



Devotion: Psalm 74

Attendance/ Business: Nyack Scholars Symposium Thur. April 1, 2021- Report for extra credit!

ZOOM INTERVIEW: This WED. 3/17 @ 6:00-7:00 pm. Please request to be excused from class for that hour.

LT. Basem Zaghloul, Internal Affairs Investigator for Newark, NJ, Police Department. Instagram = nyackcollege_crj

Major issues in Japan:

VIDEO: CBN - Shrinking population change and culture

<https://www.youtube.com/watch?v=8YsIIQvRH4w> – 6:48 min.

<https://www.youtube.com/watch?v=QS2QdRaW3Qs> – 19:17 min

Article/Video: District Court decision on barring same-sex marriage – 5:00 min.

<https://www.cnn.com/2021/03/17/asia/japan-same-sex-marriage-intl-hnk/index.html>

VIDEO: Japan's elderly prison population – 2:52 min.

<https://www.youtube.com/watch?v=VTnIHA70fwE>

- How is culture related to the economic decisions made by individuals?
- How is culture related to the shrinking population and the growing number of elderly?

VIDEO: Organized Crime in Japan – Yakuza – 2:06:00 hr.

https://www.youtube.com/watch?v=ojdt50q_Htk

Homework: Read *World Criminal Justice Systems* (WCJS), p. 201-268

Country of Study: Japan – Government, police, judiciary, legal system, corrections and juvenile justice

Population	The nation's population of 127 million makes it larger than England, geographically it is comparable to California.	
Constitution	The last Constitution was introduced in 1947 after Japan's loss in WWII ending 1945. The Preamble of the Showa Constitution addresses "the fruits of peaceful cooperation with all nations... and never again shall we be visited with the horrors of war through the action of government" (WCJS, p. 204). It is also worth noting that the U.S. was central to influencing the shaping of both government and constitution. Its Chapter III Articles include many of the rights as those within the U.S. Constitution (similar to U.S. 4 th , 5 th , 6 th and 8 th Amendments). In 1954, Japan constitutionally allowed for a 'non-standing military' committed <i>solely to self-defense</i> . http://www.cnn.com/2016/12/06/asia/japan-military-pearl-harbor-anniversary	
Government	The <i>Diet</i> – bicameral (two bodies) parliament of House of Representatives (512 elected members) and House of Councillors (252 elected members) with the former electing the Prime Minister. The system mirrors the British system of <i>the Prime Minister</i> (PM) representing the majority of the House of Representatives, and the PM appoints the Cabinet Members as well as the Justices of the Supreme Court. In 1868, Japan allowed for the restoration of <i>the imperial family, the Emperor</i> , who reigns but has no political authority. Japanese culture highly reveres the tradition of the imperial family.	The system is similar to GB, but less democratic than the U.S., given the power of the PM.
Culture	Japan is one of the most culturally homogenous of the industrialized nations with more than 99 percent being Japanese. Shintoism and Buddhism which are dominant culturally but it is estimated that 70-80 percent of the population practices no religion. While it is highly entrepreneurial Japan is still insular. Confucianism (which emphasizes individual ethics, hard work, citizenship and membership) combines with entrepreneurialism to create competitive teams of faithful workers focused on team success. The power of group membership results in shame when deviance is exercised, different from the Christian tradition of deviance resulting in "sin" (p. 203). This results in a	Dissimilar from the U.S. history of diversity and Judeo-Christian tradition.

	distinct nature to deviance and its social consequences.	
Policing	<p>While the U.S. influenced the adaptation of decentralized policing with the 1945 Constitutional structure, it proved to be very expensive and inefficient. The Police Law of 1954, returned policing to a national centralized structure.</p> <p>The National Public Safety Commission which heads policing is chaired by a non-voting (except to break a commission tie) chair, an appointee of the PM. The other five members are appointed by the PM, but they must be approved by the bicameral Diet. The National Police Safety Commission oversees <i>the National Police Agency</i>, the top of the national policing hierarchy. Under it are the <i>National Police Academy</i> (the training arm of policing), the <i>National Research Institute of Police Science</i> (researches policing strategies, conducts forensic operations, traffic science, identification and training), and the Imperial Guard (protects the Emperor and dignitaries).</p> <p>The nation's 47 Prefectures (similar to provinces/districts) have their own autonomous police force. Because the National Police Agency appoints leadership of the prefecture police senior leadership, contributes to funds for prefecture police training, costs, administrative expenses, equipment, etc. the autonomy of the Prefecture police agencies is limited by these controls.</p> <p>Tokyo Metropolitan Police is the prefecture police agency of great importance due to its size almost 43,000 officers. <i>Within prefectures are kobans</i> which are characteristic of Japan.</p> <p>Kobans: These “mini-stations” may house up to a few officers and their equipment. They are <i>local in a nature in urban centers</i> and allow officers to be in their communities ready to serve, <i>and</i> as a contact point for the <i>public to seek police help, assistance</i>. Help in <i>kobans</i> includes community servants such as counselors.</p> <p>Chuzuishos - In <i>rural areas</i> single-officer stations are called <i>chuzuishos</i>, which operate as police service centers but also as a residence for the officer and his family. The <i>wife of the officer at chuzuishos</i> may help the public when he is away from the station. She receives a stipend for her availability and help.</p> <p>The Kidotai are specialized units within the security units of prefecture agencies; these units are specially trained in riot control, physical combat and addressing high stress situations. Upon completion of assignment to the <i>Kidotai</i>, officers can receive preference for promotion.</p> <p>Approximately, 65 percent of officers are university graduates. Training of police takes place in the respective prefecture, but is part of the National Police Agency national program.</p> <p>Neighborhood-centered policing (similar to “community policing”) is evident through the <i>kobans</i>, which serve also as community outreach centers. Neighborhood and business security programs interact and are supported by the <i>kobans</i> further solidifying community support for the police.</p> <p>Arrests and questioning of suspects can last up to 23 days, without warrant or legal representation, none of these is legally guaranteed until <i>after the indictment</i> (WCJS, p. 217).</p>	<p>Has some similarity with GB's policing centralizes system. The U.S. influence of decentralized policing could not be financially sustained by Japan.</p> <p>The community presence of police in <i>kobans</i> is unlike the presence of precincts in the U.S.</p> <p>There is no similarity between the U.S. system of policing and Japan's nationalized –community orientation.</p> <p>How does the 23-day holding of suspects for questioning make sense in Japan, according to Japanese culture?</p>

	Police have greater authority over investigation methods including intensive questioning for the purpose of obtaining a confession.	
Crime	<p>Japan has one of the lowest crime rates among the industrialized nations. Organized crime is a major challenge for Japan. A legendary and still active criminal phenomenon is the Yakuza. It is debated how active the organization/movement is currently. This includes gang activities and organized youth crime.</p> <p><i>Juvenile crime represents 70 percent of violent street crime. Police attempt to address crime through volunteerism, police activity with the public includes youth work, coaching, and involvement in the arts (p. 221).</i></p>	
Judiciary and the Justice system	<p>The two primary practices of the Japanese court are to ensure rehabilitation and when necessary retribution.</p> <p>The Supreme Court of Japan is a 15-member judiciary which only convenes in total based on the seriousness of the case involving constitutionality. Only six cases have been declared unconstitutional. Important to remember, is that court decisions do not annul or force an injunction to any law. Only the Diet has the power to respond to unconstitutionality determined by the Supreme Court.</p> <p>High Courts are the appeal courts with all cases heard originally at the District/ Family or for lesser non-serious cases the Summary Courts. Hence, the judicial system is very simple. The legal system is based on the Romano-Germanic system whereby laws are developed solely by the expertise of the Diet and not open to judicial review.</p> <p>A practice prevalent is the suspension of criminal proceedings. This is based on the procurator</p> <p>A challenge to the system is the limited judgeships and legal counsel. The national judiciary task force report of 2001 (RC21) stated that Japan's judicial system must become 1. More approachable, with greater public participation, 2. Increase the quality and quantity of those in the legal profession, 3. Improve the public's confidence in the judicial system (p. 225).</p> <p>Another challenge to the role of law is the Confucian tradition which emphasizes group and social commitment and less the importance of the individual. This idea of commitment to the community results in a reduced belief of an adversarial system, in other words, if wrong is done (especially with evidence obtained by police authorities) then punishment is accepted as a response of respect for the community.</p> <p>Procurators are public defenders. They are closely associated with judges. The opposite can be said for legal attorneys (defense lawyers). Given the high esteem for authority and community interest, the prejudice against defense attorneys has a long standing in the culture of Japan. Attorneys are not given the prestige or importance of lawyers as in the U.S.</p> <p>Saiban-in: refers to the inclusion of the public into the panel (along with the procurator and the judge to decide the guilt and sentencing of criminals. The inclusion of the public was a response to the RC21 report for judicial process change.</p> <p>Legal Training in Japan, if offered after a university degree. After passing the bar exam allowed one entry into the national Legal Training</p>	<p>This system is centralized and not similar to U.S. judiciary system, although very similar to GB and more so like France's system.</p> <p>The legal structure of Japan is unlike the U.S. structure but it is moving toward the balance of the adversarial model in the U.S.</p>

	<p>and Research Institute, three months of coursework followed by 12 months of field training.</p> <p>Because of RC21 (2001), three year law schools attended after achieving a university degree <i>are now instituted</i>. Upon graduation from law school, the applicant must pass the national bar exam. By 2005, 74 new law schools had been approved.</p>	
Corrections	<p>Japan is the only industrialized nation that sanctions the death penalty. The implementation of the death penalty is very rare.</p> <p>VIDEO: Death penalty in Japan – 2:14 min. https://www.youtube.com/watch?v=NMqolk2wZuQ</p> <p>The Rehabilitation Bureau is a national agency with “parole boards” that make decisions regarding rehabilitation progress in prison, and the amount of time served (usually at least half of the sentence) and the placement, program and progress of the parolee.</p>	<p>The systems are similar to the U.S., except for the rising age of Japan’s prison population, and the public’s lack of access to Japan’s prisons.</p>
Juvenile Justice	<p>Juvenile dispositions are enacted by judges of family courts. The goal of juvenile justice is rehabilitation which mirrors the traditional culture of Japan. Apology to the families of the victims is the basis of judicial suspension of criminal proceedings. This is controversial as it is in the judge’s purview to discern repentance and absolve the offender. Stressors in the culture are considered major factors to youth crime, deviance and suicide. Stressors include traditional culture that emphasizes group identity, scholastic achievement and controls over self-expression.</p>	