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メタデータ	言語: English 出版者: 国学院大学法学会 公開日: 2024-10-31 キーワード (Ja): キーワード (En): 作成者: 横山, 實 メールアドレス: 所属:
URL	<a href="https://doi.org/10.57529/0002000978">https://doi.org/10.57529/0002000978</a>

# How Has Police Power Been Exercised in Japan?

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This paper was presented at a session of the 2018 World Social Science Forum held on September 26, 2018, in Fukuoka in Japan.

## [ABSTRACT]

The author will analyze the exercise of police power in Japan from a historical viewpoint. Before the World War II the police power was widely abused under the authoritarian regime for an emperor, by which people's rights were infringed. After the war, Japan enacted the new Constitution to declare democratic principles. Under this Constitution peoples' fundamental rights are completely guaranteed, while on the base of all peoples' consensus an emperor becomes the symbol of the State of Japan and of the unity of Japanese people. Paragraph 2 of Article 15 of the Constitution prescribes that all public officials are servants of the whole Japan and not of any group thereof. Police officers are obliged to exercise police power for the whole Japan while respecting people's rights. The author will explain how Japanese police have developed the democratic system under this Constitution. Then, some current problems in tasks which the police are obliged to cope with will be overviewed.

Key Word : Public Safety Commission, National Police, Prefectural Police

## 1. Maintenance of Order for Imperial Regime by Police before World War II

Soon after Meiji Restoration of 1868 Japanese legal system was modernized after the example of that in Western developed countries. Gustave Émile Boissonade, a French scholar, came to Japan in 1873 to teach French law system. Soon after arrival at Tokyo he witnessed torture. As he was a humanitarian, he appealed to the national government to abolish torture. It was not until 1879 that torture was formally abolished in response to his appeal. Boissonade made a draft of Code of Criminal Procedure and that of Penal Code. Both laws were enforced in 1882. The police were obliged to exercise their power within the framework of both laws, in which human rights of a suspect and a defendant were guaranteed. In the late 1880s nationalism surged up, under which the legal system after the example of French one became unpopular.

In 1874 Tokyo Metropolitan Police Headquarters under the administrative jurisdiction of the Home Ministry was founded after example of Paris Metropolitan Police by the proposal of Toshiyoshi Kawaji who had inspected the legal system in several European countries. The police under the Home Ministry of the centralized authoritarian government spread all over the country after the finish of Seinan Civil War in Kyushu Island in 1877. Many former warriors were employed as a police officer who wore a Western-style uniform (Yokoyama, 2001 : 188). Therefore, they behaved authoritatively when they came into contact with people. The main purpose of policing under the control of the public prosecutor was to maintain the order and security for the national government. After the finish of Seinan Civil War many unsatisfied former warriors embarked on the Freedom and

People's Rights Movement as anti-government movement. They demanded the enactment of the Constitution. The police played an important role to suppress this movement. They often arrested a leader of this movement, for whom defense counsels began to work.

As the movement was successful, in 1889 the Constitution of the Empire of Japan after German model was proclaimed, in which an emperor as a god of Shinto, Japanese indigenous religion, had sovereignty, while peoples' human rights were guaranteed as his subject. The rights and obligations of a Japanese subject were prescribed under Second Chapter of the Constitution. Article 23 of this chapter prescribed that a Japanese subject was not arrested, confined, inquired or punished without a provision of the law. Under Article 24 a Japanese subject was not deprived the right to fair trial by a judge, which was prescribed by a law. Under Article 25 a Japanese subject was neither searched nor invaded into his/her residence without his/her consent or without a provision of the law. The police were obliged to exercise their power by observing all articles of the Second Chapter. In 1908 the current Penal Code was enacted under the influence of the modern school in Germany (Yokoyama, 2010).

With industrialization many people became laborers working at a factory. They caused a labor dispute under the influence of Marxism. The police functioned to suppress the dispute. In 1910 we witnessed Kotoku Incident, the first serious case to suppress socialists and anarchists. On May 25, 1910, the police arrested three persons on suspicion of a conspiracy to assassinate Meiji Emperor. The public prosecutor framed up this incident, by which the police under the direction of the prosecutor arrested many persons all over Japan. Among them 26 suspects including Shusui Kotoku were prosecuted. Without sufficient defense activities by defense counsels, 24 defendants were sentenced to death for the first time for a

high treason prescribed by Article 73 of Penal Code on January 11, 1911<sup>(1)</sup> (Morinaga, 1984:11). Without being given a chance to receive a retrial eleven convicts on death row including Kotoku were executed on January 24, while Suga Kanno, Kotoku's mistress, was executed next day. This was the cruelest suppression against socialists by the public prosecutor and the police. In the same year the Tokyo Metropolitan Police established the Special High Grade Section to regulate social movements, which was separated from the High Grade Section to regulate political movements in general. Next year the Special High Grade Section was established in Osaka Prefectural Police.

In Taisho Era (1912-1926) we witnessed the development of democratic movements. In 1925 the national government had to accept peoples' demand to realize the universal suffrage for male adults. However, at the same time the Law to Maintain Public Order, of which the purpose was to protect imperial polity, was enacted to suppress the prevalence of communism, anarchism and socialism, because established politicians, even those who had participated in the Freedom and People's Rights Movement, had fear about the influence of the Russian Revolution in 1917. After Japanese Communist Party was formed in 1922, the police in main prefectures founded the Special High Grade Section. Police officers affiliated with the Special High Grade Police began to suppress communists severely under the Law to Maintain Public Order. They did so by neglecting the due process prescribed by the Constitution and the Code of Criminal Procedure.

At that time students of such a university as Kyoto Imperial University and Doshisha University organized a club to study Marxism. During

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(1) Two defendants were sentenced to the imprisonment with compulsory labor for eleven years and for eight years respectively for an offence of the Rule to Regulate Explosive Material.

four months from December, 1925, the Special High Grade Police under the direction of the public prosecutor suppressed activities in these clubs. They arrested many students who were interested in Marxism. Although they could not prove that many arrested students were a communist, 38 students were prosecuted on charge of an offense of the Law to Maintain Public Order, an offense of the Press Law and a lese-majesty. It was the first large-scaled suppression after the enactment of the Law to Maintain Public Order.

On February 20, 1928, the first election with universal suffrage for members of the House of Representatives was carried out. On March 15, 1928, police officers searched at 50 places including an office of Japanese Communist Party and that of Japan Labor Union Council all over Japan. At the same time they arrested about 1,600 persons. In Tokyo 30 were confined immediately without a warrant in Ichigaya Prison on charge of an offense of the Law to Maintain Public Order. As these arrests were carried out loosely, about 70% were released soon owing to insufficient suspicion. On June 26, 1928, the Law to Maintain Public Order was revised, by which the maximum penalty was raised to the death penalty. The searches and arrests on February 20 followed by criminalization under the revised Law to Maintain Public Order were very efficient to suppress the political movement of communists and their supporters.

In 1931 Japan began to wage the war against China, after which the Special High Grade Police strengthened suppression of dissidents against the military regime such as a pacifist and a liberalist. When they arrested a suspicious dissident, they tortured him/her to acquire a false confession that he/she was a communist. Although most of arrested persons were not a communist, they were urged to convert from a falsely confessed communist to a loyal subject of the emperor. The converted persons were put

under the supervision of the police until the end of the World War II.

When an arrested dissident did not confess, the Special High Grade Police killed him/her by the severe torture at a jail. We know that Yoshimichi Iwata, a leader of Japan Communist Party, and Takiji Kobayashi, a writer of novels for proletarian people, were tortured to death in 1932 and in 1933 respectively. Under severe suppression the Japan Communist Party could not continue the underground movement. As most communists converted, the Special High Grade Police widened their target of suppression.<sup>(3)</sup>

During a half year from February 4, 1933, the police arrested many teachers participating in movement for new education mainly in Nagano Prefecture on suspicion of an offense of the Law to Maintain Public Order. Among the arrested teachers 13 were sentenced to imprisonment, although they were neither a communist nor a dissident.

In 1935 the police arrested many believers in Omoto-kyo, a religious group, of whom more than twenty were tortured to death. It was followed by suppression of other religious groups such as Christianity and Hitono-michi Kyodan, as the Special High Grade Police regarded that the creed in these religious groups contradicted National Shintoism, on which the godhood of an emperor was based.

On March 10, 1941, the Law to Maintain Public Order was revised, by which the total number of articles increased from 7 to 65. Under this revised law the target of severe suppression was widened. In September, 1942, Karoku Hosokawa's article entitled "Tendency of World History and

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(2) Japan Communist Party was dissolved in 1935.

(3) The suppression under the Law to Maintain Public Order was also carried out in the occupied area of the Empire of Japan. 26,543 Korean persons were arrested for an offense of the Law to Maintain Public Order on suspicion of their participation in the independence movement from the Empire of Japan.

Japan” was published in “Kaizo”, a periodical journal. The Special High Grade Police regarded his article as communistic by accusing that he praised the Soviet Union and criticized Japan’s national government for its Asian policy. They ordered a publisher not to sell and distribute this journal. Following this order, they arrested Hosokawa for an offense of the Law to Regulate Newspaper and Periodical Journal. In the process of investigation they found a photo of a party to celebrate for the publication of Hosokawa’s book. The Special High Grade Police regarded this party as a conspiracy to re-organize Communist Party. Next year they arrested about 60 persons including attendants in the party for an offense of the Law to Maintain Public Order, of which four were tortured to death by the Special High Grade Police in Kanagawa Prefecture. The total number of persons arrested for an offense of the Law to Maintain Public Order amounted to 101,654 for ten years before the abolition of this law in 1945.

Ordinary police officers also were eager to find a suspicious dissident against the military regime. They arrested even a person on suspicion of a lese-majesty who wrote criticism of the emperor in a diary. In case of a minor offense it was easy for the police to arrest a suspicious person without a warrant, because a chief of the police station had the wide discretionary power and authority to impose a penal detention or a minor fine. The suppression by the police, especially by the Special High Grade Police contributed to establishment of the authoritarian military regime under Showa Emperor, under which the Pacific War occurred in December in 1941.

## 2. Democratization of Japanese Police soon after World War II

In August in 1945 Japan surrendered unconditionally, by which the



World War II ended. Japan was governed by the General Headquarters of the Allied Powers (GHQ), in which the United States took the initiative. Japan was reformed toward democratization by the direction of GHQ. Following the dissolution of military forces, both the Special High Grade Police and the Law to Maintain Public Order were abolished in October, 1945. Many police leaders, especially those who were affiliated with the Special High Grade Police were purged. The total number of the purged police officers amounted to 4,958 by October 22, 1945 (Hironaka, 1968: 41).

In November, 1946, the Constitution was enacted, under which democratization was facilitated. Article 1 of the Constitution prescribes that an emperor has a position of the symbol both of Japan and of unification of Japanese people, which is based on consensus of Japanese people. Paragraph 2 of Article 15 prescribes that all public officers are servants to all people not to a part of people. Therefore, after the enactment of the Constitution police officers are obliged to work for people and not for an emperor as his loyal subject.

Under the guidance of Charles Louis Kades affiliated with Government Section of GHQ a draft of the Police Law was made. It was enacted in 1947, by which the national centralized police under the administrative jurisdiction of the Home Ministry was abolished. The system of local autonomous police was introduced after U.S. model. The police became an independent investigative organization separated from the public prosecutor. In addition, a public safety commission was founded as the supreme organization to control and supervise the police.

By the Police Law of 1947 the national centralized police was reduced to an organization called the State Local Police in the national government. On the other hand, all local governments with population of more than 5,000 were obliged to establish its own municipal police supervised by its

municipal public safety commission. However, this municipal police system was not supported by people, because it could not cope with increase in crimes soon after the war. In addition, many municipal governments could not maintain this system owing to poor budget. In 1948 many municipal assemblies decided to return their municipal police to the State Local Police, although it was not admitted under the Police Law of 1947 (Hironaka, 1968: 82).

We witnessed intensification of the Cold War in the late 1940s, when in Japan the labor movements surged up under the leadership of Japan Communist Party. To maintain capitalism, the governments and many large companies purged communists under the direction of GHQ in 1950 when Korean War broke out. In addition, the Self Defense Forces started as the Police Reserve Corps, although Japan is prohibited from holding military forces under Paragraph 2 of Article 9 of the Constitution. In such situation the national government began to discuss the restoration of strong police power. In 1951 the Police Law was revised, by which the return of the municipal police to the State Local Police was admitted. In 1954 a new Police Law was enacted in the severe opposition by the left wing. By this law the autonomic municipal police was formally abolished before it was rooted as a democratic police system. However, many democratic elements are preserved in the current Police Law of 1954 as the author will show later.

Article 1 prescribes that this law purposes to define the police organization deserved to protect people's rights and freedom, to maintain the public safety and order, to guarantee police management and operation on the base of democratic idea, and to perform missions efficiently. Under Paragraph 1 of Article 2 the police have such missions as the protection of people's life, body and property, the prevention of crimes, the suppression

of crimes, the investigation, the arrest of a suspect, the traffic control, and other activities to maintain the public safety and order. The scope of the police activities shall be strictly limited within missions prescribed by Paragraph 1 of Article 2. When the police perform the missions, they shall keep impartiality and neutrality without abusing their authority in such a way as infringement on people's rights and freedom guaranteed by the Constitution (Paragraph 2 of Article 2). All officers performing their duty on the base of this law shall swear to defend the Constitution and laws, and to perform their duty with keeping impartiality and neutrality. Next, the author will analyze how the police missions have been performed under the democratized police structure.

### 3. Public Safety Commission

#### 1) National Public Safety Commission

National Public Safety Commission (NPSC) is put under the direct administrative jurisdiction of Prime Minister. NPSC is obliged to keep always close contact with all Prefectural Public Safety Commissions (PPSC), although the latter is independent from the former.

NPSC is composed of six commissioners, of which a minister of the State appointed by a prime minister becomes a chief commissioner. NPSC controls National Police Agency (NPA). Article 7 of the Police Law prescribes that commissioners of NPSC are appointed by a prime minister with the consent at both houses of parliament. A person with a career of working as a police officer or as a public prosecutor within five years before the appointment is not qualified to become a commissioner of NPSC. Those who have a career of being imposed the heavier punishment than the criminal fine and bankrupts without restoration of civil rights are also

unqualified to become the commissioner. More than two persons affiliated with the same political party shall not be appointed as the commissioner. In addition, under Paragraph 3 of Article 10 commissioners of NPSC are prohibited from becoming an official in a political party and other political organization, and from participating actively in a political movement. These provisions are important for NPSC to maintain the political neutrality.

## 2) Prefectural Public Safety Commission

Prefectural Public Safety Commission (PPSC) is put under the administrative jurisdiction of a prefectural governor. PPSC controls a prefectural police. The number of commissioners of PPSC is three, although it is five in case of 15 prefectures including at least one designated city with population of more than 700,000. The conditions of being appointed to the commissioner are the same in principle as those in NPSC. However, a person being appointed must have the eligibility for election of prefectural assembly members. An eligible person is appointed as the commissioner by a prefectural governor with consent at the prefectural assembly. However, majority of commissioners of PPSC shall not be affiliated with the same political party. In case of PPSC we also see a system to maintain the political neutrality. A chief commissioner is elected by mutual vote in PPSC. The term of working as the chief commissioner is one year, although he/she can be re-elected. Under these provisions any person cannot become an influential boss for a long time in PPSC. It is a good democratic system.

## 3) Reform of Public Safety Commission in 2000

Previously, the post of a commissioner of the public safety commission

was honorable (Suzuki, 1980:228). In case of NPSC commissioners attended a meeting every Thursday, at which they heard a report from the police bureaucrats and discussed for a short time. It looked like a ceremony to authorize the report (Kubo, 2001).

In 2000 the mass media reported about the police scandals continuously after the exposure of a big scandal in Kanagawa Prefectural Police in September in 1999. To prevent scandals people demanded reform to the police (Yokoyama, 2004:336). Then, the Police Law was revised in November in 2000. To prevent public safety commissioners from performing their duty in a rut, the term and the reappointment of commissionership were limited. In case of NPSC the term of commissionership was reduced from five years to three years.<sup>(4)</sup> A commissioner could be re-appointed just once, which was the same in case of commissioners of PPSC with the term of three years.<sup>(5)</sup>

Under the revised Police Law of 2000 the supervisory power of a public safety commission was strengthened by new Article 12-2 for NPSC and new Article 43-2 for PPSC. On the ground of strengthened inspection power NPSC can give direction concretely or individually if necessary. NPSC can make a commissioner check how the direction is carried out, at which it can make an officer of NPA help this commissioner's checking. Under Article 43-2 PPSC is given the same power when it carries out the inspection. After this reform police scandals reduced.

#### 4. National Police Agency

National Police Agency (NPA) is put under NPSC. The chief of Na-

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(4) Later it was restored to five years.

(5) Currently, re-appointments are admitted twice in both NPSC and PPSC.

tional Police Agency is appointed by NPSC with consent of a prime minister. An elite officer promoted to the higher position every two years in a hierarchy of police organization is appointed to the chief of NPA. It must be good system for the police to keep impartiality and neutrality, although the police are inclined to support the Cabinet composed of conservative political parties, especially the Liberal Democratic Party which have maintained the majority at the Diet for a long time since its foundation in 1955.<sup>(6)</sup>

NPA does not have its own police forces to perform such tasks as enforcing laws, maintaining order and security, and the provision of services in the community, for which the prefectural police is responsible. NPA is responsible for the following tasks : 1) planning of laws concerning the police, and standardizing the police activities and various police systems, 2) supporting activities of the prefectural police on both “hard-ware” and “soft-ware” level, and 3) coordinating activities of the prefectural police. To perform these tasks, NPA has five Bureaus : Life Safety Bureau, Criminal Investigation Bureau, Traffic Bureau, Security Bureau and Communication Bureau. In addition, the Organized Crime Department and the Foreign Affairs & Intelligence Department are put under the administrative jurisdiction of Criminal Investigation Bureau and Security Bureau respectively. Concerning the recent activities of NPA, see the following homepage ; <http://www.npa.go.jp/english/index.html>

Some tasks of NPA are entrusted to seven Regional Police Bureaus covering 45 prefectures except for Tokyo and Hokkaido. In addition, NPA has three auxiliary organizations : Police Academy, National Research In-

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(6) Prime Minister Shinzo Abe began to check appointment of a high-ranking officer to the higher post than a bureau chief of all ministries. The recent appointment to a chief of National Police Agency seems to be put under the political pressure of Abe's Administration.

stitute of Police Science (NRIPS) and Imperial Guard Headquarters. The original task of Police Academy is education and training to provide for high-ranking police officers with necessary knowledge, technical skills, leadership and administrative ability as a leader in the police organization. In addition, it offers some courses of education and training on special police services to bring up specialist police officers. As crimes become sophisticated and specialized, Police Academy expands its tasks. Then, in Police Academy six organizations are established : 1) Highest Training Institute for Investigation Leaders, 2) Research & Training Center for International Criminal Investigation and Police Cooperation, 3) Research & Training Center for Financial Crime Investigation, 4) Police Policy Research Center, 5) Police Info-Communications Research Center, and 6) Police Info-Communications Academy. Concerning tasks of these organizations, see the following homepage ; <https://www.npa.go.jp/keidai/english/kikan/index.html>

NRIPS carries out study and experiment on three subjects ; 1) scientific investigation, 2) prevention of juvenile delinquency and other crimes, and 3) prevention of traffic accidents and traffic control. The researchers of NRIPS contribute to development of criminology in Japan, as they do not move to an administrative position in other police organization.

The main tasks of Imperial Guard Police are to protect an emperor and imperial family members and to guard the imperial palace and residences of the imperial family. Imperial Guard Police has own police forces, that is, imperial guard officers, although police officers of a prefectural police watch and patrol at the area surrounding the imperial palace and residences of the imperial family.

## 5. Prefectural Police

In every prefecture there is one unitary police with police forces. The prefectural police performs tasks in principle within its prefecture. The prefectural government defrays costs to maintain the prefectural police with receiving subsidy from the national government. In addition, costs concerning some important items in the prefectural police are directly paid by the national government. For example, the national government pays the salary for all police officers with rank of a senior superintendent and over. Through this payment system NPA controls all prefectural polices strongly.

Every prefectural police establishes its headquarters in a prefectural capital city, which is put under the control of PPSC. The internal structure of a prefectural police is defined by prefectural regulations decided within the prescriptions of ordinances of the national government. By this system the structure of all prefectural police is standardized, while autonomy of a prefectural police is limited.

A chief of a prefectural police is appointed by NPSC with the consent of PPSC. However, a chief of Tokyo Metropolitan Police Department is appointed by NPSC with the consent of Tokyo Public Safety Commission and the approval of a prime minister, as this position is important to maintain security and order in the capital of Japan. Almost all important positions in NPA and prefectural polices are occupied by elite police officers employed directly by the national government, as I will explain later. Through the personnel management NPA controls all prefectural polices strongly.

As Hokkaido is wide area, Hokkaido Prefectural Police has five district



police headquarters. In 20 large designated cities there is a city police headquarters. Under the control of a prefectural police headquarters, the district police headquarters and the city police headquarters there is a police station to maintain security and order on site. Each police station establishes a council concerning policing in its administrative jurisdiction. PPSC entrusts some leaders in the community to a member of this council. They can state their opinion to a chief of the police station by their own judgement or in the response to an inquiry by the chief. This system was introduced in June, 2001, by the revision of Police Law after the police scandals. It is a good democratic system to check policing on site.

## 6. Relation of Polices Between State and Prefecture

Under Article 59 of Police Law each prefectural police is obliged to cooperate mutually. PPSC can request assistance to NPA or other prefectural police. The dispatched police officers from NPA and other prefectural police perform tasks in the administrative jurisdiction of the requesting prefectural police under the control of the requesting PPSC.

With motorization crimes began to be committed easily in the wide-area across the border of prefectures. To cope with such crimes Article 60-2 was introduced by the revised Police Law of 1964. A prefectural police can decide to dispose of a case in an administrative jurisdiction of the neighboring prefectural police according to results of the mutual consultation in advance if this disposal is judged as necessary from the viewpoint of social and economic integrity and geographic situation. However, this disposal is allowed at the area within 15 km from the prefectural border. It is effective especially for the traffic riot police to chase a suspicious car on the highway.

During the period from 1988 to 1995 we witnessed Aum Shinrikyo Incidents under the direction of Shoko Asahara, a founder of this religious group (Yokoyama, 2017: 15). Believers in Aum Shinrikyo committed a lot of terrorism in the wide area, of which the most heinous was the indiscriminate killing and injuring of many persons riding subway trains in Tokyo by spraying of sarin gas on March 20, 1995. On March 22 the police investigated in 25 facilities of Aum Shinrikyo, of which the most important was Satian, their ascetic training hideout, located on the foot of Mt. Fuji in Yamanashi Prefecture. The joint corps of police officers affiliated with Yamanashi Prefectural Police and Tokyo Metropolitan Police investigated in Satian under the direction of a chief of the latter. By the simultaneous investigation all over Japan the police could arrest many leading believers including Shoko Asahara. However, some dozens of believers who might participate in terrorism could escape for a long time under the protection of common believers. To cope with such an organized crime in wide area, Article 60-3 and Article 61-3 were enacted by the revision of Police Law in 1996.

Article 60-3 prescribes that prefectural polices can exercise its authority outside its administrative jurisdiction to dispose of organized crimes in the wide area. Under 61-3 a chief of NPA can issue direction to prefectural polices on distribution of a role to dispose of organized crimes in the wide area if he/she judges as necessary.

Section 6 of Police Law prescribes the special disposal at such emergency as a large-scaled disaster and a riot. At emergency a prime minister can declare a state of emergency in all Japan or a certain area on the ground of recommendation of NPSC if he/she judges as necessary to maintain public order. Fortunately, the state of emergency has not yet been declared, although we have frequently suffered from a big disaster. The

police cope with a big disaster within the framework of cooperation with other organizations prescribed by laws. The cooperation between prefectural polices have been improved every time we encounter a big disaster (Yokoyama, 2016a). People evaluate the rescue activities by the police for persons hit by a big disaster, which are carried out together with the fire-fighting office and the Self-Defense Forces. These activities are the symbolic policing for people.

## 7. Police Officers

### 1) System of Recruitment and Promotion by National Government

Youngsters have two ways to become a police officer. If they want to become an elite offer, they can apply to the first class examination or the second class examination of the national government. The rate of passing the first class examination for administration jobs is about 1%. In addition, those who have passed the examination must to take the interview examination at the ministry which they wish to be employed. As NPA employs about 15 youngsters by the first class examination every year, these youngsters are a super elite officer called "a career officer". In the similar way between 5 and 10 youngsters who have passed the second class examination are employed as a semi career officer.

Those who are employed as a carrier police officer receive education as an intern for four months at Police Academy. Then, they learn practice of policing on site for twelve months. They re-enter Police Academy to receive education for one month. After the finish of all education courses for internship they are appointed to the rank of a police inspector without any examination for promotion. Those who are employed as a semi-carrier police officer, receive education in the similar way to that for a career

officer at Kanto Regional Police School. After the finish of internship they are appointed to the rank of a police sergeant.

After graduation from Police Academy a career officer begin to work as a chief of a police station at a prefectural police to learn policing in the community. He/she is promoted to the higher position in various fields every two years. It is good system to grow an elite police officer with wide perspective and to prevent from growing a corrupt relation with stakeholders. However, this system has disadvantage that an elite officer fails to develop his/her ability as a specialist and that he/she cannot maintain continuous cooperative relation with the corresponding officers in a foreign country. Nowadays the difference of ability between an elite officer and an able officer employed by a prefectural police becomes small. Nevertheless, the latter cannot be promoted to a chief of the prefectural police, although they are rarely promoted to a position of a chief of some department in the prefectural police headquarters. This promotion system has disadvantage that any able police officers employed by a prefectural police cannot have dream of being promoted to the highest leader in their prefectural police.

## 2) System of Recruitment and Promotion by Prefectural Police

Every prefectural police carries out examination to recruit an able youngster. There are two kinds of examination : one for graduates from a university and another for graduates of a senior high school or a college for two-years courses. Applicants have to pass three examinations : 1) examination on liberal arts by the use of a mark sheet and essay-based examination, 2) examination on basic physical strength and test on vocational aptitude, and 3) interview by both a senior police officer and an officer of a prefecture government.

The police are requested to employ more female youngsters under the Equal Employment Law of 1985. Since the surge-up of victim movement in the late 1990s female police officers have played an important role to support female crime victims and infant victims. In addition, the total population of youngsters decreases in the aged society with the low birth rate. In such a situation the police increase the number of employment of female youngsters. The total number of newly employed female as a police officer increased from about 1,000 in 2002 to 1,802 in 2015, of which the rate among all employed persons amounted to 16.5%. This phenomenon is desirable for the police to change their man-dominated culture in which masculinity is over-emphasized.

Those who have passed the examination enter the prefectural police school. The newly entering graduates from a university receive education for six months at the police school, while others receive it for ten months. All students are obliged to live in a dormitory in the campus of the police school. Previously, students lived in a group room in the dormitory to enhance team spirit. Nowadays, they live in a single room, because youngsters want to keep privacy at their free time.

They learn subjects in three fields ; jurisprudence, practice of policing and martial arts. As they are requested to perform tasks under the rule of law, they are taught the Constitution, Civil Code, Penal Code, Code of Criminal Procedure, Police Law, Police Duties Execution Law and so on. As they are taught the respect of people's rights, they do not torture a suspect by the use of physical violence.

Concerning the practice of policing students learn the crime preventive activities to protect people's life and safety in the community, the criminal investigation, the criminal identification, the traffic control and the guard. They learn such martial arts as Judo and Kendo (Japanese fenc-

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ing), the arrest techniques, the pistol firing, physical training and the relief activities.<sup>(8)</sup> In addition, students have an opportunity to participate in a club activity such as calligraphy, Japanese chess and flower arrangement.

After graduation from the prefectural police school they are obliged to work as an intern at Koban (a police box) under the guidance of an old police officer for three months. Then, they re-enter the prefectural police school to receive education at the supplement course during two months in case of university graduates and during three months in case of others. After the finish of this course they learn practice on policing at a police station during four months in case of university graduates and during five months in case of others. After this practice they start working at Koban as a police officer.

A police officer is qualified to apply to the examination to be promoted to a police sergeant after working during two years from the employment in case of a university graduate, during three years in case of a college graduate and during four years in case of a graduate from a senior high school. In case a police officer gives up being promoted to a police sergeant, he/she has a chance to be promoted to a senior police officer by the evaluation of his/her achievements.

A police sergeant is qualified to apply to the examination to be promoted to an assistant police inspector after he/she works during the above-mentioned period. Those who have passed the examination for

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(7) After the World War II GHQ ordered the police to make police officers carry a pistol instead of a saber. Although all police officers wearing a uniform carry a pistol, they do not fire their pistol except for a few emergent cases in a year.

(8) After Hanshin Awaji Earthquake in 1995 all new police officers are requested to learn ways how to rescue an ill person and a person suffered by a disaster or by an accident (Concerning the improvement of rescue activities after Hanshin Awaji Earthquake, see Yokoyama, 2015a : 18).

promotion to a police sergeant and an assistant police inspector are obliged to receive education at a regional police school during 30 days and 50 days respectively. By living in a dormitory they have opportunity to make acquaintance with officers coming from a neighboring prefectural police. The personal connection among leaders of the police is important for the prefectural police to cooperate each other.

Those who work as an assistant police inspector for more than four years are qualified to apply to the examination for the promotion to a police inspector. The rate of a police inspector among all police officers amounted to about 5%. Therefore, it is very difficult to pass the examination. Those who are appointed to a police inspector after passing the examination receive education during three months at Police Academy to become a section chief of some police organization. The promotion to the rank of a police inspector and under is fair system for non-career police officers. After a non-career police inspector work during more than seven years he/she has possibility to be promoted to a police superintendent by the evaluation of his/her achievements. If he/she is promoted to a senior superintendent, his/her status changes from an officer of a prefectural police to that of the national government.

The high-ranking able police officers teach students at a prefectural police school, a regional police school and Police Academy, at which only a small number of a professor of a university give lecture. This education system is efficient to grow a professional in the law enforcement, although it has disadvantage that the education on liberal arts is insufficient. As Japanese police provides good in-service programs on education and training, there is no department on criminal justice at a university in Japan. Japanese scholars fail to develop study on criminology and criminal justice, because they teach it as only one subject on criminology or criminal policy

at the faculty of law.

## 8. Current Problems of Police Task

As the author mentioned before, NPA has five bureaus, that is, Life Safety Bureau, Criminal Investigation Bureau, Traffic Bureau, Security Bureau and Communication Bureau. The author will overview some current problems in tasks, with which each bureau has to cope.

### 1) Crime Preventive Activities

Under Article 22 of Police Law the Life Safety Bureau is responsible for four tasks; 1) maintenance of peace and security of peoples' life concerning crimes, accidents and so on, 2) community policing, 3) crime prevention and 4) other policing for maintaining security. Among these tasks the crime preventive activities are most important.

We see Koban (a police box) in a city and Chuzaisho (a police house) in a village at the bottom of the hierarchy of the police organization, which play an important role in crime preventive activities. Before the World War II a police officer and his wife living together with his children in Chuzaisho provided services for villagers when they were in need of aid. Therefore, they usually respected a police officer at Chuzaisho as a community leader in the same way as they did their village chief and a schoolmaster. This good tradition of community policing remained after the World War II.

With urbanization many people moved to a city. NPA planned to introduce the system of the patrol by a car with abolishment of Koban and Chuzaisho. Bayley conducted research on community policing in Japan. As he evaluated system of Koban and Chuzaisho highly in his book entitled



“Forces of Order—Policing Modern Japan” (1968), NPA accepted his evaluation. Since then NPA has endeavored to improve the system of Koban and Chuzaisho in response to social change. The system is introduced to some developing countries by the guidance of NPA. It is one example that NPA contributes to improvement of policing in developing countries.

The total number of Penal Code offenders arrested by the police decreased during the period from 2005 to 2016. It decreased to 226,376 in 2016, the smallest number after the World War II. In 2016 the total number of juvenile Penal Code offenders amounted to 56,712, which was also the smallest number after the World War II.<sup>(9)</sup> One of reasons about these decreases is the success in crime preventive activities by the police in the community.

Japan becomes an aged society, in which the percentage of persons of 65 years old and over among all population amounted to 27.7%, the highest rate in our history, in September in 2017. This rate is higher in rural areas, in which many old-aged persons live alone or with their spouse. Police officers working at Koban and Chuzaisho perform a task of checking the condition of old-aged residents when they patrol in their territory. They are expected to work like a social worker to take care of an old-aged person especially in rural areas with depopulation.<sup>(10)</sup>

After the World War II the police refrained from intervening in a private conflict such as domestic violence, child abuse and stalking. Previously, an old-aged family leader and some respected community leader mediated to resolve these conflicts. Nowadays such mediators disappear with

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(9) Concerning delinquency preventive activities by the police, see Yokoyama' article (2015b : 195)

(10) For example, police officers are expected to protect an old-aged person suffer from cognitive impairment when he/she is wandering by losing way to return to his/her house.

weakening of the informal human tie. Then, every time a victim is killed or injured severely by an offender of family violence or a stalker, the police are criticized for being unable to prevent the killing and the injuring. Under such criticism the police have to intervene more actively in a private conflict. However, it is very difficult for the police to judge the time when they should intervene and the way how to intervene. If they always intervene in a private conflict, they may offend people's privacy. In addition, they do not have resources enough to response immediately to a private conflict every time they receive an emergency telephone call. The police should think about the border of intervening in a private conflict.

## 2) Criminal Investigation

After the World War II the abuse of power in criminal justice was prohibited under the Constitution of 1946. Article 31 prescribes the guarantee of due process in criminal justice. Nine articles from Article 32 prescribe important rules such as the warrant principle, and the fair and speedy open trial. Following the enactment of the Constitution, new Code of Criminal Procedure was enacted in 1948 to guarantee the due process in detail after the example of the Code in the United States. Under the current system police officers are prohibited from arresting and confining a suspect without a warrant except for catching the red-handed. They are also prohibited from searching without a warrant. According to Paragraph 2 of Article 199 of the Code of Criminal Procedure a police officer with the rank of an inspector and over who is assigned by a public safety commissioner can request a judge to issue the warrant. After checking evidences carefully he/she requests it. It is good system to prevent from abusing the request to a judge.

Under Article 36 of the Constitution public officers are absolutely pro-

hibited from torturing. In addition, under Paragraph 1 of Article 38 people shall not be urged to testify adversely. Paragraph 2 prescribes that the confession acquired by coercion, torture or intimidation, or the confession acquired after unreasonable confinement for a long period shall not be presented as evidence to a criminal court. Paragraph 3 prescribes that a person shall not be convicted or imposed punishment in a criminal court in case his/her confession is only evidence against him/her.

Police officers are taught the above-mentioned principles at the police school. Therefore, nowadays we do not hear that a police officer tortures a suspect by the use of physical violence to acquire confession. However, we have sometimes witnessed that an interrogator urges a suspect to confess falsely by the leading questions in a locked room for a long time. To prevent such coercion, defense counsels have demanded to guarantee transparency in the process of interrogation. In response to their demand in 2008 the police started audiovisual recording of the interrogation process as an experiment. In 2013 the police began recording the interrogation process in a case of serious offense. In 2015 all prefectural polices carried out this experiment. Since October, 2016, the police are obliged to carry out audiovisual recording of all interrogation process in a serious case, which is scheduled to be tried at Saiban-in Trial, a kind of jury trial. Since October 2016, all suspects in these serious cases are audio-visualized in principle in all process of the interrogation with their consent.<sup>(11)</sup>

In Japan old detectives with rich experiences on investigation have retired. Therefore, scientific investigation by the use of high technology has developed.<sup>(12)</sup> For example, many supervisory cameras are put in the city.

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(11) In some cases, for example, those in which a member of Boryokudan is involved, the police are allowed not to carry out audiovisual recording of the interrogation process.

The police investigators use pictures taken by these cameras frequently with consent of an owner. They should not abuse these pictures, in which pictures of many innocent people are included.

We see the decrease in the total number of reported Penal Code offenses, of which about 70% are theft cases. The majority of theft cases are such a minor offense as a bicycle theft, a shoplifting and a theft from a car, while we witness the decrease in a burglary, especially that committed by a professional thief. Recently, a fraud, especially a remittance fraud to victimize an old-aged person becomes a serious social problem (Yokoyama, 2018: 153). The remittance fraud is a crime committed in a group of swindlers who employ a youngster as a recipient of money remitted from a victim. It is very difficult for police investigators to catch a whole group of swindlers, as any arrested recipient does not know the whole group of swindlers.

Concerning organized crimes the police have taken many measures against activities conducted by Boryokudan, Japanese gangsters' group, since their first round-up of Boryokudan all over Japan in 1964, before which they had corrupt relation with Boryokuda (Kaplan & Bubro). The measures have been strengthened under the Law to Cope with Boryokudan enforced in 1992 (Yokoyama, 2000). The activities by Boryokudan have shifted from such traditional ways as gambling, protection as a bouncer and selling illegal drugs to the erosion to the legal economy (Yokoyama, 2016b). Although members of Boryokudan also become older, it is not easy for the police to eradicate their activities completely because their way how to exploit money becomes more and more cunning.

We witness the increase in foreigners working in Japan, as the man-

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(12) The technique of criminal identification has also developed.

power is short in the good economic situation in 2010s. Most of them come to Japan as a trainee (Yokoyama, 2016c). Someone stays illegally after his/her term as a trainee elapses. If our economic situation becomes bad, many foreigners staying illegally for the purpose of making money might commit a crime more frequently. The police should think about the preventive measures against crimes committed by foreigners without having a prejudice that a foreigner is a potential criminal (Yokoyama, 1999).

In case of a serious corruption in political and economic field the public prosecutor is responsible for investigation (Yokoyama, 2005). The Special Investigation Team of a prosecutors' office in Tokyo, Osaka and Nagoya investigate and arrest a suspect. The police are responsible for investigating a minor corruption especially in the local area. The police perform this investigation without being distorted under the pressure from a politician and a boss in the local area.

### 3) Traffic Control

With motorization the traffic accidents causing death and injury increased drastically until 1970, when we called this phenomenon as a traffic war. To end this war, the police strengthened traffic control in addition to adopting many measures to prevent traffic accidents. One of measures is the criminalization against traffic offenders (Yokoyama, 2015c).

Nowadays traffic control by the police is effective to reduce the traffic accidents. However, serious traffic accidents causing by an old-aged driver attract our attention as a serious social problem. As the public transportation declines, old-aged persons living in rural area cannot live without driving a car. On the other hand, driving ability of old-aged persons, especially those suffered from cognitive impairment declines, by which they sometimes caused a serious traffic accident with heavy casualties. Then,

the police recommend them to return their driver's license. In addition, they strengthen the test to check their ability for driving when they renew their license. If the police succeed in inventing the system to prevent traffic accidents by an old-aged person, it would become a good model for other countries toward an aged society.

#### 4) Maintenance of Order and Security

Recently people have fear of being victimized by the discriminated terrorism, especially the international terrorism. Therefore, Japanese police have developed the preventive measure against terrorism (Yokoyama, 2017). Japanese terrorists affiliated with both the left wing and the right wing have gradually decreased. However, the police carry out the large-scaled guard when such a big event as G7 Summit and the meeting of the Association of South - East Asian Nations is held in Japan.

In the Security Bureau of NPA there is the Foreign Affairs and Intelligence Department. Police officers affiliated with this section of all prefectural polices collect information about a foreigner suspected as a spy or a terrorist. They carry out their task secretly by the employment of informants working in underground. It is very difficult for people to check these activities.

The mass media sometimes report that a secret intelligence agency in a foreign country carried out the cyber -attack to important facilities in Japan. The Communication Bureau of NPA performs a task to prevent a cyber-attack. Able police officers and technical specialists work together to improve the measures against a cyber-attack not only from overseas but also from domestic. As cyber-terrorists and hackers develop their technique, it is not easy for the police to establish preventive measures against hacking and a cyber-attack.

## Conclusion

Before the World War II the Japanese police often abused their power to support the authoritarian regime under an emperor. After the war it was democratized under the guidance of Charles Louis Kades affiliated with Government Section of GHQ. Although the system of local autonomous police introduced after U.S. model was abolished in 1954, the fundamental democratic framework under the control of a public safety commission has been maintained. We should evaluate Kades's achievements highly, although his achievements are unknown even in Japan.

People and the mass media continue checking not only an offense and a corruption committed by a police officer, but also the inadequate performance of tasks in the police. In such a situation Japanese police have succeeded in establishing the democratic system for people. The author wants to suggest police leaders in foreign countries to learn about the process of democratization of Japanese police in order to improve their police system.

With globalization crimes, especially organized crimes such as smuggling of illegal drugs, human trafficking, money laundering and terrorism are committed beyond the border of countries. The police in each country cannot cope efficiently with these crimes. The cooperation between many countries through such an international organization as the United Nations and the International Criminal Police Organization is necessary. Japanese police would contribute to facilitating the cooperation.

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