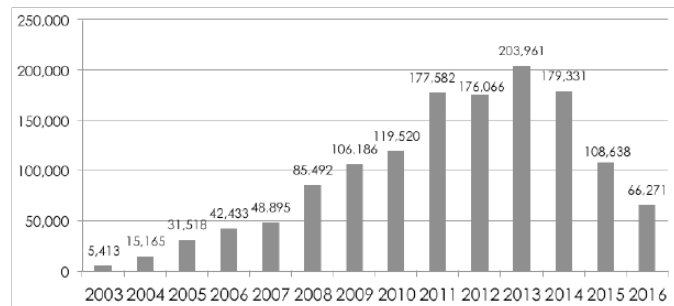
#### Number of Social investigation Cases



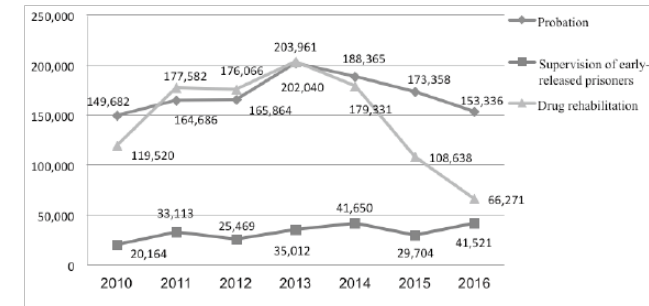
#### Number of Supervision Cases



#### Number of Drug Rehabilitation Cases in the Compulsory System

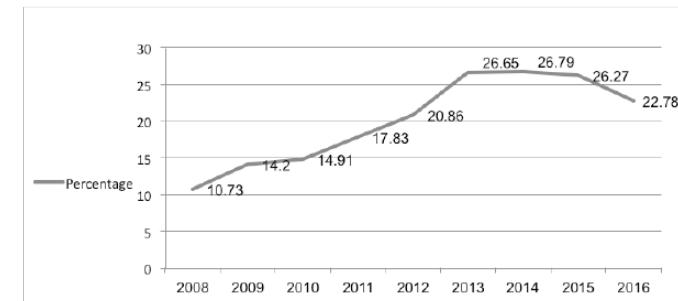


#### Number by Types of Community-based Measure



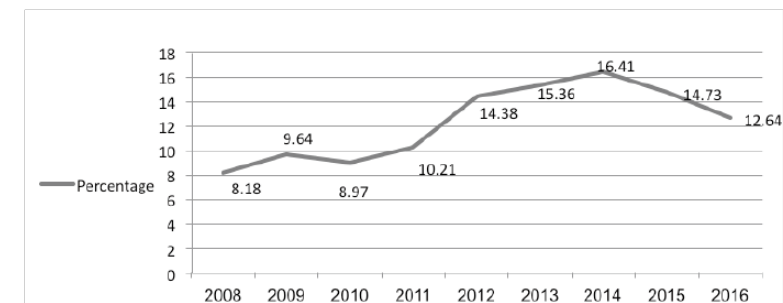
#### Recidivism Rate

Definition: Reoffending within 3 years after termination.



#### Revocation of Probation Rate

Definition: The acts of violating court orders while being on probation including not report to the office, re-offend, and not do community services.



**Number of Personnel (Fiscal Year 2016)**

Position	Number
Probation officers	2,506
Others	1,965
<b>Total</b>	<b>4,471</b>

**Number of Volunteer Probation Officers**

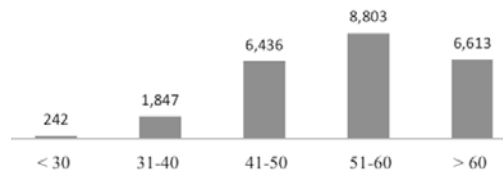
Year	Number
2013	13,970
2014	15,381
2015	14,696
2016	20,008
2017 (As of March)	23,941

**Number of VPOs (As of March 2017)**

**• By Gender**

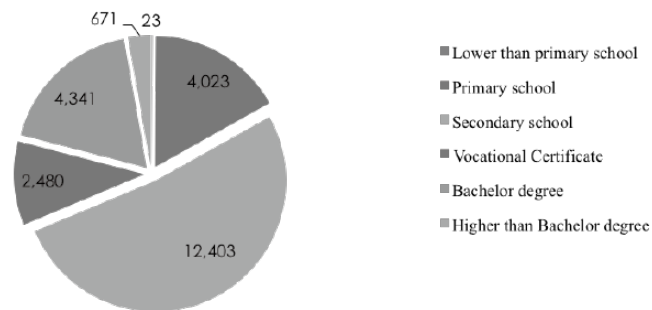


**• By Age**



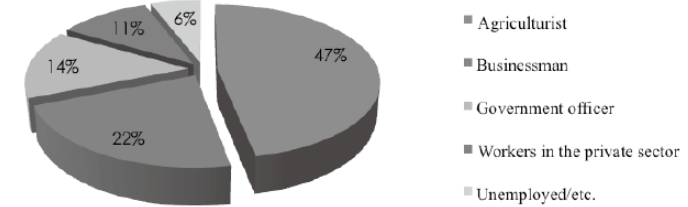
Note : the Oldest VPOs is 95 years old.

**• By Education background**

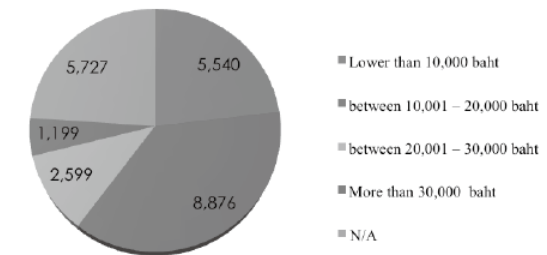


**• By Occupation**

No.	Occupation	Amount	Percentage
1	Agriculturist	11,249	47
2	Businessman	5,250	22
3	Government officer	3,466	14
4	Workers in the private sector	2,571	11
5	Unemployed/etc.	1,405	6
<b>Amount</b>		<b>23,941</b>	<b>100</b>



**• By Remuneration per month**





## 5. Republic of Kenya

### **Clement Okech**

Assistant Director,  
Probation and Aftercare Service,  
Republic of Kenya

### **Introduction**

The overall prison population in Kenya currently stands at over 50,000 prisoners comprising both convict and pretrial detainees. This is against an overall country population of 43 million people which may make Kenya be construed as a punishing society yet it is the justice system which is skewed to lean more on incarceration. Measures to address this scenario include various probationary sentences in which the Volunteer Probation officers (VPO) programmed play significant role by offering auxiliary support to mainstream probation work. Kenya runs a National Probation Service that is centrally managed with devolved functions in all regions and court jurisdictions. Currently, the probation officers population stand at 956 (about half of whom are newly employed) supervising 25,445 offenders in the community while also preparing over 60,000 various advisory reports on bail, sentencing and penal releases annually.

The strategic aims of the Service are to ensure courts and penal release decision making organs are provided with timely and quality assessment reports, offenders comply and successfully complete their sentences and avoid further offending, while those required to pay-back the community through unpaid public work do so. It also aims at ensuring that offenders are provided with opportunities to change and redirect their lives more purposefully and that reconciliation between the victims and the offenders is carried out where

admissible.

### **Volunteer Probation Officers Programme**

The development of the Volunteer Probation Officers system in Kenya was a need driven phenomenon coupled with opportunities availed through experiences from the Japan VPO system. The concept of volunteerism in the Kenya Probation Service is understood as defined by the UN Standard Minimum Rules for Non-custodial Measures (TOKYO RULES) which describes a VPO as 'any person appointed by the government to assist a probation officer in the rehabilitation of offenders'. Volunteers assist probation officers in changing the lives of offenders (through supervision) and help reduce crime in their local areas of operation. The concept was borrowed from Japan as a community participation effort in crime prevention and offender management.

### **Rationale for Establishing VPO Programme in Kenya**

There are plausible reasons why Kenya chose the path of establishing a conventional way of involving the community in its work. Some of these pointed towards filling in resource gaps while the others were due to sheer pragmatic reasons. But it is good to point out that the programme was initiated at a time when there was very meager resources available to the department including dwindled staff numbers, and so the programme started with far flung stations that posed greater supervision challenges. In no order of priority, the following were some of the reasons that instigated the programme, of course, not forgetting the exposure that Kenya probation had had with the Japan probation system:

- The Need for greater role of communities in the supervision of offenders
- Lack of adequate personnel especially those who could be deployed in the far flung districts. There had been an embargo on recruitment of public servants since mid 1990s creating serious personnel shortage and imbalance. By 2005, there were only 267 probation officers compared to a caseload of over 30,000 offenders requiring supervision not to mention the

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1. Rule UN Standard Minimum Rules for the Non-custodial Measures (Tokyo Rules)

daily court work.

- Need for new techniques of case load management that draws from available community resources
- Limited funding as much of the public finances are diverted to other needy social services sectors like education and health.
- Inadequate transport yet probation work in Kenya is community based and requires steady, reliable and convenient mode of communication
- Geographical coverage area especially for the marginalized regions is vast yet with skeletal staff. This is in addition to the nomadic way of life of some local population.
- Much of the marginalized districts have harsh and rugged terrain that present considerable challenge to supervision.
- Need to tackle supervision challenges especially among the youthful offenders who constantly require intensive follow up and mentorship
- Need to create rehabilitation networks. Probation as a single entity cannot effectively provide the needed offender supervision. Further, there is increasing demand for the Service to employ multi-agency approach in offender supervision. VPOs if well organized can provide the needed community networks for tapping resources.
- Need for publicity and awareness creation on non custodial court sanctions
- Need to be innovative in resource mobilization and utilization i.e. personnel, finance, time, ICT and transport
- VPO programme is an internationally accredited concept which has a place in our offender supervision structures

### **Recruitment and Appointment**

Volunteer Probation officers service under the purview of the department of Probation and Aftercare Service. The VPOs are recruited from among community members who meet certain criteria set by the department of Probation and Aftercare service. They are appointed by the National Director of Probation upon an induction training or orientation by the department. Although there is no specific and clear law governing VPO programme, their appointment is in accordance to the Probation of Offenders Act and the Community

Service Orders Act. The appointment and recruitment of the VPOs in Kenya is basically guided on the principle of avoiding job seekers because entirely it has no monetary reward and therefore those who qualify are mostly retired civil servants, Religious leaders, social workers, community leaders who are willing to find time, provide free service, be role models of strong moral standing and integrity and at least above 30 years from both genders.

### **Status**

The programme is established in 30 of the Counties 47 countries country-wide. It is coordinated from the National Office but each probation station has its field coordinator who is the Probation station officer in charge. There are currently about 295 volunteer comprising of 235 (80%) males and 60 (20%) females. Out of this number, 212 are active while 83 are inactive. In Kenya, the volunteer probation officers are not paid any honorarium but at the commencement of the programme, a few had been facilitated by provision of communication gadgets like of mobile phones, bicycles, and stationary some of which also act as incentives for the job. One of the greatest challenges which do not conform to international standards is that there is no budgetary provision for reimbursement of actual costs incurred by the VPOs while carrying out their duties. This has greatly hampered the programme leading to high turnover. Other challenges the experience include lack of resources, continued training and motivation.

### **Duties and Responsibilities**

The VPO programme has been practiced since 2005 when it started on pilot basis in a few counties. The volunteers provide auxiliary services to probation officers especially with regard to verifying information about the offenders coming from their communities, supervising offenders on probation orders and community service orders and those on Aftercare supervision upon exit from correctional facilities especially for the youth. Specifically the VPOs carry out the following

- Helping the probation officers verify some of the information on the accused person due for sentencing so as to inform in puts into the probation

officers prepared presentence reports of reports to other penal release organs

- Providing close contact and supervising offenders on probation orders and community services orders
- Helping with reintegration of young offenders from Borstal Institutions and Rehabilitation (Approved) Schools
- Maintaining records of work done by them and work done by offenders on community punishment orders
- Liaising with local agencies and linking the offenders to community resources
- Helping in crime prevention by identifying at risk children and youth and taking remedial action in collaboration with the department of Probation Service and other agencies particularly local administration.

Generally the VPO keep daily watch on offenders placed in various community service work centers within their respective jurisdiction and sign the work record sheet at the same time reporting non-compliance forth with. They also direct probationers and other supervisees on where to access help be it in community resource groups and vocational training like enrolling in village polytechnics. The VPOs are responsible to the probation officers to whom they report directly

V

The Asia Volunteer  
Probation Officers  
Meeting

# **Asia Volunteer Probation Officers Meeting in 2014**

## **as the Commemorative Event of 100th Anniversary of Japan Rehabilitation Aid Association**

UNAFEI  
Rehabilitation Bureau of the Ministry of Justice, Japan

### **1. Purposes of the Meeting:**

- 1) To bring together the countries that use volunteer probation officers/aides in community-based treatment of offenders in the Asian region: China, Korea, the Philippines, Singapore, Thailand and Japan
- 2) To share experiences and good practices of volunteer probation officers' work
- 3) To create a collaborative framework for a future international network for volunteer probation officers in the Asian region.

### **2. Hosting Organizations:**

Japan Rehabilitation Aid Association, United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI)<sub>ii</sub>

### **3. Date:**

July 9-10, 2014

### **4. Venue:**

Arcadia Ichigaya 4-2-25, Kudan-Kita, Chiyoda-ku, Tokyo,  
[http://www.arcadia-jp.org/access\\_english.htm](http://www.arcadia-jp.org/access_english.htm)

### **5. Participants:**

Approx. 100 participants attended this meeting as follows:

#### 1) Overseas Participants:

- A) People's Republic of China
- B) Republic of Korea
- C) Republic of the Philippines
- D) Republic of Singapore
- E) Kingdom of Thailand

#### 2) Japanese Participants:

- A) The National Federation of Volunteer Probation Officers
- B) The National Association of Offenders Rehabilitation Services
- C) The Volunteer Probation Officers Association in Support of UNAFEI Activities
- D) Rehabilitation Bureau of the Ministry of Justice
- E) UNAFEI
- F) Japan Rehabilitation Aid Association

## Meeting Schedule

Wed., 9 July – Thu., 10 July  
5th Floor “Daisetsu”, Arcadia Ichigaya

Time	Session
<b>Wed., 9 July Day 1</b>	
14:00	Opening Address Mr. Sadakazu TANIGAKI (Minister of Justice) Mr. Hiroshi OKUDA (President, Japan Rehabilitation Aid Association)
14:15	Keynote Lecture Ms. Tomoko AKANE (Director, UNAFEI)
14:45	Country Presentation 1
15:15	Japan (VPO) Japan (Offenders Rehabilitation Facilities (Halfway House))
15:45	-Break- Country Presentation 1 (continued)
16:00	Korea
16:40	Philippines
17:20	Singapore
18:00	-Closing-
18:30	Welcome Reception hold by Asia Crime Prevention Foundation
<b>Thu., 10 July Day 2</b>	
9:30	Opening Address Mr. Yuhiko SAITO (Director General, Rehabilitation Bureau)
9:40	Country Presentation 2 Thailand
10:20	Kenya
11:00	-Break-
11:15	Country Presentation2 (continued) China
11:35	UNAFEI
12:10	-Lunch-
13:30	Plenary Discussion
15:00	-Closing-

## 6. Report of the Asia Volunteer Probation Officers Meeting (9 to 10 July 2014, Tokyo, Japan)

### Day One

1. The Asia Volunteer Probation Officers Meeting, cohosted by the Japan Rehabilitation Aid Association and the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (UN-AFEI), was held at Arcadia Ichigaya in Tokyo from 9 to 10 July 2014. The theme of the meeting was Development of Volunteer Probation Officers Systems and Prospects for Future International Networking. In addition to providing a forum for networking among volunteer probation officers of the Asian Region, the meeting recognized the 100th anniversary of the Japan Rehabilitation Aid Association.
2. The meeting was attended by volunteer probation officers (or VPOs) and volunteer probation aids (or VPAs) and the officials responsible for community corrections from the following countries: Korea, the Philippines, Singapore, Thailand and Japan. Observers from China and Kenya also attended the meeting.
3. The Honourable Sadakazu Tanigaki, Minister of Justice of Japan, and Mr. Hiroshi Okuda, President of the Japan Rehabilitation Aid Association, delivered opening addresses to the meeting.
4. Ms. Tomoko Akane, Director of UNAFEI, delivered her Keynote Address, emphasizing the importance of utilizing VPOs to encourage the acceptance of offenders within their communities. Director Akane invited the participants to build a future network of Asian VPOs by holding further meetings, conducting mutual visits, sharing information and so on.
5. Mr. Shoji Imafuku, Counsellor of the Rehabilitation Bureau of the Ministry of Justice of Japan, was appointed to serve as Chair of the meeting. Mr. Thomas L. Schmid of UNAFEI was appointed as Rapporteur.



6. The Chair then requested the participating delegations and observers to deliver their country presentations in the order that they appeared in the Schedule of the meeting. During the country presentations, the participants outlined their respective countries' systems of community corrections, stressing their initiatives to rehabilitate offenders and reintegrate them into the community through the assistance and support of VPOs. The paragraphs that follow summarize some of the key characteristics and challenges of each country's VPO programme as reported during the country presentations.
7. The Vice-Chairman of the National Volunteer Probation Officers Association (Japan) reported that Japan's 47,990 VPOs are appointed by the Minister of Justice, and their duties mainly include supervising offenders in the community, engaging in crime prevention activities and liaising with social resources to assist offenders. He stated that VPOs must be of good moral character, financially stable, healthy and active, and have sufficient time to dedicate to their duties. Recent challenges for VPOs include the decreasing number of VPOs and the difficulty interviewing offenders in the VPOs' own homes.
8. The Vice-Chairman of the National Association of Offenders Rehabilitation Services (Japan) reported that there are 104 privately owned offenders' rehabilitation facilities (or halfway houses). Private facilities are reimbursed from the government for the costs necessary for the residents' lodging. Staff members create a family atmosphere for rehabilitation and build rapport with residents. Due to the increase in elderly residents, it is important for such facilities to coordinate social welfare support for such residents to facilitate their independence.
9. The delegation from Korea reported that Korea's 13,923 volunteers are called members of the Crime Prevention Volunteer Committee. Established by the Ministry of Justice, the Committee operates through 57 local branch organizations, which allows Committee members to engage more

actively in the community. Volunteers with professional backgrounds are needed to assess criminogenic needs and provide customized solutions for probationers. The system would be improved by increased funding to reimburse volunteers, providing more effective management of volunteers by probation officers, improved training, and recruitment of younger, passionate volunteers.

10. The delegation from the Philippines reported that community-based rehabilitation of Filipino offenders is handled by the Parole and Probation Administration. One of the community-based strategies involves 13,507 Volunteer Probation Aides (or VPAs). In addition to providing support for probation officers and supervising offenders in the community, VPAs encourage members of the community to support offender rehabilitation for the benefit of the offender and the community. Recommendations for improvement of the VPA system include providing accident insurance and self-defence training for VPAs and drafting a Code of Ethics and Ethical Standards for VPAs. Finally, they recommended holding a regular summit or meeting of Asian VPOs, establishing standard non-monetary benefits and organizing an association of Asian VPOs for further international networking.
11. The delegation from Singapore reported that 229 VPOs play an important role in rehabilitation by serving as befrienders and as liaisons with schools in order to supervise the academic and social progress of, on average, 2,000 probationers. They also conduct curfew checks and facilitate group community service projects. After completing e-Learning and specialized training, including on-the-job training, the names of appointed VPOs are published in the government's gazette. VPO performance is reviewed annually; VPOs are recognized annually at an awards ceremony and a volunteer appreciation event. The Probation Service enhances the experience of VPOs through active engagement, continual learning and various appreciation platforms. Challenges include the growing complexity of the needs of offenders and the changing culture of youth and families.

12. Upon the conclusion of the presentation by Singapore, the Chair adjourned the meeting to Thursday, 10 July 2014 at 9:30 A.M.

### **Day Two**

13. The meeting reconvened at 9:30 A.M., and Mr. Yuhiko Saito, Director General of the Rehabilitation Bureau of the Japanese Ministry of Justice, delivered his opening address. The Chair then requested the participating delegations and observers to deliver their country presentations in the order that they appeared in the Schedule of the meeting.

14. The delegation from Thailand reported that Thailand's VPO programme was established in 1985 and currently has 13,774 VPOs appointed by the Minister of Justice. The programme utilizes trained community members to assist the Department of Probation with the rehabilitation and supervision of offenders. These services include casework, community affairs, aftercare services, and tasks in probation offices. Outstanding VPOs are publicly recognized with royal decorations and other awards. The VPO Association was established by the Ministry of Justice as an organization to support VPOs' activities, to share knowledge and experiences of VPOs and to assist offenders. Thailand utilizes VPO Coordinating Centers to facilitate VPOs' activities.

15. The observers from Kenya reported that its VPO programme began in 2004 and was borrowed from Japan. There are over 200 active VPOs, and their roles primarily include verifying information and supervising offenders in the community. The geography and cultural diversity of Kenya complicates the provision of community-based treatment of offenders. Therefore, VPOs play a critical role in overcoming the geographical challenges and in supporting the probation officers when supervising offenders from different cultural backgrounds. VPOs have been offered incentives to facilitate their work, such as mobile phones, bicycles or stationary. The VPO programme would be improved by various measures such as providing reimbursement from the government or establishing VPO associations.

16. The observer from China reported that community corrections in China began through a pilot project in 2003 and that recent legislation has codified the practice. Over 36,000 social workers and over 632,000 volunteers play key roles in providing education, counselling and rehabilitation to offenders in the community. Despite the successes experienced over the past 10 years, the community corrections system has been overwhelmed by the demand for services, which a more localized approach may help to solve.

17. UNAFEI reported on its long history of providing capacity-development training and technical assistance in the field of community-based treatment of offenders. In particular, the technical assistance offered to Kenya and the Philippines helped those countries enhance the scope and effectiveness of their VPO programmes. In addition, the President of the VPO Association in Support of UNAFEI's Activities explained the organization's efforts to share information on the role of VPOs in Japan, as well as its efforts to facilitate cultural and international exchange.

18. Mr. Yuhiko Saito, the Director General of the Rehabilitation Bureau of the Japanese Ministry of Justice presented the VPO Association in Support of UNAFEI's Activities with a certificate of appreciation for its efforts at sharing the role and function of the Japanese VPO system with other countries.

19. The Chair then began the Plenary Discussion. He gave the floor to Professor Tatsuya Ota of Keio University, who commented that community-corrections systems are developing rapidly throughout Asia and other parts of the world. Professor Ota stated that VPOs are indispensable to the criminal justice system, and their diverse activities—which include supervising high-risk drug or sex offenders, supervising offenders' compliance with community service orders, involvement in pre-sentence or pre-release investigations, involvement in restorative justice programmes and so on—are necessary to support rehabilitation services. Consequently, the recruitment of capable VPOs and the provision of adequate training are critical to the future success of VPO programmes. Other important factors include en-

sureing the safety and security of VPOs, providing sufficient governmental funding and recognizing VPOs with awards and honours.

20. Professor Hiroshi Shojima of Fukushima University spoke on the role of “hospitality” in rehabilitation and the importance of giving people a sense of belonging in the community. Thus, family support is a key function for VPOs, and VPOs can be role models for juveniles in conflict with the law and their parents. Sharing information on VPOs’ activities with the community is crucial to the future success of VPO programmes. He further emphasized the importance of risk assessment to ensure that high risk offenders are handled by probation officers, but low risk offenders—which are the majority—can be successfully rehabilitated by VPOs. Finally, although the participating countries have differences in their VPO systems, he observed that the VPOs have a common belief in offender rehabilitation, and he applauded the collaboration and empowerment that resulted from the meeting.
21. Director Tomoko Akane of UNAFEI as cohost with the Japan Rehabilitation Aid Association, expressed her pleasure with the phenomenal success of the meeting. UNAFEI was honoured to invite such distinguished participants to the first meeting of VPOs, and the support of the VPO Association in Support of UNAFEI’s Activities was invaluable to the success of the meeting. She expressed her hope that the network established at this meeting will expand in the future, and UNAFEI stands ready to continue its support.
22. The Chair stated that the meeting allowed him to confirm three key points related to VPO programmes. First, offender rehabilitation can be realized by effective supervision focusing on the unique needs of each offender, by providing offenders with practical assistance for establishing secure and stable living environments, and by informing the community of the importance of accepting offenders as they return to the community. VPOs are critical to accomplishing these goals. Second, VPOs cannot accomplish

their tasks without active collaboration with national governments—which take more active roles in addressing these issues—as well as collaboration with the community, including offender rehabilitation facilities. Third, exchanging information on countries’ efforts to solve the challenges facing their VPO systems is critically important. Our efforts do not end with this meeting; cooperation must continue into the future. As the first VPO meeting ever held, this is an historic moment. Thus, a draft declaration was prepared with the input of the participating delegations and observers, and the Chair asked each delegation and observing nation for comments.

23. The delegation of the National Federation of Volunteer Probation Officers (Japan) stated that it is important to protect the well-being of VPOs and to reduce their economic burdens. Furthermore, it is important to improve public awareness of VPOs’ activities, specifically in connection with local governments. Finally, he stated that continued meetings such as this will be very effective at improving VPO systems throughout Asia.
24. A VPO of the delegation from Korea stated that we need to continually improve the abilities and professionalism of VPOs through training. In order to enhance activities in Asia, the Korean delegation hopes that further efforts at international cooperation will be undertaken. He expressed his hope that the Tokyo Declaration will be fully adhered to in Korea and expressed the support of Korean VPOs for that task.
25. A VPA of the delegation from the Philippines expressed approval of the Tokyo Declaration, stating that the draft is brief and concise and that the contents captured the essence of the country presentations. He pointed out that the Declaration addresses the importance of the integrity and selfless dedication of VPOs, the quality of VPOs and the commitment to necessary training. He concluded by reminding those present that VPOs are the vessels of change of one’s life.
26. A VPO of the delegation from Singapore stated that the Tokyo Decla-

ration provides guidance to VPOs in the performance of their work. He stated that VPO programmes are dependent on the quality and integrity of the VPO. VPOs must work closely with probation service for the benefit of offenders and the community.

27. A VPO of the delegation from Thailand expressed thanks for the opportunity to attend this meeting and hoped that this forum will continue in order to move efforts forward. The exchange that has taken place will facilitate VPO activities going forward. Thailand expressed its whole-hearted support for UNAFEI and its activities.
28. An observer from Kenya expressed the need for international coordination of VPO programmes. Further, the observer stated that Kenyan VPOs will commit themselves to implementing the principles expressed in the Tokyo Declaration, as we all aspire to create a just, peaceful and harmonious existence with other communities worldwide.
29. The observer from China stated that although we face unique problems, each country has its unique challenges. The Tokyo Declaration is significant, but the implementation is as significant. Thus, she encouraged all of the participants to work together for a brighter society.
30. The delegation of the National Association of Offenders Rehabilitation Services (Japan) stated that providing jobs and social welfare to offenders is critical to their rehabilitation. Nevertheless, finding jobs can be a challenge, and offenders in the community face harsh realities every day. He pointed out that paragraph 2 of the Tokyo Declaration encourages collaboration with other associations and stakeholders in the rehabilitation process, finding such collaboration crucial to the rehabilitation and recovery of offenders.
31. Upon the conclusion of the plenary discussion, the Chair offered the Tokyo Declaration to the participants for approval, which was approved and

adopted by resounding applause. The Declaration was then read aloud, in turn, by representatives of the country delegations; whereupon the Asia Volunteer Probation Officers Meeting was adjourned.

Tokyo, 10 July 2014



### ***Tokyo Declaration of the Asia Volunteer Probation Officers Meeting***

On 9th and 10th July 2014, the Asia Volunteer Probation Officers Meeting hosted by the Japan Rehabilitation Aid Association and the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI) was held in Tokyo. The meeting was attended by delegations from Korea, the Philippines, Singapore, Thailand and Japan, as well as observers from Kenya and China. Each delegation included volunteer probation officers/aides (hereinafter collectively referred to as volunteer probation officers) and the officials responsible for community corrections. The participants of the meeting shared practices and challenges of their countries' volunteer probation officer programmes and recognized the importance of the role of volunteer probation officers in rehabilitation of offenders in the community. In order to further develop community-based treatment, especially volunteer probation officer programmes in their respective countries, the participants of the meeting further recognized the importance of the following principles.

1. Volunteer probation officers must be fair and honest and must continually strive for the enhancement of their character, insight and knowledge. In addition, they should dedicate themselves to the rehabilitation of offenders in the community so that offenders will be reintegrated in the community and they will contribute to the creation of a peaceful and orderly community in the future.
2. Crucial factors for the rehabilitation of offenders in the community are guidance and supervision; providing support for housing, employment, welfare and education, and providing consultation; and understanding and cooperation of the community. In order to implement the above-mentioned, volunteer probation officers should closely cooperate with the government's efforts, and collaborate

with other organizations, such as NGOs, halfway houses, entrepreneurs, employers, schools and community residents.

3. Volunteer probation officers should be carefully screened and recruited in accordance with their individual aptitude and interests; and sufficient numbers to meet the demands of each country should be ensured. The relevant authorities supervising volunteer probation officers should provide appropriate training, support and advice. The welfare and safety of the volunteer probation officers should also be ensured to allow them to carry out their volunteer duties efficiently and effectively. Measures to be considered include reducing financial and psychological burdens on volunteer probation officers, establishing centres for volunteer probation officers' activities, and introducing a compensation scheme for damages incurred when engaged in official duties. Furthermore, public recognition of volunteer probation officers should be enhanced for the services they render for the well-being of the community. Government efforts are strongly encouraged to address these issues.

Therefore, we, the participants of the Asia Volunteer Probation Officers Meeting, hereby declare that we aspire to these principles and resolve to continuously collaborate and create an international network in the Asian Region by implementing events such as joint seminars, holding international meetings or conferences, conducting mutual visits, sharing information, and so on.

## This publication is sponsored by

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## The Third World Congress on Probation Organizing Committee

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Rehabilitation Bureau, Ministry of Justice, Japan



The National Federation of Volunteer Probation Officers



United Nations Asia and Far East Institute for the Prevention of Crime And the Treatment of Offenders (UNAFEI)



The National Association of Offenders Rehabilitation Services



Japan Rehabilitation Aid Association



Japanese Association of Offenders Rehabilitation



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## Errata (正誤表)

Page 頁	Error 旧 (現行)	Correct 新 (修正後)
23	...Shizuoka prefecture in 1889.	...Shizuoka prefecture in 1888.