

GHQ/SCAP Records (RG 331, National Archives and Records Service)

Description of contents

- (1) Box no. 341
- (2) Folder title/number: (20)
Guard Training
- (3) Date: Nov. 1946 - Mar. 1947

(4) Subject:

Classification	Type of record
424	c

(5) Item description and comment:

(6) Reproduction: Yes No

(7) Film no. _____ Sheet no. _____

(Compiled by National Diet Library)

PRISON BRANCH
PUBLIC SAFETY DIVISION
ROUTING SLIP

FROM:

DATE

AWO *28 Jan*

TO:

- DOWD _____
- WHITMORE *row* _____
- CRANOR *Wick* _____
- KIMMEL _____
- TREMPER _____
- WHITE _____
- BLAMEY _____
- FOMENKO _____
- GRAVES _____
- HANABURY _____

*Class of Ass't Chief
Chief Guards -
School 5 Feb - 29 Mar*

CENTRAL TRAINING SCHOOL.

To: Mr. Dowd, Prison Branch, CIS, GHQ.

From: Mr. Furuhashi, Director of the Central Training School.

Subject: Schedule of Chief Guards' Seminar.

1. Students - 45, chief guards and assist. chief guards, who passed the examination last year.
2. Term - from Feb. 5 (Sat.) to March 29 (Tues.), actually 44 days.
3. Course .
 - a. Principles of Correction and Rehabilitation188 hours.
 - b. Practical lessons (including self-protection)21 "
 - c. Discussions and free-talkings31 "
 - d. Visiting social institutions30 "
 - e. Examinations and ceremonies36 "

The details are as follows;

a.	<u>About Correction</u>	<u>Hours</u>	<u>Prison Administrators G.H.Q.</u>
	Penology.	13	Ogata, Training School.
	Hygiene.	4	Otsu, CARGAB.
	Prison Law.	14	Okawa, Training School.
	Principles of Treatment.	13	Fujihira, "
	Parole, Progressive System.	5	Yamauchi, "
	Penal Code.	12	Fujihira, "
	Penal Procedures.	12	Mihori, public procurator.
	Criminology.	7	Mishimura, Training School.
	Classification process.	6	Tamaryu, Classification Committee.
	Treatment of Juvenile.	4	Umeda, CARGAB.
	Constitution.	10	Teramitsu, Parliament.
	Civil Service.	8	Ogata, Training School.
	Accounting (General).	10	Suzuki, Board of Audit.

- 2 -

Accounting (institutional).	5	Takehi, Yokohama Prison.
Social Research.	6	Prof. Toda, Tokyo University.
Pedagogics.	4	Kido, Prison Commissioner.
Pedagogy.	4	Izaka, Min. of Education.
Psychology & Psychiatry.	6	Prof. Yoshimasu, Tokyo Univ.
Economy and Finance.	6	Prof. Ito, Keio University.
Statistics.	4	Okazaki, Prison Commissioner.
Law Science.	6	Nishimura, Training School.
Labor Laws.	2	Mitsui, Min. of Labor.
About Prison Affairs. (Prison staff's Responsibility)	2	Furuhashi, CARGAB.
Modern Trends of Correction.	3	Ogawa, Adult Bureau.
Prevention and Rehabilitation.	2	Saito, Juvenile Bureau.
Revision of Prison Law.	2	Watabiki, Adult Bureau.
Constitution and Prison Affairs.	2	Prof. Makino, Tokyo Univ.
Religion and Prison Affairs.	2	Prof. Hanayama, "
Recreation (outline).	2	Yoshizaka, Tokyo Commercial and Industrial Council.
Political Affairs and Prison.	1	Okabe, House of Councillors.
Explanation of the Training Course.	1	Ogata, Training School.
Games and Plays.	6	Nakano, Tokyo Nominal College.
b. Confinement and Treatment.	3	Chief Administrators of CARGAB.
Management of Prisons.	3	"
Finger Prints.	4	Kubota, CARGAB.
Documents and etiquette.	4	Suzuki, Training School.
Self-protecting defence.	7	Kudo, Police HQ.
c. Discussions with, teachers, wardens, chief administrators.		
d. Visiting - Diet, Police Board, Tama Reformatory.		
Hachioji Juvenile Prison, Fuchu Prison, Asahi Press.		

JHO

CENTRAL TRAINING SCHOOL.

26, Jan. 1949.

To : Mr. Dowd, Prison Branch, Public Safety Div. C.I.S. G.H.Q.

From : Central Training School.

Subject: Follow-up Meeting of Juvenile Instructors - a Report.

1. Date; Jan. 19 - 20 1949.

2. Attendance; Mr. Cranor. Mr. Takahashi, Mr, Umeda, (A.G.O.)
and Teachers of the Training School.

Instructors called from Kawagoe Juvenile Prison.....	12
Matsumoto " "	4
Mito " "	4
Total	20

3. Purpose of the Meeting:

- a. To give them adequate chance to state their experiences and to change opinions from every standpoints.
- b. To discuss many problems they have met, and to find reasonable solutions for further performance.

4. Subjects discussed:

- a. Reports of each instructor's efforts after assigned.
- b. Changes of institutional organizations and management since then, and improvements of their own ideas about their duty.
- c. Conditions of recreation, sports, school.
- d. Present status of self-government.
- e. Conditions of education in comparison with community schools, shortage of text books.
- f. Effects of vocational training, and its relation to the inmates rehabilitation, and contribution of case workers, for their adjustment.

- 2 -

- g. Education of general personnels to the proper level.
- h. Enough budgets available for the education of miserable youth.

MAN
CIS #22
Section

Bureau of Prison Affairs

Ministry of Justice.

29th Oct. 1947.

Subject: Report on the central institute of Prison Affairs Officials.

To : The Chief of Public Safety Division, CIS, GHQ, SCAP.

1. The term of regular course.

Date of opening : 13th Oct. 1947.

Date of finishing: 16th Feb. 1948.

2. Items of lessons.

a. Regular lessons.

1. Constitution.
2. Administrative Law.
3. Regulations of Prison Administration.
4. Study of Administration of Prison. ✓
5. Penal Policy.
6. Penal Code.
7. Criminal Procedure Law.
8. Other Criminal Laws.
9. Calculation Law.

b. Supplementary lessons.

1. Economics.
2. Sociology.
3. Pedagogy.
4. Psychology.
5. Statistics.
6. Other necessary lessons.

- 2 -

C. Practical Business.

d. Special Lectures.

1. Modern Administration of Prison.
2. New Regulation.
3. Prison Labor.
4. Others.

Roll of Students.

Name.	School career.
Toshio KANBE	gave up middle school.
Takeji HORIMOTO	graduate from Agricultural school.
Jito KANBE	" Vocational School.
Kaichi HASUMI	" Agricultural school.
Yoshio OYAMA	" Mathematical school.
Hiroichi SAITO	" Primary school.
Shigenori MATSUYAMA	gave up higher technical school.
Mokuhei HANAZAWA	" primary school.
Motoji TAKAHASHI	graduate from Primary school.
Isamu NISHIJIMA	" "
Hidetoyo MIYZKO	gave up Middle school.
Tadao INAZAKI	" commercial school.
Zyo YAMAJI	graduate from middle school.
Zyukichi UMEMOTO	" primary school.
Tomeyuki OISHI	" middle school.
Hajime KINUGASA	" "
Shoki KUROZASA	" Kyoto University.
Kaoru HANADA	2nd year of Chuo University.
Jiemon WATANABE	graduate from Nippon University.
Minoru SHINDO	" Chuo University.
Sakae KANO	" higher commercial school.
Toshio MORITA	" Deito Bunka Colledge.
Masamitsu NAKA	" middle school.

- 3 -

Tadashi YAZAWA	graduate from Nippon Law College.
Takeshi YOSHIDA	" Army Official school.
Shigeru MAEDA	" Chuo University.
Kenji SEKI	" Waseda University.
Tatsue CHIBA	" Shikyo Hosei University.
Yoshio OYAMADA	" Kansai Law College.
Choji KUMAGAI	" Hosei Higher Commercial School.
Shigeo YUWASAKI	" Huzan Commercial School.
Masaji INOUE	" middle school.
Takizo MORIYUKI	" vocational school.
Kiji SAIDA	" primary school.
Chu SHIGARA	gave up commercial school.
Tadaashi MITSUYAMA	graduate from Technical school.
Fumio KOMATSU	" Agricultural school.
Masao IKEURA	" primary school.
Nobuki YAKAMI	" middle school.
Kazuki MAKITA	" commercial school.
Masao OKADA	" "
Masa-aki OZUMI	" Agricultural school.
Moto-omi TANAKA	" middle school.
Hisashi SHINGU	" Commercial and technical school.
Tatsumi NAGAI	" normal school.
Noboru ONODERA	" middle school.
Yoshio YONEDA	" Higher Agricultural school.
Shigeru AKIYAMA	" Vocational school.
Kushiro SAITO	" middle school.
Senke OKAMOTO	" Technical school.
Toyozo MORI	" middle school.
Takashi MINAMIYA	" "
Nobory OKATA	" Technical school.
Akiharu KOBAYASHI	" Tokyo University.

- 4 -

Yoshio UCHIZYO	graduate from Chuo University.
Zen TOKOI	" Tokyo University.
Hisao KOYAMA	" Waseda University
Minoru HAYASHI	" "
Shigeru SAGA	" Nippon University.
Yoshio KAMAGATA	" "
Fumihiko NAKAGAWA	" Chuo University.

Zenichi OKADA

Director of Bureau of Prison
Affairs, Ministry of Justice.

PRACTICAL AFFAIRS CONCERNING CULTURE

The purpose is to teach students method for execution in urging moral and social reform of prisoners.

1. Object of Culture.

Up-bringing of sound working and farming citizens with strong sense of responsibility.

2. Premise for Execution.

- A. Culture of prison officials.
- B. Respect of prisoners' human rights.
- C. Improvement of equipment, food, clothing, and bedding.
- D. Brightness and beautification inside prisons.
- E. Adaptability of treatment.

3. Cultural Measures.

A. Education.

(1) Intellectual education. (Subject course)

- (a) Endowment of knowledge and skill necessary for livelihood.
- (b) Juvenile prisoners to be chief objects.
- (c) Juvenile Prison Affairs Educational Ordinance based on Juvenile Prison Affairs Educational Regulation.
- (d) Special caution made for physical training.

(2) Civic education.

- (a) Training for daily life--self-governing training.

- (b) Cultivation of social knowledge according to books, radio, etc.
- (3) Culture of sentiments.
 - (a) Up-bringing of harmonious sentiments.
 - (b) Educational materials.
 - Moving picture, records, entertainments, games, etc.
- (4) Occupational training.
 - (a) Training through labor.
 - Individual imposition of work, and adaptability for labor guidance.
 - (b) Establishment of occupational training institute.
 - (c) Harmony between profit-making labor and culture.

B. Preaching.

- (1) Religious preaching.
 - (a) Realization for cultivation of moral character and weeding out of character according to religious aid.
 - (b) Sound religious guidance.
 - (c) Religious freedom.
 - (i) Prisoners made to listen to preaching based on any sect they desire.
 - (ii) Esteem for characteristic ceremonies and sacred rites of various sects.
- (2) General preaching.

- (a) Realization for cultivation of moral character and weeding out of character, based on logical morals.
 - (b) It will chiefly be carried out by inviting outside lecturers.
 - (c) Prisoners must be prevented from being partial to their own religious sects.
- (3.) Whole assembly preaching.
- (a) It will be carried out by assembling all prisoners at one place on off-days, etc.
- (4.) Special preaching.
- (a) It will be carried out by taking advantage of opportunities when prisoners are deeply moved emotionally.
 - e.g. preaching at ceremonial hall, in front of coffin, etc.
- (5.) Individual preaching.
- (a) Especially effective culturally when applied at appropriate time.
 - (b) Time they should be applied.
 - at time of confinement, parole, punishment, transfer, etc.
 - (c) Should confront prisoner with sympathy, consideration of individuality, and close relationship with individual.
 - (d) Should be carried out at appropriate places such as cell, etc.

(e) Should be applied to unconvicted prisoners without making hindrance to trial as spiritual protection and consolation.

C. Observation of reading books.

(1) Prohibition of culturally inappropriate books and those which obstruct development of democratic thought.

(2) Complete equipment of books.

(a) Efforts made for replenishment of books due to destruction by fire, abolition, etc. for complete equipment.

(3) Permission for use of personal books and purchase of the same.

(4) Abolition of restriction for kinds of reading books of unconvicted prisoners.

(5) Equipment of abundant newspaper clipping and magazines in libraries and dining rooms, etc.

D. Proper operation of parole.

(1) Appropriate operation of parole (Temporary release from prison and indeterminate parole included) greatly contributes toward hastening of reform. Furthermore, its activeness would be greatly effective for the present over-crowded confinement moderation measure.

E. Consultation of personal affairs and hearing of civil suit.

(1) They contribute toward stabilization of mind

concurrently with making initiation for culture.

- (a) Establishment of personal affairs consultation department which would give pleasant responds.
- (b) Establishment of opportunities for exchanging viewpoints by holding meetings, etc.
- (c) Enforcement of visits to cells for solitary confinement.
- (d) Harmonious intermediation for interviews with the warden.
 - (1) Arrangements made for liberal interviews without suppression.

F. Connections with homes.

- (1) Hastening of reconciliation.
 - (a) Caution should be made that there is harmony between the prisoner and his family at all times.
 - (b) Prisoners should be urged to write letters to their homes when necessary.
 - (c) When reconciliation can not be made, officials should give assistance as go-between.
 - (d) Latest information concerning prisoners should be sent at times.
 - (e) There is special necessity for giving the above considerations to juvenile prisoners.
- (2) Methods for connections.
 - (a) Interviews.
 - (1) Persons making interviews, frequency, place, date and time.

Application will be made according to progressive treatment ordinance for those receiving progressive treatment, and according to enforcement regulation for others.

- (ii) Abolition of restriction necessary for culture, etc.
- (iii) Occasion witness may be omitted.
- (iv) Matters worthy of reference occurring during interviews reported or recorded.

(b) Correspondence.

- (i) Addressee and sender, number of dispatches and receipts, location and time of writing, and expenses.

Application of same regulation as interviews.

- (ii) Promptness of censorship and dispatch of letters, and procedure for receipt.
- (iii) Occasion of prohibition for dispatch or receipt and their disposal.
- (iv) Caution should be made for the contents of letters and efforts made for acquiring knowledge for prisoners' state of mind and family situation. Furthermore, matters for reference should be recorded and reported.

G. Preparation and protection of parole.

(1) Special considerations must be made to bring prison affairs to a successful conclusion.

(a) Enforcement of solitary confinement before parole, moral talk by the warden, and individual preaching.

(b) Advance notice given to family and discussion made for method of taking back prisoner.

(c) Occasion when there is no one to take back prisoner.

(1) Protection during transportation, request made to protective body, and aid in finding occupation.

(a) Furnishing of clothing and bedding.

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Military Intelligence Section, General Staff

AFG 500
20 February 1947

MEMORANDUM FOR THE CHIEF OF STAFF:

I. THE PROBLEM:

General Order No. 13, SCAP, dated 2 October 1945, subject: Civil Intelligence Section, establishes the Civil Intelligence Section and states in part, "The functions of the section are to: (a) Maintain contact with, arrange for and coordinate surveys and reports on, and inform the Supreme Commander concerning: (1) The Police, prison, and fire control organizations and systems in Japan and Korea". (Paragraphs 2a (1); "b. Make recommendations relative to policies to be adopted or measures to be taken which will: (1) Provide civil police, prison and fire control systems in Japan and Korea adequate for the accomplishment of the objectives of the Occupation Forces." (Paragraph 2b (1)).

II. FACTS BEARING ON THE PROBLEM:

a. The Prison Branch, Public Safety Division, Civil Intelligence Section, after a year's research, investigation and study of Japanese penal institutions, penology and criminology, presents a synthesis of its efforts in the objectives (Tab A) and accompanying methodology (Tab B) for the philosophical reorientation and functional reorganization necessary for a democratized Japanese Peno-Correctional System within the scope and aims of the occupation.

b. The 332 correctional institutions in Japan incarce-

rate approximately 75,000 persons. The physical plants and equipment of Japanese Penal institutions suffered less than the nation as a whole during the war. However, the prisons are overcrowded, poorly administered, and the custodial personnel are poorly selected, underpaid and badly in need of training. The entire prison system functions ineffectively toward rehabilitative goals, even as stated by the Japanese. Consolidation and summary of inspections, defects uncovered and suggestions offered to Japanese prison officials (Tab C) and an outline of Japanese Prison Law and the existing Japanese prison system are attached (Tab D).

III. DISCUSSION:

- a. For the Imperial Japanese Government to fulfill the requirements of paragraph 1g and 3f of (SCAPIN - 93), "Removal of Restrictions on Political, Civil and Religious Liberties" or chapter 3, "Rights and Duties of the People", Article 36 of the New Constitution (Tab E) it is necessary for the personnel who operate Japanese penal institutions to develop a concept of responsibility for individual inmates. The development of such a concept would, in the last analysis, result in a prison system that would meet the basic requirements of (1) protecting society from the ravages of the criminal and (2) granting offenders the freedom and opportunity to develop their potentialities for good citizenship.
- b. At the present time, despite protestations to the contrary, Japanese penal institutions function primarily as places of confinement and inmate employment. With the enlarged areas of individual freedom in democratic Japan, the problem of the offender

and his treatment will be of increased importance. Since we will have in the treatment of crime and the criminal one of the most unflinching tests of the effectiveness of the Occupation, it is of prime importance that we assist the Japanese in the humanization of their penal institutions. The present social scientist and future historian will evaluate the effectiveness of the occupation in the democratization of Japanese penal institutions by measuring our progress toward specific clear goals. It behooves us then, to give the Japanese the insight, courage and skill necessary to develop a prison system that will.

- (1) Incarcerate most inmates for a short period of time,
- (2) Hold the remainder for long terms, and
- (3) Provide worthwhile services to the community as well as; industrial and agricultural employment, vocational and educational training, medical and psychological facilities to the inmate.

This test cannot be met, or a prison system developed with the characteristics enumerated as long as the B/PA, M/J and Social Agency of M/W persist in jumbled policies whose chief characteristic is a wide divergence between verbalized and written policies and that which is practiced.

c. The serious lack of administrative aggressiveness and coordination in the Japanese penal system requires a more comprehensive and intensive surveillance. To effect the reorientation and realignment of the Japanese Prison System to democratic Japan and the inmate it is imperative that; (1) Present investigation and advisory services be accelerated; (2) Programs of demonstration

be developed in certain centers for, (a) inservice training of prison personnel, (b) rehabilitation, training and treatment of prisoners and (c) adequate actual supervision of paroled prisoners.

d. For the Japanese penal institutions to render services commonly accepted by progressive states in the United States and the Federal Bureau of Prisons (Tab F, G, and H), it is necessary that eight (8) civilian experts in penology on allied fields be assigned to the Prison Branch, PSD to meet the job description on WD Form 74 (Tab I). To provide the intensive and comprehensive surveillance necessary to make democratic penal practices a reality in Japanese prisons it will be necessary to have the services of eight (8) army officers as prison investigators who are currently allocated on Table of Distribution but not now assigned to Public Safety Division. Proposed organization chart of Prison Branch, Public Safety Division is shown (Tab J).

IV. RECOMMENDATIONS:

a. It is recommended that the plan of the Prison Branch, Public Safety Division be approved and used as an implement and guide in the democratization and reformation of the Japanese Prison System.

b. It is recommended that the check sheet (Tab I) to the Assistant Chief of Staff, G-1, directing the assignment of (8) eight penological experts to Public Safety Division be approved and forwarded.

C. A. WILLOUGHBY
Brigadier General, G.S.E.
Ass't Chief of Staff, G-2

The Problem

To weave the existing Japanese prison system into the fabrics of a democratic Japan. This integration involves a philosophical reorientation with some structural reorganization. The mission of the prison branch in relation to this is to assist the Japanese create a prison system that will (a) incarcerate as few people as possible (b) incarcerate most of inmates for a short period of time and (c) hold the remainder for life. Such a system meets the basic requirements of; protecting society from the ravages of the criminal, and granting offenders the freedom and opportunity to develop their potentialities for good citizenship.

Facts bearing on the problem.

The 332 correctional institutions of Japan incarcerate a population of approximately 75,000 persons. Although the physical plants of Japanese prison are largely satisfactory, there is a shortage of equipment, material and trained personnel. Because of inadequate channels of communication ~~and the~~ ^{Because of} lack of administrative aggressiveness there is considerable confusion, "passing the buck", and a serious lack of cooperation within the ^{Japanese} system. Despite protestations to the contrary, Japanese prisons function primarily as places of confinement and inmate employment.

Discussion

With the enlargement of the areas of individual freedom in democratic Japan, the problem of the offender and his treatment will be of increased importance. It is in the treatment of crime and the criminal that we will have one of the most un-failing tests of the effectiveness of the occupation. To meet this test we must help Japan develop a series of penal programs based on a concept of responsibility for the individual. These programs would in many instances be considerably at variance with the present ones based on the wish to punish and detain the offender than to treat and rehabilitate him.

Recommendation

To develop programs of education and training aimed at correcting specific ills in the present system while effecting a general reorientation of it toward (a) the inmate and (b) the democratic society of Japan, it will be necessary for the prison branch to have the following experts.

1. Ad & Financial Expert
2. Supervision of Institutional Industries and Employment
3. Institutional Classification
4. Agriculture and Natural Resources
5. Training and Rehabilitation
6. Personnel and Parole
7. Mental Hygiene
8. Medical and Nutritional

Parole.

1. Concept.

A. Parole.

On occasion of being passed one third of penal term it is the conditional release from penal institution or correctional institution (see chap. 12 Prison Law, The regulation of prisoners on parole). Moreover, on the case of the relative indeterminate sentence the release shall be permitted when one third as minimum has been served.

B. Probation.

There is probation as one of systems look like parole. This is a suspending system of execution of the penalty for a definite period when a court sentences a judgement of penal servitude or imprisonment. Characteristic of probation aims at that without confining offenders in penal institution or reformatory let them continue the social life for a definite period for which let hold their good behaviors under supervision and treatment.

C. Kinds of Sentence.

a. **Determinate Sentence:** This penalty shall determine the penal term with sentence, namely, as serving sentence one year of penal servitude. For all Japanese adult criminals shall be sentenced determinate sentence.

b. **Indeterminate Sentence:** In this penalty relative indeterminate sentence, namely, partial indeterminate sentence and absolute indeterminate sentence, namely, whole indeterminate sentence.

(1) **Relative indeterminate sentence,** this decides minimum and maximum of penalty and good behavior and repentant prisoner shall be permitted for parole with one third of minimum.

For instance, serving sentence not less than 3 years nor more than five years of penal servitude for an offender, if his repentant status would be appeared within one third of three years of minimum, parole shall be permitted. For Japanese juvenile offender this system has been applied.

Parole.

1. Concept.

A. Parole.

On occasion of being passed one third of penal term it is the conditional release from penal institution or correctional institution (see chap. 12 Prison Law, The regulation of prisoners on parole). Moreover, on the case of the relative indeterminate sentence the release shall be permitted when one third as minimum has been served.

B. Probation.

There is probation as one of systems look like parole. This is a suspending system of execution of the penalty for a definite period when a court sentences a judgement of penal servitude or imprisonment. Characteristic of probation aims at that without confining offenders in penal institution or reformatory let them continue the social life for a definite period for which let hold their good behaviors under supervision and treatment.

C. Kinds of Sentence.

a. **Determinate Sentence:** This penalty shall determine the penal term with sentence, namely, as serving sentence one year of penal servitude. For all Japanese adult criminals shall be sentenced determinate sentence.

b. **Indeterminate Sentence:** In this penalty relative indeterminate sentence, namely, partial indeterminate sentence and absolute indeterminate sentence, namely, whole indeterminate sentence.

(1) **Relative indeterminate sentence,** this decides minimum and maximum of penalty and good behavior and repentant prisoner shall be permitted for parole with one third of minimum.

For instance, serving sentence not less than 3 years nor more than five years of penal servitude for an offender, if his repentant status would be appeared within one third of three years of minimum, parole shall be permitted. For Japanese juvenile offender this system has been applied.

- 2 -

(2) Absolute indeterminate sentence, this does not terminate the penal term, but sentences to impose penal servitude for the accused dangerous person shall be confined for ever and repentant person shall be paroled in any time. In Japan has not been enforced.

2. Legal Basis concerning Parole.

A. The Authority to Grant Parole.

In conformity with the petition of prison governor, through the inspection of Director of Prison Affairs Bureau of Ministry of Justice Minister of Justice shall approve.

B. Parole Qualification.

(1) Passing one third of penal term (in case of juvenile pass one third of minimum of indeterminate sentence).

(2) Having repentant status.

(3) Goodness of rehabilitation relations.

C. Adaptability to the social life after parole.

(1) Decision of installation.

(2) Harmony with family.

(3) Goodness of friends relation, etc.

3. Basic Tasks in The Parole Function.

A. The proper selection of parolees from the penal or correctional institution.

(1) The final paroling authority.

In conformity with the petition of prison governor Minister of Justice shall approve.

(2) The paroling authority within the institution.

a. At the Progressive Preliminary Meeting shall investigate the suitability of parole.

b. When at the Progressive Preliminary Meeting accept the suitability of parole putting the decision on the Prison Official Meeting, the suitability shall be re-examined.

- 3 -

e. When at the Prison Official Committee recognized the fitness of parole prison governor request it to Minister of Justice.

4. The Study and Assembling of Data concerning The Prisoners.

A. Examination of Personal Circumstances.

- (1) Heredities.
- (2) Health conditions.
- (3) Mental conditions.
- (4) Ideologies and religious faith.
- (5) Sense of responsibility and sense of cooperation.
- (6) Personal career and education.
- (7) Working capability.
- (8) Conducts after imprisonment.
- (9) Work rewards.
- (10) Other items.

B. Examination of Matters regarding crimes.

1. Age when a crime was committed.
2. Term of imprisonment.
3. Number of crimes committed in the past.
4. Nature of a crime, motive and circumstances.
5. Situation after crimes were committed.
6. Social sentiments against crimes.
7. Other items.

C. Examination of Matters regarding Protection.

1. Name, age, occupation, residence of a convict's employer and protector, or of the relatives who lived together with the convict, as well as his relationship with them.
2. Character, assets and living conditions of those mentioned in the foregoing items.
3. Reputation of the convict's family.

- 4 -

4. Kind of interviews and communications made, conditions under which they were made by the convict.
 5. Contrast between convict's feelings and those of his family.
 6. Feelings of a victim and of his family versus those of a convict and of his family.
 7. Returning place of residence of a convict after his release.
 8. Prospect of a convict earning a livelihood after his release.
 9. Other items.
- D. In penal institution to study and examine these disposing the expects of psychology, psychopathy, sociology and pedagogy.
- e. On assembling the data of personal circumstances chaplain, instructor, phisician and industry officer endeavouring especially, the guard charges in studing sufficiently the daily action of the convict, present the report.
- F. In case of unfitness of parole let report the reason.
5. Conditions of Parole.
- A. Periodical report to Police.
 1. Parolee shall recieve the superintendence of police station at the place of his residence.
 2. Penal institution deciding the date to arfive at the place of residence and give a licence to the real person, who shall present it to the police station and shall receive an approval.
 3. Prison governor shall report to the public procurator of the court where had sentenced and the police station.
 4. When takes a trip not less than 3 days nor more than 10 days shall notify the police.
 5. When takes a trip over 10 days shall receive an approval by the police.
 6. Travel for foreign country shall receive an approval by Minister of Justice.
 7. Parolee estimating his accupation, shall notify the police.

- 5 -

8. Shall attend once a month at the superintendent police station.
 - B. Maintenance of industrious and unprejudicial habits.
 - C. Regular contact with parole guardian.
 - D. No association with criminalistic or questionable persons or places.
6. Basic tasks in the parole function to supervise the parolee in the community.
- A. Personal reporting (used in Japan).
 1. To the police.
 2. To the parole guardian (Volunteers and fulltime paid agents).
 - B. Other methods of supervision of the parolee.
 1. Written reports.
 2. The use of sponsors.
 3. Full time, paid parole officers.
7. The Revocation of Parole.
- A. Reasons.
 1. When would be sentenced the penalty above fine by committing a crime while is paroling.
 2. When would be sentenced the penalty above fine by committing a crime before parole.
 3. When execute the penalty by serving sentence above fine for other crime before parole.
 4. When violate the control provisions of parole.
8. Summary The Elements of a good parole system.
- A. Freedom from improper control or influence by political or otherwise.

QUESTIONS OFFERED BY STUDENTS

1. How about the allotment of business at the modern American prison?
2. It is said, from what we heard, that American prison officials have been training boxing or other exercise for their self-protection, but we, Japanese prison guards, have not been trained any exercise at present. So, we'd like to have time regularly to exercise boxing or Judo for our self-protection. How about your opinion in this respect?
3. How many kinds of works for prisoners are there in American prison?
4. What kind of works have been charged for feeble inmates or those who have been kept in sole cell?
5. From what we heard, works at prison in America, have been limited only for orders offered by the government offices, but will you kindly tell us what kind of works adapted for in this case and under what way have been carried on?
6. Please tell us the paying method of bonus for prisoner's labor in America.
7. Please tell us about an ideal interim treatment for inmates in America.
8. How do you think of cultivation standard of Japanese prison officials in general?
9. Please tell us sound policies for living, payroll and cultivation of average American prison officials.
10. How about your opinion and policy for following cases?
 - (a) Overflowed prison population in Japan.
 - (b) Shortage of weapons in case of any riot was happened in prison.
11. Please tell us your opinion about strong and weak points of Japanese prison administration.
12. How extent do American inmates take their calories per day?
13. How about serving status on business of American prison officials concerning,
 - (a) Duty hour per day.
 - (b) Holidays.
 - (c) Relationship between business and guarding.
14. What kind of weapons have been used among American prison officials?

At Prison Officials' Training School

- 24 -

condemned to a penalty heavier than a fine while on a provisional discharge.

(2) When you have been condemned to a penalty heavier than a fine for crimes committed prior to the granting of the provisional discharge.

(3) When the execution of a penalty heavier than a fine is to be carried out for crimes committed prior to the granting of the provisional discharge.

In case of cancellation of the provisional discharge, the number of days spent during such discharge shall not be included in the term of imprisonment.

PROVISIONAL RELEASE EXAMINATION REGULATIONS

(Justice Ministry Instruction, Gyo Ko, No. 1128;
dated May 25th, 1931.

Revised: Justice Ministry Instruction,
Keisei No, No. 3287, dated Sept. 29th, 1943;
Justice Ministry Instruction,
Keisei Ko, No. 2158, dated Nov. 26th, 1944.)

Article 1. Examination of personal affairs, crimes, and protection of convicts shall be made in accordance with these regulations.

Article 2. Examination of personal affairs shall be made on the following items:

- (1) Heredities.
- (2) Health condition.
- (3) Mental condition (Brains, heart, and volition).
- (4) Ideologies and religious faith.
- (5) Sense of responsibility and sense of cooperation.
- (6) Personal career and education.
- (7) Working capability.
- (8) Conducts after imprisonment.
- (9) Work bonuses and
- (10) Other items.

Article 3. Examination of matters regarding crimes shall be made on the following items:

- (1) Age when a crime was committed.
- (2) Term of imprisonment.
- (3) Number of crimes committed in the past.
- (4) Nature of a crime, motive and circumstances.
- (5) Situation after crimes were committed.
- (6) Social sentiments against crimes.
- (7) Other items.

Article 4. Examination of ^{ml} matters regarding protection shall be made on the following items:

- (1) Name, age, occupation, residence of a convict's employer and protector, or of the relatives who lived together with the convict, as well as his relationship with them.
- (2) Character, assets and living conditions of those mentioned in the foregoing item.
- (3) Reputation of the convict's family.
- (4) Kind of interviews and communications made, conditions under which they were made by the convict.
- (5) Contrast between convict's feelings and those of his family.
- (6) Feelings of a victim and of his family versus those of a convict and of his family.
- (7) Returning place of residence of a convict after his release.
- (8) Prospect of a convict earning a livelihood after his release.
- (9) Other items.

Article 5. In case as a result of the examination conducted in accordance with the aforementioned three articles it is considered that there is no danger of a convict committing another crime, a petition for a provisional release may be filed for such a convict.

- 26 -

A petition for a provisional release may be made, if necessary, by telegraph or telephone beforehand. In such a case a written petition shall be sent in later.

Article 5-2 (Deleted)

Article 5-3 As regards a convict who is engaged in such a piece of work as designated by the Justice Minister, and is regarded good in his conduct and diligent, ~~two~~ ^{two} days worked by him shall be counted as ~~three~~ ^{three} days at least in computing the remaining term of his imprisonment, and it can be the ground on which to ^e petition for his providional release.

In the case mentioned in the foregoing paragraph, an application for permission shall be made to the Justice Minister for the selection of such affairs connected with the convict's crimes, protection, and his personal affairs, which are to be recorded.

In case it is regarded appropriate for the convict who has been permitted as mentioned in the foregoing paragraph to be granted a provisional release, a petition therefor shall be made in the form of telegraph or telephone. In such a case a computation report shall be sent in later.

Article 6. In the examination of the degree of repentance made by a convict, particular care shall be exercised whether there have been flattery, pretension or other hypocritis acts on the part of the convict.

Article 7. The granting of a provisional release shall not be affected by the length of the term of imprisonment for such a convict who is especially good in regard to the items as specified in Articles 2 and 4.

For a convict who has been condemned to a life imprisonment, examination shall be made as to whether or not the circumstances under which the crime was committed are extenuating especially in the light of social sentiments against the crime.

Article 8. For a convict who has been condemned to an imprisonment at hard labour or to a confinement for more than twice for the same kind of crime or crime resembling it, examination shall be made specially on the degree of the repentance made by him, his working capability, habit of his diligence, whether

- 27 -

he has or not the quality which enables him to engage in legitimate business, as well as on such matters regarding his protection.

Article 9. In the examination of motives for a crime, consideration shall be given especially on whether the crime was motivated by the sense of loyalty or filial piety, or by other extenuatory sentiments from the standpoint of morality or public interests.

In case a crime was motivated by such sentiments as are open to censure from the standpoint of of morality or public interest, examination shall be made on as to whether or not the convict has renounced his conviction with special care taken on the change of a convict's thought.

Article 10. In case a crime was motivated by mob hints, provocations, duress by supervisors, or by other causes similar to the above, examination shall be made on as to whether or not there is fear or awe about them with special care taken on the convict's character or the changes in the surrounding circumstances.

Article 11. For a person who has committed a crime by cruel, clever or a big-scale means, special care shall be exercised on the social sentiments against such a crime.

The same will be the case for a crime which has caused especially serious danger.

Article 12. For a person who has committed a crime regarding property, examination shall be made especially on as to whether or not he has made an effort to indemnify losses caused by the crime or to alleviate the actual damages caused thereby.

In case the convict's relative or acquaintance has indemnified for such losses, examination shall be made on as to whether or not it was made in accordance with the wishes of the convict.

Article 13. For a person who has committed a crime of local characteristics or a crime which has startled the world, examination shall be made especially on the manners and customs of such a locality, and the local sentiments concerning provisional release.

- 28 -

Article 14. As regards the provisional release to be granted to juveniles or sub-juveniles, special care shall be exercised on the examination of the degree of their repentance and matters regarding their protection.

Article 15. When it is discovered that a person has been condemned to a penalty heavier than imprisonment without making an appeal to a higher court of justice, in case anyone or his accomplices has been given a judgement of acquittal by an appeal, such a fact shall immediately be notified to the Justice Minister.

Article 16. In case the provisional release is granted to a convict the execution of whose penalty is to be suspended, a petition to that effect shall be filed beforehand.

A petition mentioned in the foregoing paragraph may be made, if necessary, in the form of telegraph or telephone ~~togeth~~^{beforehand}. In such a case a written petition shall be sent in later.

Article 17. The warden of a prison may seek advice of judges, public prosecutors, or Army or Navy judicial officers regarding such items as the examination of a provisional release, which he deems necessary.

In case judges, public prosecutors, or Army or Navy judicial officers have expressed their wishes regarding the provisional release to be granted to a convict to whose case they are related, considerations shall be given specially to their wishes in connection with the examination.

Article 18. The examination of personal affairs shall be made within 15 days after a convict's imprisonment and at least once every six months thereafter.

Examinations mentioned in the foregoing paragraph shall be made at an appropriate time for a person whose term of imprisonment is short. Special care shall be exercised ~~so~~^{so} that such a person will not be left out in the examinations.

In such a case as mentioned in the foregoing two paragraphs, examination shall also be made on matters which may constitute the basis of a provisional release.

- 29 -

A request for the loan of lawsuit records which are necessary for the examination of matters regarding crimes must be made within two months at latest before the examination is made.

Article 19. The examination of matters regarding protection shall be made at the latest before one-third of the term of imprisonment has elapsed. Coffections shall be made without delay for any later changes made.

Article 20. In the examination of a provisional release, liaison shall be maintained especially with a city, town, village office, police station, schools, employment offices, protective bodies, or temples concerned as well as with the place where a convict lived or where he is to live.

Article 21. For a convict whose term of imprisonment is to expire during the first ten days of January a petition shall be filed for a provisional release with time left sufficient for the granting of a provisional release during the month of December of the preceding year, provided that his conduct while under protection has been particularly good.

Article 22. the examination of personal affairs shall be made by a prison chaplain, instructor, prison medical officer, assistant medical officer, prison technical expert, or by an assistant prison technical expert on such matters under their respective charge, and the results obtained therefrom shall be reported to the warden of the prison concerned. The warden of the prison shall refer them to a conference of prison officials for discussion. At the conference of the prison officials, opinions of prison guards in charge or of those whose duties are to contact a convict daily are sought for, in case it is deemed necessary, in case it is deemed necessary for conducting the examination mentioned in the foregoing paragraphs.

The examination of matters regarding crimes and protection shall be made by an official in charge of the section of archives or by a prison chaplain. The results thereof shall be reported to the warden of the prison concerned, who shall refer them to the conference of the prison officials for discussion.

- 30 -

Article 22-2. In case the warden of a prison deems it necessary, he may nominate a proper person from among the chief prison guard, prison chaplains and instructors, and entrust him with the business concerned with the character tests in the examination of personal affairs.

The examination of items deemed appropriate among those which have to do with personal affairs, matters regarding crimes, and protection may be made by a person mentioned in the foregoing paragraph or by a juvenile examiner, irrespective of the regulations aforementioned in the first and third paragraphs of the foregoing article.

Article 23. In case specialists in psychology, psychiatry, sociology or pedagogy are employed on a non-regular service by a prison, for the execution of penalty, they shall be made to assist in the examination of personal affairs.

Those who have been entrusted with matters mentioned in the foregoing paragraph may contact convicts by obtaining permission thereof from the warden of the prison concerned.

Article 24. Another petition for a provisional release may be filled for a person who was not favored with it, if subsequent examination shows that he is entitled to it.

Issued secretly No.

day, month, year..

Name and Seal of

Warden ofPrison.

To Justice Minister

Petition for Provisional Release.

We hereby apply for the grant of a provisional release for the under-mentioned in accordance with article 5 of the Provisional Release Examination Regulations.

Permanent domicile		Occupation (Before imprisonment)	
Present address		Name (With "Katakana")	Age
Name of crime		Number of crimes and Number of imprisonments	
Matters regarding crime	Name of penalty, its term	Imprisonment at hard labour years	C- Nature
	Starting date of computation of penalty	Year, month, day	ri- Motive
	Date of expiration of term	Year, month, day	me Extenuating circumstances
	Date of expiration of provisional release conditional period		Social sentiments against crime
	Term already elapsed		
	Remaining term		Remarks
	Age when crime was committed		
Personal Affairs	Health condition		Name, age, relation Residence, Occupation Character, Assets, Living condition Social standing of family Conditions regarding interviews and correspondence Sentiments of convict versus that of family Indemnification or consolation Sentiments between both sides Place of return Occupation Prospect of living Surroundings Remarks
	Ideology, religious faith		
	Sense of responsibility, and sense of cooperation		
	Past records		
	Education and military affairs		
	Working capability	Working conditions after imprisonment, and results	
	Talents		
	Class assigned		
	Conducts after imprisonment	Rewards and punishments Motive of repentance	
	Bonus or working	Amount of money detained	
Other items worth nothing as regards results in criminal administration			

Matters Regarding Protection

Protector

After Release Victim

The Japanese penal system, the second largest in the world, has an important significance for the occupation. As Mr. Winston Churchill, then British Home Secretary, pointed out in 1910, "the mood and temper of the public in regard to the treatment of crime and the criminal is one of the most unfailing tests of the civilization of any country. A calm, dispassionate recognition of the rights of the accused, and even of the convicted criminal against the State - a constant heart-searching of all charged with the deed of punishment - the desire and eagerness to rehabilitate in the world of industry all who have paid their due in the hard coinage of punishment; tireless efforts toward the discovery of curative and regenerative processes, unfailing faith that there is a treasure in the heart of every man. These are the symbols which in the treatment of crime and criminals mark and measure the stored-up strength of a nation and are signs and proof of the living virtue in it".

To successfully meet these tests that Mr. Churchill refers to which will be applied by the present social scientist and future historian, it behooves the Japanese under the guidance and encouragement of SCAP to develop a prison system that will

(1) Protect Japanese society from the ravages of criminals with such minimum restrictions upon human freedom as are consistent with the social good, and

(2) Develop the personal assets of the criminal to the highest point consistent with the primary aim of social protection and social efficiency.

The extent to which Japan and the Japanese can develop such a penal system depends upon many factors. One important factor over which SCAP has direct control is the amount and quality of supervision and direction given to the Japanese in any one of a number of areas of penal organization. The Japanese prison officials have indicated an eagerness to learn and a desire to verbalize what they perceive to be "the American way" in penal management. The important step to be realized is to relate these verbalizations to actual practices and both verbalizations and practices to a prison system integrated into the fabric of a democratic Japan - a Japan where the rights of the human personality are respected.

To make this transference of words to practice and effect this integration it is necessary to supply the Japanese with the technical skill necessary for them to organize and develop in certain select institutions programs of demonstration that will give concrete illustration to the

entire penal system of the functional relation between words and reality. Since the Japanese prison system is standardized developments in one center could easily be introduced to all prisons, and personnel from other prisons could visit the centers of demonstration to be educated. This would be a purely Japanese venture that would receive only general supervision and technical assistance from the Prison Branch. As Commander A. H. Leighton states in his book The Governing of Men; "When an article is being manufactured by mass production methods, any change is likely to require that the whole assembly be stopped and tools and dies remodeled. Since the administrative machinery, with its formal memoranda, printed regulations and habits of operators, is in many ways just as inflexible, it is wise for administrators to do what the manufacturer does, experiment with models before altering the plant. Not only does the model provide the administrator with an opportunity to try out the various possibilities without any of them becoming irrevocable, but also when the model is in good working order, it can, by serving as a demonstration, become both a vehicle for communicating the idea and the illustration of its usefulness. Furthermore, since the model will be possessed by only one part of the community, it may stimulate rivalry in other parts so that the administration may find itself impatiently besieged with requests to set into operation measures which otherwise would have been coldly received."

To properly assist the Japanese to organize and develop such models it is necessary to secure the services of highly trained experts in penology and allied fields not at present assigned to the prison branch to insure against the failure of the venture in certain areas. Since the prison with its inmates, officials, etc. represents a community in a realistic sense, it is necessary that the Japanese develop a series of models in different institutions covering all aspects of the prison community.

The work of four peno-correctional civilian experts now in the Prison Branch service, not having to be spread so thin will be improved and intensified. They are giving know-how, technical and seasoned advice to the present teams of Army Officers. They are, in addition, conducting on an educational demonstration basis, the following operations: inservice training, prison government and discipline, some phases of industrial management, probation and parole fact-finding. They are giving advice directly to the Japanese on their request. They give assistance where possible to M. G. Teams in the field. The work of Army Officers experienced in Prison work, when augmented by eight more trained compatriots will be much strengthened also. Over and beyond that the work of all demonstration centers forcibly will be brought to bear

upon the other prisons through the pressures of capable teams in the field giving interpretive explanations to 8th Army M. G. Teams and to local M/J officials of the applicable measures which may be taken in various correctional institutions and agencies. Through constant increase of liaison pressures upon the Ministry Officials in Tokyo the objectives of the Prison Branch will more and more frequently and effectively be brought within appropriate sections of SCAP to the initial or pilot plant proper arrangements try-out stages. In order to assure these and other thorough panning results the eight new peno-correctional experts, in our opinion, should be used about as follows:

1. Inservice Training and Attitudinal Orientation of present custodial personnel will be built up out of the work of two of the present expert civilians already at work. These are: the one planning intensive efforts in two prisons in respect of disciplinary, administrative, and custodial practices and methods of each chiefly as a demonstration for the benefit of SCAP sections and the Japanese in these Prison Districts. The other one is heretofore stated investigating and planning for adequate probation and parole selection and supervision for all Japan. In order to attain practical results of the greatest value in planning for the inservice training of the rest of the some 10,000 employees and in laying the foundations for the necessary education and indoctrination of the some 22,000 prisoners annually leaving the institutions the two civilian experts will respectively deal with the classification of inmates and the classification of institutions promptly should be secured and assigned to work: Certain improvements may be thus secured by inservice training of minor employees in the prison hospitals and clinics but major changes can come in medical and food services only by employment of a medical and food expert of the highest and widest experience to do an effective liaison job with the other Sections of SCAP, with Japanese Ministries, and with University Medical School and other hospitals, who among many other duties, will help the Japanese develop inservice and post graduate medical training in medicine and public health.

2. Training of prisoners and proper assignments of them to work should not be made on the present hit or miss bases. Here it would be possible to duplicate or exceed the record made in New Jersey. There quickly prisoners were selected and assigned to work under little supervision, or under conditions approaching self direction and control, and they did not run away or steal. Others, who had a real flare for mechanical, or factory, or repair and maintenance work, quickly, and not by trial and error, were selected for jobs in which they had a real interest, and where almost without exception they made good. In like manner man or boys who are interested in part time agriculture and small trades, or part time factory work

were selected quickly and assigned to Bordentown Farm Prison. If interested in agriculture as a career, or as day laborers in that field they were sent to Leesburg Farm Prison. Both are examples of what the skeptics said could not be done with prisoners and in farming as well.

3. For these reasons the coordination between classification of prisoners and institutions assumes an importance to the work of the proposed Directors of Industrial Training and of Agriculture, which was widely demonstrated in the two New Jersey revolutionary prisons, in the early work of Iwahig Agricultural Prison in the Philippines, and in the 10,000 acre plantations of the Colorado State Prison, Canon City, Colorado. If these two men of the highest type are secured promptly the Prison system of Japan may be caused to make a positive contribution to its own development, but especially to the recovery of a democratic Japan. The Land Settlement and Soldier Repatriation Programs of Japan may be salvaged from their present almost inevitable total and abject failure. The do nothing conditions in other fields will also get a beating.

4. Here Japan is compelled to have her prisoners learn how to produce much more in better fashion, support themselves upon discharge from prison, but also the Ministries must be equipped with much simplified administrative procedures, financial and accounting systems affording practical control of budgeting and allotments of funds, and the control of expenditures. By integrating the financial and the administrative recording of pertinent financial and social data the effectiveness of central and district supervision and of local freedom of action as to details will be much improved.

5. One of the most important of all objectives of the Prison Branch is to help the Japanese accomplish one of their main purposes- the salvaging and upbringing of their youth. To do this it is necessary to show them how they can use their welfare and correctional training schools as their most important special educational centers of indoctrination and adjustment in one of its most difficult transitional periods since Japan became a Nation. The blending of the influential present, in Japanese terms, with the chief features of Japanese culture all can be done, in the small, in each of these schools. In some, health, nutritional, and drawing out of innate forces, in others patterns of earning a living, finding scope for the imagination, and objects of veneration, in still others, service of ones fellows, respect for other peoples and appreciation of the differences in race and culture, will have to be stressed. In all, the type and character of the Japanese men and women of the future will have to be helped

to emerge. To do this the best of all around experts in these phases of youth training of the USA must be brought to Japan and given scope to produce the lesson plans, the manuals of action, and the basic methodologies, and then to help the Japanese to demonstrate them on the proper levels of the three Ministries chiefly concerned.

6. By employing the right person to give all of his time to the finding and developing Japanese personnel these accomplishments in respect of youth programs as well as all of other tasks for the present personnel and the additional civil and military personnel will be accomplished. Then if the home folks go native and selfish the Japanese occupation mission will have been achieved any way.

But the work of both the Army Officers and of the civilians is spread so thin that it is not possible to accomplish in adequate fashion the mission of the occupation so far as the all-important Japanese correctional institutions and agencies are concerned. While all the main prisons, all of the Juvenile ones, and many branches of both classes have visited once and many of them twice it has been found that to inspect properly twice a year the 206 chief institutions would require a team consisting of one Army Officer, one civilian expert, and two interpreters 31 years to adequately accomplish that task.

One civilian expert devoting his time to helping the Japanese to re-establish their National Training School for guards, prison technicians, administrative and major officers, and to give aid to the preservice training of guards in the several Prison Districts has been able only to scratch the surface and to probe deeply into small channels of the colossal task of retraining 10,000 correctional employees in all Japan. Nothing has been possible by way of improving or initiating education and practical training for prisoners except by way of advice, a few good books, some fairly applicable visual educational motion pictures. To accomplish a program of real help to the Japanese the specialists dealing with classification of prisoners, classification of institutions, in Juvenile Institutional Management, in more productive employment in prison factories, foundries, and workshops, and in repairs and maintenance of prisons, in more intensive and practical prison agriculture, and also the specialist in medicine and food services should be here now serving to bolster the Japanese retraining and training of personnel and prisoners.

The work of two other civilians dealing with the problems of internal management of the prisons from the administrative rather than the teaching standpoints and with the problems of probation and parole must be spread so thinly and they spend so much time hurdling language and cultural barriers that they

are in a position where their work could be made many times more effective if strengthened by the employment of the diverse specialists.

With good probation, where none exists now, the many thousands who are being sent to prison in this crisis for the first time in their lives for pilfering food, clothing and the necessaries of life, could, in substantial numbers, be kept out of prison and put to work. With a good parole system in place of practically nothing of that kind being in existence, the recidivistic rate of about fifty per cent could be cut to twenty or twenty-five per cent as it has been in New Jersey. With good organization, on the administrative side, which the Prison Branch is now emphasizing by way of educational demonstration in two centers, being buttressed, as it would be, not only by good inservice training, now carried on, by proper medical and food services, by adequate and prompt classification of prisoners and their assignment to work and training without all the mistakes and headaches of trial and error, and enlisting the ablest Japanese to deal with these all important problems, the work of the present Prison Branch force and the mission of the occupation would be immeasurably strengthened. If added to these the Director of Juvenile Training were to come to Japan the rising generation would be more adequately assured of a future in Japan.

Both the civilian and Army Officer personnel as requested are primary requirements if the present accomplishments of the Prison Branch in respect of the great reduction in deaths among prisoners are to continue and to be made much more effective in producing better medical service generally, a higher level of sanitation and control of loathsome and dangerous contagious diseases, and better and more wholesome use of food items. These possibilities are all important to the Japanese and to the people of the whole world. As an example of what has been achieved in reducing the death rate by giving aid to, and putting pressure upon, the Japanese the reduction of the prison death rate from 204 per 1,000 prisoners per year is cited. To show that story's full import let us recognize that if that death rate in prisons 1945-46 had occurred in the general Japanese population at the same rate 14,000 civilians would have died in that same period, whereas at the reduced rate the civilian deaths would be less than 2,000,000.

If anyone asks what is so practical about using mental experts the answer is not in doubt. It has been proved in terms of millions of dollars saved and of rehabilitation effected and in character deviations avoided in the young and

and in the older members of the general population, that the proper use of such experts is one of the most practical uses which any people can make of expert man power. Actually in many cases it has been possible to select prisoners for self governing projects outside of prisons, and of quasi-unguarded positions who will get to interested in their tasks and in earning their way out of prison that they do not run away and make little trouble. Better still, they help effect their own rehabilitation with much less supervision. That means that more attention can be given to the more difficult thousands in the ordinary stream of offenders.

The immediate and intermediate programs which the diverse specialists would make it possible for the Prison Branch to help the Japanese Ministries of Justice, Welfare and Home Affairs put into effect promptly, call for the support which the eight additional civilians and the eight added Army Officers can render. The services of the present, civilian and Army personnel plus the working aims and programs of the Prison Branch of Public Safety Division already demonstrated are warrant enough for the immediate grant of its application, in its opinion.

Various Movements to be Launched During Juvenile Protection Week - Tokyo
Shimbun - 17 Apr 47. Translator: Y. Asada (WM)

Summary:

Various movements will be initiated under the supervision of the Justice Ministry on Juveniles Protection Day, 17 April, to encourage the protection of juveniles.

Juvenile Delinquency Increases

Juvenile crimes have increased greatly since the end of the war as seen in the number of cases handled at the 15 juvenile courts throughout the country, which totalled 56,082 between January 1946 and December 1946. Moreover, the number has increased again since the beginning of this year. It is also noticeable that the majority of the crimes are committed during the summer.

The crimes are classified as follows:

1) Larceny --	33,545	(men 31,316 --	Women 2,229
2) Fraud --	869	(" 716 --	" 153
3) Intimidation --	856	(" 835 --	" 21
4) Assault --	748	(" 748 --	" None
5) Gambling --	692	(" 677 --	" 15

Their professional classifications are as follows:

1) Workmen farmers	40,000
2) Middle and higher school students	2,777
3) School children	1,150

Their family backgrounds:

1) Those with both parents	18,450
2) Those with mothers alone	1,912
3) Those with fathers alone	1,752

Parental Indifference is Cause

The above-mentioned figures manifest clearly the careless and indifferent attitude of the parents toward their children although we must recognize the difficulties involved in rearing children properly today. Of the cases handled by the courts, 11,837 were turned over conditionally to their parents, while the rest were put under the protection of the juvenile protection associations. Moreover, three juvenile courts, and 12 houses of correction are to be established, to improve the aim of efficiency of juvenile guidance.

TRAINING INSTITUTE FOR GUARDS
BUREAU OF PRISON AFFAIRS
MINISTRY OF JUSTICE

COURSE: Guard Training

SUBJECT: Purpose and Objectives of the Course

LESSON TITLE: Introduction

LESSON NUMBER: 1 of 2 hrs.

Objective:

To acquaint the student with the scope of the guard training course.

To give the student an opportunity to familiarize himself with the responsibilities in carrying out the plan of the Bureau of Penal Affairs in his institution.

The 2 & 3 hrs. instruction in the course you are attending is the Purpose and Objectives of the Course. Although the purpose and objectives can be explained in a few words, the attainment of those ends can be achieved only by your attentiveness and cooperation as students and by sincere, diligent application on your part of the ideas concerning modern, democratic penal treatment and management.

The successful operation of the penal institution in which you are employed depends largely on your ability and sincerity in the performance of your assigned duties. Administrators and professional penologists with much more experience than either you or I are charged with the democratic responsibility of determining how prisons will be operated; making such decisions in their job. Our job as a well trained and oriented custodial force is to see to it that what has been determined by others is well executed; we are the instruments with which the job can be performed and we must do our part or the theories, philosophy and practices of modern democratic penal treatment will remain words on paper and the practices for which the words were formed will never be produced.

There are many reasons why there is such a course and why you are enrolled in it. Japan has entered into a new way of life and the penal institutions as a part of this new way of life must play their part. There has been sharp increase in the penal population and this trend has not as yet ceased its upward climb (Nov. marked 1st month to show decrease since the surrender: It may not be a real turning point, but might be that.). Because of this increase it is necessary to train additional personnel to care for the greater number of inmates. There is always some turnover in a custodial forces and this has been especially true the last year.

The job to which you soon be assigned is not an easy one for for even experienced personnel and the B/PA, M/J is anxious of making the performance of your duties as easy for you as possible.

Perhaps the single most important for having this course is to attempt to thoroughly inform all custodial personnel of the principles that underlie modern, democratic penology, and to inform you of the duties and responsibilities of custodial personnel. The objective of the course is to give you basic information and skills necessary for the accomplishment of these things; so that we can improve the standards of custodial personnel and to standardize penal treatment in all institutions under the B/PA in compliance with what are considered to be the best accepted practices of modern penology and prison administration.

Long prison experience has indicated that to achieve high standards it is first necessary to have training that will prepare individuals for their assignments in penal institutions. Some people believe any able bodied person is by that nature of this healthful condition a guard. If you don't already know how untrue this is, you will before you have completed this course. Initial training, such as this course offers, is the first in a series of long, hard steps toward becoming competent custodial personnel. Other steps are: constant on-the-job follow-up training and formal inservice training. Anyone familiar with penology will tell you that learning something new about correctional work is an every day occurrence. It is necessary that you have not only training in organized classes but also that you are always alert to what is going on about you, suggestions made by others doing the same type of work you are performing, remarks made by inmates, and any of the other more-or-less casual means of acquiring information. A new inmate in your prison means a new personality and a new personality means new problems and new methods for dealing with problems. A new guard may have ideas useful to us all which we have overlooked because of our familiarity with the job. All training, organized or casual, is for your benefit and will tend to make your job easier and at the same time the performance of your duties more efficient, above all - BE ALERT!

TRAINING INSTITUTE FOR GUARDS
BUREAU OF PRISON AFFAIRS
MINISTRY OF JUSTICE

COURSE: Guard Training

SUBJECT: Purpose and Objectives of the Course

LESSON TITLE: Introduction

LESSON NUMBER: 2 of 2 hrs.

Purpose and Objectives of Course 2/2
Lecture, 1 hr.

Let us look at the course you are enrolled in, Course of Training Institute for Guards. What does this mean? You are the guards and the course is that which was determined and prescribed prior to your attending the institute, to chart the subjects you will study while at the institute.

There are other words I used in the last hour that I think need to be defined to insure an understanding of these words as they apply to us. The word for correctional for instance. As we use the word we mean the bringing about of a change. When something is in need of correction our efforts are employed in making right what is presently wrong. The use of this word has a special meaning to us since we have the responsibility of making right a man who is or was wrong. Consequently, we must devote all our efforts to make as many, as possible, of the inmates under our direction right-doers instead of wrong-doers. I doubt if any person, who has seriously thought about the problem, believes that every bad man can be made a good man, but before we decide he (the bad man) can't be changed we must be sure every possible effort has been made in this direction. Then, if it is decided he can't be changed we must devote all the energy and skill at our command to prevent him from becoming any worse. If in prison we can't help him we nevertheless have the serious responsibility of making sure he leaves us no worse than when we received him. What about his effect upon the prisoners?

When a guard is given the custody of a man he assumes the responsibility of regulating or guiding the actions of this man. In assuming that authority in a democratic Japan we also assume certain responsibilities. For instance, when you take a work detail outside the prison to work, you, as the guard in charge have the prison's complete authority over the inmates on the detail. You also have the responsibility for the safe keeping of the inmates, the protection of their health and for the accomplishment of the assigned job. In this way whatever is done is at your direction and it is your job which if were done will give you a feeling of self-respect and accomplishment.

Let us give you

Let us get back to the word responsible. To when are we responsible? For what are we responsible? Penal institutions are an agency of the people of Japan to incarcerate people whose behavior was offensive to those people. The people of Japan built and maintain penal institutions on a number of assumptions:

1. That people have had habits that get them into trouble with organized authority.
2. That these habits will somehow be changed in prison.
3. That by some process the inmate will acquire new and better habits while in prison that will enable him to get along in organized society after his release.

The people of Japan have selected you to help perform this task for them and it is your responsibility to do this to the best of your ability. I can think of no greater, more challenging assignment and responsibility.

You also have a responsibility to the inmate. He is a human being who has made a mistake. If he were a friend or neighbor you would do all in your power to help him correct a mistake he had made; we must do all we can to help these inmates correct their mistakes. The government of Japan is spending millions of yen to achieve this end - correcting human mistakes.

Many of the inmates confined in the institutions you will work in did not have the opportunities for learning to live that you had, consequently, they are less prepared for this business of living. They may be confined for mistakes made because they did not have the opportunities a great many of us have had and they need our help and guidance. You should in no way consider this as indulging all the desires of the inmate. We are not interested in "pleasing" the prisoner but rather in helping him correct his mistakes. In this you must have a sympathy and understanding for him born of intelligence and training.

Most of the authority and responsibility you will have in your assignment is seeing to it that the inmate does what he is told to do when he is told to do it. What is best for him he may not enjoy doing and your role is to see that as he does it he develops a sense of responsibility, an idea of working with other people.

At this point we might consider some of the things that need attention in the general handling of prisoners. All of these will be examined in detail later in this course. Strong-arm methods, beatings, yelling, cursing, and otherwise abusing inmates have long ceased to be approved methods for dealing with inmates. Firmness is necessary if discipline and control are to be achieved and maintained. But, this does not mean the people of Japan put individuals in prison to be available as an object toward which a guard can direct his temper when angry. The inmates imprisonment and what is to be done to him is stated in the law; anything not

included in the approved sentence is not to be done. Our job is to carry out the sentence prescribed by others. We have no authority to change that sentence or make personal interpretations of it.

You also have a responsibility to yourself, the responsibility of maintaining self-respect. You can discharge that responsibility only if you can reply "Yes" to the question as to whether or not you have done the best you possible could.

Subject

Lesson to teach in the guards' training school.

Sapporo Prison.

Learning

1. General idea of execution of punishment.
2. General idea of Govt officials' law ;
Govt officials' service regulation.
Guards' service rules.
3. Administrative Laws and Regulation.
Criminal law
Code of criminal procedure.
Prison Law
Detailed regulations for the enforcement of Prison law.
Progressive system of received persons.
Inquiring rule of provisional release.

Educational law to juveniles.

4. General principles of Prison administration.

Regulations as to detention, release & finger - print.

Regulations as to mental ability.

Regulations as to discipline in the prison & detention & treatment of received persons.

Regulations as to working.

~~Regulations as to~~

Regulations as to moral instruction & education.

Regulations as to feeding, clothing, sanitation & medical treatment.

Regulations as to buildings & housing facilities.

General principles of accounting regulation.

Regulations as to custody of received persons' belongings & making a present to received persons.

Regulations as to documents, archives, reports & statistics.

5. Ordinary knowledge ;
Geography.
History.
Mother language.
Composition
English.
Common knowledge.

Practice.

1. How to use instruments for received persons.
2. How to use instruments for pistols
3. How to use instruments for fire-instruments
4. Treatment practice of received persons.
5. Training
6. Training with instruments.
7. Extra lessons.

A not inconsiderable number of Japanese citizens are engaged in penal work and a manual for their training is almost completed and a much larger number are incarcerated in various kinds of penal institutions in Japan. Although it is not my purpose to discuss the importance of this work or its relation to the people of Japan, it is necessary that I briefly discuss both of these points.

When a civilization elects to build and support penal institutions for the incarceration of members of the civilization who offend against the rules and regulations that govern the relations of persons in that society, they do so on a number of assumptions. Clemmer in his book "The Prison Community" lists three such assumptions:

- (1) People have bad habits that make it necessary to remove them from the group.
- (2) Somehow these bad habits will break down in prison.
- (3) While incarcerated, the prisoner will be some process acquire good habits that will enable him to live at peace with his fellowmen.

The failure in large part of penal officials throughout the world to understand these assumptions and proceed from them to logical, integrated programs of rehabilitation has been the reason for the failure of penal institutions to live up to expectations of society. As a consequence of the failure of penal officials to appreciate the nature of their relationship to society has been the well deserved observation that most penal institutions are little more than schools of crime. Japan with a recidivism rate of 43.7 for the year 1942 and the possibility of this going even higher since this figure is from the 1942 statistical yearbook, must carefully examine her penal programs in relationship to the assumptions listed above.

If we assume that the goal of an effective prison system is the release of good citizens then we must consider what sorts of programs are most likely to contribute to this goal. Without going into a discussion of various proposals offered by professional penologists, psychologists, educators, sociologists and others, I would like to discuss the relations of institutional personnel to whatever kind of program that is adopted.

I believe it is an obvious fact that a program will only be as effective as the persons who implement it. Regardless of how finely structured are the administrative

forms or the clarity of the philosophical justification, if the men who administer the program are without the knowledge, technical skill or attitudes most likely to make these administrative forms function for the purpose for which they were designed and the philosophical orientation take reality in these forms, then as regards, in this instance, the inmate and the welfare of the people of Japan, the effort is wasted.

With this central fact in mind, the Prison Branch, PSD, CIS, G-2 and the B/PA, M/J is engaged in the monumental task of training and retraining the penal officials that operate the penal institutions of Japan. To this end a manual which it is hoped will soon be in all custodial training schools in Japan is being prepared. This manual goal is to present in simple clear language the most scientific thinking in all fields of penology. It has no particular basis but rather tries to take the best from all the various schools of thought and relate them to the tasks that are performed in a Japanese prison. It is divided into four main divisions:

- (1) Legal - the method by which a citizen becomes an inmate.
- (2) Custodial - correctional - the better method of securing an inmate.
- (3) Psycho - sociological - the use of the findings of social science in the treatment and rehabilitation of offenders.
- (4) Physical training - judo, weapon practice, etc.

This course is so designed as to give the realism of personnel training to the conceptive program of the Japanese prison in democratic Japan.

LESSON PLAN: Guard Assignments.

A. Tower guards.

1. Tower usually located in strategic place
 - a. constructed high with all around visibility.
 - b. provided with catwalk for better outside visibility and freedom of action.
 - c. equipped with telephone, search light warning device and auxiliary lighting plant.
 - (1) weapons of various types
 - (a) usually rifle
 - d. can be entered only from outside enclosure
 - (1) entrance controlled by guard in tower
 - (a) locked at all times when not in actual use.
 - (2) permit no one to enter tower without authority.
2. Responsibilities of tower guard.
 - a. alert and observant at all times
 - (1) no reading, writing on duty
 - (2) may sit in tower one-half of each hour, not more than ten minutes at a time.
 - b. tower inspected by new relief prior to assuming responsibilities of tower.
 - c. responsible for loss, damage or destruction of all tower equipment.
 - d. responsible for cleanliness of tower and windows.
 - e. responsible for proper use of equipment.

- f. assume position on catwalk when inmates approach tower or fence in vicinity of tower
 - (1) never step outside tower without weapon.
- g. guards on towers overlooking points of inmate gatherings will be especially alert during periods of activity.
- h. report by telephone to sergeant of guards
 - (1) at regular intervals
 - (2) if anything suspicious happens
 - (3) if unusual incidents take place
 - (4) phone for official use only
- i. prevent inmates from coming too close to wall or fence
- j. know and understand orders for each tower to which assigned
- k. make a detailed observation of the area when you first take over responsibility for it.

Against the background studies of Dr. E. W. Burgess, professor of Sociology, University of Chicago, in human ecology, Clifford R. Shaw made his spatial studies of delinquency in Chicago. Shaw, Sociologist, Institute for Juvenile Research, Chicago, Illinois, states about his studies that they are:

"An attempt to relate behavior to the social and cultural setting in which it arises. Persons live and act in families, clubs, schools, play grounds, gangs. These groups reflect community life, and the community in turn itself reflects larger social and cultural processes. Behavior of a delinquent may be in part a reflection of a family conflict which drives him into a gang which delinquency is a traditional group pattern. The delinquent gang may reflect a disorganized community life or a community whose life is organized around delinquent patterns. The local community in turn reflects the processes of cultural conflict and social disorganization incident to the expansion of the city and the movement and segregation of its population."

Shaw's studies of U. S. delinquent areas were orientated toward the deviate behavior of the delinquent in terms of the social situation and the relating of the social situation to the behavior of the person. Shaw found, after a study of the geographical distribution of delinquents, areas of persistent concentration of delinquency. These areas were for the most part the areas of greatest disorganizations in the city of Chicago. In these areas the positive forces of the community were unable to effectively direct the behavior of the persons. These areas were characterized by a decay of social opinion, community solidarity and a declining influence of existing rules of behavior upon the person. Juvenile delinquency considered in this sitting is merely a reflection of the social character of the community in which it has its origins.

Shaw concluded that efforts to prevent juvenile delinquency must to be effective, deal with the social character of the community in which it has its origins. In the disorganized areas of Chicago, there were positive forces which, if properly mobilized, could combat the forces of disintegration. These forces were represented by the non-delinquent mass of people who lived in these areas. These people, Shaw believed, were anxious to prevent delinquency and his problem was to harness the latent forces of integration these people represented to combat delinquency. Shaw reasoned that in delinquency areas these were non-delinquent natural leaders in the community who could form the nucleus of organized efforts on part of the local community to prevent delinquency. Shaw assisted these natural leaders of the community to organize what were called Community Committees. These Community Committees were composed of people who actually lived in the area and represented leaders in Church, schools, unions, boys clubs, etc.. They were laborers, professional men, business men. Since they lived in the area, in fact many had lived in the area all their lives, they knew the community and its members.

The Community Committees purpose was to utilize all the social constructive activities of the community to arrest the forces of disorganization. The Community Committees give active support to all activities that attempt to enlist the support of delinquent youths for socially constructive activities. The emphasis is positive, the community tries to do something before the child becomes delinquent rather than negative, doing something after he is delinquent.

SUGGESTIONS TO INSTRUCTORS

1. Training enables us to apply common sense to the solution of problems at all times. It is necessary to apply cool, logical thinking in applying our education and experience to each situation.

2. The average custodial officer is eager to learn and make progress in training if material is presented in a meaningful, realistic, interesting manner.

PREPARATION OF INSTRUCTIONS.

3. Purpose - Prior preparation and planning are essential to effective instruction.

4. Goal - Know what you wish to accomplish in each hour of instruction. Be aware of the objectives of the training phase assigned to you. Know the limitations imposed upon the teaching by schedule, time allotted, available area, equipment, intelligence of the student, etc.

5. References - Know your subject thoroughly since there is no substitute for knowledge. Obtain and study all available material on the subject. Make full use of subject outlines included in this manual - they are excellent guides and were prepared to aid your efforts.

6. Preparation of Individuals - Assure yourself that the students are properly prepared to receive the instruction. Encourage your students to study in their spare time. Be certain the students know the subject of instruction and the reason it is being taught. When areas other than classrooms are used for instruction, become familiar with that area in advance.

7. Methods of Instruction - Select a method of instruction in advance and make necessary detailed preparations accordingly:

- a. If you lecture, prepare notes, charts, models, etc., in advance.
- b. If you conduct a conference, more questions prepared in advance will bring out the important highlights of the instruction.
- c. If a demonstration is to be utilized, determine where, when and the phase of training to be emphasized.
- d. For the group performance method, determine the size of the group, appoint assistant instructors, assign duties and see the students are prepared.

Suggestions to Instructors (cont'd)

8. In instruction, follow the logical sequence of: Preparation, Explanation, Demonstration, Application, Examination and Discussion.

9. Start instructions promptly and do not run overtime.

10. Advice to Instructors:

- a. Don't bluff to cover your lack of knowledge. If occasions arise where you do not know the answer, admit it, find the answer and inform the class later.
- b. The duty of the Instructor is to impart knowledge to others. Use simple words and express yourself concisely. Make every effort to insure that all the students understand you.
- c. Never lose your temper, or use sarcasm, ridicule or profanity.
- d. If you make rules, enforce them.

11. Suggestions for the presentation of instructions:

- a. Follow the principles of progressive training outlined above. By review, make sure the men understand the previous lesson before proceeding to more advanced work.
- b. Be selective - place emphasis on the essentials. It is better to teach a few things well than many sketchily.
- c. Avoid complicated and vague explanations. Present subject so that it seems easy to learn.
- d. Devote so much time as possible to practical work. Remember men learn best by doing, and practice makes for perfection. Always check your progress by asking questions that you prepared in advance, as well as others that develop in the discussion.
- e. Encourage the students to ask questions throughout the instruction. Be sure all hear both the question and your answer. Answer all questions patiently.

Suggestions to Instructors (cont'd)

- f. Make sure the students understand why they are learning a particular subject.
- g. Correct errors immediately by constant, intelligent supervision.
- h. Seek outside the classroom, opportunities to discuss phases of the instruction with the men that may not seem clear.
- i. Get to know your men and their personalities, and adapt your instruction and style of presentation to the composition of the group. Don't try to fit the students into your pattern; select a technique that fits the student.
- j. Be enthusiastic as an instructor. Stress constantly the significance and importance of the instructions.

Principal items planned to be taught
at the Training Institute for Guards (II)

1. The period for training will be four months, (700 hours), with twenty-five actual training days each months. Six hours training will be made each day for the first two months (total 300 hours), and eight hours daily for the latter two months (total 400 hours).

	Reform	First proposal
Introduction	3	0
General outline of prison administration.	200	200
1. Penal policy.	86	60
2. Thought of prison affairs.	40	70
3. Prison affairs' system	74	70
Principle of treatments (with exercises)	92	100
General principle	70	86
1. Introduction	5	10
2. Confinement	2	5
3. Detention	10	15
4. Defence and protection	10	10
5. Industrial works	10	10
6. Admonition education, exercise and recreation.	5	5
7. Supply and health	3	6
8. Communication with outside	2	4

9. Reward and punishment	1	2
10. Release	2	4
11. Parole	5	10
12. Fundamental policy for application of prison law.	15	10
Progressive System	22	14
Practical business	220	200
Defence and protection	140	60
Document, record	25	30
Accounts and Custody	12	26
Industry works	17	30
Supplies	9	20
Hygiene	8	10
Culture	9	24
Outline of criminal laws and Police	20	20
Penal Code	9	9
Code of Criminal Procedure.	7	9
Procedure	7	
Law for the Org. of Court	2	2
Police	2	0
Common knowlege	20	40 20
Science	0	6
Constitution	4	4
Politics	2	2

Economics	4	4
National language and composition.	5	8
Japanese history	0	4
Religion	0	2
Philosophy	0	2
Roman Letter	5	4
International Situation	0	4
	<u>55</u>	<u>50</u>
Exercise	25	20
Jū-dō	15	15
Fencing	15	15
Inspection	<u>50</u>	<u>50</u>
Miscellaneous	<u>20</u>	<u>20</u>
Examination	<u>20</u>	<u>20</u>
Total	<u>700</u>	<u>700</u>

I hereby cause the Cabinet Order concerning the Regulations governing the Organization of Training Institute for Prison Affairs Officials to be promulgated.

Signed: HIROHITO, Seal of the Emperor

This day of the fifth month of the twenty-second year of Showa (May , 1947)

Undersigned: Prime Minister

YOSHIDA, Shigeru

Cabinet Order No.

Regulations governing the Organization of Training
Institute for Prison Affairs Officials.

Article 1. The Training Institute for Prison Affairs Officials shall be under the supervision of Minister of Justice, aiming the instruction in science on prison affairs and its application as well as the formation of character for personnel in charge of prison affairs.

Article 2. The Training Institute for Prison Affairs Officials shall have the following staff:

President

Educational Official

2nd Class Official 2 persons (full time)

3rd Class Official 2 persons (full time)

Secretary of Ministry of Justice

3rd Class Official 1 person (full time)

The Chief of Prison Affairs Bureau of Ministry of Justice

shall be appointed to the post of the president.

Article 3. President shall direct the business concerning the institute, under the supervision of Minister of Justice.

Article 4. The Training Institute shall have a number of councillors, in order to participate the business of the institute.

The Councillors shall be selected among officials or educated and experienced persons in society, ordered or entrusted by Minister of Justice.

- 2 -

Article 5. If it deems necessary, president may entrust any persons with the services as instructors.

Supplementary provisions:

This Cabinet Order shall come into force as from May 25, 1947.

Signed:

Minister of Justice

KIMURA, Tokutaro

Prime Minister

YOSHIDA, Shigeru

BUREAU OF PRISON AFFAIRS
MINISTRY OF JUSTICE

SUBJECT: Principles of Treatment.

(Total Instruction Hours--92.)

- PURPOSE OF COURSE: 1. The purpose of this course is to instruct prison officials, especially guards who have daily contacts with prisoners, the principles for treatment of prisoners centered around the existing prison laws, regulations for enforcing the same, prison affairs' progressive treatment ordinance, and other laws and regulations connected with them (Imperial ordinances, Ministry ordinances, instructions, directives, etc.)
2. After completion of each subject, exercise hours will be established with painstaking explanation and guidance given on spot and with objects, simultaneously with replying to questions.
3. The ratio of instruction and exercise hours will roughly be four (4) to one (1).

1. Introduction (5 hours).

(1) Object of prisons.

Prisons as national installations; object to be accommodated in prisons (penal servitudes, confinements, detentions, penal defendants, suspects, etc.)

(2) ~~Kinds and circumstances~~ of prisons.

Penal servitude prisons, confinement prisons, house of detentions, lock-ups.

Prisons and branch prisons, substitute prisons, specially established prisons.

(3) Classification of prisoners.

Vice of mass confinement, necessity for classification treatment, confinement classification, scientific classification.

(4) Prisoners' petition, inspections and visits of prisons.

Secrecy principle of prison affairs, significance and aim of inspection tours, object and procedures for permission of inspection officials and visitors.

Kinds, handling and decision of prisoners' petition; interview with the Warden.

(5) Labor ~~factories~~.

house Significance of labor, equipment of ~~factories~~, *labor house*
treatment of ~~prisoners in factories~~. *detained person in labor house*

Laws and regulations connected with the above:

Prison Law: Art. 1 to 10.

Regulation Enforcing Prison Law: Art. 1 to 10.

Penal Code: Art. 11, 12, 13, 16, 18.

Penal Code of ^{Criminal} Legal Procedure: Art. 92, 97, 103, 107, 108.

Imperial Ordinance: #143, 26 Meiji (1893).

#434, 11 Taisho (1922).

Ministry Ordinance: #25, 11 Taisho (1922).

#35, 8 Showa (1933).

Instructions: Gyohi #181, 10 Taisho (1921).
 Kanko #1262, 9 Taisho (1920).
 Gyohai #738, 15 Taisho (1926).
 Gyoko #1845, 6 Showa (1931).

Others.

2. Commitment (2 hours).

(1) Treatment of new prisoners.

State of mind of new arrivals, attitudes of treatment at time of entry, confinement, physical and clothing inspection, medical examination, photograph and finger prints, classification number, ~~matters concerning~~ *required conduct while in prison.*
~~protection of prisoners.~~

(2) Accommodation procedure for new prisoners.

Warrants (subpoena, summons, custody), orders for execution of sentence, legal documents, identity entry in book, drawing up of name list, etc., sentence calculations, rejections of entry, accompaniment of infants.

Laws and regulations connected with above:

Prison Law: Art. 11 to 18.

Regulations Enforcing Prison Law: Art. 11 to 22.

Constitution: Art. 22.

Penal Code of ^{Criminal} Legal Procedure: Art. 69, 70, 71, 72, 97, 534, 535, 536, 537.

Penal Code: Art. 22, 23, 24.

Instructions: Minkeihi #04, 41 Meiji (1908).
 #2, 14 Taisho (1925).

Directive: Kanko #634, 41 Meiji (1908).

Law: Epidemic Prevention Law Art. 1.

Others.

3. Confinement (10 hours).

(1) Kinds of confinement.

Solitary confinement: Object and application of solitary confinement, period, treatment and inspection; area, ventilation and lighting of cell; development of solitary confinement; Pennsylvania system.

Mass confinement: Object and application, treatment and inspection; Auburn system; prisoners' self-government system.

Solitary confinement at night: Object and application, treatment.

- (2) Progressive system and confinement (confinement and treatment of prisoners in various grades).
- (3) Object and treatment for confinement of penal defendants.
- (4) Classification of confinement (sex, age, number of crimes, character, nature of crime, discrimination according to punishment, character investigation, etc).
- (5) Confinement of special prisoners (invalids, delinquents, women, juveniles).

Laws and regulations connected with above:

Prison Law: Art. 15 to 18.

Regulation Enforcing Prison Law: Art. 21, 23 to 40.

Ministry Ordinance: Progressive Treatment Ordinance

Art. 5, 16 to 28, 29, 30, 31, 35, 36, 78.

4. ^{Defense} Guard and protection (10 hours).

- (1) Object of ^{defense} guard and protection (educational punishment and ^{defense} guard and protection).
- (2) Kinds of ^{defense} guard and protection.

Materialistic, man-power and self-government
^{defence} guard and protection; significance of ordinary and
emergency ^{defence} guard and protection.

(3) Entrance and exit from prisons.

Inspection of personal belongings, keeping watch of entrance and exit at night, locking of confinement buildings, custody of locks, opening of cell doors.

(4) Guarding ~~inside and outside~~ of prisons. ^{of}

Security of one's eyes, removal of obstacles, custody of ladders and others, insertion of forbidden articles, prevention of their smuggle.

(5) Admonition implements. (*defensive instrument*)

Kinds and standard; object, sphere, caution and time for use.

(6) Prison accidents.

Kinds (natural calamity, fire, earthquake, riot, etc.); emergency guarding, arrangement, summons and measure; aid among prisons; training of prisoners for emergency.)

(7) Sending under guard.

Escort between prisons, law-courts, procurator's offices, witnessing scene of crime, trains, boats, automobiles, on foot, and sick prisoners.

Caution, treatment and observance when escorting under guard.

(8) Weapons.

Kinds, object, sphere, authority, caution.

(9) Liberation of prisoners.

Object, time, and procedure for liberation.

Laws and regulations connected with above:

Prison Law: Art. 19 to 23.

Regulation Enforcing Prison Law: Art. 41 to 57.

Penal Code: Art. 35, 36, 97 to 103.

Penal Code ^{of Criminal} ~~for~~ Legal Procedure: Art. 125, 130.

Instructions: Gyoko #740, 4 Showa (1929).

#3, 2 Showa (1927).

Directive: Gyoko #749, 4 Showa (1929).

Keijiko #68, 2 Showa (1927).

Kanko #657, 11 Taisho (1922).

Gyoko #1655, 13 Taisho (1924).

Gyoko #15, 30 Meiji (1897).

Kanko #280, 1 Taisho (1912).

Others.

5. Prison Labor (10 hours).

(1) Significance and object of labor.

Significance of educational labor; labor not mere penal servitude.

(2) Operation of labor.

Working hours, consideration for sanitation and economy, control for labor and kinds of work, standard for levy of work (prison sentence, health, skill, occupation, future course, etc.), problem of oppression by private enterprises.

(3) Occupation training, varieties of work, State-use system, self-initiative work, work by petition, labor wages,

labor bonus (wage system, use of labor bonus), examination of work record (wage according to hour and quantity, standard wage).

- (4) Labor inside and outside of prisons.
- (5) Self-sufficiency principle by labor wages.

Laws and regulations connected with above:

Prison Law: Art. 24 to 28.

Regulation Enforcing Prison Law: Art. 58 to 79.

Penal Code: Art. 12.

Progressive Treatment Ordinance: Art. 7, 8, 39, 40, 44, 46 to 49.

Instructions: Kanko #850, 10 Taisho (1921).

#7, 11 Taisho (1922).

Gyoko #1502, 11 Taisho (1922).

Directive: Gyoko #83, 2 Showa (1927).

Gyoko #978, 15 Taisho (1926).

Others.

6. Admonition, education, physical exercises, and consolation.

(5 hours)

(1) Admonition.

Significance and object; cultivation of moral character with reform as object.

Kinds: general, religious, and individual admonition.

Methods: prisoners in various grades, penal defendants, time, church.

(2) Education.

Significance and object: cultivation of intellectual

training with reform as object.

Kinds: School and social education.

Schooling for juveniles.

(3) Books.

Kinds, contents, library, method for loaning.

(4) Exercises and consolation: Object, kinds, time, gathering.

Laws and regulations connected with above:

Prison Law: Art. 29 to 31.

Regulation Enforcing Prison Law: Art. 80 to 88.

Progressive Treatment Ordinance: Art. 52 to 60.

Instructions: Gyoko #2009, 6 Showa (1931).

Gyoko #1391, 9 Showa (1934).

Directive: Gyoko #899, 7 Showa (1932).

Gyoko #1397, 3 Showa (1928).

Gyoko #1385, 7 Showa (1932).

Gyoko #1360, 5 Showa (1930).

Gyoko #2052, 6 Showa (1931).

7. Food, clothing, bedding, and sanitation (3 hours).

(1) Food, clothing, and bedding.

- a. Significance: food, clothing, and bedding to be supplied or loaned for prisoners' daily living.
- b. Problem of fundamental human rights (treatment as human being; security for minimum standard of living.
- c. Arrangements for food and drinking water.
- d. Personal belongings and State property.

- e. Articles supplied: clothing, bedding, table-ware, miscellaneous articles, wash-basin, etc.
- f. Clothing supplied according to kinds and grades of prisoners (ordinary wear, overalls, etc.)
- g. Clothing, etc., for penal defendants.
- h. Clothing, etc. for prisoners in factories.
- i. Kinds and quantity of food supply (physique, health, age, according to labor).
- j. Food preserved for inspection.

(2) Sanitation.

- a. Significance of prison affairs' sanitation.
- b. Prisons and epidemic (measures in case of epidemic outbreak).
- c. Transfer to hospitals.
- d. Suspension of execution of sentence.
- e. Treatment for sick prisoners.
- f. Expectant mothers, women in childbirth, senile prisoners, cripples, mentally-deranged prisoners and their treatment.
- g. Measures for cases of fasting.

Laws and regulations connected with above:

Prison Law: Art. 32 to 44.

Regulation Enforcing Prison Law: Art. 89 to 119.

Progressive Treatment Ordinance: Art. 32, 68 to 73.

Penal Code ^{of Criminals} for Legal Procedure: Art. 112.

Instructions: Kanko #145, 37 Meiji (1904).

#1, 14 Taisho (1925).

Gyoko #1714, 4 Showa (1929).

Gyoko #303, 9 Showa (1934).

Directive: Kanko #92, 11 Taisho (1922).
Gyoko #1603, 13 Taisho (1924).
Gyoko #1793, 15 Taisho (1926).
Gyoko #910, 2 Showa (1927).
Gyoko #1254, 3 Showa (1928).
Gyoko #1444, 3 Showa (1928).
Gyoko #1854, 8 Showa (1933).

Others.

8. Communication with exterior (2 hours).

(1) Significance.

- a. Exterior communication of penal defendants.
- b. Exterior communication of prisoners.
- c. Exterior communication of prisoners in factories.

(2) Kinds.

Interviews, correspondence.

(3) Interviews.

Significance, education and interview, frequency, witness, place, time, method, interviews of children, special visitors (religionist, lawyer, guardian, etc.), visitors' book, matters of understanding by visitors.

(4) Correspondence.

Significance, restriction and censorship, educational significance, frequency, handling of official correspondence addressed to prisoners, procedure after delivery of letter, handling of foreign mail, correspondence for blind.

Laws and regulations connected with above:

Prison Law: Art. 45 to 50.

Regulation Enforcing Prison Law: Art. 120 to 139.

Progressive Treatment Ordinance: Art. 61 to 65.

Penal Code ^{(of Criminal} ~~for~~ Legal Procedure: Art. 111, 112.

Instructions: #5, 41 Meiji (1908).

Directive: Kanko #561, 41 Meiji (1908).

Gyohiko #1, 13 Taisho (1924).

Gyoko #165, 5 Showa (1930).

Gyoko #702, 6 Showa (1931).

Gyoko #1058, 6 Showa (1931).

Gyoko #1494, 6 Showa (1931).

Others.

9. Custody ~~of~~ evidence (1 hour).

(1) Significance.

(2) Handling and examination of new prisoners' personal belongings.

(3) Handling of articles unworthy of preservation.

(4) Abandonment of evidential goods.

(5) Preservation method of evidential goods and forwarding of them to prisoners' families.

(6) Handling, examination, and restriction of goods and money to be inserted to prisoners.

(7) Disposal of wrongful goods in possession.

(8) Handling of possessions at time of liberation.

(9) Handling of dead prisoners' remaining articles.

Laws and regulations connected with above:

Prison Law: Art. 51 to 57.

Regulation Enforcing Prison Law: Art. 140 to 151.

Others.

10. Rewards and Punishments (1 hour).

- (1) Significance and object.
- (2) Methods and kinds of reward treatment (actual handling after application of progressive treatment).
- (3) Treatment of reward treatment prisoners.
- (4) Reward money.
- (5) Significance of order within prisons.
- (6) Kinds of discipline violation.
- (7) Significance and object of punishment.
- (8) Kinds of punishment.
- (9) Petition, sentence, enforcement, suspension, cancellation and record book for punishment.
- (10) Prisoners' treatment during enforcement of punishment.
- (11) Joint responsibility of upper-class prisoners.

Laws and regulations connected with above:

Prison Law: Art. 58 to 62.

Regulation Enforcing Prison Law: Art. 152 to 166.

Instructions: #r, 35 Meiji (1902).

Directive: Kanhei #356, 11 Taisho (1922).

Gyoko #936, 2 Showa (1927).

Gyoko #955, 8 Showa (1933).

Progressive Treatment Ordinance: Art. 35 to 38, 80 to 88.

Others.

11. Liberation (1 hour).

- (1) Significance: Liberation an act releasing prisoners from confinement.
- (2) Kinds: Decisive ones according to law--expiration release,

when sentenced innocent or acquitted.

Those based on orders--parole, temporary release from prison, liberation of indeterminate term, suspension of execution of sentence, amnesty, special pardon, protective liberation, suspension for enforcement of confinement, etc.

- (3) Preparations for liberation: Investigation for protection after liberation, prisoners' treatment before liberation, report to police stations, preparation for granting goods and money in custody and compensation for labor, statement concerning matters for caution after release.
- (4) Liberation procedures: Time, date, and liberation for sick and young juveniles, dwelling transfer statement, return expense.

Laws and regulations connected with above:

Prison Law: Art. 63 to 70.

Regulation Enforcing Prison Law: Art. 167 to 176.

Constitution: Art. 16.

Penal Code ^{of Criminal} ~~for Legal~~ Procedure: Art. 115 to 118, 371, 113, 114, 257, 544, 546.

Penal Code: Art. 24.

Imperial Ordinance: Amnesty and Commutation Ordinances.

Directive: Gyoko #1424, 11 Taisho (1922).

Gyoko #1660, 2 Showa (1927).

Others. ~~Others~~

12. Parole (Temporary Release from Prison) (5 hours).

- (1) Significance and object.

- (2) Qualification.
- (3) Suitability examination (individuality, age, feeling towards society, danger, motive for crime, method, matters concerning protection, etc.).
- (4) Good-deed system, progressive treatment and parole.
- (5) Petition procedure (petition for parole).
- (6) Permission, parole voucher.
- (7) Cancellation.
- (8) Supervision and protective observation of those on parole.
- (9) Deliberation meeting for parole examination.
- (10) Parole for indeterminate sentence.

Laws and regulations connected with above:

Prison Law: Art. 64, 66, 67.

Regulation Enforcing Prison Law: Art. 173 to 176.

Penal Code: Art. 28 to 30.

Ministry Ordinance: #25, 41 Meiji (1908).

#32, 11 Taisho (1922).

Progressive Treatment Ordinance: Art. 89 to 91.

Instructions: #7, 41 Meiji (1908).

Directive: Kanko #993, 44 Meiji (1911).

Gyoko #1018, 12 Taisho (1923).

Gyoko #1087, 12 Taisho (1923).

Others.

13. Death (1 hour).

- (1) Significance of death sentence (abolition opinion).
- (2) Method and procedure for execution of death sentence.
- (3) Treatment of death sentence prisoners.
- (4) Handling in case of death (temporary funeral, cremation,

disposal of body, transfer of body, death certificate).

Laws and regulations connected with above:

Prison Law: Art. 71 to 75.

Regulation Enforcing Prison Law: Art. 177 to 182.

Penal Code: Art. 11.

Penal Code of Legal Procedure: Art. 538, 540 to 543.

Instructions: Gyoko #1896, 3 Showa (1928).

Gyoko #88, 8 Showa (1933).

Others.

14. Separate copy.
15. Relationship between prison officials and prisoners (especially guards and prisoners) (13 hours).

(1) Classification of prison officials.

Warden, deputy warden, officials of different grades, technicians (labor technicians, physicians), instructors (chaplains, instructors), head guards, assistant head guards, chief guards, guards, various section chiefs, heads, employees).

(2) Legal nature of prison officials.

- a. Officials as public servants (officials ^{are servants of} ~~to render ser-~~
~~vice to all and not minority~~ *vice to all and not minority* ^{the whole community and not of any group.}).
- b. Formation of connections as officials (installation act).
- c. Qualification as prison officials.
- d. Authority, submission, responsibility and attitude as prison officials (~~authority from social stand-~~
~~point, professional authority, right to receive~~).

pay and pension, persons with general responsibility, integrity, kindness, courtesy, research, devise, efforts, fellowship with each other, cooperation, submission duty to superiors, duty for preservation of secrets, duty for maintenance of character, etc.), punishment disposal, indemnity according to public law, official crimes.

- (3) Legal status of penal defendants and prisoners.
 - a. Relationship of special authority according to public law.
 - b. Compulsory labor.
 - c. ^(Required conducts) ~~Matters concerning~~ protection of prisoners within prisons.
- (4) Prison officials and penal defendants.
 - a. Confinement security and preservation of evidence.
 - b. Strict and just treatment; respect for human rights, especially honor.
- (5) Prison officials and prisoners.
 - a. Attitude as educator and leader.
 - b. Attitude as supervisor.
 - c. Spirit of humanitarianism and love.
 - d. Sacrificial and cooperative spirit.
 - e. Cultivation of individualistic spirit (prisoners' self-government and confidence systems).
- (6) Difference between guards who have direct contacts with prisoners and other officials, especially technicians.
 - a. Influential and affective power towards prisoners.
 - b. Guard and protection authority.

14. Progressive Treatment (25 hours).

I. Introduction.

A. Significance of education.

1. The purpose is to give accurate knowledge of the original significance and for contents of the existing ordinance to students, in addition to giving understanding that it is a composite, educational treatment system which acts as substance for prisoners' treatment, spurs prisoners' efforts for reform, and gradually adapt them for public life.
2. It makes the students fully aware in detail of the contents of progressive treatment according to various grades, promotion method, investigation technique, treatment method, etc., and by this, they are taught and given knowledge of technique and method for prisoners' treatment.

II. Outline of Progressive Treatment.

A. What progressive system is.

1. Significance.

Progressive system is execution of liberal punishment which, during its process, makes various classification grades with different treatment. It is one of the system for enforcing liberal punishment which makes possible promotion from lower to upper grades according to prisoners' record,

spontaneously spurs prisoners for reform, and gradually allows them to near public life with progress of grade.

B. Object for execution of liberal punishment and progressive system.

1. Various theories concerning execution of liberal punishment.

(a) Retributory punishment principle.

(b) Improvement punishment principle--objective punishment principle.

(c) General preventive theory.

(d) Special preventive theory.

(e) Social defensive theory.

2. Bind between improvement punishment principle and progressive system.

(a) Change of punishment thought and progressive system.

(1) Pennsylvania system.

(2) Auburn system.

(3) Progressive system.

(b) Necessity of progressive system.

III. Origin and Development of Progressive System.

A. Origin of progressive system.

1. Exile in England.

2. Exile period in Ireland.

3. Origin of progressive system at Ireland in 1822.

B. Development of progressive system.

1. Progressive system in Ireland (1822).

First term: Submit to hard labor at penal servitude colony. (Confinement in prison to manual labor).

Second term: Those with good records during first term join Reclamation Corps. They receive surveillance from guards but have considerable human freedom in comparison with first term. (Imposition of simple work to moderate confinement.)

Third term: Those with good records during second term are allowed to engage in work for liberal colonists. They are permitted more freedom than the second term. (Labor outside of prison, entrust to free citizens, to permission of freedom.)

Fourth term: When during the third term their conduct was beyond reproach, they were given parole certificate, residential location designated, prohibited to leave the territory, and the remaining penal servitude exempted under condition that personal report be made for a fixed period.

2. Stanley consideration system in 1842 (Norfolk Island).

(a) Joint application of prisoners' classification and progressive system----progress.

(b) Method.

(1) Classification:

First classification: Those with prison term of fifteen (15) years or more, life sentence, or those who committed a specially dangerous crime.

Second classification: Those with prison term of seven (7) years or more, and have tendency for reform.

Third Classification: Others.

(2) Progressive system--applied to those under third classification.

First term (Consideration group): Divided into several consideration groups and kept under surveillance of guards. A chaplain placed in charge of each group.

Second term (Promoted group): Kept under surveillance of guards and engaged by private citizens with wages. Divided into three (3) groups and with progress of grade, discipline moderated and wages raised.

Third term (Group permitted parole):

Allowed parole and able to seek occupation freely. However, going out of restricted district prohibited and ordered to make periodic report in person.

Fourth term (Conditional special pardon):

Given special pardon on condition they will not return to England.

3. Progressive system after 1845.

(a) Progressive system which transferred confinement.

(1) Solitary confinement----mass confinement with hard labor----exile.

(b) Revision of 1847. (English System)

(1) Progressive system acknowledged within England and exile abolished.

(2) Point system adopted for the first time.

(c) Revision of 1853-1857. (Irish System)

(1) Establishment of compulsory labor system.

(2) Progressive system adopted within execution of liberal punishment.

(3) Various grades formed, method adopted for counting points, and revision made for parole condition.

(4) Establishment of intermediary prisons.

4. Development of progressive system in America.
 - (a) Significance and decision of the first Prison Conference in 1870.
 - (b) Adoption of the progressive system throughout the United States after 1876.

IV. Progressive System in our Country.

- A. Adoption of progressive system at Toyotama Prison in 4 Taisho (1915).
 1. Adoption of English style progressive system according to plan by Director Saburo Tanida of Prison Bureau.
 2. Contents of progressive system at the time.
 - (a) Classification: classified in three (3) ways.
 - (b) Grade: divided into five (5) grades.
 - (c) Promotion: promoted from first to fourth term according to points attained.
 - (d) Scoring standard: six (6) to eight (8) points added daily according to their work.
 - (e) Decreased points: those inflicted punishment had points decreased accordingly.
 - (f) Demotion: demotion made by establishing fixed standard.
 - (g) Treatment: treatment differentiated according to various grades and classification.
 - (h) Inappropriate prisoners: old-aged, crippled, deaf and dumb, feeble-minded or mentally deranged, or other special prisoners excluded

from progressive treatment.

3. Points to be learned.

- (a) Standard for classification of prisoners.
- (b) Obligatory points of various grades.
- (c) Treatment method according to classification.

B. Trial period of progressive system. 4 Taisho (1915) to 8 Showa (1933).

- 1. Trial made according to plans and studies carried out at various places throughout the country.
- 2. It performed the part of an important practical study until the birth of the Progressive Treatment Ordinance in the next period of 8 Showa (1933).

C. Promulgation of the Progressive Treatment Ordinance. (Ministry Ordinance of 10 August 1933.)

1. Characteristics.

- (a) Acknowledgment of advanced progressive treatment.
- (b) Foundation of existing Progressive Treatment Ordinance.
- (c) Declaration of object.
- (d) Adoption of point system.
- (e) Adoption of prisoners' self-government system.
- (f) Group strolls, free conversation, factory representative system, general prisoners' representative system, mutual responsibility system, etc.

- (g) Responsibility and respect of human rights.
 - (h) Establishment of foundation for scientific prison affairs system.
2. Contents. (The following passages are taken from the Chapter 11, Article 91.)
- (a) Classification of prisoners.
 - (b) Grade and transfer.
 - (c) Progress.
 - (d) Confinement, guard and protection.
 - (e) Labor.
 - (f) Education.
 - (g) Interview and correspondence.
 - (h) Food, clothing and bedding.
 - (i) Investigation for progress.
 - (j) Preparation meeting for progress.
 - (k) Procedure for progress investigation.
 - (l) Suspension of progress.
 - (m) Grade demotion.
 - (n) Parole.
- D. Revision of September, 1944. (Existing Ordinance.)
1. Revised points.
- (a) Abolition of point system.
 - (b) Adoption of investigation system.
 - (c) Shortening of personal investigation period.
(From within two months to within fifteen days.)
 - (d) Narrowing sphere of inappropriate prisoners.
(Sentence of one year or less narrowed to

sentence of six months or less.

- (e) Simplification of investigation procedure.
(Abolition of point system, monthly investigation changed to two and six months system.)
- (f) Acknowledgment of guard and protection assistance system.

2. Merits and demerits of revision ordinance.

V. Explanation and Administration Method of Existing Prison Affairs Progressive Treatment Ordinance.

- A. Declaration of Object for progressive treatment. (Ord. 1)
 - 1. Article 1. The object is to urge prisoners' reform, moderate their treatment in accordance with their efforts, and gradually adapt them to social life.
 - 2. Significance and its explanation.
- B. Sphere for application of progressive treatment. (Ord. 2)
 - 1. Enumeration of inapplicable prisoners. (#1 of Ord. 2)
 - (a) Elimination of detention and hard labor prisoners. (#1 of Ord. 2)
 - (b) Elimination of prisoners with sentence of six months or less. (#1 of Ord. 2)
 - (1) Those with six months or less after adding two or more punishments.
 - (2) Punishment of additional decision, suspension of execution of sentence, and cancellation of parole should be added.
 - (c) Elimination of men over fifteen (15) years of age who can not bear labor. (#2 of Ord. 2)

(1) Regardless of whether before or after entry.

(d) Elimination of women in pregnancy and childbirth.

(1) Period indefinite, but judged according to concrete facts.

(2) According to Art. 546 of Regulations Enforcing Prison Law, 150 days or more after conception and up to 60 days after childbirth are considered as women in pregnancy and childbirth.

(3) Factory Law acknowledges 28 days before and 42 days after childbirth for rest from work.

(e) Elimination of confirmed crippled, disabled, or other physically defective prisoners who are not adapted for work. (#4 of Ord. 2)

(1) Crippled and disabled prisoners indicate those who can not bear cooperative actions.

(2) Those who are adaptable to cooperative treatment although one-eyed, one-legged, or one-armed, are not objects of elimination.

(3) Extent for mentally and physically defective prisoners.

It indicates a standard for prisoners who require rest and treatment for three

weeks consecutive (Directive Gyoko #1697, dated November, 1933). However, this should be understood as prisoners with prospects of getting well.

(f) Elimination of those who have radical thoughts and who do not abandon them.

(1) Radical thoughts signify thoughts regardless whether left or right-winged.

(2) However, with the abolition of peace maintenance law and change in the interpretation of lese-majesty, the so-called possessor of radical thoughts can not be judged as a matter of form.

G. Classification of prisoners.

(a) Necessity for classification of prisoners.

(b) Standard for classification of prisoners.

(1) Examples of various countries.

(2) Example of our country. (Classification as acknowledged by Prison Law.)

(c) Classification as acknowledged by Progressive Treatment Ordinance. (Ord. 13)

(1) Nature of crime.

(2) Age.

(3) Sentence.

(4) Number of crimes.

(5) Others of illness, mental condition, etc.

- (d) Investigation of personal affairs.
 - (1) Investigation period shortened to 15 days.
(Ord. 5)
 - (2) Discovery of individuality. (Ord. 6)
 - (3) Observation of ability and adaptability towards work. (Ord. 7)
 - (4) According to scientific methods. (Ord. 9)
 - (5) Data investigation. (Ord. 10)
 - (6) Drawing up of personal affairs investigation chart. (Ord. 11)
 - (i) Matters for caution regarding drawing up of chart.
 - (ii) Items to be mentioned. (Ord. 12)
 - (iii) Decision of treatment policy. (Ord. 13)

D. Progressive treatment.

1. Grade.

- (a) Examples of various countries.
- (b) Example of our country. (Consisting of 4 grades.)
 - (1) Transfer of grade. (Ord. 16)
 - (i) Fundamental principle. (Ord. 17)
 - (ii) Exceptions according to decision by Prison Officials Committee Meeting.
(Item 2, Ord. 17)

When transferred from other prisons. (Ord. 18)

When possessing strong sense of responsibility and have tendency for

adaptability to cooperative living.

(Ord. 19 I)

When entering prison owing to
cancellation of parole. (Ord. 19 II)

2. Progress.

(a) Method.

(1) Examination system.

(2) Point system.

(i) English system of taking daily points.

(ii) Irish system of taking monthly points.

(3) Compromise system.

(b) Progressive method according to existing ordinance.

(1) Irish method of point system adopted before revision.

(2) Absolute investigation system adopted after revision.

(c) Progress investigation. (Ord. 21)

(1) Whether diligent towards work or not, and their records.

Amount of days rested.

Degree of efforts toward work.

Degree of will to study and learn
work.

Amount of production.

Technical proficiency.

Results.

(2) Quality of moral character.

Manner.

Moderation of speech and action.

Thought for observing laws and regulations.

Rewards and punishments.

Others.

(3) Sense of responsibility and strength of will.

State of reflection and reform.

Cleanliness and tidiness of cells.

Handling of books and fixtures.

Caution towards use of public property.

Attitude when taking cooperative actions.

Consideration concerning sanitation.

Whether of harmonious nature.

Whether quick or slow in making decisions.

Attitudes towards carrying out duty.

Whether possessed of self-control.

Others.

(4) In case of juveniles, whether diligent or not and their records.

(5) Whether or not possible for reform with conscientiousness as a Japanese citizen.

- (d) Investigation period. (#2 of Ord. 21)
 - (1) Those with sentence of eight months or less--every two months.
 - (2) All others--every six months.
 - (3) Special investigations--at all times.
 - (4) Results written in investigation record chart. (#3 of 21)
- (e) Notification of progress. (Ord. 25)
- (f) Pledge for execution of responsibility. (Ord. 26)
- 3. Special progress. (Ord. 27)
 - (a) Those with adaptability to cooperative living and have strong sense of responsibility can be progressed to an appropriate grade. (Ord. 17)
- 4. Temporary progress. (Ord. 27)
 - (a) Establishment of condition.
 - (b) Strict observation of condition.
 - (c) Placed in former grade when not observing condition.
 - (d) Decision for progress.
- 5. Grade demotion. (Ord. 86)
 - (a) Demotion according to violation of regulations.
 - (b) Demotion according to peace disturbance.
- 6. Elimination of progressive treatment. (Ord. 86)
 - (a) Violation of regulations for those in lowest grade.
 - (b) When considered not appropriate for progressive treatment.

7. Restoration. (Ord. 87)

(a) Those who show special sign of repentance after being demoted a grade.

(b) Those who show special sign of repentance after being eliminated from progressive treatment.

8. Treatment according to various grades.

1. Confinement, guard and protection.

(a) Method of confinement.

(1) Solitary confinement system.

(i) Rigid solitary confinement system (day and night).

(ii) Solitary confinement at night system.

(2) Mass confinement.

(b) Merits and demerits of solitary confinement.

(c) Merits and demerits of mass confinement.

(d) Confinement methods of our country.

(1) Confinement method as acknowledged by Prison Law.

(2) Confinement system according to progressive treatment.

(i) Mass confinement for third and fourth grades. (Ord. 29)

(ii) Solitary confinement at night for second grade and up. (Ord. 30)

(iii) Exceptions.

(iv) Special exception for first grade.

Confined in special quarters.

(Ord. 31 1)

May have cells unlocked.

(Ord. 31 II)

2. Guard and protection.

(a) Prisoners' representation.

(1) Factory representative. (Ord. 32)

(2) First grade representative. (Ord. 37)

(3) Second grade workers. (Ord. 33)

(b) Exemption of physical examination and cell inspection. (Ord. 34)

(c) Free conversation. (Ord. 35)

(d) Free strolls. (Ord. 36)

(e) Joint responsibility system. (Ord. 38)

3. Work.

(a) Levy of work. (Ord. 39)

(b) Limitation for change of work. (Ord. 40)

(1) Regulation.

No recognition of third and fourth graders' desire for change of work. (Ord. 40)

(2) Exceptions.

(3) Skilled workers of second graders and above permitted change of work when desired. (Ord. 47)

(c) Use of reward money.

(1) Fourth grade--less than 1/5 of total monthly pay. (Ord. 41)

(2) Third grade--less than 1/4 of total monthly pay. (Ord. 42)

(3) Second grade--less than 1/3 of total