

**Proposal
for Measures Against Crime
for the "Public Safety and Reassurance
for the Future"**

**(Report of the "Research Committee
for a Safe and Reassuring Future")**

**Division for the Study of Crime Prevention Legislation,
Association for the Study of Security Science (ASSS)**

(Research Committee for a Safe and Reassuring Future)

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Society's Meetings

First meeting: Tuesday, June 26, 2012

Subject: Analysis of the crime situation

Second meeting: Thursday, July 26, 2012

Subject: Analysis of the crime situation and the scope of the Research Committee's activities

Third meeting: Friday, August 31, 2012

Subject: Examination of the "Action Plan" and the outlook for the future

Fourth meeting: Friday, October 12, 2012

Subject: Rehabilitation of criminals

-Disturbing acts of public order

Fifth meeting: Friday, November 2, 2012

Subject: Problems of the new fields requiring measures in the future (1)

-Family members, women, children, elderly citizens, etc.

Sixth meeting: Thursday, November 22, 2012

Subject: Problems of the new fields requiring measures in the future (2)

-“Cyberspace”

Seventh meeting: Thursday, December 6, 2012

Subject: Activities of businesses, community residents, volunteers, NPOs and other entities and tasks to be performed for allowing these activities sustainable

Eighth meeting: Thursday, December 20, 2012

Subject: Foreign laws and systems

-Summary of and discussion on the points at issue for the proposal

Ninth meeting: Monday, January 28, 2013

Subject: Roles of the "state" in measures against crimes

-Examination of the draft proposal

Tenth meeting: Wednesday, February 27, 2013

Subject: Examination of the draft proposal

Eleventh meeting: Monday, March 18, 2013
Subject: Examination of the draft proposal

Twelfth meeting: Thursday, June 6, 2013
Subject: Examination of the draft proposal

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Introduction

After the number of criminal offenses known to the police reached 2,850,000, the largest figure after the world war II, in 2002, the Ministerial Meeting Concerning Measures against Crime adopted the "Action Plan for the Realization of a Society Resistant to Crime" in 2003. In this plan, it was explicitly proclaimed as the general government policy that not only the police and criminal and judicial authorities but also all of the ministries, agencies and local governments and private organizations involved in people's socioeconomic activities should cooperate and join hands with one another in the steps to countermeasures against crimes.

A decade has almost passed since then. During these years, the number of criminal offenses known to the police decreased to the level of the mid-1980s as a result of government-wide activities, comprehensive measures for the control of street crimes by the police and other measures on the basis of the "Action Plan" and its successor entitled "Action Plan for the Realization of a Society Resistant to Crime 2008" introduced in 2008.

But on the other hand, the number of some types of crime known to the police has remained at a high level, and a variety of factors that might endanger the public security in the future have still been observed in communities and families and have become more serious in some cases. People's anxiety about crimes has not been alleviated yet as expected from the decline in the number of reported criminal offenses.

In this situation, it will be needed to put an end to the conventional way to analyze the situation of crimes mainly based on the number of reported criminal offenses and the crime control steps taken based on these analyses. There will also be a need to reconsider what future countermeasures crime steps in Japan should be, taking account of the present situation of crimes and ever-changing circumstances of society, economy, information technology, etc. and to reexamine what today's "public safety and reassurance" should be.

According to the above-mentioned awareness, the Research Committee for a Safe and Reassuring Future was founded in June 2012 within the Division for the Study of Crime Prevention Legislation of the Association for the Study of Security Science (ASSS) (Chief of the Division: Dr. Toyo Atsumi, Director of the Institute of Social Safety and Police Science and Professor at the Law School, of Kyoto Sangyo University, and Professor emeritus at Chuo University).

In the past, the securing of "public safety" and the restriction on "freedom" tended to be regarded as the two sides of the same coin. In particular, it has been

considered the top priority to minimize the intervention of the "state" in the investigation and control of crimes and in measures against crimes, which has been regarded as infringement on the "freedom and rights of citizens."

But in the present day, when science and technology, especially telecommunications technology, have been making rapid progress and people's lifestyles have greatly changed, it is a prerequisite for enjoying "freedom" that the safety of people's life, body and assets of people is secured. "Public safety" and "reassurance" themselves have become the bases for securing free activities of people and ultimately the good maintenance and development of the democratic society.

In the light of this, "freedom" today can never be realized only by minimizing the state's intervention; instead, it will be essential to create an environment where people can act "free from fear" in a "safe" community.

Based on the awareness mentioned above, "who and how should create what kind of environment?" — This is the subject in which this research committee is interested.

To pursue this subject, one should have various viewpoints and much experience instead of sticking to a particular academic field. This is why not only the specialists in criminal and administrative laws who are the ASSS members but also experts on such areas as the constitution, public administration, economics, social safety system, city planning and children's safety join the committee.

At the meetings held twelve times in total, the committee analyzed the present situation of crimes and examined past activities for crime prevention based on the "Action Plan" and other initiatives first, and shared the awareness of the situation of crime and counter measures against crimes. Then it discussed the safety and security of women, children and elderly people and of "cyberspace," the areas where it is considered that steps will especially be required in the future. The Society also debated the role of businesses, community residents, volunteers, NPOs and other parties as well as the entire community, which will be the supporters of public safety and reassurance in the future.

This report contains the proposal for "public safety and reassurance of the future" that the committee concluded as a result of the discussions mentioned above.

Chapter 1. Analysis of the present crime situation

1. Present situation

(1) Crime situation

The number of reported criminal offenses¹ reached a peak of about 2,850,000 in 2002. In 2003 and after, largely because of nationwide activities according to, among others, the "Action Plan for the Realization of a Society Resistant to Crime" (adopted by the Ministriac Meeting Concerning Measures against Crime), the figure tended to decline. In 2012, the number fell to about 1,380,000, a level around in the mid-1980s and lower than a half of the peak year [Data 1].

The number of larceny, which has greatly contributed to the decrease in the total number of reported criminal offenses, dropped from about 2,380,000 in 2002 to about 1,040,000 in 2012 [Data 2]. Street crimes², for which comprehensive countermeasures have been taken since 2003, decreased from about 1,630,000 in 2002 to about 600,000 in 2012 [Data 3].

But some types of crime, such as violence, intimidation and sexual assault, increased as compared with the level in 2002³.

Moreover, the harm done to the "vulnerable memers of souety," such as women, children and elderly citizens, grew more serious in some cases. While women and children are prone to suffer harm from violence and sex crimes, elderly people are prone to suffer from fraud, including *furikome fraud*, in which General term of a crime of people cheated out of their money, etc. by way of remittance to a designated bank account and other methods through calling without seeing victims, including extortion of money, etc. *Furikome Frauds* is a typical crime.⁴

¹ According to the definition of "criminal offenses" in the introductory remarks to the National Public Safety Commission and the National Police Agency, "White Paper on Police 2012." (Of the crimes provided for in the "Criminal Code," fatal wounds due to dangerous driving, fatal wounds due to (gross) negligence and fatal wounds due to automobile driving are excluded from "criminal offenses.")

² Crimes committed on the street (robbery, snatches, theft of items, theft from parked vehicle, violent crimes and sex crimes on the street, etc.).

³ These types of crime greatly increased: 19,442 in 2002 to 31,802 in 2012 (up 63.5%) for violence; 2,374 in 2002 to 3,241 (up 36.5%) for intimidation; and 2,444 in 2002 to 4,295 in 2012 (up 75.7%) for public indecency [Data 4].

⁴ The following facts can be pointed out from the statistics for 2012:

* The ratio of bodily offenses, etc. (murder, robbery, rape, violence, bodily injury, intimidations and indecent assault) committed to women, juveniles (under 20 years old) and elderly people (60 years old and above) per 100,000 persons substantially rose in 2012 as compared with the figure for 1981 when the number of reported criminal offenses was on a similar level to that in 2012 (1,463,228 cases): 26.3% in 1981 to 50.6% in 2012 for women,

Moreover, telecommunications technology, including the Internet and cellphones, has had negative impact of making cybercrime more serious as the technology spreads and develops [Data 10] and making criminal investigation more difficult. This technology also plays a role of "infrastructure for crimes" promoting the commitment of crimes by providing the means for communication.

Recently, new category of criminals known as "quasi-hooligans"⁵ has been pointed out. The police introduced necessary measures recognizing that violence, bodily injury and other crimes have increased in shopping quarters, amusement centers and other similar places by the groups composed mainly of the former members of *boso-zoku*, or motorcycle gangs ("quasi-*boryokudan* gangs"⁶)

46.6% to 78.1% for juveniles and 13.7% to 21.0% for the elderly) [Data 5].

* The ratio of violent crimes doing harm to women (violence, bodily injury, intimidation, extortion, etc.) tends to increase, rising from 24.9% in 2002 to 34.2% in 2012. In particular, the ratio of violence and bodily injury to adult women (20-64 years) at home (the number of reported crimes per 100,000 persons) greatly rose from 9.0% in 2002 to 19.0% in 2012. In addition, the number of cases in which the suspect arrested for violence or bodily injury was the spouse of the victim is increasing sharply (violence and bodily injury cases: 997 in 2002 to 3,085 in 2012) [Data 6].

* The number of stalking and domestic violence (DV) cases known to the police tended to increase; in 2012, stalker cases reached 19,920, the largest figure after the enforcement of the Stalking Control Act and that of DV cases, 43,950, also the greatest number after the enforcement of the Domestic Violence Prevention Act [Data 7].

* The number of children reported to the child consultation center by the police regarding child abuse greatly increased from 1,703 in 2006, reaching 16,387 (up 42.1% compared with the previous year) in 2012, an all-time high. The number of child abusers arrested and victimized children continued to increase, too, from 297 arrests and 316 victims in 2006 to 472 arrests and 476 victims in 2012, historic high figures [Data 8].

* The number of arrests on charges of producing and distributing child pornography is on the increase and reached 1,596, a historic high, in 2012. Schoolchildren and younger children account for 56.3% of the victims, and 76.7% of the means used to produce pornography of schoolchildren and younger children are rapes and indecent assault [Data 8].

* The total amount of damage from special frauds exceeded 36 billion, the worst-ever level, in 2012. The ratio of elderly citizens of 60 years old and above to all of the victims of special frauds in that year was 80.8%, and the ratio of these elderly people suffering from damage from crimes inducing victims of investment fraud, a category of phishing scams, reached 85.6% [Data 9].

⁵ Atsushi Mizoguchi defined "quasi-hooligans" as former *boso-zoku*, or motorcycle gangs, who stay away from gangs and are the intermediate groups between honest people and gangs. See Atsushi Mizoguchi, "*Boryokudan*", Shincho Shinsho, 2011, p. 155.

⁶ In March 2013, the National Police Agency defined this category of group as "quasi-*boryokudan*" saying that this group has no organization as gangs but those belonging to this group are committing violent illegal acts as a group or habitually and that it can be considered that some of these groups have a close relationship with gangs or a similar group. Thus the

(2) People's anxiety about public safety

As described in (1) above, the number of reported criminal offenses in 2012 decreased to the half of that in 2002, the peak year.

But according to the "Special Public-Opinion Poll on Public Security" conducted in 2012 by the Cabinet Office, people's anxiety about public safety was not alleviated as expected from the decline in the number of reported criminal offenses; for example, over 80% of the respondents said that "I think public security deteriorated as compared with a decade ago (2002)."⁷ [Data 11]

2. Analysis and problems

(1) Qualitative change in crime situation

As stated in 1 (1) above, while the indicators regarding the "quantity" of reported criminal offenses showed decrease to the level similar to that in the years of Showa (1926-1988), the "quality" of crimes has been changing recently as exemplified in modes of crimes and the appearance of new types of crime.

NPA instructed prefectural police to take the countermeasures against this group composed of the three main policies: the full-scale investigation of the actual state of this group, the strengthening of crackdown against the group's illegal acts and promoting the sharing of related information. See the "Notification for Strengthening of Investigation of the Actual State of and Crackdown against Quasi-*Boryokudan*" (Notification from Director of Investigative Planning Division of NPA, No. 26, dated March 7, 2013 and other issues).

⁷ As similar investigations, "Survey on the Actual Situation and Dark Figure in Crime Victimization" conducted in 2012 by the Research and Training Institute of the Ministry of Justice, 33.4% of the respondents said "Bad" (total of "Rather bad" and "Very bad") to the question "What do you think of the public security in Japan at present?" This figure was smaller than that for the same survey conducted in 2008 (56.0%) (See the Research and Training Institute of the Ministry of Justice, "White Paper on Crimes 2012," p. 207).

But according to the "Research on Anxieties, etc. about Crimes" conducted in 2010 by The Nikkoso Foundation for safe society, the ratio of the total of the respondents saying "Feel greatly anxious" and those saying "Feel somewhat anxious" to the question as to anxiety about walking alone at night exceeded 30%, and that of the total of those saying "Feel anxious often" and those saying "Feel anxious occasionally" to the question as to anxiety about crimes occurring to a family member living together was 46.4%. This figure is smaller than that in the same research in 2002 (63.2%), but suggests that nearly a half of the respondents still had a sense of anxiety (the respondents saying "Have no family member living together" increased from 2.5% to 13.2% in those years). [Data 11]

The observation of the questions given in the surveys above shows that while it can be considered that the questions of the survey by the Cabinet Office and by the Research and Training Institute of the Ministry of Justice asked the "expected possibility of meeting with a crime" (perception about the risk of meeting with a crime), those of the research of The Nikkoso Foundation for safe society ask "anxiety about meeting with a crime." It is known that the perception about the risk of meeting with a crime affects anxiety about crimes (See

Changes in community have continued as a result of, among others, increasing borderlessness and area expansion of people and information, the progress of information technology resulting from the development of telecommunications technology, the aging society, the fading norm consciousness and disappearing sense of solidarity in the community and sluggish economy, and the factors that might endanger public security in the future still exist latently or are more serious. It is also feared that these factors may help those attempting to commit crimes in the years ahead while weaken the entire community's resistance to crimes. There is a good possibility, too, that these factors will cause a rapid deterioration of public safety again, and the present crime situation can never give any grounds for optimism.

Moreover, from the viewpoint of people, the shock of themselves or people close to them suffering from a crime is immeasurable. In addition to taking the steps to reduce crimes, it is an important task, too, of the administrative sector to meet the needs and expectations of people who "hope to prevent crimes in the everyday life," "hope that crimes will be reduced as much as possible" and "want to live with no fear of crime." Anti-crime measures are, by their nature, not ones that "may be discontinued just because they showed their effect and the number of criminal offenses reported to the police decreased as compared with a given period."

From the viewpoint described above, the Government should continue in the years ahead to take the proper measures against crimes that will respond to the qualitative changes in the crime situation.

(2) Disparity between "safety" and "reassurance"

As discussed in 1 (2) above, there is now some disparity between "safety" seen from the number of reported criminal offenses and the people's sense of "reassurance".

To begin with, "safety" (an objective situation where the risk of suffering damage and harm from a crime, etc. is low⁸) and "reassurance" (a subjective feeling

Note (45) below) but care should be taken about the fact that strictly saying, the perception is no concept agreeing with a sense of anxiety.

⁸ It will be also helpful to examine more objective and more reasonable means to estimate the "risk of suffering damage and harm from a crime, etc.", such as paying attention to the product of the seriousness of damage and harm (maliciousness of the crime) and the probability of crimes, instead of considering the ratio of damage based only on the number of crimes. Hiroshi Inoue analyzed the maliciousness of several types of crime estimated by university students and pointed out that ranking having the tendency roughly similar to the assessment of culpability provided for in the Penal Code was observed among different crime types and that the rating of the maliciousness of rape crime was higher than that of the assessment of

when people have no fear of a crime, etc.) do not always correspond to each other. The people's perception of "reassurance" may decline when an accident occurred in their neighborhood and may also become dimmer even when an accident took place in the area other than their neighborhood if they read the news about the accident reported in the media. In addition, while individuals are daunted in their behavior if their "subjective" anxiety is deepened too much, they might fail to take safety measures necessary for the danger existing "objectively" if they have a "subjective" sense of reassurance too much.

Therefore, there will be a need to recognize that objective "safety" and subjective "reassurance", which affects people's behaviors (because it is a subjective concept), are different from each other, and to discuss how "reassurance" should be secured in addition to "safety" taking account of their interactions.

It is impossible to reduce risks of crime to zero, and the level of "safety" for realizing "reassurance" varies from person to person. Thus, people will have no alternative but to achieve "security" by getting knowledge and information about the "fact that there exists a certain level of risks in the world" and "how to deal with these risks."

As for the relations between "safety" and "reassurance"⁹, it will be appropriate to regard, as a provisional solution, "safety" as "what is achieved by minimizing risks" and "reassurance" as the "state where the existence of risks and the probability of risks are estimated, preparations are made for risks and the existence of risks is accepted"¹⁰. It will be important for the "safety and reassurance for the future", based on the said above, "alleviating people's anxiety by securing them safety" and "linking safety to reassurance", paying attention to the recipients of information (providing people with information properly so as to encourage them to have appropriate and forward-looking awareness of crime prevention and to take part in crime prevention activities, instead of discouraging them too much to act), rather than trying to realize "zero risk" blindly¹¹.

culpability. It will be possible to apply this result to, for example, the determination of the order of priority of measures against crimes according to the maliciousness of the crime category and the preparation of the synthetic variables for more objective evaluation of the crime situation. See Hiroshi Inoue, "Classes and Orders of Crimes Based on the Evaluation of Maliciousness," in "Theories and Applications of Data Analysis," 1(1), Japanese Classification Society, 2011, pp. 41-52.

⁹ Measures against crimes cannot be divided into "measures to pursue safety" and "measures to pursue reassurance;" these steps are taken comprehensively paying attention to both objective safety and subjective reassurance.

¹⁰ See the Ministry of Education, Culture, Sports, Science and Technology, the Report of the "Conference on Science and Technology Policies Contributing to the Establishment of a Safe and Secure Community, 2004, p. 7.

(3) Room for analysis from more different angles using crime statistics, etc.

The crime situation, especially the social and economic factors of changes in the number of criminal offenses known to the police in recent years, have been analyzed from various viewpoints [Data 12].

For the relations between crimes and economic indicators, there is a report saying that as a result of the analysis of relations between crimes and some explanatory variables using the stepwise forward selection method as to the crime rates (the number of reported criminal offenses per 100,000 persons) from 1990 to 2007, the effect of unemployment rates was statistically significant for many crime types, although the relations differed depending on the length of the period analyzed and the indicators adopted¹². Recent studies also include one pointing out that the rate of homicide and the unemployment rate have a positive relation¹³.

On the other hand, the observation of the relations between unemployment rates and crime rates in Japan in 2008 and after indicates that while the former increased from 2008 to 2010, the latter lowered in these years. Moreover, a U.S. study concluded as a result of the examination of the 1970-2003 period that crime rates were independent from the indicator of economic growth rates¹⁴.

It was pointed out that increases in the number of reported criminal offenses up to 2002 were affected mainly by the changes in the case treatment policy of the police and the reinforcement of the security consultation system by the police¹⁵,

¹¹ Trying to realize "zero risk" blindly often leads to restrictions on people's freedom and is also inappropriate from the standpoint of cost effectiveness, for example, in the case where the distribution of human and financial resources is limited, it may hinder the securing of safety in the area where risks are really great.

¹² See Research Commissioned by the National Police Agency, "Report of the Research on Advanced Technique for Analyzing Crime Situation," 2010, pp. 16-17.

¹³ See Yoshikazu Yuma, Yuichiro Kanazawa and Chiaki Yuma, "Long-term Relations between the Incidence of Homicide Cases by Juveniles and Unemployment Rates: Empirical Analysis of Time-Series Data for the 1974-2006 Period," in the Japanese Association of Sociological Criminology, "Japanese Journal of Sociological Criminology," No. 35, 2010, pp. 115-130.

¹⁴ Rosefeld and Fornango (2007) argued that while consumer sentiment had a significant effect on the crime rate of robbery and property crime, the crime rate was independent from the effects of unemployment rates and economic growth. Rosefeld, R., and Fornango, R., "The Impact of Economic Conditions on Robbery and Property Crime; The Role of Consumer Sentiment," *Criminology* 45 (4), 2007, pp. 735-769.

¹⁵ See Koichi Hamai, "Public Security and Measures against Crimes in Japan -Recommendations from Criminology; Introduction," in "Japanese Journal of Sociological Criminology," No. 29, Japanese Association of Sociological Criminology, 2004, P. 5 and "How Has the Myth of Deteriorating Public Security in Japan Been Created -Actual State and Background Factors of Deteriorated Public Security (Beyond Moral Panic)," *ibid.*, p. 14.

but it is evident that these facts cannot explain the situations (especially decreases in 2003 and after) entirely. Moreover, as for the crime types whose reported numbers have been on a high level (acts of assault/violence, etc.), it is supposed that in addition to increases in emergency police calls to the police and in security consultations by the police [Data 13 and 14], the community's dispute settlement function has declined.

As evident from what has been described above, a cautious attitude should be taken in attributing number of crime to a single factor or a simple causal relationship, such as an economic indicator. While the need to improve economic and social policies and measures to reduce poverty is beyond dispute, it will be inappropriate to introduce these policies and measures as substitutes for crime control steps and to underestimate the necessity of these steps because these policies and measures have already been taken.

On the other hand, in order to grasp more objectively and from more versatile viewpoints and to analyze more exactly the actual state and causes of changing crimes for more effective measures, there will be a need to make present crime statistics, fact-finding surveys on damage and harm from crimes, public attitude surveys on crimes, etc. (hereinafter referred to as the "crime statistics, etc.") which are easier to use and to turn these, as well as various other statistics, etc. likely to have relations with crimes, into what makes it possible to conduct diversified and compound analyses easily and quickly.

Chapter 2. Countermeasures against crimes for "public safety and reassurance for the future" (general discussion)

1. Fundamental matters of countermeasures against crimes for "public safety and reassurance for the future"

To meet people's needs and expectations by realizing "public safety and reassurance for the future," there is a need to strengthen measures against crimes further considering the various benefits and costs of different measures while paying attention to the six points described below:

(1) Balance between "public safety" and "freedom"

Countermeasures against crimes are related widely to the entire scope of people's life and thus there may be different views about the details of the measures and how to take the measures. In particular, steps for crime "prevention" promote "safety" and expand the scope where people can act "freely" without fear, but may also restrict, by their nature, their "freedom" to some extent in a broader scope than the steps taken after a crime has been committed. Therefore, when measures against crimes are taken, it will be essential to consider the balance between "public safety" and "freedom" and aim at ensuring a situation where the two elements can be compatible (a win-win situation)¹⁶.

It will be not proper for the police and other public organizations to determine the balance mentioned above unilaterally. Instead, efforts should be made to carry out continuous examination by both concerned and share opinions among them, study the decision-making method capable of reflecting people's wishes broadly and carefully and clearly define the democratic legitimacy of the balance adopted. Sufficient care should also be taken to secure human rights.

¹⁶ In devising the original "Action Plan," the relation between "public safety" and "freedom" was summarized according to the principle of considering freedom under the condition of safety based on so-called the "legal principle of freedom within safety" saying that "no freedom exists without public safety." When the "Action Plan 2008" was formulated, Shizuo Fujiwara and Masakazu Doi took part in the discussion in the hearing of experts and a consensus was reached: "Public Safety" is a condition of "freedom" and "freedom" is an important purpose of "public safety." These two are mutually dependent on each other and it costs dearly to make "public safety" and "freedom" compatible. National consensus will be required to decide the balance between "safety" and "freedom." Based on this remark, it was agreed in the development of the "Action Plan 2008" that while the basic concepts of the former program would be adopted, each measure would be examined paying attention to the strained relations between "public safety" and "freedom." See Kiyoshi Kawai, "Promotion of the Action Plan for the Realization of a Society Resistant to Crime 2008," in the "Security Science Review," Vol. 11, Tachibana Shobo Co., 2009, pp. 70-71.

(2) Balance between measures "in advance" and those "after the fact" and between "software" and "hardware"

In planning specific measures against crimes based on the balance between "public safety" and "freedom" stated in (1) above, it will be significant to consider, according to the features of the crime, the characteristics and good and evil effects of measures "in advance" (for crime prevention) and those "after the fact" (for punishment after the crimes¹⁷ and for recovery of the damage and harm and prevention of recurrence), respectively.

In this case, it will be effective to take both "software measures (measures appealing to people's mind, such as education)" and "hardware measures (Architecture)¹⁸," paying attention to the balance between these measures, in addition to control measures based on the legal system.

(3) Multilayered activities by the central and local governments and communities

When measures against crimes are taken on a nationwide scale, there will be two main directions: the direction attaching importance to "uniformity" under the leadership of the state or the government, and the one attaching importance to "regionalism" in the sense of promoting the measures unique to a community. In measures against crimes in the future, it will be important to link these two directions effectively.

It will be necessary from the standpoint of both theories and effectiveness that residents carry out independent activities in their community according to the regional situation with the support of overall state strategies and the policies taken

¹⁷ It is supposed that "control" has the effect of preventing future crimes, too. But here the "time of the crime" as a boundary is used and the timing when the measure is taken for classifying the steps taken.

¹⁸ This is the concept advocated by Laurence Lessig, an American constitutional scholar, and refers to the "physically created environment" of social life. This is one of the means to control the behavior of others (means of control) together with "law," "social norms" and "market." Architecture is characterized by the fact that (1) it works based on thin prerequisites (it needs no close relation (common understanding of the norm, knowledge, etc.); (2) any entity other than the state can use it; and (3) it needs no awareness of the subject about "being caused to obey." See Takehiro Oya, "New Police Policies in a Risk Society: Problems of New Means of Control," in "The Journal of Police Science," Vol. 65, No. 2, Tachibana Shobo Co., 2012, pp. 56-57. An example of Architecture is the case where a longitudinal handrail is installed on a seven-passenger seat of a train at the boundaries of two, three and two seats so as to make sitting and standing action of passengers easier and urge them to sit in a proper way.

Architecture includes the concept of "systems and designs" and thus, strictly speaking, is not limited to "hardware (physical buildings)."

by the local government based on the district's needs and characteristics and that each of these parties cooperate and collaborate with one another, in a multilayered way, as responsible entities in activities for realizing public safety and reassurance.

(4) Sustainability

Countermeasures against crimes, especially activities for crime prevention, are very effective when they are started because the enthusiasm of their advocates and other related people is great. But several years after, the zeal in the initial period decreases and in some cases, activities are stalled as a result of, among others, a change in the leaders who have played a major role.

On the other hand, as stated in Chapter 1, 2 (1), continuous activities are essential for measures against crimes, and there is thus a need to include "sustainability" in countermeasures against crimes themselves. As for crime prevention measures taken by physical means, the need to reduce burdens of activities by properly incorporating the measures into people's daily life has been pointed out¹⁹. In the future, it will be needed for activities requiring human resources, too, to ensure sustainability by creating and maintaining human networks²⁰.

To improve sustainability, it is essential to estimate the effects of the measures taken and, especially, what is important is the examination of long-term effects, such as continuously needed resources and the negative side effects of the measures taken. This problem is related to what is stated in (5) below.

¹⁹ See Barry Poyner, "Crime Prevention and Sustainability," translated by Koichiro Ito, in the "Crime and Delinquency," No.110, The Hitachi Mirai Foundation, 1996, P. 85. This paper gives as an example of the case where the structure of the building is planned so that the residents can see the possible invasion route from the outside even if they do not try to see. Another example is the case found in the management manual of a Dutch public housing complex where, when they go their regular rounds to change electric bulbs, fluorescent lamps, etc., the caretakers carry out a security check, too, thereby preventing the workload and cost from increasing.

²⁰ The standards established by the European Committee for Normalization (CEN) (equivalent to the Japanese Industrial Standards (JIS)) include not only the crime prevention standards for products but also those for processes. To be specific, in the CEN/TR 14383-2, "Prevention of crime - Urban planning and building design, Part 2: Urban planning" (effective as from October 24, 2007), crime prevention activities are classified into Where (places: residential areas, school districts, business areas, etc.), What (subjects: crimes in public place, motor vehicle theft, larceny, etc.), Who (stakeholders: public agencies, city planners, businesses, the police, welfare facilities, educational institutions, residents, etc.), etc., and measures according to the classification are recommended. See the site of the CEN and that of UrbSpace (one of the programs organized mainly by the universities and foundations in Middle Europe that carries out activities by the fund provided by the EU especially for the purpose of improving the urbanized environment).

(5) Improvement in countermeasures against crimes considering the management cycles

To aim at planning the countermeasures against crimes suited for changes in the crime situation and the environment and to improve these measures, it will be effective, similar to the case of other policies, to take account of the management cycles of (1) grasping the present situation, (2) establishing the goal, (3) carrying out the policies and (4) assessing the result and making use of it in the future policies (PDCA cycle²¹, SARA model²², etc.)²³.

The National Police Agency already adopted the "Comprehensive Measures for the Control of Street Crimes and Break-in Crimes" in 2003, and according to the Measures, decided to create a series of management cycles for drawing up, carrying out and assessing crime control plans for each district so as to control (the total number of) crimes. Then the prefectural police have been taking various steps by developing the "plan for the control of street crimes, etc."

In the future, there will be a need to apply this way of thinking not only to the activities of the police but also to those of various other entities based on what has been discussed in (3) above.

(6) Utilization of crime statistics and other statistics

In the process of the management cycle described in (5) above, it will be essential to make efficient use of crime statistics and other statistics. It is considered that these statistics in Japan, represented by the crime statistics of the National Police Agency, have been compiled on a generally high level from an international viewpoint²⁴, and these statistics are useful means to understand the

²¹ The four-stage problem-solving process of Plan, Do, Check and Act.

²² The four-stage problem-solving process of Scanning, Analysis, Response and Assessment. See Steven P. Lab, "CRIME PREVENTION : Approaches, Practices and Evaluations" translated by Shoichi Watanabe, et al., Nikkoso Foundation For Safe Security, 2006, p. 172.

²³ An example where this way of thinking has attained effects is the program carried out the Soya School District in Ichikawa, Chiba Prefecture. The elementary school and PTA in the school district, using the PDCA cycle, checked the district from the standpoint of both crime prevention and traffic safety and posted a district safety map specifying dangerous places on the Google Map, giving comments on the map and allowing the viewer to see the situation in and around the dangerous places on the street view screen (P). Then each of the groups in the district carries out crime prevention and town building activities and shares related information at the biannual meeting (D). In addition, they conduct questionnaire surveys for residents and check and assess the survey results (C). Finally, based on the questionnaire results, they urge children to join community activities and utilize the outcome to review the plan (A). See Toshiya Yamamoto, "Creation of Safe and Reassurance Towns for the Future," in the "Jumin Gyosei no Mado (Window of Administration for Citizens)," October 2012 issue, Nihon Kajo Shuppan Co., 2012, P. 12.

²⁴ But the scale of the fact-finding surveys on damage and harm from crimes now conducted

situation of crimes and have potential as a tool for risk communication in the entire community. But considering that these statistics are tools themselves and that the purpose of utilizing them is only to improve crime control steps, the statistics suited to the goal should be collected instead of setting the goal on the basis of already prepared statistics only.

To attain the purpose mentioned above, it will be required to conduct the analysis in a timely way by narrowing the subject of the analysis down to the specific crime category, crime event, etc. in question at the time and to reflect the result of the analysis on measures against crimes. Moreover, care should be taken in publicity (activities) so that the analysis of the statistics may not cause any presumption or any bias to a particular factor.

2. Direction of future countermeasures against crimes

(1) Continuity and development of conventional approaches

Crimes take place because of the "factors related to the perpetrators of crimes" and the "factors related to the environment of crimes."

As a "factor related to the perpetrator of crimes," the fading of one's norm consciousness is mainly given as an example. This is caused by, among others, the fact that a sense of belonging to the community, company, etc. has become less keen and that human relations, including those among family members, have become less close. It is supposed that these factors have reduced the community's capacity for discouraging perpetrators from committing a crime.²⁵

On the other hand, the "factors related to the environment of crimes" include, in addition to the weakness of lifestyles and living environments helping control crimes, which is the fact historically observed, the great changes in the pattern of life that have spurred on the weakness (increase in stores operating around the clock, the diffusion of cellphones, the Internet, credit cards and automated teller machines (ATMs), etc.) and the anonymity in the "cyberspace" described later.

Since 2003, the crime control steps based mainly on the "Action Program,"

is smaller in, for example, the number of samples, as compared with that of similar surveys carried out in foreign countries (See Note (92) below).

²⁵ Another example of the "factors related to the perpetrators of crimes" is crimes by foreigners who visit Japan. The number of arrests of foreigners who committed crimes made a record of 47,865 in 2005, and during five years from 2004, the Immigration Bureau, the police, etc. took comprehensive anti-crime measures with the aim of reducing the number of foreigners who illegally stayed in Japan to a half. As a result, the number of illegal residents decreased to 67,065 persons in January 2012, 30.6% of the figure for 2004, and that of arrests of foreigners on charges of committing crimes fell to 15,368 in 2012, 32.1% of the level in the peak year [Data 15 and 16].

especially steps against crimes in street crimes and break-in crimes according chiefly to the "Comprehensive Measures for the Control of street crimes and break-in crimes" described in 1 (5), have been taken paying attention primarily to the physical environment related to the latter factors mentioned above (patrol by police officers and crime prevention volunteers, improvement in crime control environments, control over break-in tools, etc.).

The decrease in the number of reported criminal offenses resulting from these measures shows that proper measures against crimes can achieve good results, and there will be a need in the future to prevent re-increase in crimes by making further efforts to establish the approaches that utilize the physical environment.

On the other hand, there are some crime categories, such as *Furikome Fraud* and cybercrime, which still occur frequently or become more serious because it is not easy to improve the environment used for crimes or because changes in the environment have been made in a direction promoting crimes at a more rapid pace than the countermeasures taken. For these types of crime, there is a need to take steps to lessen the opportunities for crime in a more diverse way.

To achieve this, the efforts and cooperation of related business establishments depending on the actual state of these crimes and on the environment abused for the crimes are indispensable. Therefore, it is required more than in the past to obliterate the difference among these business establishments in degrees of interest in, and commitment to, measures against crimes and to encourage them to take part in these measures as part of their social responsibility.

Patrol activities, etc. by community residents have also been established and have produced good results²⁶. Continuing efforts and measures to maintain and revitalize, and (further) increase these activities even in an aging society will be required.

To realize this, the activities of these business establishments, community residents, etc. should be based on cooperation with the activities of the police and other public organizations and should have continuing supports from these organizations.

²⁶ For example, the crime prevention patrol by the neighborhood association in Tamagawa-Denenchofu in Setagaya City, Tokyo, has achieved good results: for example, the incidence of burglary cases after the patrol was started decreased by 80-85% compared with that before. See Hiroo Maeda, "Policies for Increasing Safety-securing Capacity in the Community (Neighborhood Association) in Setagaya City – Case of Effective Prevention of Burglary Damage by means of Scientific Patrol–," in "The Journal of Police Science)," Vol. 60, Vol. 3. Tachibana Shobo Co., 2007, p. 180. In the future, it can be expected to examine the effect more precisely by, for example, comparing the results with those of the surrounding districts.

(2) Introduction of new approaches

A. Need for measures paying attention to the "settings" where crimes are prone to occur and continue

It is considered that the crimes victimizing weak persons, which have become more serious recently, cannot be fully eradicated by the conventional stopgap measures against each of crimes and crime categories. Thus there is a need to plan more comprehensive and more effective preventive steps, taking account of the characteristics of the weak prone to suffer damage and harm from crimes.

An increase in the recidivism rate (ratio of recidivists to the total criminals arrested)²⁷ and the problem of those elderly persons and persons with mental retardation who repeat crimes, including minor ones, have been pointed out, too. There is a possibility that the effects of recent measures against crimes laying emphasis on prevention have not shown up fully for recidivists.

From the viewpoint mentioned above, the entire community should make efforts to prevent damage and harm of weak persons, who are potential victims, and to rehabilitate perpetrators and prevent the second offenses by them. In addition, there is a need to study, as new approaches to crime control, cross-sectional measures paying attention not only to individual crimes and crime types (interests protected by law) as in the past but also to the "settings" where the "vulnerable" members of the society are likely to be produced and crimes are prone to take place and continue.

B. Need to reduce the social risks leading up to crimes

Considering that "safety" is secured by minimizing risks, it is considered that there is also a need to regard "countermeasures against crimes" as "measures against social risks" broadly. In this case, consideration should given, too, to measures against such social risks as minor crimes and frtin social behabion (e.g., acts controlled by prefectural and municipal ordinances and acts not necessarily resulting in crimes ("acts that will ultimately lead to crimes if they are left alone," "acts arousing anxiety to people," etc.)) (measures to lessen the risk).

Therefore, it is necessary to examine what positive intervention in crimes and pre-crime acts, including frtin social behabion, should be (organization, method, etc. of the intervention)²⁸.

²⁷ The number of recidivists arrested for criminal offenses has been declining since 2007, but the recidivism rate has consistently been rising since 1997, reaching 43.8% in 2011 (up 8.9% compared with in 2002) [Data 17].

²⁸ Comprehensive social policies in the community may lead to the prevention of crime and unlawful activity, too. From the result of the questionnaire and other researches continuously

Chapter 3. Measures against crime for a "safe and reassuring future" (Detailed discussion)

This chapter will specifically analyze the "new approaches," one of the subjects discussed in Chapter 2 (general discussion), in A and B below. Then what future measures against crimes should be, in consideration of traditional approaches, too, and who or what organizations should take measures against crimes will be discussed in C to E below.

[A] Attention to and measures for the "settings" where crimes are prone to occur and continue

As stated above, measures paying attention to the "places where crimes and accidents are prone to take place" (e.g., places where people's attention is not paid enough) from an environmental criminology's viewpoint have been taken in the past, too. But it is considered that most of these measures were only individual and specific ones for particular physical and geographical "places" and "spots."

On the other hand, there are some cases, too, where certain types of space ("settings"), such as households and "cyberspace," regarded, because of their concepts and rules of composition, as different from general communities, have become the spaces where crimes and dangers are prone to occur and that cannot be seen well from the outside and are thus advantageous to criminals.

Moreover, in addition to households and "cyberspace," settings closed and isolated from outside, where there is a great deal of pressure to conform to other people around may be the "settings" of the type similar to those referred to above. Actually, there are incidents where children, women and other vulnerable people suffer from continued assault/violence or sexual harassment in these spaces (e.g., schools, sports teams and workplaces).

conducted in Kobe, Shigeo Tatsuki and Anna Matsukawa found that social capital (Translated as *shakai-kankei-shihon*, etc. in Japanese, this term was expressed by the two scholars as five indicators of community activities: participation of many types of residents, utilization of events, securing the independence of the organization, cultivation of interest in and affection to the community and greeting activities) helped promote objective crime prevention of community and perception of crime risk (awareness of possible crime in the community) reduce anxieties about crimes. See Shigeo Tatsuki and Anna Matsukawa, "Activation Degree of the Community Seen from Social Capital and Safety and Security (Latest Report): Analysis of the Data of the Continuous Researches by the Neighborhood Associations and Condominium Management Unions in Kobe in 2007, 2008 and 2010," in the "Toshi Mondai Kenkyu (Study of Urban Problems)," Vo. 62, No. 3, Society for the Study of Urban Problems, 2012, pp. 30-56.

These "settings" were traditionally regarded as "private areas" and as different from public spaces, and were largely left to the "autonomy" of the "setting" as a system or custom. But as a result of recent socioeconomic changes and the progress of communication technology, etc., the differences between public and private areas have become less noticeable. From the viewpoint of measures against crimes, due to, among others, changes in the social assessment of the need to protect victims²⁹, the traditional principle that events in these sites should be excluded from public intervention because the areas are "private ones" is no longer appropriate in some cases.

Therefore, there is a need to examine the degree, timing and method of necessary public intervention from viewpoints of both measures before and after the fact, in events in these "settings," considering their characteristics, the characters of the members and the original purpose of establishing the space and in the light of actual conditions³⁰.

1. Households

(1) Background of violence and other offenses in the "places" of households

Households are the most important "settings" recognized as "private areas," and problems of Domestic Violence : DV, child abuse, the abuse of elderly persons, etc. have become more serious in households.

Everyone hopes that "households should be safe and secure places and are such places." But it can also be said that a "myth" (recognition) that "households are (actually) safe and secure places" has been created. Because of this myth, the "crimes," such as violence, and power relationships, which are really committed and exist in households, are apt to be overlooked. In addition, it is difficult to

²⁹ As expressed in, among others, the U.N. "Convention on the Rights of the Child" in 1989 and "Declaration on the Elimination of Violence against Women" in 1993 and the "Madrid International Plan of Action on Aging, 2002" adopted at the Second World Assembly on Aging, the awareness that "family violence (violence against persons in an intimate relationship in the family) " is a serious violation of human rights of children, female and elderly people has been growing internationally, and the need to take steps to prevent family violence has been urged strongly from the standpoint of the protection of the socially disadvantaged and their rights. See Toshihiro Kawaide and Kim Kwanguk, "Criminal Policies," Seibundo Publishing Co., 2012, p. 423.

³⁰ Households and "cyberspace" are substantially different in structure, character, history, function, etc. But it is considered that as described in detail below, these have something in common with each other in that both of them can be turned into the "'setting' where the 'weak' are liable to be produced and crimes are prone to take place and continue," which are pointed out in Chapter 2, 2 (2) A.

(positively) intervene in household affairs from the outside, and acts of violence are prone to be continued in the household. Therefore, households may turn into the "settings" more dangerous than the society at large to women, children and elderly people.

(2) Creation of social recognition for DV and other offenses

To secure the physical safety of victims, there is a need for early (and positive) interventions and efficient measures by related organizations, etc. It will be inappropriate to hesitate to define the case of DV, the abuse of elderly persons and child abuse as "crimes" and to "intervene in an effort to break off the relation" instead of "patching up the relation," bound by the "myth," although physical safety is actually threatened.

To make the perpetrators to become aware of the seriousness of DV and other offences, and to discourage them from committing such acts³¹, the creation of social recognition that "DV and abuse ARE crimes" and the positive involvement and intervention by the police will be effective.

To achieve this, there is a need to create a consensus about the importance of the community's participation in the problems of DV, child abuse, etc. Also needed is to create social recognition that it is enough to find the "act" itself rather than leaving the "assessment" of the "degree" of the DV act, etc. to the person who reports such act to the police.

(3) Limits to conventional countermeasures based only on the framework of criminal laws and needs for continuous follow-up by cross-sectional steps of related organizations

For the problems arising in the household referred to above, it has been restrained from applying the Penal Code to these problems in some cases for the reason that events in the household are acts performed in accordance with laws or pursuit of lawful business or the cases against a family member, which are not punished. The Code of Criminal Procedure has regarded the "intervention," including arrests, only as a procedure for "punishment" of a "crime (criminal)." As such, it is difficult in many aspects to deal with these problems only by applying the Penal Code and the framework of the Code of Criminal Procedures mentioned above. To protect victims and secure their "safety" in the true sense of the words, only the temporary involvement and intervention of the police at

³¹ Especially in the case of DV, etc., the victim's real wish is, in most cases, not to "punish" the perpetrator itself but to "have the perpetrator stop the act" through "intervention," such as the arrest of the perpetrator. This will be the same to the case of anti-stalker measures.

the time of the offending act are not enough; which are more important are the "therapeutic intervention" for the rehabilitation of the perpetrator (e.g., counseling and participation in rehabilitation programs) and follow-up for the victim (e.g., providing a safe and secure place and a foster parent) after the involvement and intervention by the police.

Thus it will be essential to study a legal framework for taking these steps at the same time as police involvement and intervention and to establish a proper role-sharing and "information network" system of related public organizations and others so as to make it possible to take cross-sectional steps³².

2. "Cyberspace"

(1) Background of crimes in the "places" of "cyberspace"

A. Characteristics of "cyberspace"

The Internet was started as a tool used only by specialists and engineers. But the subsequent rapid development of technology made it a tool for the general public. As personal computers, smartphones, etc. became essential means for people's daily life, huge "cyberspace" were created, and a large number of users are involved in this space every day just as in the real space.

"Cyberspace" have the characteristics very different from or quite unlike in degree those of the real space, such as anonymity, instantaneousness, bulkiness, spatial limitlessness (capability to easily cross the border), dispersiveness, specialization, technicalness, evolvability, etc. In addition, "cyberspace" are the world where the difference between strong and weak persons widens greatly depending on the related knowledge they have.

It has also been pointed out that behind the increase in crimes and troubles in "cyberspace" lies an incorrect understanding that "anything is allowed to do in "cyberspace."³³

These characteristics help "cyberspace" be the "setting" where crimes are apt to occur and continue. Spatial limitlessness is in particular among the factors for globalizing cybercrime, increasing their damage and harm and impact, making the investigation difficult. Coordination and cooperation among

³² For the perpetrators of sex crimes, for example, the Sex Offenders Medical Center (SOME) of the Association for Considering the Treatment System for Perpetrators of Sex Crime, an NPO, conducts group cognitive behavioral therapy (GCBT) programs. In the future, there will be a need to study how these NPOs, etc. and the police, judicial organizations and the like should cooperate and how such cooperation should be placed in the criminal and judicial system.

³³ See the National Public Safety Commission and the National Police Agency, "The White Paper on Police 2011," p. 19.

international sovereignties have thus been indispensable to the investigation of and countermeasures for cybercrime³⁴.

"Cyberspace" has also some other characteristics not necessarily observed in the "real space," such as the fact that people's behaviors remain in records and that the signs of crimes are concentrated on the management of the Internet providers. But it has been pointed out, too, that criminals have greatly changed the means to protect anonymity, as preventive measures were improved and new communication equipment and services appeared³⁵.

B. Relations between "private areas" and "public areas"; and "real" and "virtual"

From the legal viewpoint, "cyberspace" was regarded from the start as private spaces established, operated and managed by the Internet service providers (ISPs). "Communication" in the space has been especially considered a highly "private" area.

But at present, many people are using the Internet as the public space for activities for their life in society, such as daily communication and the sale and purchase of articles, and "cyberspace" are now working as an infrastructure essential for people's life. And "cyberspace" cannot be called purely the "private area" based on the state of its use, it has turned into what cannot be classified only as "private area" or "public area."

In the past, there was a strongly fixed idea that "cyberspace" was "virtual" one and was a completely different world from real communities ("real" space). But recently, cellphone terminals with functions equal to those of personal computers have diffused widely, and these terminals can be connected to the Internet anytime and anywhere. In addition, social networking service (SNS) has enabled users to (positively) provide information to "cyberspace" any time as part of their daily life. As a result, communities in the "cyberspace" have been formed rapidly. Further, it has become quite common that the information

³⁴ The National Police Agency copes with international cybercrimes by utilizing such frameworks for mutual assistance in international investigation as the International Criminal Police Organization (ICPO), treaties on mutual legal assistance in criminal matters and around-the-clock contact points on cybercrimes (See *op. cit.*, "The White Paper on Police 2011," p. 45). The International Association of Internet Hotlines -INHOPE is also promoting cooperation among the hotlines of the member countries (In Japan, the Internet Hotline Center Japan) and exchanges harmful information, including information on child pornography.

³⁵ See the Conference on Comprehensive Security Measures, "Report of the Conference on Comprehensive Security Measures 2011," 8, pp. 23-. In the case of an advance notice of crime given on the Internet message board by remote control that occurred in 2012, the distributed anonymity technique was used.

exchanged in these communities is returned to real communities and brings changes people's behaviors in these communities.

In these changing situations, it is difficult to say that there is a consensus among users on differences between the "rules" in "cyberspace" and those in the real world and on the applicability of "rules" in the real world, partly because of the characteristics of "cyberspaces" described above.

(2) Activities for the safety and security of "cyberspace" as a "setting"

The characteristics of "cyberspace" stated in (1) above make the measures against and investigation of cybercrime at present more complicated and difficult, and also make "cyberspaces" especially advantageous "setting" for criminals.

In many cases, the persons offering the sites and tools for promoting or facilitating the commitment of crimes as crime infrastructure, such as the direct commitment of crimes in "cyberspace" (e.g., the displaying and transaction of child pornography, phishing, libel and slander, and the distribution of pirated content) and so-called "black-market sites" urging unlawful acts, including the transaction of bank accounts or drugs, are substantially more malicious than the general users who commit cybercrimes individually.

Considering these characteristics of cybercrime, there is a need to consider crimes in "cyberspace" from a broader viewpoint of safety not as simple property crimes, etc. It will be more effective to regard "cyberspace" itself as the "setting" where crimes are apt to take place and continue, and to examine cross-sectional steps than depending on the conventional longitudinal way of thinking based on individual crime categories and interests protected by law. More specifically, possible strategies will be to establish the norm consciousness of users for "cyberspace" just as for real spaces and to take the measures including "positive intervention in crimes and pre-crime acts, including unlawful activities" as discussed in Chapter 2, 2 (2) B³⁶.

³⁶ The applicability of so-called "broken windows theory" should be studied, too. Ko Shikata pointed out that "There is a need to improve norm consciousness and crime-prevention consciousness in cyberspace by reinforcing control on illegal and harmful information on the Internet and by the participation of general users themselves in crime-prevention activities. An atmosphere where perhaps because of the anonymity of the Internet, even general users are ready to commit minor illegal or nuisance acts in cyberspace is observed. As already shown in the experiences in crimes in public place, if we are insensitive to unimportant unlawful acts and nuisances, we might increase malicious crimes." Then he stated that "It is important for control on cybercrime and improvement in norm consciousness in cyberspace to cover the "broken windows of cyberspace" as it were, by strengthening control on illegal and harmful information. In addition, if the people who seriously work for securing the safety and security of cyberspace increase not only in the police but also among some businesses and general users, that should have a great impact on improvement in the norm

To achieve the foregoing, not only the activities of the police but also the cooperation of private businesses and organizations will be indispensable³⁷. The self control of businesses, including that from the viewpoint of the secrecy of communication, etc., is especially important, and self control is required to be fair and transparent in order to promote it. Therefore, the examination of the framework of the control, such as the standards, should not be left to businesses; instead, proper cooperation and participation of various other stakeholders as well as businesses will be needed³⁸.

In addition, in light of the situations mentioned above, there will be a need to establish and share some rules based on publicness, which differ at least from the rules applied to purely private spaces, as a precondition for these measures^{39, 40, 41}.

consciousness of other businesses and general users who are watching the activities of these people." See Ko Shikata, "No Safety and Security of the People without No Safety and Security of Cyberspace" in the "Keisatsu Koron," Vol. 65, No. 12, Tachibana Shobo Co., 2010, pp. 6-7.

³⁷ For example, the safety of the Internet users is usually protected by the security staff of ISPs, anti-virus software and the businesses providing security service in most cases.

³⁸ For example, the blocking of child pornography may be regarded as a typical case of voluntary control. The system for blocking is composed of the examination of the child pornography data provided by the Internet Hotline Center Japan and the police by the Internet Content Safety Association (ICSA), an independent organization of private businesses, and the blocking by providers, etc. based on the examination.

³⁹ In this respect, it will be helpful that Lessig referred to in Note 18 above stated that "We build a world where freedom can flourish by setting society upon a certain constitution. An architecture - not just a legal text but a way of life - that structures and constrains social and legal power. See Lawrence Lessig, "CODE VERSION 2.0," translated by Hiroo Yamagata, Shoeisha, 2007, p. 5.

⁴⁰ For example, there are no fixed rules at present for measures against illegal messages to the Internet message board, the storage period of records of access to servers, etc.

⁴¹ Initially, the Internet was started as an essentially free space not governed by any rule. But as users, the method of use, etc., have been diversified and matured, today's "cyberspace" have been the routes and "setting" essential for the distribution of information and speech, and as a result, such daily life activities in community as the transaction of articles and exchange of people, are carried out in "cyberspace." In examining rules for "cyberspace," the viewpoint of protecting the free activities of the general public by regarding the "public infrastructure"- and "public forum" like character of "cyberspace" so as to prevent the space from turning into the space controlled by some businesses, operating companies, etc.

[B] Targets and methods of measures against crime: what positive intervention, including one against anti-social behaviours, should be

1. "Preventive intervention" ⁴²

Positive intervention in crimes and pre-crime acts⁴³, including anti-social behaviours, as mentioned in Chapter 2, 2 (2) B above, is called "preventive intervention" here and will be discussed below.

Some people have doubts about "preventive intervention" and consider that it will be enough to make quick intervention often a crime has been committed⁴⁴. But visible acts of aberration give residents a sense of (great) fear about crimes, and preventive intervention is useful in removing these anxieties⁴⁵.

⁴² "Intervention" used here is not limited to intervention by forced means. It includes the cases where such measures as giving a warning or guidance are taken at the stage before the act turns into a crime if a serious situation may arise when no step is taken. See Masahiro Tamura, "Crime Control Methods," in "Examination of Crimes from Various Viewpoint: in Celebration of the Seventieth Birthday of Professor Toyo Atsumi," Yuhikaku Publishing Co., 2006, p. 325.

Toyo Atsumi stated that "intervention means "interference" and "involvement" " and that to prevent crimes and delinquencies, it is important to make immediate intervention or early intervention at the stage when there are signs of a crime or delinquency, such as an act of minor aberration, to eliminate and reduce the risk factors liable to cause a crime or delinquencies by the cooperation of related organizations and to introduce measures to increase the factors useful to socialization (protective factors). See Toyo Atsumi, "Prevention and Reduction of Crimes and Delinquencies -Comprehensive Strategies Based on Realities and Basic Theories Supporting the Strategies-," in "Legal Principle of Crime Prevention," ed. by Toyo Atsumi, Seibundo Publishing Co., 2008, pp. 35-38 and also "Managerial System of Juvenile Delinquency (2) <Comparison between Japan, the U.S., the U.K., etc.> -With the Restoration of Communities in Mind,-" in "The Journal of Police Science," Vol. 58, No. 11, Tachibana Shobo Co., 2005, pp. 182-185 and p. 189.

⁴³ While the act requiring a permit or an approval of the government agency is a type of "preventive intervention," the acts supposed here are those similar to crimes in the presence of a police officer which give a sense of fear to people themselves (e.g., littering, acts disturbing the place (indecent in public, etc.) and harassment (stalking, etc.)).

⁴⁴ About the preventive intervention of the government agency at the stage when the danger is abstract, Hiroyuki Shirafuji states that because the "prior consideration of risks and dangers" in the area of the Police Act always has the danger of assuming that "persons not to be blamed" are "potential criminals or violators," "assimilating" them if possible and "eliminating" them in the worst case, it is essential to examine legal theories carefully before such prior consideration." See Hiroyuki Shirafuji, "Theories of "Freedom in Safety" and the Police Administration Act," in "Koho Kenkyu (Study of Public Law)," No. 69, Japan Public Law Association, 2007, pp. 45-68. On the other hand, Keiko Sakurai argues that "The importance for daily life of controlling in a broad sense the anti-social acts that threaten residents' daily life and deteriorate the security of the community and maintaining the existence of the

"Preventive intervention" has also the advantage of smaller "costs borne by the community" than measures taken after the crime (e.g., punishment and compensation for damage and harm) in that (1) it gives less mental, time and economic burdens to both of the intervened and intervening entities, (2) it is possible to avoid labeling the intervened party as a "criminal" and (3) in the case where it is difficult or impossible to make good the damage once it occurs, it can be avoided beforehand to inflict such damage to the victim or the community⁴⁶.

community and of preventing the occurrence of crimes is overwhelmingly great. When we go back to the basic problem of for what purpose the state and local governments exist to begin with, we have no reason to hesitate to exercise necessary 'police authority'. See Keiko Sakurai, "Study of Administrative Police -Need and Effectiveness of Preventive, Direct and Immediate Administrative Police Activities-" in "Security Science Review," Vol. 6, the Association for the Study of Security Science, 2004, pp. 179-199.

⁴⁵ Many studies of a sense of fears about crimes have been conducted since the 1960s in English-speaking countries, and it has generally been agreed that visible acts of aberration affect the sense of anxiety. But debates have been continued about the details of the "visible acts" having such effects (e.g., seeing a person doing a littering act and noticing the litter). For discussions about the details of "visible acts," see, for example, Perkins, D.D. and Taylor, R. B., "Ecological Assessments of Community Disorder: Their Relationship to Fear of Crime and Theoretical Implications," in the *American Journal of Community Psychology*, 24 (1), 1996, pp. 63-107.

Similar studies were conducted in Japan, too. Tatsuki and Matsukawa, already referred to in Note 28 above, confirmed, based on, for example, the Community Power Reinforcement Section, Participation Promotion Department, Citizens Participation Bureau, City of Kobe, "Report of the Community Building through the Creation of Social Capital: Based on the Five-year Investigations and Analyses," 2011, an investigation in Kobe in which they participated, a time stable route where the incivilities of the community enhance crime risk perception, which then increases the fear of crime.

Tatsuki, et al. also reported that the conclusion of the social research of Mamoru Suzuki and Takahito Shimada (See "Impact of Improvement in Community Environment and Disturbance of Social Order on a Sense of Fear of Crime," in "Report of the National Research Institute of Police Science: Part of Crime Acts," Vol. 43, No. 1, 2006, pp. 17-26) and that of the laboratory study of Onodera, et al. saying that the environmental factors of the community are themselves more important sources of a sense of fear (See Rie Onodera, Masayuki Kiryu, Kyoichi Himura, Terumi Mimoto and Kazumi Watanabe, "Approach of the Laboratory Study for Studying Factors Arousing a Fear of Crime," in "Hanzai Shinrigaku Kenkyu (Study of Criminal Psychology)," Vol. 40, No. 2, Japanese Association of Criminal Psychology, 2002, pp. 1-12) are consistent with each other. These conclusions are consistent with the analysis conducted by Takaya Kojima by regarding the investigation on fear of crime by the Social Security Research Foundation ("Analysis of Causal Relations of Changes Compared with the Previous Investigation," in "Investigation and Research on a Sense of Fear of Crime, etc.: Fourth Report," Social Security Research Foundation, 2011), too.

⁴⁶ For example, while it is difficult to compensate for damage from a crime seriously impairing the dignity of people, such as sex crime and child pornography, it is mostly difficult, too, to

The entity making this "preventive intervention" is not limited to the police, and sanctions by punishments are not always required in "preventive intervention." "Preventive intervention" without any punishment will need the examination different from or on a different level from discussions in the past about, among others, "nulla poena sine lege (legality principle)," "freedom of expression" and "right to live" that are needed from the standpoint of constitutional scholars when the control measure is taken by a punishment.

Voluntary control by businesses, etc., that is, establishing rules and penalties by the business community, and control using administrative methods⁴⁷ and the use of administrative penalty will be effective, too. There is a need to study the steps to be taken, including the cooperation and role sharing of police administration and other parties and an increase in awareness of "social manners and norms" by making a prefectural and municipal ordinance or any other regulations.

2. Measures against anti-social behaviours by administrative methods

It may be reasonable and give advantages similar to diversion⁴⁸ to adopt administrative methods with prompt steps similar to control over illegal parking or unlawful activities that are minor and can be clearly distinguished, mainly because the total cost may be reduced, prompt actions can be taken without labeling people as a criminal⁴⁹.

However, in case of certain administrative methods especially which are greatly disadvantageous to the subjects, its administrative procedures are quasi-criminal and are as heavy as the one of criminal methods. Therefore, consideration should be given to the fact that some administrative methods are not considered more prompt and less costly than judicial procedures.

In addition, the method of and the entity in charge of the intervention need to be examined, and the human resources necessary for making the intervention (those having the system or authority for effective intervention) should be kept,

get compensation for a large amount of monetary damage for grandparent scam, etc.

⁴⁷ The concept of this term has not been defined clearly, but the discussion here will be conducted considering that it has roughly the same meaning as the "various administrative methods excluding 'administrative penalties'" as used in Kikumi Noguchi, "'Control by Administrative Methods' on Disturbing Acts of Public Order -with the Minor Offense Act as Motivation-" in "Security Science Review," Vol. 12, Tachibana Shobo Co., 2010, p. 111.

⁴⁸ This term means adopting any other non-penalty method to crime by avoiding ordinary judicial procedures. Examples include the system of notifying the violation of traffic rules and the punishment of minor offenses. See Kawaide and Kim, op. cit., "Criminal Policies," p. 123.

⁴⁹ Police activities at present have worked as virtual "(immediate) administrative guidance based on punishments (authority to arrest)" to citizens in some aspects.

too.

In this respect, the activities of Chiyoda City, Tokyo, for patrolling and taking other steps by the cooperation between the personnel of the city office and residents while imposing *karyo*, or non-penal fines, for smoking on the street by the municipal ordinance will be helpful⁵⁰. Laws and regulations have been enacted and enforced for the system for child abuse where the child consultation center is authorized to check the safety of and temporarily protect the child and the police assist the center in these tasks, too. This way of dealing with problems will provide useful information⁵¹.

⁵⁰ In 1999, Chiyoda City enacted the "Municipal Ordinance on the Prevention of Scattering of Cigarette Butts, Empty Cans, etc." that provided for the obligation of city residents to make efforts not to smoke while walking, etc., but this ordinance was not effective because it had no penal clause. Thus at the request of city residents, the "Municipal Ordinance on the Creation of the Safe and Comfortable Living Environment of Chiyoda City" was made in 2002 with the aim of coming back to the "starting point of autonomy," that is, the principle of "all the community considering and acting in cooperation and cleaning the town by residents themselves." The new ordinance would impose *karyo*, or a non-penal fine, an administrative penalty, on smoking while walking, throwing away cigarette butts and other similar acts and ask the "promotion groups" of city residents to join the cleaning of the community, posting of notices and warnings about prohibited acts and joint patrolling. In implementing the ordinance, a special body was created in the city office and a rotation system of about 350 members, including regular and part-time city staff, was established; the body imposes *karyo*, a non-penal fine, on the violators of the ordinance at the site of violation and conducts joint patrol together with residents. Since the implementation, the ordinance has achieved noticeable effects, including a sharp decrease in cigarette butts thrown away, but attention should be paid to the fact that the city defines the ordinance and its penal provisions only as "the "means" to encourage people to cultivate good manners and improve morals and aims at recovering manners and building a livable community." See, among others, "Will 'No Smoking on the Street!' Rules Restore Manners?," Gyosei Corp., 2003 and "Outline of the 'Municipal Ordinance on Living Environment' " (Website of Chiyoda City).

⁵¹ Article 10 of the Act for the Prevention, Etc. of Child Abuse (requests, etc. for assistance to police chiefs). There are some other municipalities that employ former police officers as the staff of the child consultation center in an attempt to promote close cooperation with the police.

[C] Activities of the entire community for crime victims, including the "Vulnerable members of society," potential victims, and for perpetrators of crime

1. From the viewpoint of "prior" activities for crime prevention: needs for cross-sectional measures to prevent damage and harm considering the characteristics of the "Vulnerable members of society" apt to suffer damage and harm

As to the "Vulnerable members of society," potential victims especially prone to suffer crime damage and harm⁵², the entities helpful to supplement the "vulnerableness" should cooperate with one another in a cross-sectional way paying attention to their characteristics.

For children, for example, watching over children on school-commuting roads and other activities are now carried out by many community residents and organizations. But risks to children also lurk in the spaces other than school-commuting roads, which can be seen by adults relatively easily.

Compared with adults, children are vulnerable both mentally and physically. Moreover, children have, as stated in A above in this chapter, more occasions than adults to be placed in a closed space separated from the outside and having strong pressure to force them to conform. In addition, as a result of the development of "cyberspace" and the diffusion of cellphones, etc., in recent years, the cases where children come in direct contact with unknown adults beyond households and the community and sustain damage and harm are increasing. Thus attention should be paid to these facts and more entities than in the past should, together with households and the community, have interest in the prevention of crime damage to children and watch over them.

On the other hand, due to continued population aging and the resulting tendency for elderly people to be isolated, the number of the elderly as potential vulnerable persons and victims will increase in the future. In the light of this situation, cross-sectional preventive measures with mutual cooperation among organizations for consumer and welfare administration, related businesses and

⁵² Children, women and elderly people have been mentioned here as the "Vulnerable members of society." There is a possibility that other categories of the "Vulnerable members of society" will be identified as a result of the analysis of victims for each crime category. For example, as for human traffic cases (cases where persons (especially women and children) are obtained, transported, and treated in other similar ways by such means as a threat, cheating and the power abuse for the purpose of sex exploitation, forced labor, etc.), about 60% of the victims in 2012 were foreigners (of whom 56% were the spouses of Japanese) [Data 19].

other parties need to be examined.

For elderly citizens, not only victims but also elderly criminals have tended to increase [Data 18]. It has been pointed out that behind crimes by elderly people lies the "isolation" from the society, and it may be considered that steps to prevent elderly victims and those to prevent crimes by elderly people are the two sides of the same coin.

It will also be expected that through these activities for preventing damage and harm from crime, a sense of solidarity related to crime prevention will be created in the community and in the wider world, leading to the development of norm consciousness and improvement in the "factors related to the perpetrators of crimes."

2. From the viewpoint of activities "after the fact" (after the actual crimes)

On the other hand, if a person committed a crime unfortunately, there will be a need not only for such activities as the investigation of the perpetrator but also for long-term measures for the rehabilitation and prevention of the second offense of the perpetrator; the protection, support and prevention of second damage and harm of the victims and others, which should be taken at the same time as or even after the investigation. In particular, considering increasing recidivism rates and the problems of DV, stalking and similar offenses growing more serious recently, the importance of these steps after the fact has been pointed out more often from all quarters of the society.

These measures cannot be taken only by the police and criminal justice authorities, and the entire society (including public organizations, judicial facilities, communities and businesses) is required to act both for perpetrators and victims. It is important that judicial authorities, the police, the central and local governments, businesses, community residents and other entities cooperate and play their respective roles.

(1) Measures to prevent recidivists

For the rehabilitation of offenders, too, the police, public prosecutors, courts, prisons and rehabilitation facilities individually act at present and try to achieve each individual policy goals as "partial optimization". However, there has not been a view for "total optimization" for criminals. In other words, considering that one person (a criminal) passes each stage of the criminal procedures, measures should be taken from the viewpoint of what is needed for the rehabilitation of the criminal. In addition, private judicial facilities lack of social resources and insufficient understanding of and interest in the rehabilitation of criminals of the general public and residents.

Measures for rehabilitation⁵³ are actually taken now at each stage of the system of criminal justice, but positive intervention before a final conviction has its limits at present⁵⁴.

Therefore, also referring to cases in foreign countries⁵⁵, too, it is necessary to study systems for early intervention for the rehabilitation of perpetrators.

Punishments are imposed corresponding to the responsibility for acts, but must not be too harsh to hinder rehabilitation and must not result in exclusion from the community by labeling perpetrators as ex-convicts or discriminating them. Therefore, the entire community should increase its understanding and awareness of rehabilitation for supporting it.

In this process, by reporting to the public the actual state of crime and second offenses using statistics so that they do not have a sense of evasion of rehabilitated persons that "those who once committed a crime are somehow dangerous (or are likely to perpetrate a crime again)" and by providing them with information about the situation where offenders have been rehabilitated and returning to society, the correct understanding and need of rehabilitation should be shared by the community and it should be made easier for ex-offenders to have support from the

⁵³ For example, admonition to the target person and instructions about supervision to the supervisor (e.g., parent or employer) at the time of punishment for a minor offense at the police stage, a reprimand given upon suspension of an indictment at the prosecution stage, application of suspension of execution at the judicial stage and guidance on improvement, remedial instruction and assistance for job-hunting.

⁵⁴ In the U.S., there is an idea of sidestepping the issue of securing the target person's rights by asking the person to agree to the step to be taken. But the problem will arise: whether or not an agreement got in the situation where the person is threatened that without agreement the criminal procedures would be continued and a punishment would be imposed is a true agreement. See Kawaide and Kim, *op. cit.*, pp. 127-128.

⁵⁵ In the U.K., the Crime and Disorder Act 1998, which aimed at, among others, preventing delinquency and second delinquency, juvenile delinquents and their parents facing up to the result of the delinquency and taking responsibility for it and providing effective assistance early, stipulated "Reprimands" and "Warnings" at the police station to the juveniles who committed minor delinquency. The juveniles given Warnings are entrusted to the Youth Offending Team (YOT) established by the local government and composed of social workers, probation officers, police officers, the staff of the sections in charge of education and health and others. In the case where children younger than ten committed a crime for which they would have been punished if they had been ten or older, if it was required to prevent such act or in a similar situation, the court may issue a "child protection order" and guarantee proper care, protection and support for the children or entrust the children to the guidance and supervision of social workers or YOT staff. See Kiyoshi Yokoyama, "Criminal Justice for Juveniles in the U.K.," Seibundo Publishing Co., 2006, pp. 62-81 and Ryo Ogiso, "Measures against Juvenile Delinquency in England and Wales," in "Chuo Law Review," Vol. 112, Nos.1 and 2, Society of Jurisprudence, Chuo University, 2005, pp. 723-758.

neighborhood. In this case, it would be effective, too, that ex-offenders report the present situation of their efforts toward return to society, taking the existence of the victims into consideration.

In addition, it will be also necessary to increase the entities engaged in rehabilitation programs, expanding the scope from the police, prosecutors, courts, prisons and rehabilitation facilities into local governments and private sectors, and efforts to realize "total optimization" should be made by proper and early intervention, social inclusion⁵⁶, such as support for rehabilitation, and continued watch over ex-offenders (Reliable "safety nets" is important from the standpoint of measures against crimes)^{57, 58}.

Since April 2011, the "System for Preventing the Second Offenses of

⁵⁶ This term is the concept of living with the disabled in the community by helping one another instead of separate and eliminating them ("Digital Daijirin Japanese Dictionary," Shogakukan, Inc.)

⁵⁷ The juvenile support teams are, for example, composed of persons in charge at schools, the police, child consultation centers and other related organizations in order to take proper steps according to the problem of individual juveniles, and team members are doing their share of the work depending on their area of specialty and giving guidance and advice to target juveniles. See Toru Nakamura, "History of Systems for Preventing Juvenile Delinquency, Part 1," in the "The Journal of Police Science," Vol. 65, No. 5, Tachibana Shobo Co., 2012, p. 76.

⁵⁸ It is important, too, to support the parents of juvenile delinquents and to help them develop the ability to take custody of their children. In France, since 2007, the policies for crime prevention have given the heads of municipalities the authority to call parents; when children take to delinquency, the head of the municipality may call their parents and require them to discharge their duties as parents in exchange for the payment of family or child allowances. The head of the municipality may propose to sign an agreement on parental responsibility, too. While the head of the local government gives financial assistance to the fulfillment of parents' duty to give education to their children in some cases, the parents promise to perform their duty to do certain activities and document the promise. See Soullez, "Crime Situation and the Crime Prevention Activities of the Police in France," "The Journal of Police Science)," Vol. 62, No. 5, Tachibana Shobo Co., 2009, pp. 81-82.

In the U.K., too, the Crime and Disorder Act 1998 (See Note 55 above) introduced the "Parenting Orders," which gives the parents and other person of the children to whom a child protection order or a guilty verdict was delivered an order to attend, for a given period of time, the counseling, educational program, etc. designated by the probation officer, social worker or a YOT member, or make it possible to demand that the parents, etc. ensure that the children attend school or stay at home for a given period of time at night. See Yokoyama, *op. cit.*, "Criminal Justice for Juveniles in the U.K.," p. 65. The parents of the juveniles who committed a disturbing act of public order or a crime and of the juveniles who may commit such act or crime may attend the educational program, too, voluntarily. See Ryo Ogiso, "Crime Prevention Policies in the U.K. and France," in *op. cit.*, "Legal Principle of Crime Prevention," pp. 232-233.

Perpetrators of Violent Sex Crimes against Children Released from Prison" has been introduced. In this system, the police get from the Ministry of Justice information about the persons released from prison after imprisonment for a violent sex crime against children and have interviews with them after getting their consent. In addition, since 2007, the Tokyo Metropolitan Government has carried out the "Project for Supporting the Rehabilitation of Juvenile Delinquents by Cooperation with Probation Officers." As part of this project, the "Council for Supporting the Activities of Probation Officers for the Rehabilitation of Juveniles Released from Reformatories" was established by related organizations and the facilities for one-stop service for supporting the rehabilitation of juvenile delinquents, etc. have been operated. As exemplified by the cases mentioned above, there is also a need to promote further cooperation between the police and local governments, and reformatories and protective organizations. When necessary information for this cooperation is shared between these entities, it should be considered to share the information obtained at the stage of investigation and prisons with rehabilitation facilities within a proper scope by securing the appropriate mechanism not only for getting the information but also for keeping and managing it (including the mechanism for preventing and checking the use of the information for any other purposes)⁵⁹.

It is considered that the activities mentioned above will contribute to an increase in a sense of security and in the understanding of people about rehabilitation measures both as the steps to eliminate victims of second offenses and as part of the institutional guarantee of rehabilitation.

To examine the effective steps to prevent second offenses (second delinquency) (and ultimately to prevent first crimes (delinquency)) of juveniles, there is a special need to study the preventive steps from the viewpoint of developmental crime prevention⁶⁰, too. Cases in foreign countries indicate that an examination, including considerably long-term follow-up surveys of juveniles who committed crimes and those who did not from their childhood to adulthood and long-term research techniques, is useful⁶¹.

⁵⁹ In dealing with this information, special consideration is required not to obstruct the rehabilitation of persons released from prison.

⁶⁰ Developmental crime prevention is composed mostly of approaches to people who commit crimes. It adopts the idea that it is possible to improve by dealing with the risk factors leading to crimes and delinquency according to the developmental process of individuals and increasing protective factors. See Yutaka Harada and Ko Shikata, "Trends of Crime Prevention Theories: Developmental Crime Prevention and Situational Crime Prevention," in "The Journal of Police Science," Vol. 59, No. 6, Tachibana Shobo Co., 2006, pp. 71-72.

⁶¹ The MORI Survey (Risk and Protective Factors, Youth Justice Board; MORI Youth Survey

In conducting these follow-up and other surveys, attention should be paid to the need to deal with information on previous offenses, etc. very carefully.

(2) Provision of "safe and reassuring places" for crime victims

As for the case of violence and other similar offenses in the household, there are cases where the victim finally died because the counseling centers and other organizations, etc. attached too much importance to the relation between the perpetrator and the victim and tried to return the victim to the perpetrator (let the victim go home) or because the victim voluntarily returned to the perpetrator due to the victim's wavering heart.

In particular, it is difficult for children to move to any other place than their home. Thus there will be the case where public organizations and other entities should provide children with a safe and reassuring place other than their family.

Therefore, it should be considered to approve as a system the separation of the perpetrator from the victim within a given extent in the case where public organizations and other entities made positive intervention in the case of violence and abuse in the household⁶². To secure the safety and reassurance of these victims for a long period of time based on this policy, it will be essential to expand the foster parent system and other similar systems and to utilize the resource of the private sector.

[D] Entities responsible for measures against crime and mutual cooperation among them

1. Various entities responsible for measures against crime

(1) The state government

As discussed in A to C above in this chapter, not just the police and related administrative organizations but also private businesses, community residents and people in general (entire community) should work as players and cooperate with one another in a cross-sectional way in taking measures against crimes in the

2004). See Ogiso, "Crime Prevention Policies in the U.K. and France," in *op. cit.*, "Legal Principle of Crime Prevention," p. 226.

⁶² As for the case of child abuse, for example, Article 11 of the Child Abuse Prevention Act provides that if the parent who committed an act of child abuse refused to have guidance in accordance with the Child Welfare Act and did not accept the subsequent recommendation to have the guidance, the child consultation center shall temporarily protect the victimized child or cause the child to enter a protective facility without the parent's agreement and that if it seriously harm the welfare of the child in question to make the parent in question exercise parental authority, a request for suspending the exercise of parental authority shall be made to the court.

years ahead. When these related organizations and players fulfill their respective roles, an entity for promoting these activities by organizing and adjusting the activities and defining a given direction of the measures taken: the state government is indispensable.

In this case, from the standpoint of the continuity and sustainability of the measures, efforts must be taken to make individual activities achieve good results in the medium-to-long term by the support from the state, such as the budget and "institutional framework" (D 2 (3) below)^{63, 64}.

It will also be effective to create a cycle that the state collects and analyzes information about safety and reassurance from each region from its standpoint and provides feedback of measures suited to the needs and characteristics of the region in the form directly helpful for activities in the area⁶⁵.

(2) Prefectural and municipal governments

The situation of crimes differs from region to region, and local governments, especially municipalities, local autonomous entities closest to residents, have

⁶³ The Crime Innovation Fund managed by the Home Office of the U.K. is the system for inviting measures for crimes and regional safety problems from each region and providing budget totaling to 10 million pounds in the two-year plan for 2011 to 2013. The budget is appropriated not by the Home Office directly but by a foundation named the Community Development Foundation (CDF), which is responsible for the acceptance of applications and the applicant assessment process. In the applicant assessment, importance is attached especially to the cooperation of volunteers and community groups. The website of the Home Office and the CDF explains the mechanism of the system and outlines the projects selected; for example, the "Positive Operational Drop-in (POD) Watch" project, a program in the City of Nuneaton for making intervention paying attention to the safety and aggressive nature of juveniles, is reported.

⁶⁴ In Japan, too, there is a support system for "participatory town-building funds (e.g., charitable trusts, non-profit foundations and NPOs)" by the Organization for Promoting Urban Development, a general foundation. Funded by local governments, community residents, local businesses, etc., the Organization provides financial support to the "town-building funds" that assist town-building projects carried out by residents, etc. to promote participatory town-building activities. See the Organization's website.

⁶⁵ As an example showing the importance of the state in so-called "informational policies (informational administrative methods)", a mechanism for collecting information about consumer administration can be given. To help administrative agencies apply laws so as to prevent damage to consumers and its increase, plan and draft the consumer policies of the state and local governments and provide people in general and community residents with related information, the state links the National Consumer Affairs Center of Japan and the consumer affairs centers across the country with networks through the PIO-NET (Practical Living Information On-line Network System) and collects data of complaints and requests for advice (information about consumer life complaints and consultations) gathered from consumers in the country by the consumer affairs centers.

an important role in taking measures suitable for the actual state of each region. Responsible entity for measures against crimes should not be the police only; instead, positive efforts should be made to conserve what activities administrative departments in general can engage in to secure the safety and security of community residents. On the other hand, prefectures are expected to take charge of, among others, wide-area support to municipalities' activities and adjustment of cooperation among municipalities, considering that they can cooperate with the police more easily^{66, 67}.

Recently, many prefectural and municipal governments are doing a variety of activities in the area of "community safety." In particular, the prefectural and municipal ordinances for life safety have been made by most local governments and have been dealing with the danger and anxiety of community residents⁶⁸. Administrative policies taking account of the needs and characteristics of the region have been increasing, too.

What is also very important is that local governments, closer to the region than the state government, provide support to the voluntary activities of residents based on the actual condition of the community because local governments can give more careful and more helpful support.

⁶⁶ Keiko Sakurai indicated that while municipalities are more suitable than prefectures, which cover larger areas than municipalities, when safety measures are taken by the software method with the participation of municipal residents, such as patrolling of the community (when importance is attached to the feeling of safety), prefectures are more proper when steps for safe life are taken, including measures against serious crimes (guarantee of objective security), too, because they can cooperate with the police more directly and that the supplementary work of the two sectors is important from the viewpoint of superposed safety measures. See Keiko Sakurai, "Regional Activities for Community Safety and Building of Safe and Reassuring Towns: Proper Role Sharing of the State and Local Regions and the Superposed Structure of Safety and Reassurance," in "Police Policy Research," No.10, Police Policy Research Center, National Police Academy, 2006, pp. 98-99.

⁶⁷ In addition, it should be studied to utilize the framework of wide area union, too. Wide area unions make it possible for prefectures and municipalities to deal with their respective tasks mutually and in a broader area. By effectively linking the problems found in the surveillance activities now conducted on the municipality basis to the process of prefectural administration activities and the administrative activities carried out by the prefectural police, it will be possible that these parties cooperate each other in taking crime-prevention measures. Even when individual municipalities find it difficult to handle the problems, quick and proper steps will be taken by, for example, using the framework of wide area union and by the members of the wide area unions mutually doing activities through the exercise of their respective authority.

⁶⁸ As of April 1, 2012, the community safety ordinances were made in 44 prefectures and about 1,500 municipalities.

When local governments carry out measures against crime considering their actual state, the state government should pay attention not to hinder the activities and motivation of the local governments. The state government is also required to hammer out a certain direction to prevent any "loophole" in crime control steps due to the different degree of policies adopted by local governments.

(3) Businesses

The activities against crime by businesses have been proceeding, too⁶⁹. There are many fields where some good results have been achieved by the voluntary programs of businesses and their cooperation with the police and other entities, and further progress in these activities, including the steps to be taken by the industries whose business purposes are the "safety and reassurance of life" themselves is expected in the future⁷⁰.

However, it cannot be said at present that the measures against crimes of businesses are sufficient. For example, there are some cases where inconsistencies exist between the activities of businesses due to the industrial category and relatively new types of business have been used as crime infrastructure.

In connection with A 2 (2) above in this chapter, if priority is given to the voluntary crime-prevention measures on the part of the businesses (trade associations), which are the parties concerned, it is sometimes difficult to make any objective assessment of the effectiveness of the measures and to improve them. Moreover, "loss on voluntary control," so to speak, occurs in some cases; for example, there are cases where users are concentrated on the businesses that dare to refuse to accept the industry's voluntary control. To prevent this, there is a need to examine the reasons and guidelines for the activities of the business and trade association and what the assessment by a third party should be.

In "cyberspace," the voluntary control by private communications businesses has an important meaning partly because there are the rules about the "secrecy

⁶⁹ For example, crime-prevention (CP) building parts (which means the "building parts with higher crime-prevention performance than traditional products, such as those causing burglars to take five minutes or more in breaking into the house), automobiles equipped with an immobilizer, etc. that have high theft-preventing performance and the technical standards of the Japan Security Systems Association (SES E) have been widely used mainly by the cooperation between the public and private sectors.

⁷⁰ "Sustainability" is greatly affected by economic activities. Free economic activities can be carried out on the basis of "safety," and if "safety works positively for the economy," voluntary and continuous activities can be expected. This is why residents' and neighborhood associations have worked by having a close relation to the community's economic activities. But considering that the activities of these associations have tended to decline largely due to population aging, the role of private businesses will become more important for community activities in the future.

of communications" stipulated by the Telecommunications Business Act and the provisions for the obligation of the state and local governments to respect the voluntary activities of the industry (private sector) in accordance with the "Act on Development of an Environment that Provides Safe and Secure Internet Use for Young People." While it is natural to respect this self-imposed control, it is also essential to discuss the effectiveness of the self-imposed control and the fairness and transparency of the standard for such control.

"Rules," including those for self-imposed control, take effect only when they are understood and recognized by users and have been established as a code of conduct. As such, not only related businesses but also participants in "cyberspaces" should take part in the process of establishing the rule. In this case, consideration should be given to the situation of those apt to become weak persons in "cyberspace" (those who lack the knowledge and information about the Internet and the knowledge for and skill in protecting themselves from illegal acts) and the opinions of these people should be heard adequately in addition to the viewpoints of heavy users and those familiar with "cyberspace."

(4) Community residents, volunteers and NPOs

a. Community residents and volunteers

Activities for community safety by residents have been increasing recently together with the traditional programs by Prefectural Crime Prevention Associations. The residents and volunteer groups doing voluntary crime-prevention activities have been rapidly increasing since 2003 when crime situation worsened and reached 46,673 groups and 2,773,597 members as of December 2012 [Data 20]⁷¹. The number of the incorporated NPOs working for community safety has growing, too⁷².

These voluntary activities have been established, and the important role played by residents, incorporated NPOs and others has been recognized widely. The active participation of these players will be indispensable for future safety and security, too⁷³.

⁷¹ See "Situations of the Residents and Volunteer Groups Doing Voluntary Crime-Prevention Activities" (Website of the National Police Agency).

⁷² The number of the incorporated NPOs working on community safety activities (which means the number of incorporated NPOs having in the article of association the activities that fall under the "community safety activities" stated in Item 9 of the Schedule (Related to Article 2) of Act on Promotion of Specified Non-profit Activities) has been increasing together with the increase in the total number of incorporated NPOs: 1,388 as of March 31, 2004 to 5,425 as of March 31, 2013. See "Fields of Activities of Corporations Doing Specified Non-profit Activities as of March 31, 2013" (Cabinet Office "Portal site for incorporated NPOs")

But on the other hand, some problems have been pointed out; for example, these activities have been stagnant or declining as a result of the aging of the players, depopulation, weak financial bases and insufficient cooperation between groups, and there have been cases where their groups have not had the function more important than the sites of exchanging information yet. As stated in Chapter 2, 1 (4), some good ideas are needed to realize the sustainable activities by community residents. As for activities for watching children on school-commuting roads, residents are required to get greater cooperation with schools and the community so as to continue the activities because the parents of schoolchildren are changing year by year.

After the Great East Japan Earthquake, the people's awareness of disaster-prevention activities grew greatly. Because the number of participants in voluntary activities in a community is limited and people who are taking part in crime-prevention activities also join disaster-prevention activities at the same time in most cases. As a result, there are some cases where participation in crime prevention activities is relatively decreasing. Moreover, the diversified lifestyles of residents, such as an increase in two-earner families, are also decreasing participants in activities of uniform schedules, time zones and places.

In the light of these situations, the ways other than the style of conventional activities where the members participate on a full-time and regular basis with the single aim of achieving "crime prevention," including the creation of a multipurpose and comprehensive organization for not only crime prevention activities but also disaster prevention and other community safety activities where members can freely take part only in the programs in which they are interested or only for the time and period when they can participate.

In addition, there are cases where the positive participation of college students and other young people has been effective, and it will be necessary to expand these activities, too.

b. NPOs

While the NPOs involved in community safety campaigns are increasing, some of them, especially wide-area NPOs, do not always have a firm

⁷³ Norimasa Tanaka pointed out that "The social environment is improved and the community where instead of only some people being safe, all residents can really feel safety and reassurance is created - this may be called "participatory crime prevention." Then he argued that "situational crime prevention is completed when it is united with participatory crime prevention where residents play a major role." See Norimasa Tanaka, "Convenience is Dangerous -Structural Changes in the Community and Safety," in "Keisatsu Koron," Vol. 62, No. 3, Tachibana Shobo Co., 2007, p. 12.

management basis, and the projects entrusted to these NPOs by local governments are on the decline. In the future, there will arise a need for the activities of community-based incorporated NPOs in cooperation with local businesses and the management of NPOs as social businesses.

In this connection, there are examples where NPOs secure the base of activities and financial basis by serving as the designated manager of a local crime-prevention facility. This way of NPO activities should be used as a good example⁷⁴.

2. Mutual cooperation among entities responsible for measures against crime

(1) Creation of the place for the communication between different entities and for gathering of their knowledge

To make future measures against crime as optimal at all times that respond to changes in crime situations and the environment, certain place is required for continuously gathering knowledge from the entities doing crime prevention activities widely and for examining problems and achieving communication between these entities⁷⁵.

⁷⁴ One example of NPO's voluntary activities is the case of the "Sakai hill-front forum," a specified nonprofit activities corporation in Sakai city, Osaka Prefecture. In addition to the watching of children using cellphones equipped with GPS (global positioning system), the construction of the system for sharing crime prevention information and the opening of a radio station for airing this information, the forum is positively offering recommendations to the municipal government. The "Okazaki Town Development Center Lita," a specified nonprofit activities corporation in Okazaki city, Aichi Prefecture, is collecting and providing information, developing and sending experts, conducting researches and investigations and proposing policies, about citizens' activities, in order to support the various social contribution activities of citizens, including those for crime prevention, disaster prevention, declining birth rates and aging population, welfare and the environment. Both of the NPOs serve as the designated manager of the culture center or community center in the city and are using these facilities as the base of their activities.

There are also the NPOs that are conducting not only crime prevention activities but also rehabilitation programs. For example, the "Tagawa "Fureai-Gijuku" (Friendship School)" in Fukuoka prefecture is doing projects for supporting the healthy development of young people and providing advice and lectures on school life for school dropouts, etc. This school also obtained a relief and rehabilitation corporation license in accordance with Offenders Rehabilitation Services Act and is operating a relief and rehabilitation facility.

⁷⁵ An example of the place for grasping the opinions and wishes of the representatives and related organizations of the community and gaining mutual understanding and cooperation about measures taken by the police is the police station councils established at each police station. Most of the prefectural police hold the meeting of the representatives of these police station councils, where the members of the prefectural public safety commission attend

For example, it is desirable that forums (councils composed of related government offices, local governments, economic circles, labor worlds, bodies for supporting victims and researchers) are established. It is also hoped to make the forums the ones reflected on government policies by basing them on the "institutional framework" stated in (3) below as much as possible⁷⁶.

What is also required is to listen to the views of experts not only in jurisprudence but also in economics, statistics, public administration, sociology, urban planning, activities at the site by NPOs, etc. and pedagogy and conduct a broad range of debates from various standpoints and viewpoints in the forum of this type.

(2) Establishment of the mechanism for sharing information

If the various types of entities stated in 1 above are to join hands with one another efficiently, it is necessary to properly share related information not only among public agencies but also among private sectors according to the nature of the information. It is not impossible to share this kind of information under the present legal system (e.g., the legal system for free access to information and for the protection of personal information), but it cannot be said that any positive sharing of information is achieved now due to so-called excessive responses to the protection of information. To improve such situation, there is a need to more positively establish such mechanisms for sharing information⁷⁷ as will handle information properly and realize effective cooperation, which will include the regulations defining the reason for providing information and those prohibiting the leakage and disclosure of secrets known to one on business.

in some cases and opinions are exchanged actively. As a future task, it is hoped that the mutual cooperation between residents and related bodies and the police organization will be strengthened further by making it possible to directly share the advanced activities of the police station councils and the situation and data of these activities beyond the borders of the police station and prefectural police.

⁷⁶ An example of the case where the proposal for public safety was reflected on a government policy is the fact that public security-related matters were included in the "The Basic Policies for Economic and Fiscal Management and Structural Reform" of the Council on Economic and Fiscal Policy.

⁷⁷ The frameworks providing useful information (for the sharing of information between public organizations and the private sector) include the following:

- "Children Requiring AID" under Article 25 and after of the Child Welfare Act (e.g., provisions for the basis for the provision of data and information and those for prohibiting the leakage of secrets known to one on business).
- "Association for early assistance for crime victims, etc." under Article 23 of the Law for Providing Compensation to Innocent Victims of Crimes. (provisions for the basis for the provision of information by the chief of the prefectural police to organizations under the consent of crime victims, etc. and those for prohibiting the leakage of secrets known to

(3) Examination of the "institutional framework"

As discussed in D. 1 (1) above in this chapter, it is required for future measures against crime to create a mechanism for the cross-sectional and effective cooperation among various entities. In what form such a mechanism should be established, i.e., the "institutional framework" as "infrastructure for measures against crime," as it were, should be studied, too.

a. "Institutional framework" at present: "Action Plan for the Realization of a Society Resistant to Crime 2008"

The "Action Plan for the Realization of a Society Resistant to Crime 2008," a decision of the Ministerial Meeting Concerning Measures against crime, recommends, realizing that it is the most basic responsibility of the government to secure people's safety, improving the social environment from all viewpoints, including the structure of town, such as roads and parks, and the institutions for, among others, what the acceptance of foreigners should be. Then the action plan states that each government agency should effectively promote crime prevention, control over crimes and other related policies while closely cooperating with other agencies as well as with foreign government agencies⁷⁸.

The concept behind the program is this: considering that crimes are the "microcosms of society" in a sense, measures against crime need not only control and investigation but also comprehensive steps, including such preventive steps as improvement in the economic and social environment that may become a hotbed of crime and the creation of safe towns, the rehabilitation of criminals and the relief to victims from damage and harm; for this purpose, there is a need to achieve teamwork of related entities by the cross-sectional activities of ministries and agencies and also in cooperation with local governments and private organizations. As discussed in D. 1 (1) above in this chapter, according to the program based on the idea mentioned above, the state government took various measures by unifying the activities against crime of respective bodies and succeeded in, among others, reduction in the number of crimes reported to the police.

b. What is required for the "institutional framework" of future measures against crime

(a) Need for a legal framework

There is another opinion on the "Action Plan 2008" that the program is

one on business).

○ "Management organization of information on outrageous demand" under Article 32-3, Paragraph 2, Item 8 of the ANTI-Boryokudan ACT.

⁷⁸ See *op. cit.*, "Action Plan 2008," p. 2.

not based on any legal authority and its legal position is vague. Moreover, in the case where the program is based on the cabinet's overall coordinating function for administration, it basically covers the measures of central government offices, and local governments and private organizations have to be excluded from its range⁷⁹.

Moreover, while measures against crime can now be regarded as one of the most important policies for people and the community as seen in the fact that the Cabinet has carried out these measures by its concerted effort since 2003, there is a question about this: is it all right to determine the basic concept of the measures with no involvement by the Diet, the representative organization of people? Every person should take part in measures against crimes voluntarily, and as stated in Chapter 2, 1 (1), it is essential that the measures are those which make "safety" and "freedom" consistent with each other, while keeping a good balance between them. In particular, any restriction on the freedom of people should be imposed by laws, as a rule, and steps of measures against crime are no exception in that a given restriction should be placed on them, too.

In the light of these concerns, it will be desirable that people and the community decide and choose by themselves the framework of measures against crime after proper debates at the Diet, the organ representing people, i.e., that the framework is based on a legal framework.

As discussed in Chapter 1, 2 (5), measures against crime are, by their nature, not ones that "may be discontinued just because crimes have decreased." Considering this, it will be important to examine a legal framework for constant measures so as to make future activities against crime, continuous and sustainable.

(b) Examination of a basic act

The legal framework that can be considered first of all will be the form of a "basic act."

In the past, the legal basis for steps of measures against crime was mostly the enactment of new acts and amendments to these acts providing the investigation methods and controls of new crimes and measures for the confiscation of proceeds of crime etc'. and the prefectural and municipal

⁷⁹ It has been pointed out that even if the matters belonging to the category of provisions of the basic act, stated later, can be determined by the decision by the Cabinet, such matters have an effect only in the government and do not have any normative effect on the legislature and the judiciary. See Hiroshi Shiono, "On the Basic Acts," in "Transactions of the Japan Academy," Vol. 63, No. 1, Japan Academy, 2008-09, p. 19.

ordinances for community safety as to measure against crime. However, for measures against crime, there is no "basic act", which would cover countermeasures in general and provide a basis to state activities, as the Basic Act for Traffic Safety.

It is generally said that a basic act clearly states (i) the basic policies, principles, criteria and general rules of the state's systems, policies and measures (ii) in the fields important to national administration and (iii) plays a role in embodying the ideas of the constitution as what links the constitution with individual laws. In addition, it usually provides that the measures shall be taken according to the basic policies mentioned in (i) above. In other words, the enactment and execution of laws are subject to the aim and purpose of a basic act, which provides a guideline for the interpretation and operation of an individual act⁸⁰. In this case, the basic act does not always determine some large-scale reform but gives a "certain direction" to anti-crime measures, which are important state policies, and aims at promoting the activities by the entire community (including policies stated in (i) and (ii) above)⁸¹.

A basic act has the role of arranging and adjusting authorities, not creating authorities. Even existing authorities can produce new effects for measures against crime if these authorities are bound to cooperate more properly by the Basic act, and by imposing the responsibility for taking measures in advance in preparation for new types of crime on the state and other organs, it will become possible to take prompt action. Various entities are now carrying out crime prevention activities, and it will have an important meaning to consider the enactment of a basic act from the viewpoint of imposing on the state the responsibility of promoting cross-sectional cooperation among these entities and realizing "total optimization"

⁸⁰ See Shiono, *op. cit.*, "On 'Basic Acts'," pp. 11-12. At the end of this paper is a list of the 33 basic acts up to the Basic Act on Reform of National Public Officers' System classified in detail (Thereafter, seven basic acts, including the Aerospace Basic Act and the Basic Act on Biological Diversity, were enacted, and as of March 11, 2013, there are 40 basic acts).

⁸¹ As for this point, the fact that "independent disaster-prevention bodies" as provided for in the Disaster Countermeasures Basic Act have been increasing will provide useful information (These bodies totaled to 150,512 as of April 1, 2012, and the coverage ratio (ratio of the number of households in the areas covered by independent disaster-prevention bodies to the number of all households): 77.4%) (Fire and Disaster Management Agency, "White Paper on Fire and Disaster Management 2012," p. 259 [Data 21]). In addition, the Traffic Safety Policies Basic Act and the Basic Act on Crime Victims can be regarded as giving a certain "direction" and promoting "activities by the entire community" as mentioned here and thus achieving considerable good results.

for measures against crime⁸².

We should be careful about deriving any specific legal obligation of people from the abstract and general provisions on obligation often seen in a basic act, and if it is necessary to impose a specific legal obligation on people or restrict their right, such need should always be met by a particular act⁸³. But a basic act can provide a basis for the establishment of a necessary system and for cost sharing and support and can be effective as the foundation of cooperation between the state and people.

A basic act also can define the basic concept and policy of anti-crime measures and clarify "authorization" for "restrictions"⁸⁴ on crime prevention steps and can thus determine the role and responsibility of each entity and protect the entity from excessive demand and interference due to temporary

⁸² Toyo Atsumi, "Prevention of and Decrease in Crime and Delinquency," in op. cit., "Legal Principle of Crime Prevention," p. 44, states that "If the central government is to establish comprehensive strategic policies and to take steps to reduce and prevent crimes and delinquencies by effective comprehensive strategies based on the cultural characteristics of each region, it is desirable to enact the legislation that clearly defines the form of the administrative organization and plans so that central government agencies can set the guideline for comprehensive strategies, as in the case of the U.S. and U.K. In addition, Masahiro Tamura, "Future Chaccenges of the Police Administration Laws for Crime Prevention," in op. cit., "Legal Principle of Crime Prevention," p. 122, argues that "Prefectural ordinances have an important meaning for the framework of cooperation among related organizations for crime prevention, too. In this respect, because the present legal system is based on the superiority of the state, it is possible to stipulate cooperation among prefectural organizations only. It is hoped that a legal framework for enabling prefectures to determine cooperation with state agencies, too, on their own initiative."

⁸³ It is understood that no specific right or duty of people is derived directly from the provisions of a basic act and that these provisions rarely work as judicial norms. See Seiji Kawasaki, "Rethinking about Basic Acts Part 2," in "Jichi Kenkyu (Study of Autonomy)," Vol. 81, No. 10, Dai-Ichi Hoki Co., 2005, p. 49. In particular, criminal investigation and control by the police are the strongest acts of power, and thus it is essential to stipulate the requirements and effects of the exercise of compelling power in police investigation and control in an individual act.

⁸⁴ "Authorization" here means the authorization given to each entity to take various crime prevention steps and does not mean any authorization to impose a duty on people or limit their rights. "Restrictions" mean the restrictions on each entity in taking anti-crime measures and does not mean restrictions on the freedom and right of people as part of crime-prevention steps.

It is considered that the provisions of a basic act are primarily directed at the government and control the policy process both from its content and method by giving tasks and instructions to the government. See Kawasaki, op. cit., "Rethinking about Basic Acts Part 2," p. 49.

need, etc. If need for new measures against crimes arises in the future, each body should take measures, including the legislation of an individual act. But it will be more appropriate that a "basic act", not an aggregate of individual acts, plays the role as a pivot for keeping a good balance between "safety" and "freedom" and making the two compatible with each other⁸⁵.

⁸⁵ On the other hand, some questions were presented about basic acts that "Weren't too many basic acts been made?" and that "Can basic acts, which are basic acts only by name, promote truly cross-sectional activities of government offices, because the minister in charge can determine?"

Regarding this problem, Kawasaki, *op. cit.*, states that "There have been some cases that may be described as the tendency toward the mass production of inferior basic acts and there are some cases where a basic act was laid down only for a political intention or where questions are raised about the meaning and necessity of establishing them in a legal form." He then expresses a concern about the possibility that this situation may result in the instability or disunity of law and lessen trust in law and that if a basic act turns into one that only gives broad discretion to the government or gives an approval to actual administration or policy, it may create a domain beyond the control of law or the Diet and may be used as what binds the subsequent legislative activities of the Diet. Kawasaki also points out that there are cases where a basic act turned into a tool under the competence of a particular ministry or agency and the ideas, principles and guidelines of the basic act cannot apply to the act in charge of any other ministry or agency, resulting in only a limited effect of the basic act. See Seiji Kawasaki, "Rethinking about Basic Acts Part 5," in "Jichi Kenkyu (Study of Autonomy)," Vol. 82, No. 9, Dai-Ichi Hoki Co., 2006, pp. 58-59. and also "Rethinking about Basic Acts Part 1," in "Jichi Kenkyu (Study of Autonomy)," Vol. 82, No .1, the same, 2005, p. 77.

[E] Utilization of statistics, etc. for measures against crimes based on the management cycle

1. What crime statistics, etc. should be?

As pointed out in Chapter 2, 1 (5), crime statistics, etc. are, from the standpoint of the management cycle, one of the most effective tools for understanding the crime situation and achieving risk communication in the entire community.

Therefore, both in the examination of state-wide strategies and in the promotion of steady activities in the community, there is a need to understand the trend and characteristics of the crime situation using crime statistics, etc. paying attention to the "sense of scale" of the state, local governments and communities and to take each measure in such a way as to make it effective^{86, 87}.

⁸⁶ In the hearing for knowledgeable people held for the formulation of the "Action Plan 2008" referred to above, Professor Masahide Maeda of Tokyo Metropolitan University showed by studying, among others, the correlation of changed in crime rates in each prefecture and that of the number of criminal offenses reported to the police with the clearance rate per police officer in each prefecture for the 2002-2008 period that the effect of the government's measures against crime in 2002 and after did not differ according to region and that increases in police officers resulted in rises in the clearance rate. See Masahide Maeda, "New Spheres of Public Security Measures: A Prospect for the Next Decade" (Lecture at the First Hearing for Experts on the Formulation of a New Action Program (held on Friday, August 1, 2008), in "The Journal of Police Science," Vo. 62, No. 8, Tachibana Shobo Co., 2009, pp. 18-28.

⁸⁷ Examples of the analyses and measures using crime statistics, etc.:

- COMPSTAT: This is a mechanism for police management based on the analysis of the crime situation which was started by the New York Police Department. The Police make (i) precise and timely information; (ii) effective measures; (iii) quick placement of personnel and budgets; and (iv) strict follow-up and assessment; the four principles for the control of crimes. The COMPSTAT is the system following these principles; in this system, the "COMPSTAT Report" on, among others, the number of crimes reported to the police, number of arrests and management, including the occurrence of crime relatively close to residents, is issued once a week and at each police substation, and the "meeting on crime control steps" is held once every two weeks by the leaders of the city police and the heads of all of the substations, where prompt decision making and support are carried out for the problems of each substation and examinations and decisions are made on the system for cooperation among substations. See Takahito Shimada, "Learning from the COMPSTAT System of the New York Police Department," in "Sosa Kenkyu (Study of Investigation)," No. 627, Tokyo Horei Publishing Co., 2003, p. 54.
- Community Safety Partnerships (CSPs) were established in a statute in accordance with Sections 5-7 of the Crime and Disorder Act 1998 (See *ibid.*, Note 55). They are the mechanisms for protecting the community from crime and making residents feel relieved by the police, local governments, fire stations, health and welfare authorities and probation offices that are working together and gain cooperation from the community group and leaders playing an important role, too. At present, England has 310 CSPs and Wales, 22. An

The "Safe Community" certification system of the World Health Organization (WHO) is one of useful schemes for utilizing statistical data for cross-sectional cooperation. In the framework of the Safe Community, while "accidents, violence, crimes, suicide, etc." are given as threats to "safety and security," "scientific assessment" is regarded as important and statistical data are collected regularly and made into indicators, and these indicators are shared by people concerned and utilized on the basis of the management cycle. What is assessed using the indicators includes not only the business and projects of the administration but also the results of activities carried out on the initiative of the community, such as activities in which community residents took part⁸⁸. The "Action Plan 2008" recommends the use of the Safe Community System, too, and the local governments intending to get the certification are increasing⁸⁹. It is hoped that the Safe Community System will take hold and develop further in the years ahead.

appropriation is made for activities of CSPs from the budget of the Home Office, and the effects of activities are objectively assessed by, for example, the survey on the degree of satisfaction of residents before and after the measures taken. In addition, successful cases are positively reported on the website of the Home Office. See the website of the Home Office.

The problems addressed by CSPs are anti-social behaviors (including noises, threatening violence and graffiti), the abuse of drugs and alcoholic beverages and second offenses.

- In the "Methods of Collecting and Utilizing Information for the Prevention of Abuse and Other Intentional Bodily Injuries" (Research and Development Project "Safety of Children against Crimes" of the Research and Development Program) of Tatsuhiro Yamanaka, aiming at establishing a scientific method for abuse diagnosis (for distinguishing abuse from accidents), the cases of bodily injuries caused by abuse and accidents have been collected and made into a database, simulation techniques for reproducing the situation of occurrence of injuries difficult to be distinguished and software for supporting the diagnosis of abuse have been developed utilizing the database, and the techniques and software have been introduced into medical institutions, day nurseries and others to examine their validity. The outcome has been used for the purpose of sharing data among related organizations and preventing increases in damage and harm. See "Report of Research and Development Projects 2011," JST Strategic Basic Research Programs (Social Technology Research and Development).

⁸⁸ See Tetsuya Maruta, "What is the "Safe Community," a New Trend of Safety and Security," in "NRI Public Management Review," October 2011 issue, Nomura Research Institute, p. 2. The safe community certification granted to a community for its activities is reviewed once every five years and is cancelled in some cases. The certification is only the starting point and it is an important problem for the building of a safe community to guarantee subsequent continuity.

⁸⁹ In Japan, six municipalities, including Kameoka city, Kyoto Prefecture, and Towada city in Aomori Prefecture, were given a safe community certification as of March 2013, and six other cities and wards are working to get a certification (Website of the Japan Institution for Safe Communities). Atsugi city, Kanagawa Prefecture, for example, carried out, in response to

2. Measures to improve the analysis of crime statistics, etc.

The following measures can be considered so as to realize the analysis mentioned in 1 above⁹⁰:

(1) Examination for increasing surveys on damage and harm from crimes, etc.

To understand the crime situation correctly, it is important to study not only the crime statistics obtained by police activities but also the actual state of damage and harm (including victims' subjective sense of damage and harm), including crimes not reported to the police, and to conduct analyses by combining these data. Therefore, the present situation of surveys on crime damage and harm, including the entities doing the survey, survey methods, the number of samples, participation of academics and the creation of archives, should be reviewed and improved^{91, 92}.

people's great interest in safety and security, such activities as the establishment of systems based on the six indicators required for a WHO certification, the designation of model areas, the creation of a committee for taking necessary steps and the educational and publicity activities about a safe community for three years by the cooperation between the municipal government and citizens. As a result, the city was given the safe community certification in 2010.

⁹⁰ The "Action Plan 2008" referred to above states about the analysis of crime statistics, etc. that "To obtain basic information for promoting the forming of policies for effective anti-crime measures, efforts will be continued comprehensively to repeat and continuously conduct surveys on crime damage and harm, share information on the crime situation by related research institutes and assess and study the effects of measures against crime, referring to the data of crime problem studies conducted in industrial nations." See the Plan, 72 (ix), p. 47.

⁹¹ For example, it was pointed out that the reliability of interview surveys decreased as a result of, among others, declining credibility (See Masao Matsumoto, "Administration of Local Governments: Usefulness of Self-Administered Questionnaires," in "Seisaku to Chosa (Policy and Research)," No.1, Social Survey Research Center, Saitama University, 2011, pp. 8-12). It was determined that not interviews by visiting investigators but mail surveys would be used for the "Fact-Finding Survey on Crime Damage and Harm" (Research and Training Institute of the Ministry of Justice) in 2012 and after. See the Research and Training Institute of the Ministry of Justice, "White Paper on Crime 2011," p. 201.

⁹² The National Crime Victimization Survey (NCVS) in the U.S. is the survey on crime victims for individuals and households that has been conducted by the Bureau of Justice Statistics, the Department of Justice since 1973. The number of samples is 49,000 households and 100,000 persons (Website of Michigan University). The British Crime Survey (BCS) has been conducted since 1982 for England and Wales by a team of the researchers at the Statistics Bureau of the Home Office. This survey was conducted once every two years at first, but has been carried out every year since 2001. The number of samples is 46,000, and interviews are given to 1,000 persons at each regional police bureau (See the homepage

(2) Multilayered analysis according to the "sense of scale"

"The result of macroscopic" (e.g., the tendency of the whole nation) should not be applied as it is to the "meso (medium)" level (municipalities and city blocks) and the "microscopic" level (individual lots of land). Instead, the result of macroscopic analysis should be analyzed so as to derive multilayered measures according to the "sense of scale" of the entity concerned.

(3) Improvement in the system for analyzing the crime situation

Examination should be made for a system for analyzing the crime situation using findings about social and economic statistics and the like, too. In particular, in the light of (2) above, an improvement in regional systems (e.g., appointment and development of experts) should be studied to conduct not only macroscopic analysis on the entire nation but also analysis from a meso- and microscopic-viewpoints suited to the situation of each region.

(4) Detailed analysis of public opinion polls and the proper understanding of medium-to-long-term trends

In the public opinion polls (attitude surveys) on crimes, it should be made possible to conduct detailed analysis according to the attributes of the respondents (e.g., if the respondents suffered damage or harm from crime themselves). In addition, medium-to-long-term trends should be understood properly.

(5) Examination of the rule for the mutual use of statistical data on crimes

For some of statistical data and public-opinion polls, the possibility of mutual use and even their existence have not been clarified yet. Considering this and in connection with D. 2 (2) in this chapter, the rules for the mutual use of crime-related statistical data by related government offices and research institutes should be examined referring to the framework⁹³ of the Statistics Act^{94,95}.

of the Home Office, the U.K.). In the fact-finding survey on crime damage conducted by the Research and Training Institute of the Ministry of Justice, the number of samples was 4,000 persons in 2012. See *op. cit.*, "White Paper on Crime 2012," p. 201.

⁹³ In accordance with Article 4 of the Statistics Act, a basic plan is established roughly every five years in order to "achieve the comprehensive and systematic promotion of measures to improve public statistics." The "Basic Plan for Improvement in Public Statistics" formulated in 2009 includes the "promotion of the sharing and provision of data among government offices by, among others, using the joint use system of government statistics" and the "encouragement of research and development (e.g., utilization of information and communication technology) and reinforcement of cooperation with learned societies, etc." (See pp. 32-33).

⁹⁴ In accordance with Article 2, Item 1 of the Statistics Act Enforcement Ordinance based on Article 2, Paragraph 5, Item 3 of the Statistics Act, no provisions of the Statistic Act shall apply to the receipt of statistical reports presented by the National Public Safety Commission regarding the business stated in Article 5, Paragraph 2, Item 3 of the Police Act.

The crime statistics and other data owned by the police are those for quantitatively checking crime and investigation activities for crime; the crime statistics reported, arrests of criminals and the like are collected and used to analyze the characteristics and trends of crime, the efficiency of police activities and other related problems. These data are got by daily police activities and thus are not merely numerical values but the information on each case itself and contain the pattern of the damage in detail. Because of this, in analyzing and providing these data, there is a need to process them by, for example, keeping their anonymity, and to establish and apply the standards for disclosure that would not benefit criminals by the cooperation between the public and the private sectors, including experts, so as to give sufficient consideration to the privacy of victims and other persons concerned and residents. In addition, if the police are to properly deal with changing phenomena of crime, they have sometimes to change the method of investigating the actual state of crime despite of the statistical continuity. Thus, attention should be paid not to obstruct police business in such a case.

⁹⁵ As an example of the mutual use of statistical data by related government offices, the Cabinet Office prepares and publishes, according to the "Emergency Plan for Measures against Suicides for Protecting Life" (adopted by the Council for Policy of Suicide Prevention on February 5, 2010), the "basic data of suicides in the community" using the statistical data of suicides by prefecture, by municipality, etc. provided by the National Police Agency. In 2011 and after, the Cabinet Office is also provided with the original data of suicide statistics, which were calculated and published by the National Police Agency in the past. Based on the calculation and analysis of this data, the Cabinet Office and the National Police Agency jointly published the "Situations of Suicides in 2011." See the Cabinet Office, "White Paper on Measures against Suicide 2012," p. 90.

Conclusion

The Committee members had frank discussions on the difficulties confronting the entities doing crime prevention activities at present in each field (of measures against crime) on the basis of not only the findings of the members in their respective research areas but also their experiences in taking part in crime-prevention and other activities. These opinions and ideas of the members are reflected in detail on the proposals presented in this report.

During the decade after the "Action Plan for the Realization of a Society Resistant to Crime" was formulated, each entity actively carried out measures against crimes by repeating trials and errors. As a result, the number of criminal offenses reported to the police decreased, but at the same time, difficulties confronting these measures became apparent.

In these recommendations, we summarized the causes of "difficulties" found in the measures against crime of the past and in changing situations and examined basic countermeasures for coping with the difficulties.

If the measures against crime of the past ten years were so-called passive activities as symptomatic treatment (for working) to decrease crimes and "restore" safety and reassurance after facing the rapid increase in the number of reported criminal offenses, what is required in the years ahead will be the mechanism for measures against crime where all levels of society can play a major role and continuously take part in the maintenance and improvement of "safety and reassurance" for their benefit by discovering a more positive value in "safety and reassurance" and regarding these as the essential bases to securing people's free and various activities in many areas, including political, economic, social and cultural ones.

The mechanism mentioned above can be created by the cooperation of the independent activities of various entities ranging from the national to community resident levels. It is not what is established by the "control" of the state only.

The "Action Plan 2008" has a subtitle, "To Re-establish Japan as "The Safest Country in the World". If Japan can build a "safety and reassurance model" capable of being realized and being sustainable in the greatly changing world by continuing measures against crime and objective analysis and improvement efforts and supply the model to the world as a proposal by the "safest and most reassuring nation in the world," that will become a new contribution by Japan to the international community.

The proposal offered here are one of the ideas for this purpose, and we hope that this will be of assistance in establishing the measures against crime with these positive meanings and helping all of the people enjoy "safety and reassurance for the future."

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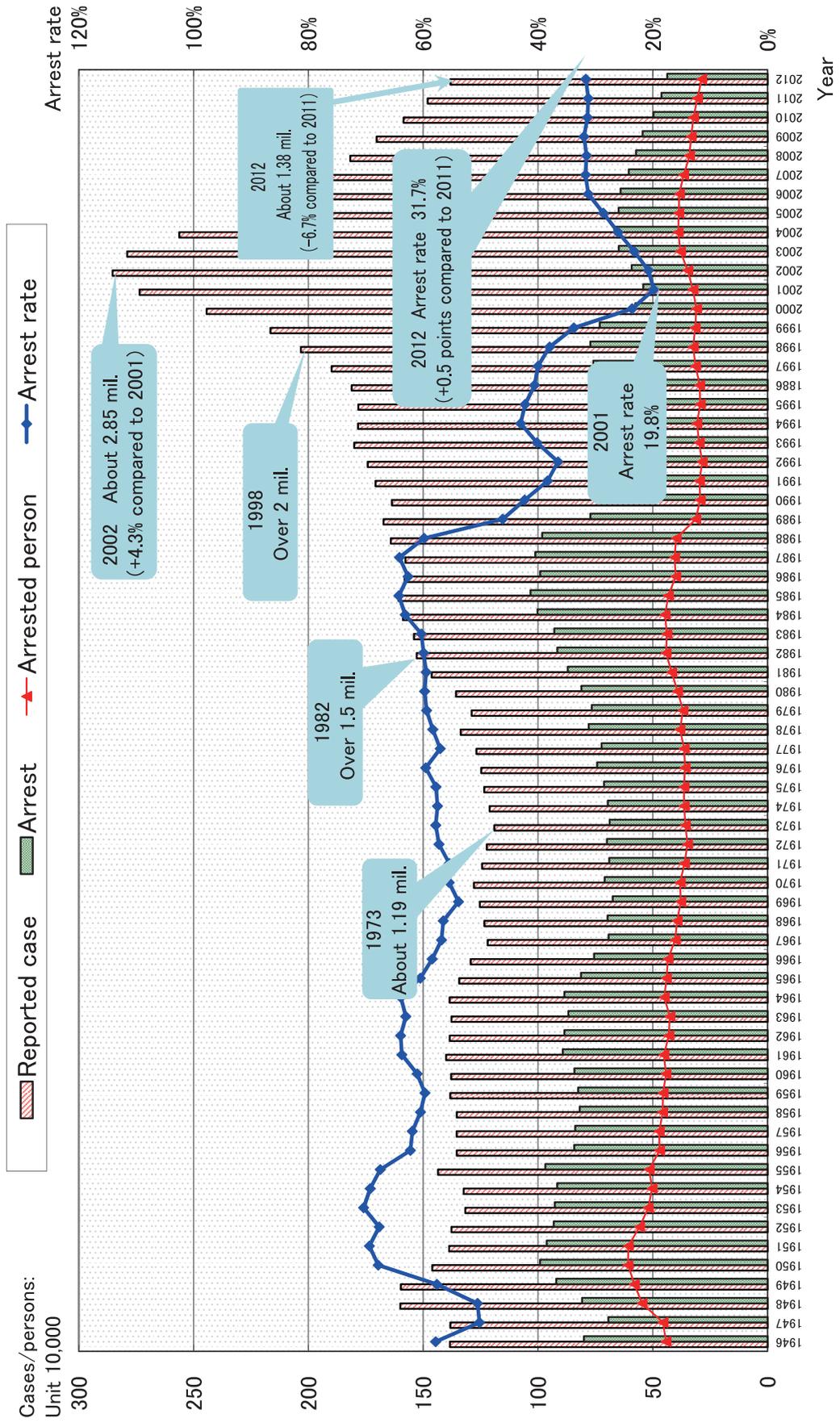
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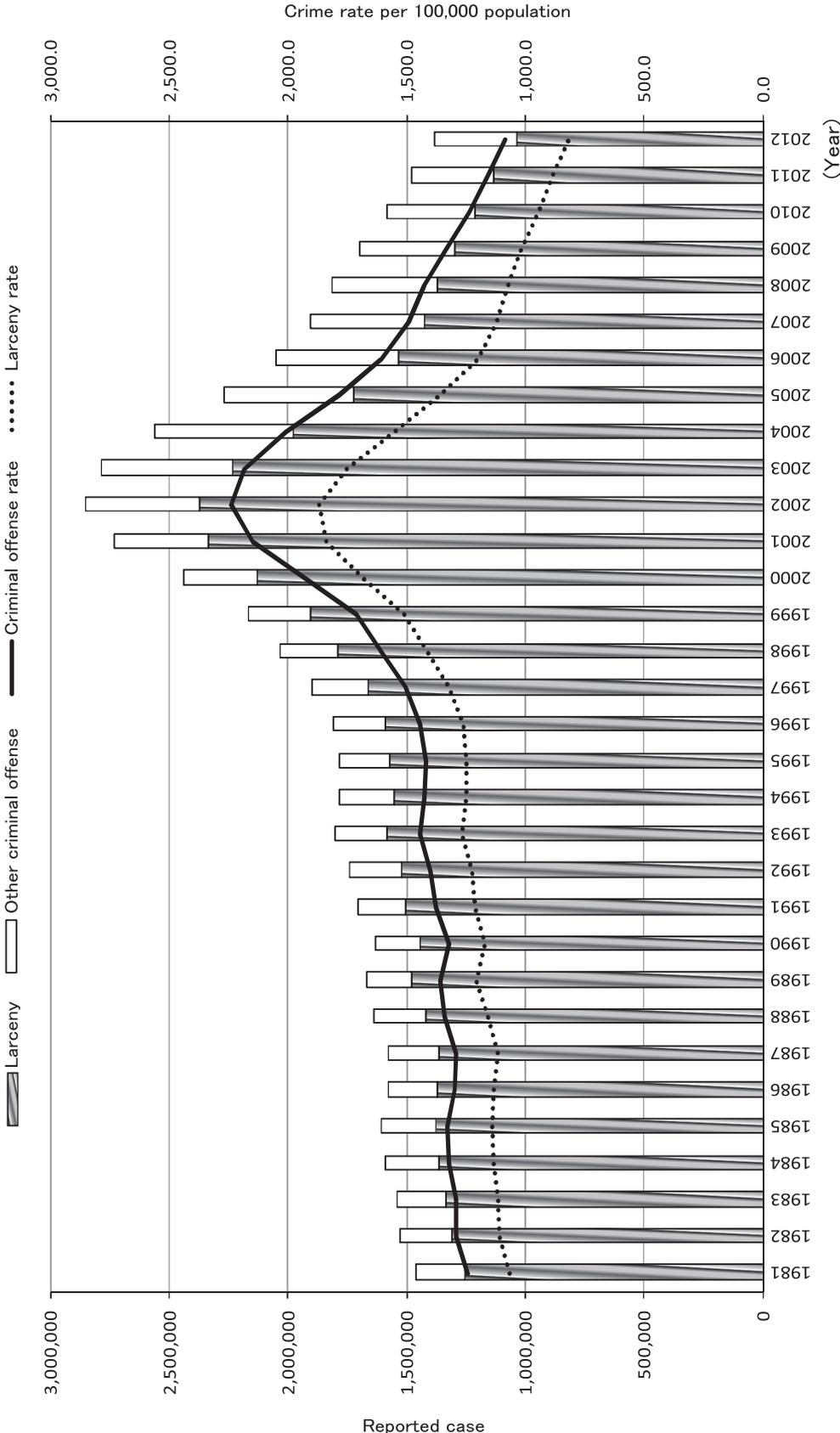
Recent Crime Status

Changes in number of reported criminal offense, arrest, arrested person and arrest rate (1946 – 2012)



Source: Material of Community Safety Planning Div., Community Safety Bureau, National Police Agency

Criminal offense: Change in number of reported cases and crime rate



Source: Material of Police Policy Research Center

Crime in public place: Change in number of reported case

	Total	Street Robberies		Crimes in public place							Automobile theft	Autobike theft	Bicycle theft	Purse Snatching	Theft from Parked Vehicle	Theft of Items	Theft from Vending Machine				
		Rape	Violence	Bodily injury	Extortion	Indecent assault	Abduction and Human trafficking	Automobile theft	Autobike theft	Bicycle theft								Purse Snatching	Theft from Parked Vehicle	Theft of Items	Theft from Vending Machine
1987	794,508	396	449	5,112	9,924	4,991	1,183	74	32,951	171,325	295,184	8,954	190,449	37,451	36,065						
1988	870,807	408	461	5,129	10,477	5,390	1,484	68	33,936	209,444	325,326	8,993	186,960	39,766	42,965						
1989	987,856	399	375	4,110	9,393	4,632	1,301	87	35,877	271,083	377,640	10,145	194,824	40,594	37,396						
1990	980,385	435	327	3,816	9,506	4,844	1,304	77	34,167	263,823	390,793	10,115	189,675	38,782	32,721						
1991	1,036,366	593	337	3,593	9,253	4,734	1,511	144	35,366	265,453	429,447	11,147	197,763	41,149	35,876						
1992	1,056,889	557	374	3,577	9,280	5,094	1,700	176	34,740	245,628	433,455	14,191	212,955	45,028	50,134						
1993	1,081,348	691	367	3,503	9,094	5,519	1,760	156	35,648	245,865	430,938	15,854	222,701	44,369	64,883						
1994	1,054,705	724	411	3,249	8,910	6,055	1,868	132	34,725	234,162	394,850	18,563	228,528	43,121	79,407						
1995	1,081,832	620	372	3,259	8,526	6,230	1,776	144	35,730	241,509	387,269	19,220	222,473	46,629	108,075						
1996	1,109,255	826	454	4,177	10,273	8,199	2,400	170	33,722	240,400	413,838	20,515	210,080	47,348	116,853						
1997	1,169,208	1,034	535	4,722	11,306	8,802	2,686	202	34,489	234,649	427,232	26,980	217,171	52,726	146,674						
1998	1,265,576	1,119	668	4,801	11,157	9,344	2,399	166	35,884	246,364	423,183	35,763	252,092	61,192	181,444						
1999	1,359,012	1,495	648	5,051	11,687	10,419	3,196	181	43,092	242,977	408,306	41,173	294,635	73,824	222,328						
2000	1,502,108	2,070	825	8,734	16,965	13,230	4,475	216	56,205	253,433	445,301	46,064	362,762	101,338	190,490						
2001	1,664,309	2,509	806	11,352	19,400	13,856	5,786	179	63,275	242,517	521,801	50,838	432,140	129,380	170,470						
2002	1,630,549	2,888	869	12,814	20,465	12,514	5,915	175	62,673	198,642	514,120	52,919	443,298	128,539	174,718						
2003	1,481,377	2,955	832	14,477	20,098	11,089	6,145	213	64,223	154,979	476,589	46,354	414,819	120,726	147,878						
2004	1,275,413	2,695	732	15,319	19,218	8,534	5,510	237	58,737	126,717	444,268	39,399	328,921	112,161	112,965						
2005	1,086,497	2,192	663	16,332	17,961	6,346	5,254	199	46,728	104,155	406,104	32,017	256,594	103,772	88,180						
2006	943,614	1,759	612	18,816	17,373	4,690	5,131	126	36,058	93,294	388,463	26,828	205,744	88,739	55,981						
2007	876,346	1,537	495	18,993	15,665	4,042	4,640	134	31,790	83,028	395,344	23,687	168,129	78,016	50,846						
2008	831,410	1,437	513	18,306	14,118	3,466	4,261	97	27,515	80,354	393,462	19,145	154,836	75,423	38,477						
2009	801,192	1,366	408	16,950	12,964	3,055	3,994	102	25,815	82,116	389,476	19,036	143,863	75,361	26,686						
2010	729,407	1,221	349	16,358	12,602	2,836	4,245	121	23,775	73,491	367,509	14,559	123,512	67,307	21,522						
2011	668,083	1,107	301	15,792	12,415	2,323	4,217	96	24,928	67,776	337,569	12,476	111,771	57,014	20,298						
2012	604,553	1,133	314	16,460	12,724	2,215	4,395	128	21,070	59,469	303,745	10,083	102,798	51,197	18,822						

“On the street” includes roads, car and bicycle parking lots, city parks, vacant lots, public transportation (on the subway, bullet train, and other forms of train, in stations and other railroad facilities, in aircraft, airports, boats, ports and buses), other forms of transportation (inside a taxi or in an automobile) and other open places (underground walkways and highways).

Source: Material of Police Policy Research Center

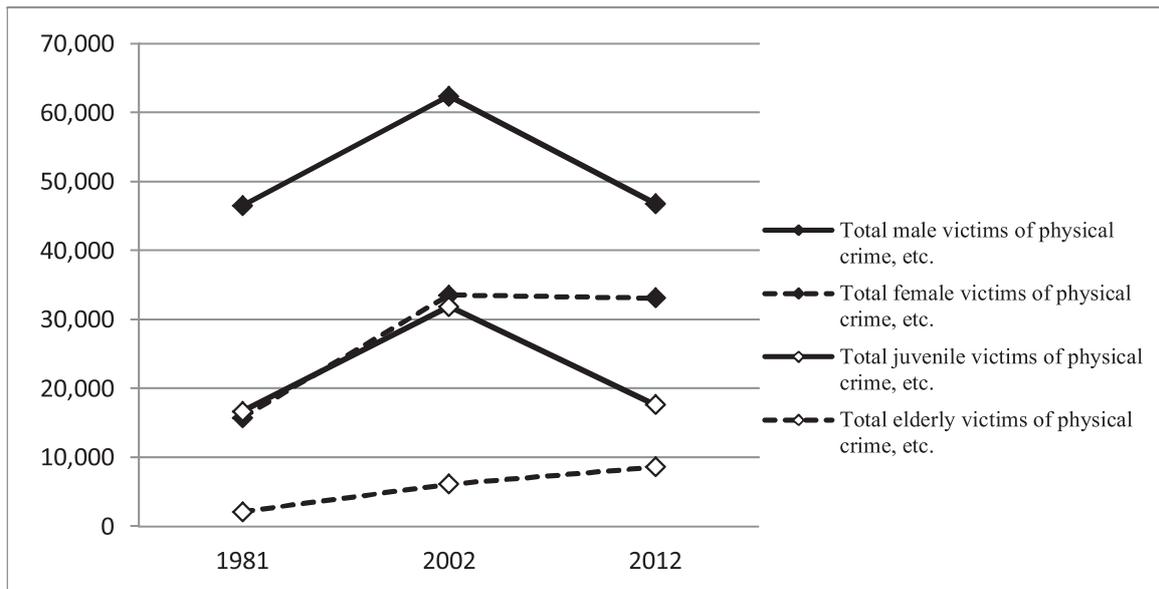
Change in number of reported case of criminal offense by crime and modus operand

	1981	2002		2012	
	Reported case	Reported case	Increase/ decrease	Reported case	Increase/decrease
Total criminal offenses	1, 463, 228	2, 853, 739	1, 390, 511	1, 382, 121	-1, 471, 618
Serious crime	8, 711	12, 567	3, 856	6, 961	-5, 606
Murder	1, 754	1, 396	-358	1, 030	-366
Robbery	2, 325	6, 984	4, 659	3, 658	-3, 326
Arson	1, 994	1, 830	-164	1, 033	-797
Rape	2, 638	2, 357	-281	1, 240	-1, 117
Violent crime	53, 460	76, 573	23, 113	67, 183	-9, 390
violence	15, 851	19, 442	3, 591	31, 802	12, 360
Bodily injury	25, 778	36, 324	10, 546	27, 962	-8, 362
Intimidation	1, 559	2, 374	815	3, 241	867
Other	10, 272	18, 433	8, 161	4, 178	-14, 255
Larceny	1, 257, 354	2, 377, 488	1, 120, 134	1, 040, 447	-1, 337, 041
Break-in Robbery	301, 536	338, 294	36, 758	115, 155	-223, 139
Sneak-thieving	130, 331	147, 500	17, 169	43, 607	-103, 893
Stealing-in	36, 981	32, 860	-4, 121	13, 636	-19, 224
Sneak-thieving while occupants at home during the daytime	13, 152	8, 976	-4, 176	3, 695	-5, 281
Safe breaking	3, 354	10, 345	6, 991	2, 593	-7, 752
Office burglary	32, 595	49, 411	16, 816	12, 366	-37, 045
Shop burglary	37, 944	48, 719	10, 775	16, 424	-32, 295
Other	47, 179	40, 483	-6, 696	22, 834	-17, 649
Vehicle theft	426, 563	775, 435	348, 872	384, 284	-391, 151
Automobile theft	33, 452	62, 673	29, 221	21, 070	-41, 603
Autobike theft	132, 309	198, 642	66, 333	59, 469	-139, 173
Bicycle theft	260, 802	514, 120	253, 318	303, 745	-210, 375
Non-break-in theft	529, 255	1, 263, 759	734, 504	541, 008	-722, 751
Purse Snatching	5, 002	52, 919	47, 917	10, 083	-42, 836
Pocket-Picking	15, 772	24, 590	8, 818	5, 454	-19, 136
Walking away with other man's baggage	29, 018	76, 170	47, 152	43, 882	-32, 288
Theft while napping	1, 176	8, 005	6, 829	5, 584	-2, 421
Theft from parked vehicle	138, 748	443, 298	304, 550	102, 798	-340, 500
Theft of items	37, 702	128, 539	90, 837	51, 197	-77, 342
Theft from vending machine	22, 899	174, 718	151, 819	18, 822	-155, 896
Undergarment theft	13, 391	20, 269	6, 878	13, 001	-7, 268
Construction site theft	10, 497	11, 112	615	10, 114	-998
Shoplifting	129, 733	140, 002	10, 269	134, 876	-5, 126
Workplace theft	5, 038	12, 159	7, 121	11, 484	-675
Other	120, 279	171, 978	51, 699	133, 713	-38, 265
Intellectual crime	80, 085	62, 751	-17, 334	40, 097	-22, 654
Fraud	63, 710	49, 482	-14, 228	34, 678	-14, 804
Falsification	11, 509	10, 883	-626	3, 557	-7, 326
Other	4, 866	2, 386	-2, 480	1, 862	-524
Against moral offense	7, 236	12, 220	4, 984	11, 924	-296
Gambling	1, 957	300	-1, 657	366	66
Indecent assault	2, 735	9, 476	6, 741	7, 263	-2, 213
Public indecency, etc.	2, 544	2, 444	-100	4, 295	1, 851
Other criminal offense	56, 382	312, 140	255, 758	215, 509	-96, 631
Embezzlement of lost thing	22, 040	71, 782	49, 742	39, 692	-32, 090
Unlawful entry into a house	12, 650	33, 872	21, 222	20, 360	-13, 512
Destruction of objects	11, 047	196, 018	184, 971	144, 129	-51, 889
Other	10, 645	10, 468	-177	11, 328	860

Source: Material of Police Policy Research Center

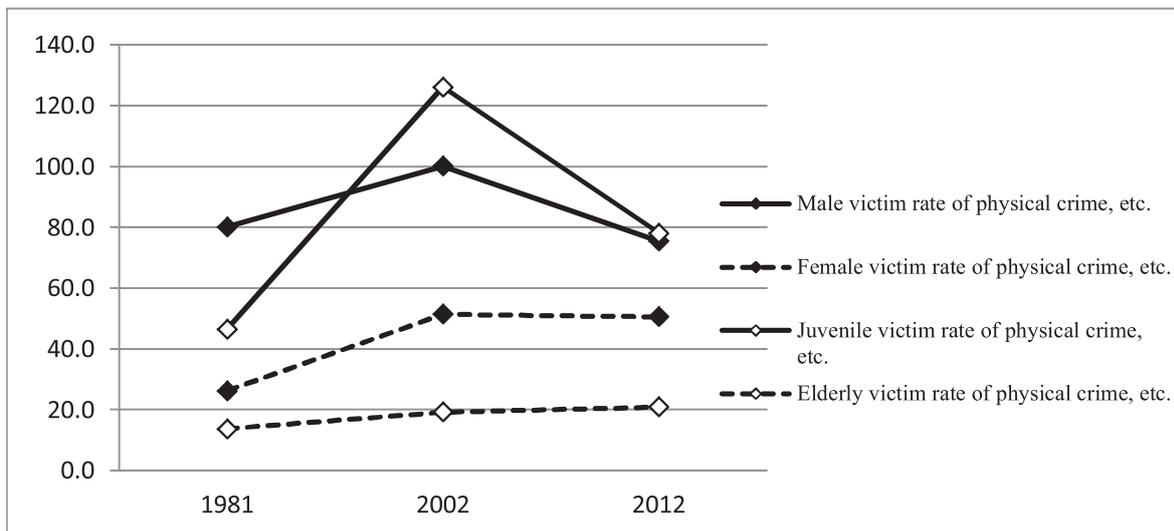
Victim Status to Woman, Juvenile Aged under the age of 20, and Elderly over the age of 60

【Total harms】



	1981	2002	2012
Total male victims of physical crime, etc.	46,508	62,398	46,842
Total female victims of physical crime, etc.	15,785	33,554	33,140
Total juvenile victims of physical crime, etc.	16,673	31,920	17,646
Total elderly victims of physical crime, etc.	2,131	6,135	8,637

【Victim rate per 100,000 population】

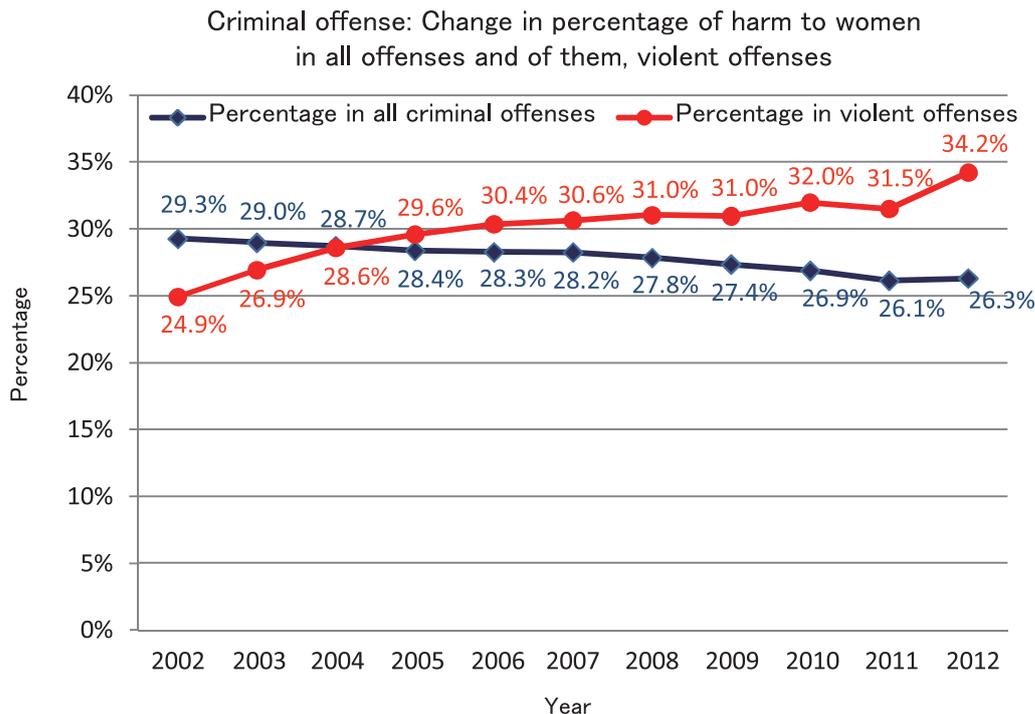


	1981	2002	2012
Male victim rate of physical crime, etc.	80.2	100.2	75.5
Female victim rate of physical crime, etc.	26.3	51.5	50.6
Juvenile victim rate of physical crime, etc.	46.6	126.2	78.1
Elderly victim rate of physical crime, etc.	13.7	19.3	21.0

Note: "Physical crime" includes homicide, robbery, rape, assault/violence, bodily injury, intimidation, extortion and indecent assault.

Source: Material of Police Policy Research Center

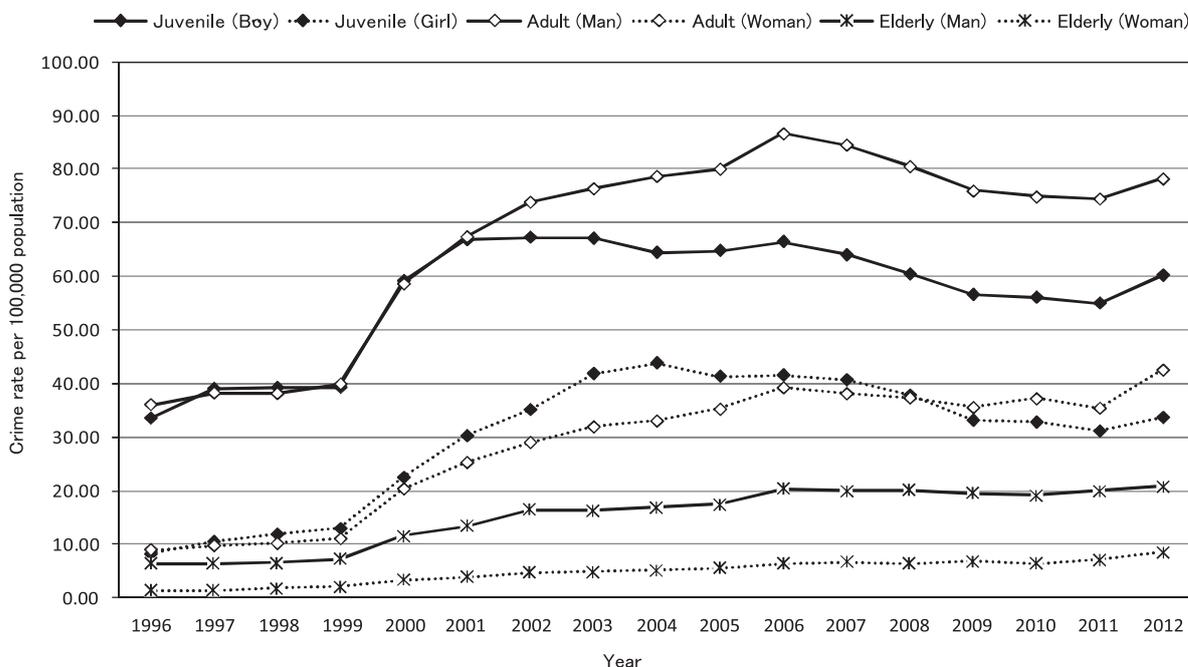
Women, Elderly and Child Victims in Assault/violence, Bodily Injury and other Violent Offenses (Total and at Home)



* "Violent offenses" mean assault/violence, bodily injury, intimidation, extortion, and unlawful assembly with dangerous weapons.

Source: Material of National Police Agency

Assault/violence and bodily injury: Change in crime rate by age and sex of victims

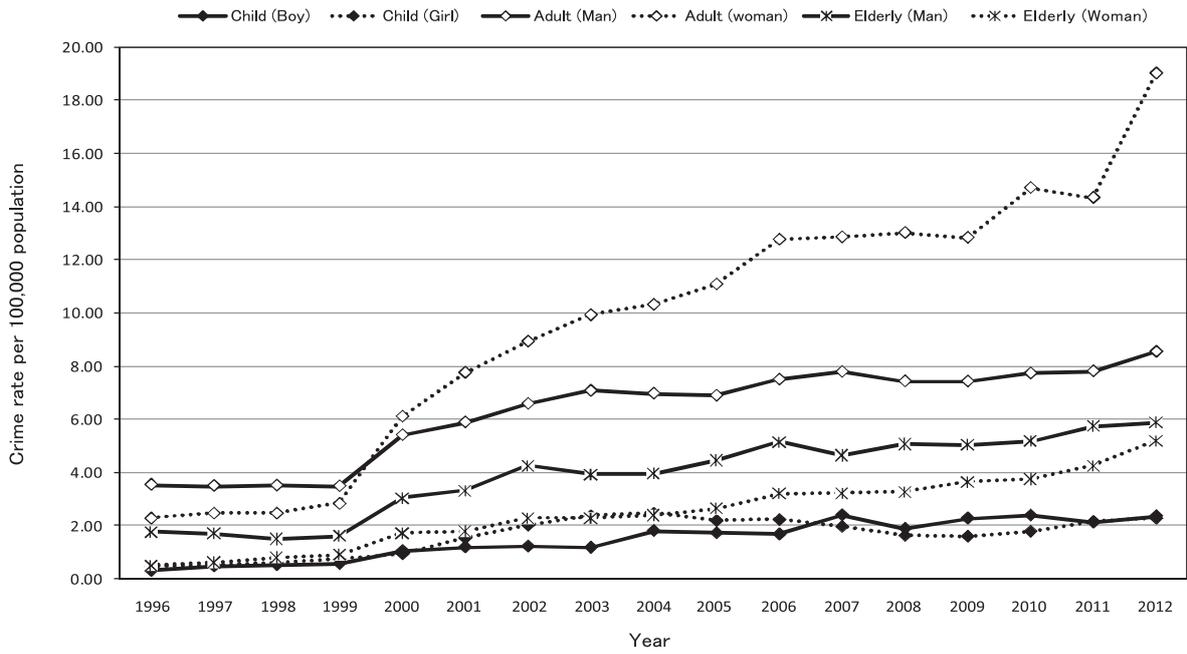


Note 1: Crime rate means reported cases per 100,000 population. Population for calculating crime rate is based on the census and estimate population of the Statistic Bureau, the Ministry of Internal Affairs and Communications as of October 1 every year

Note 2: Victims' age is based on the age category of those aged under 20 (juvenile), 20 to 64 (adults) and 65 and above (elderly).

Source: Material of Police Policy Research Center

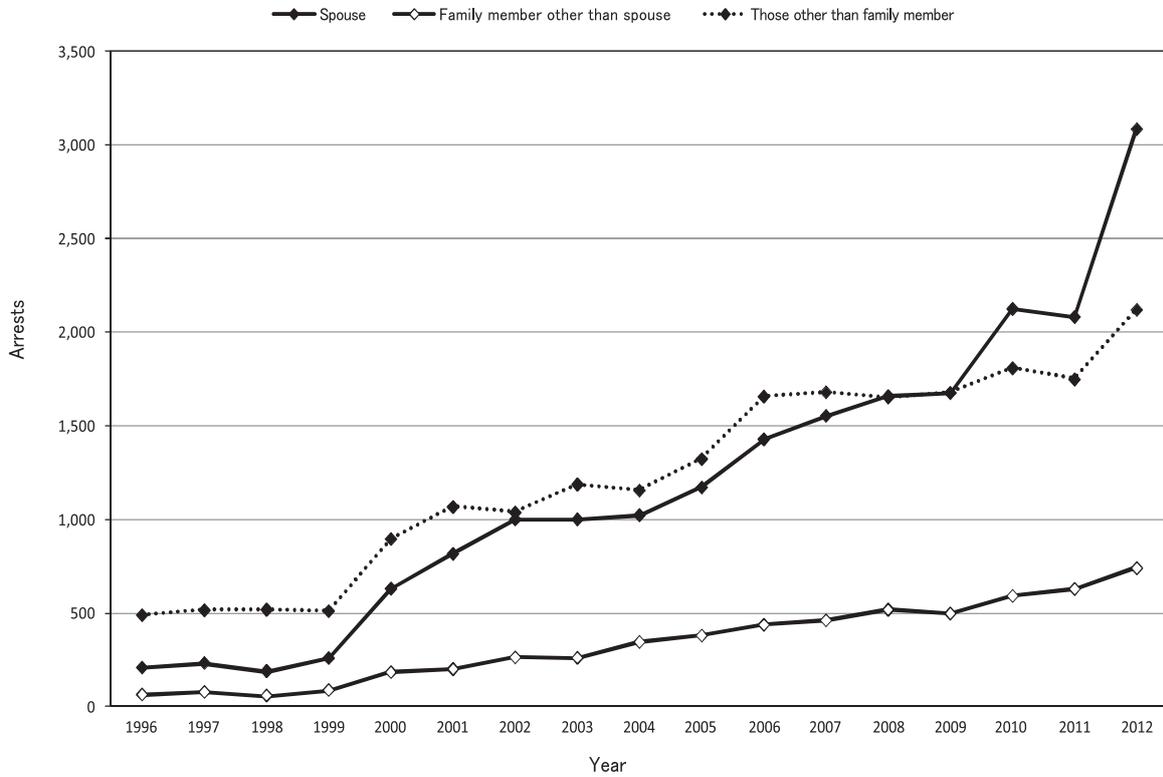
Assault/violence and bodily injury at home: Change in crime rate by age and sex of victims



Note: Victims' age is based on the age category of those aged under 13 (child), 20 to 64 (adults) and 65 and above (elderly).

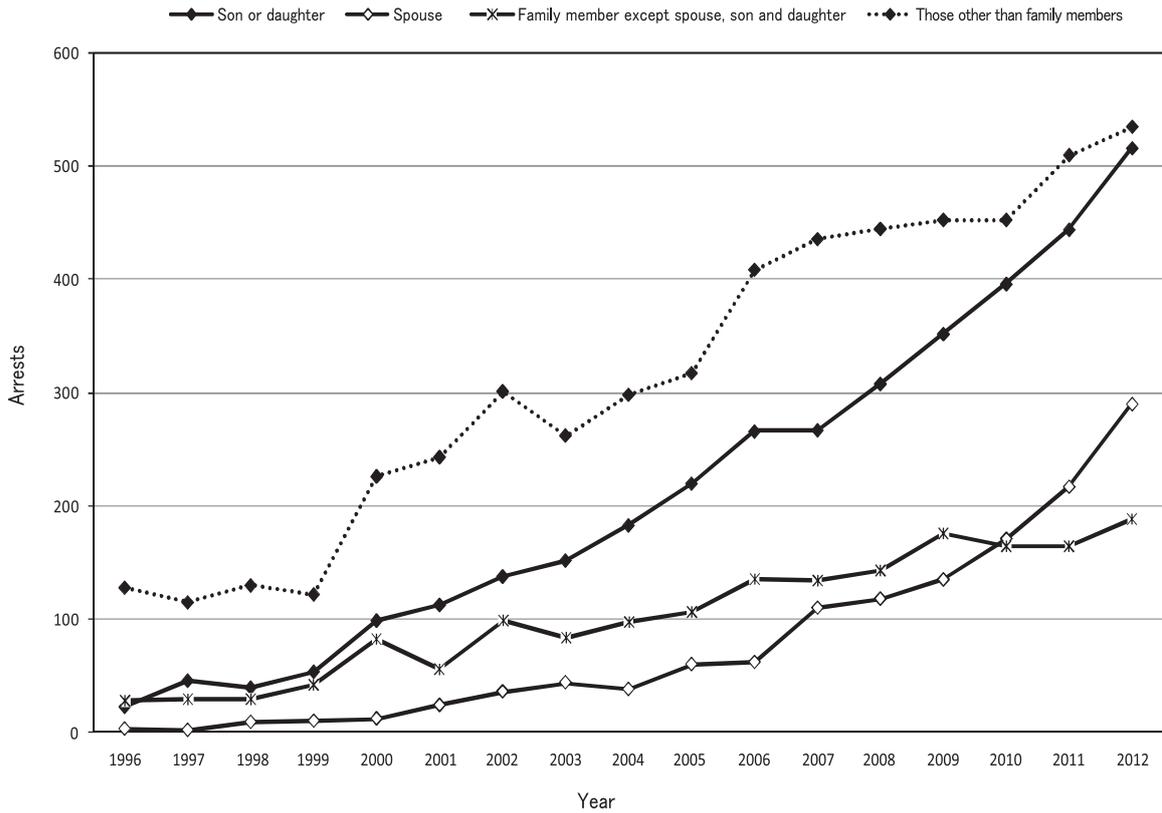
Source: Material of Police Policy Research Center

Assault/violence and bodily injury at home: Change in arrests for harm to female adults (aged 20 to 64) by suspect



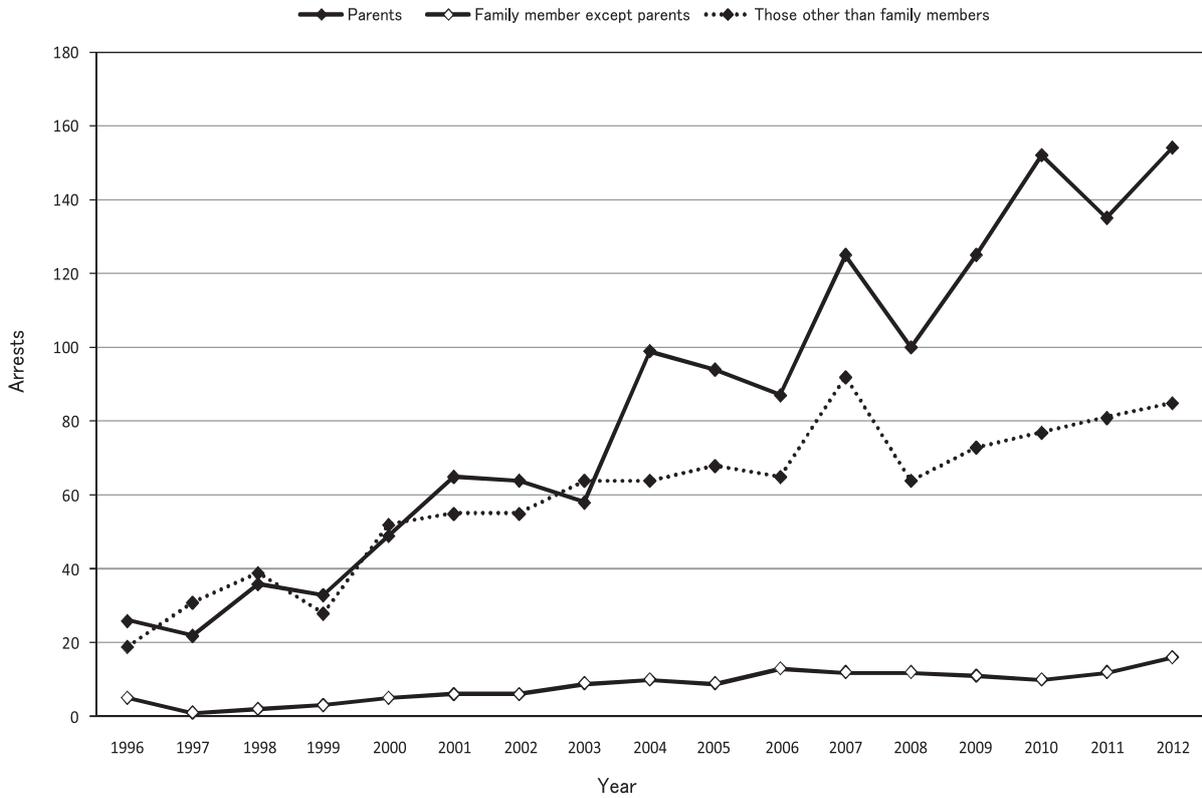
Source: Material of Police Policy Research Center

Assault/violence and bodily injury at home: Change in arrests for harm to elderly (aged 65 and above) by suspect



Source: Material of Police Policy Research Center

Assault/violence and bodily injury at home: Change in arrests for harm to children (aged under 13) by suspect

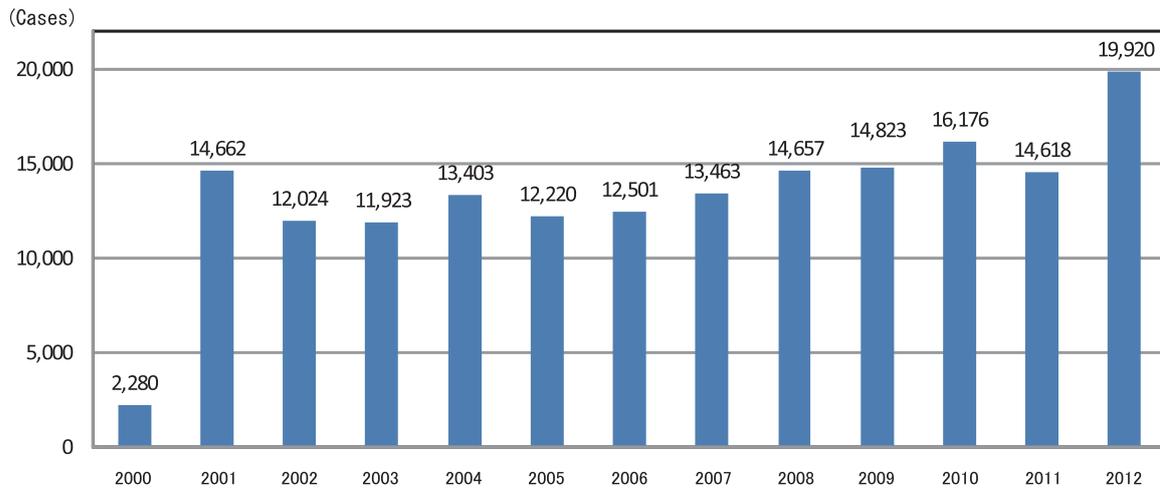


Source: Material of Police Policy Research Center

Stalking and Domestic Violence Cases

1 Reported case status of stalking

In 2012: 19,920 cases, 5,302 cases (36.3%) increase compared with in 2011 which was the highest after the enforcement of the Stalking Control Act

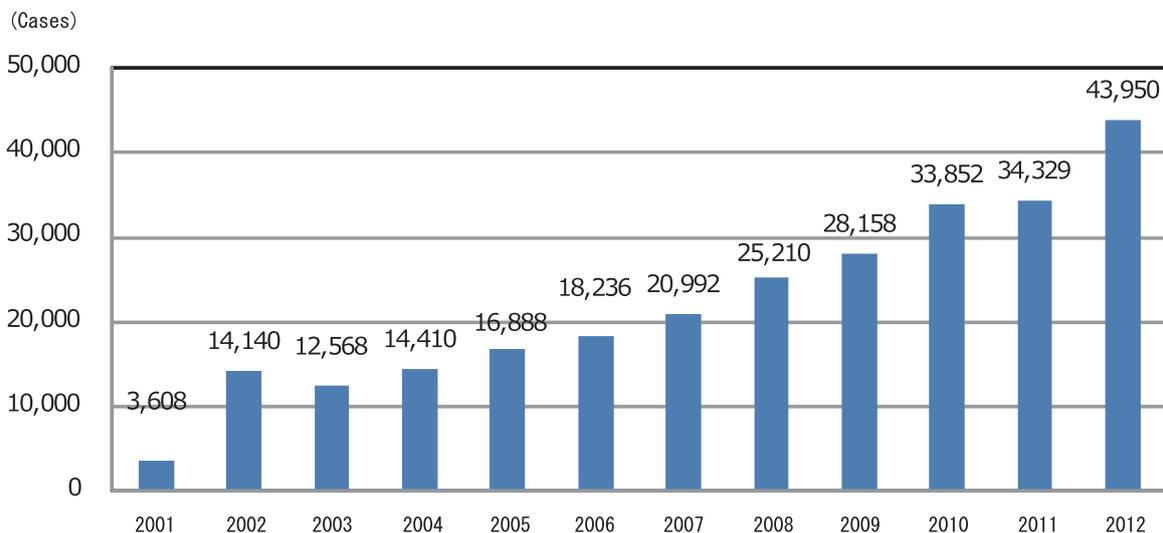


Note 1: Of persistent stalking and silent phone call cases, those not against the Stalker Control Act and other punishment laws and orders included

Note 2: As for in 2000, reported cases after the enforcement date of the Stalking Control Act (November 24) shown

2 Reported case status of spousal violence

In 2012: 43,950 cases, 9,621 cases (28.0%) increase compared with in 2011 which was the highest after the enforcement of Spousal Violence Prevention Act



Note 1: Accepted cases of consultation from victims who were suffering from physical violence or threat to life, etc. by spouse

Note 2: As for in 2001, reported cases after the enforcement date of the Act (October 13) shown

Note 3: Spouses and partners after dissolution cases of marriage, etc. included on and after December 2, 2004

Note 4: Cases of consultation about “threat to life, etc.” included on and after January 11, 2008

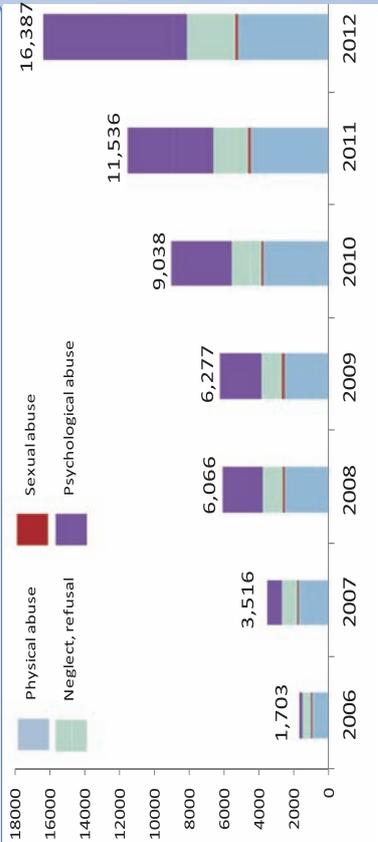
Source: Material of Community Safety Planning Div.,
Community Safety Bureau, National Police Agency

Arrest Status of Child Abuse and Pornography

Child abuse

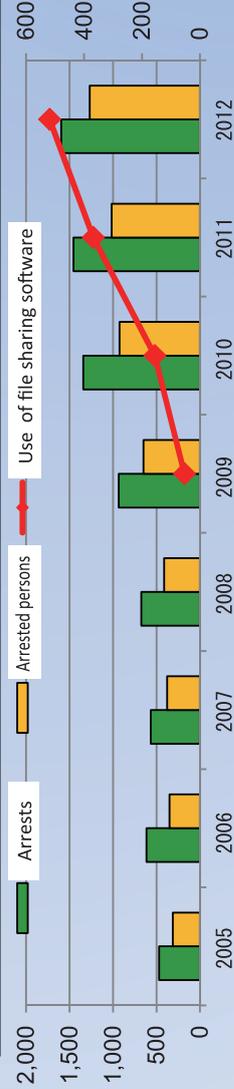
- The number of child notified radically increased, the most in the past
- Arrests, the most in the past; death percentage of victims, the least in the past
- 3/4 of physical abusers arrested being men (abusers of 3/4 of death cases being mothers)

The number of notifications to Child Councelling Centers for child abuse



Child pornography

- Both arrest and arrested persons, the most in the past and radical increase of use case of file sharing software
- About half victims being younger children unable to struggle against – About 80% being the products by means of rape and indecent assault
- Products produced 10 years or more ago being distributed also now – It is impossible to collect the images distributed on the Internet.



	2005	2006	2007	2008	2009	2010	2011	2012
Arrests	470	616	567	676	935	1,342	1,455	1,596
Arrested person	312	350	377	412	650	926	1,016	1,268
Use case of file sharing software	—	—	—	54	156	368	519	519

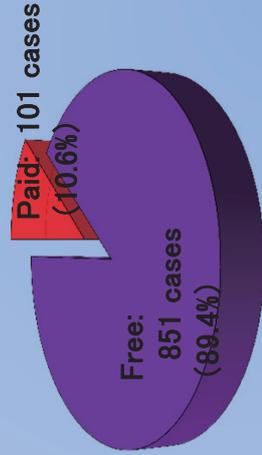
* Right axis: Arrests and arrested persons of use case of file sharing software

Arrest status of child abuse

	2006	2007	2008	2009	2010	2011	2012
Arrests	297	300	304	334	352	384	472
Physical abuse	199	211	205	234	270	270	344
Sexual abuse	75	69	82	91	67	96	112
Neglect, refusal	23	20	17	9	15	17	10
Psychological abuse	0	0	0	0	0	1	6
Arrested persons	329	323	316	355	385	409	486
Number of child victim	316	315	316	346	360	398	476
Of them, dead	59	37	45	28	33	39	32
Component ratio	18.7%	11.7%	14.2%	8.1%	9.2%	9.8%	6.7%

*Not including forced double suicide, nor homicide and abandonment immediately after delivery

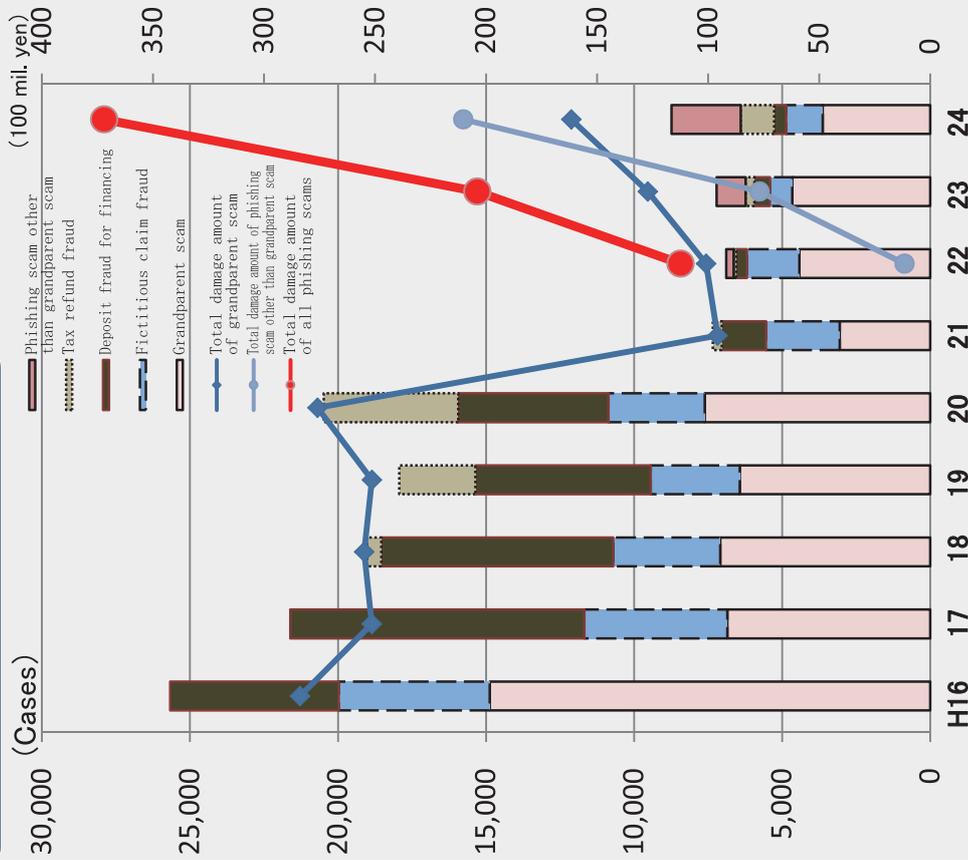
Distribution cases, including providing and displaying in public and holding for such purposes



Source: Material of Juvenile Div., Community Safety Bureau, National Police Agency

Crime Situation related to Elderly Persons (Special Frauds, etc.)

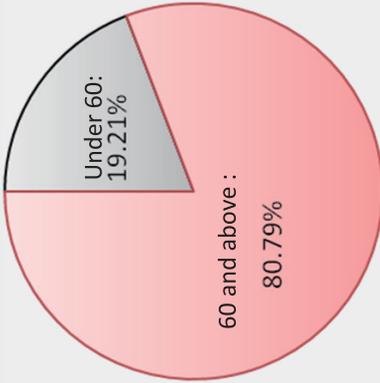
Change in number of reported special frauds



Worst status with more than 36 billion yen of total damage amounts

Right axis: Total damage amounts of Furikome Frauds ; of special frauds other than Furikome Frauds ; and of all special fraudy

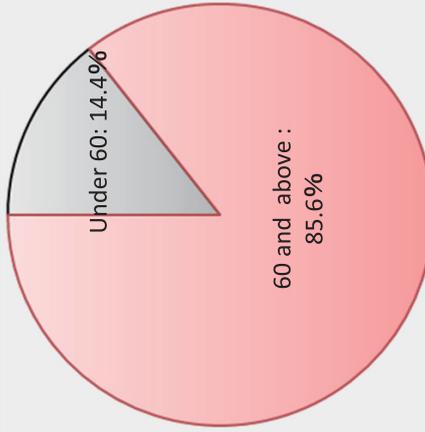
Percentage of people aged 60 and above among phishing scam victims



Definition of Special Frauds

General term of a crime of people cheated out of their money, etc. by way of remittance to a designated bank account and other methods through calling without seeing victims, including extortion of money, etc. Furikome Frauds is a typical crime.

Percentage of people aged 60 and above among victims of invitation to money-making case



* Percentage by age of people consulting with Consumer Affairs Centers nationwide about damages of invitation to money-making cases consummated in the first half of 2012

Most victims being elderly people in both cases

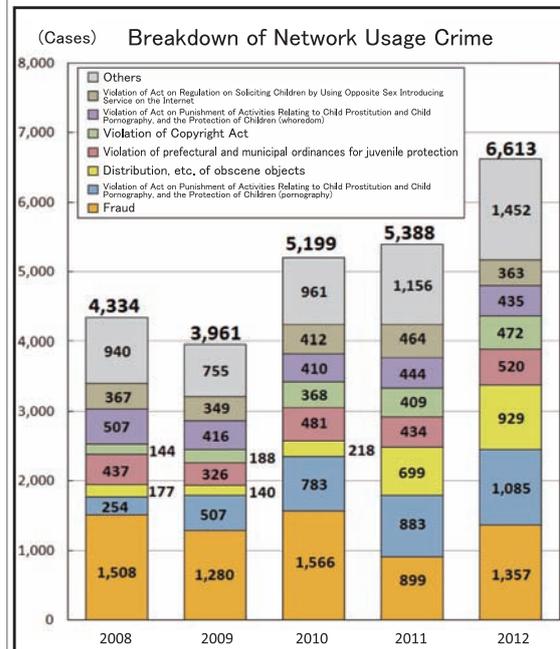
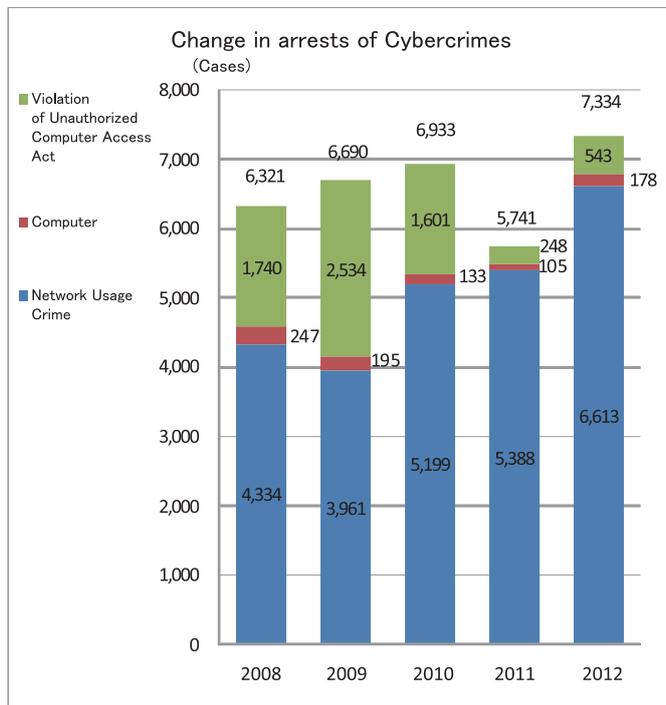
Source: Material of National Police Agency

Arrest Status of Cybercrimes

Arrests of cybercrime in 2012: 7,334 cases, 1,593 cases (27.7%) increase compared with in 2011 which was the most in the past

- (1) Network Usage Crime: 6,613 cases, 1,225 cases (22.7%) increase compared with in 2011 which was the most in the past
- (2) Violation of Unauthorized Computer Access Act: 543 cases, 295 cases (119.0%) increase compared with in 2011
- (3) Electromagnetic Record Offences and those for electronic record of false or wrongful instructions: 178 cases, 73 cases (69.5%) increase compared with in 2011

Of them, crimes for electronic record of false or wrongful instructions: 41 cases



Source: Material of National Police Agency

Survey on Anxiety about Public Safety

1 Outline of “Special Poll on Public Safety” (Prepared based on the materials of Cabinet Public Relations Office and Crime Prevention Measures Office, Community Safety Bureau, National Police Agency)

Outline of survey implemented in 2012

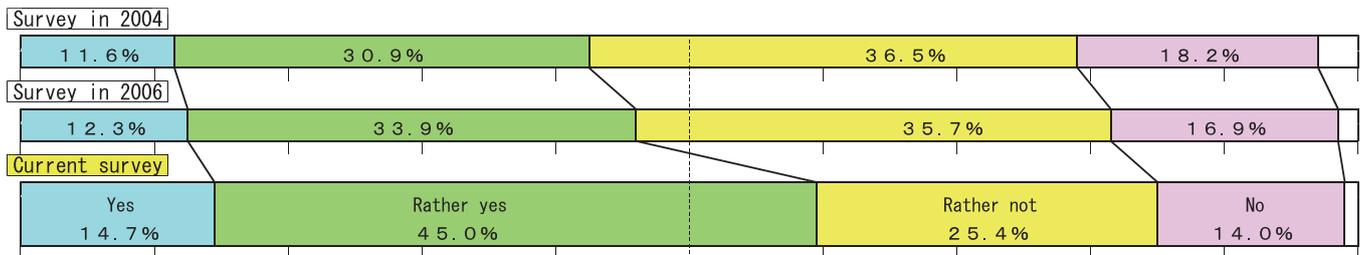
People subject to the survey: 3,000 Japanese aged 20 and above

Valid response (rate): 1,956 (65.2%)

Survey period: July 5 to 15, 2012

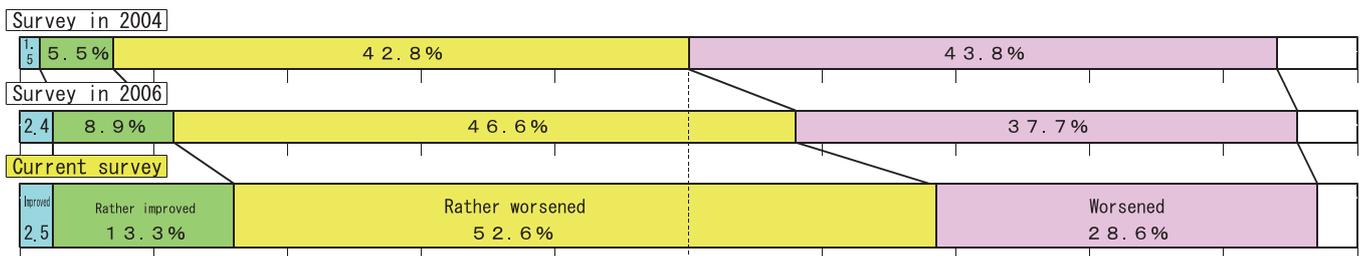
Survey method: Personal interview by polltaker

Q1: Do you think that Japan is a country for safe and peaceful life?



	Respondents	Yes (Subtotal)	Yes	Rather yes	No (Subtotal)	Rather not	No	Neither	No idea
Current survey	1,956人	59.7%	14.7%	45.0%	39.4%	25.4%	14.0%	0.9%	0.9%
Survey in 2006	1,795人	46.1%	12.3%	33.9%	52.5%	35.7%	16.9%	0.9%	0.4%
Survey in 2004	2,097人	42.4%	11.6%	30.9%	54.7%	36.5%	18.2%	2.2%	0.7%

Q2: Do you think public security in Japan has improved or has worsened in the past 10 years?



	Respondents	Improved (Subtotal)	Improved	Rather improved	Worsened (Subtotal)	Rather worsened	Worsened	Neither	No idea
Current survey	1,956人	15.8%	2.5%	13.3%	81.1%	52.6%	28.6%	3.1%	3.1%
Survey in 2006	1,795人	11.3%	2.4%	8.9%	84.3%	46.6%	37.7%	4.0%	0.4%
Survey in 2004	2,097人	7.1%	1.5%	5.5%	86.6%	42.8%	43.8%	5.1%	1.2%

2 “Survey on Actual Situation in Damage from Crimes” by Research and Training Institute, Ministry of Justice, (Prepared based on the material of the Institute)

	Good	Neither	Bad	No idea
Year 2000	13.2	22.2	61.0	3.6
Year 2008	18.4	23.2	56.0	2.4
Year 2012	32.9	29.6	33.4	4.0

Note: 1. In the survey in 2012, respondents were 2,156 from 4,000 men and women aged 16 and above (53.9% of response rate). Of them 1,022 (47.4%) were men, 1,128 (52.3%) were women and 6 (0.3%) were unknown. In 2012 the survey was, different from the on-site surveys mainly by interviewers in the past 3 years, by means of the mail: A questionnaire was mailed to people subject to the survey and it was mailed back after completion.

2. Question: “Now please give your opinion about the nationwide public security, not only about the region around you. Please think about the public security now in Japan. Which do you select: very good, good, neither good nor bad, rather bad, or very bad?” Choices for answer: “1. Very good, 2. Good, 3. Neither good nor bad, 4. Rather bad, 5. Very bad, 6. No idea”

3. In the survey in 2004, respondents were 2,086 from 3,000 men and women aged 16 and above. Of them 982 (47.1%) were men, 1,104 (52.9%) were women. The response rate was 69.5%. In the survey in 2008, 6,000 people consisting of the same number of man and woman aged 16 and above were subjects. Respondents were 3,717. Of them, 1,756 (47.2%) were men and 1,961 (52.8%) were women. The response rate was 62.0%.

4. Also in 2000, the “Survey of Actual Situation in Harm from Crime” was implemented, but there was no question related to our Recommendations.

3 “Study for Survey on Anxiety, etc. about Crimes” (Prepared based on the material of The Nikkoso Foundation for Safe Society)

Note) Implemented every 2 years after the first survey in 2002

(1) Anxiety about going out alone during night

Question: “How much are you anxious about a possible crime when you go out alone in your residential area after 23 o’ clock?”

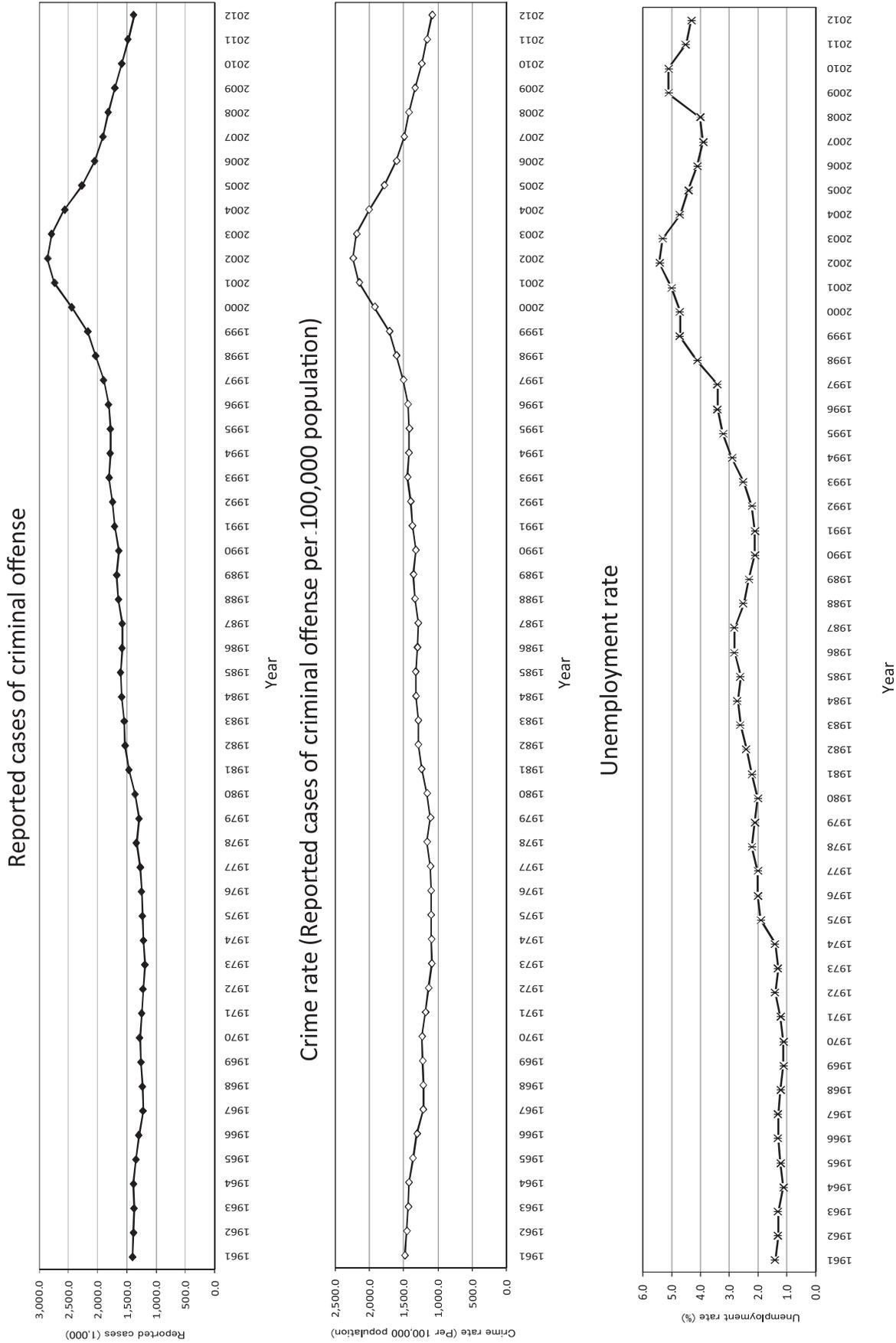
	Total			Man			Woman		
	2004	2007	2010	2004	2007	2010	2004	2007	2010
Very anxious	10.0	6.8	4.9	5.9	2.6	2.3	13.9	10.9	7.3
Rather anxious	43.3	34.2	27.6	34.2	29.3	21.2	46.1	39.0	33.6
Not so anxious	27.7	25.8	29.3	36.9	39.7	43.4	19.2	12.3	15.9
Little anxious	8.8	5.1	6.2	13.0	9.4	11.0	4.9	0.9	1.7
No idea because of not going out	12.2	28.0	31.9	9.4	18.8	22.1	14.8	37.0	41.1
No response	0.9	0.1	0.2	0.6	0.1	0	1.2	0	0.4
Respondents	1,782	1,779	1,978	860	876	961	922	903	1,017

(2) Anxiety about your family member coming across possible crimes

(Question: Do you feel anxious about your family member coming across a crime?)

	Total			Man			Woman		
	2004	2007	2010	2004	2007	2010	2004	2007	2010
Very often	9.3	5.7	4.9	9.5	5.3	4.5	9.0	6.2	5.2
Sometimes	53.9	53.0	41.5	53.6	51.7	40.8	54.2	54.2	42.1
Almost never	25.5	30.3	30.0	25.7	32.0	31.1	25.4	28.7	29.0
Few	7.2	6.9	9.7	7.2	7.5	10.0	7.2	6.2	9.4
No family member living with	2.5	3.9	13.2	2.6	3.3	13.0	2.5	4.5	13.5
No response	1.6	0.2	-	1.4	0.2	-	1.7	0.2	-
Respondents	1,782	1,779	1,978	860	876	961	922	903	1,017

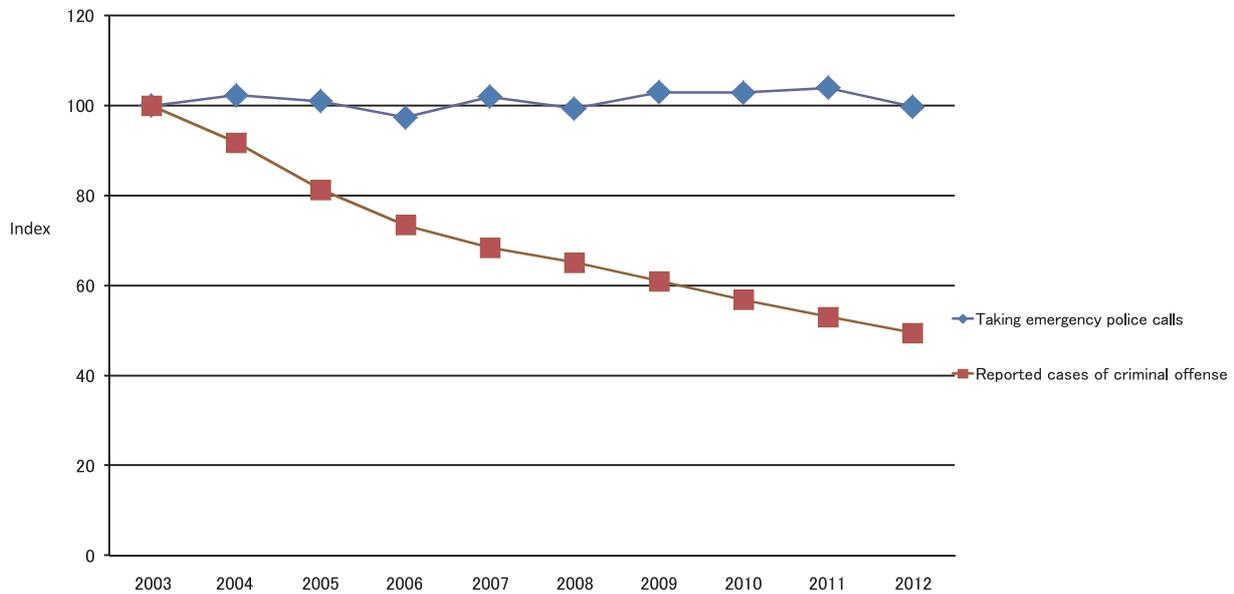
Change in Reported Cases of Criminal Offense, Crime Rate and Unemployment Rate (1961 to 2012)



Sources: For reported cases of criminal offense and crime rate, Material of Police Policy Research Center for reported cases of criminal offense and crime rate; for unemployment rate, based on "Survey on Labor Force" by the Ministry of Internal Affairs and Communications

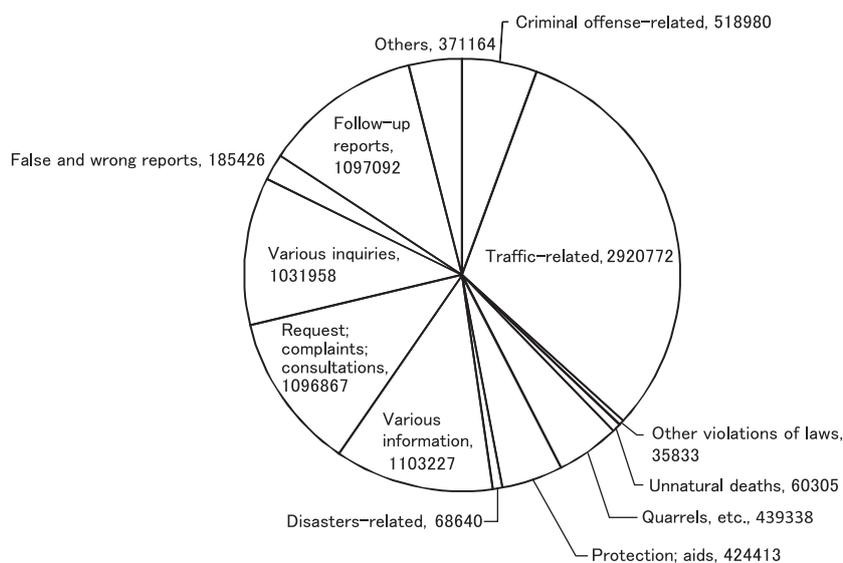
Change in Number of Taking Emergency Police Calls; Taking Status by Case

○ Change in reported cases of criminal offense and taking emergency police calls



Year	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
Taking emergency police calls	9,317,149	9,538,379	9,392,413	9,144,662	8,980,981	8,923,369	9,043,401	9,309,415	9,372,379	9,354,015
Reported cases of criminal offense	2,790,136	2,562,767	2,269,293	2,050,850	1,908,836	1,818,023	1,703,044	1,585,856	1,480,760	1,382,121

○ Status of taking emergency police calls by case (2012)

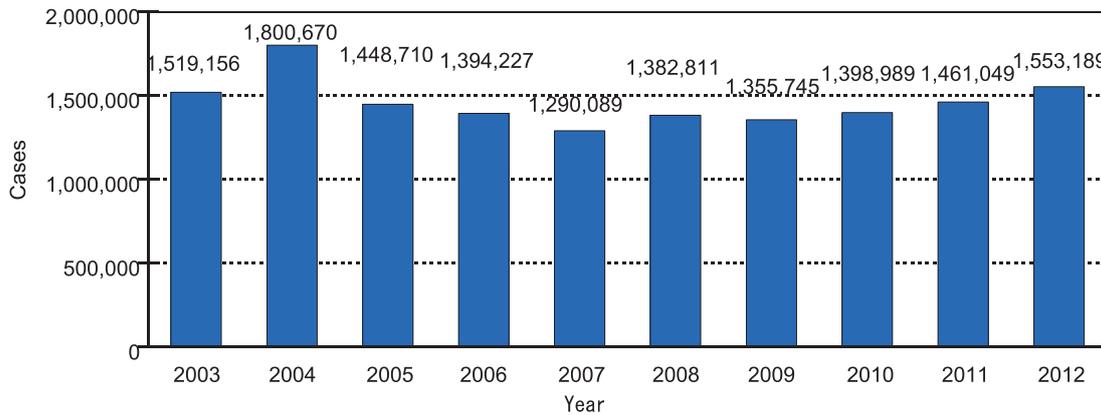


Breakdown	Criminal offense-related	Traffic-related	Other violations of laws	Unnatural deaths	Quarrels, etc.	Protection; aids	Disaster-related	Various information	Request; complaint, consultation	Various inquiries	False and wrong reports	Follow-up reports	Others	Total
Cases	518,980	2,920,772	35,833	60,305	439,338	424,413	68,640	1,103,227	1,096,867	1,031,958	185,426	1,097,092	371,164	9,354,015

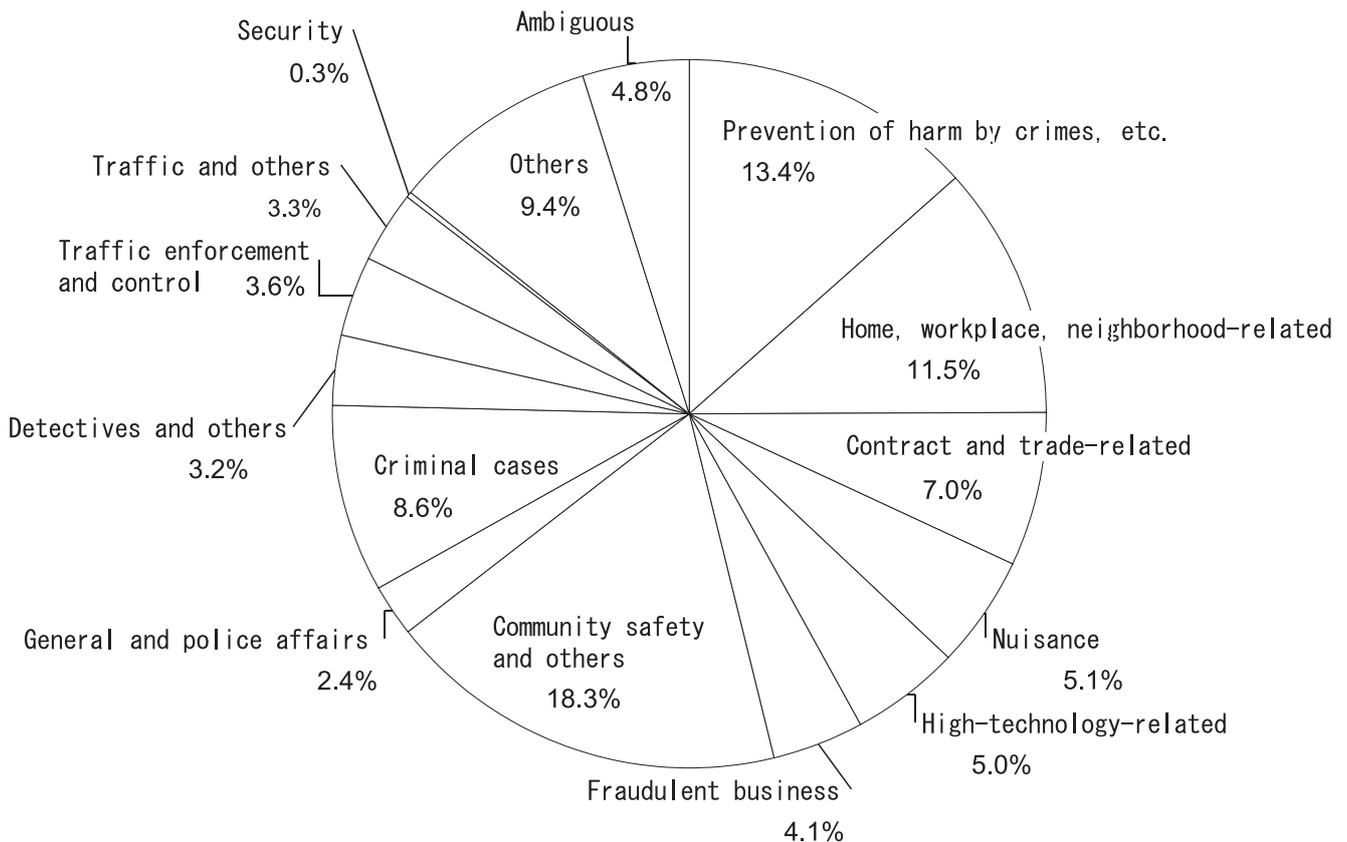
Source: Material of Community Police Affairs Division, Community Safety Bureau, National Police Agency

Change in Number of Consultation Case with Police; Percentage of Major Consultation Details

1. Change in number of consultation cases

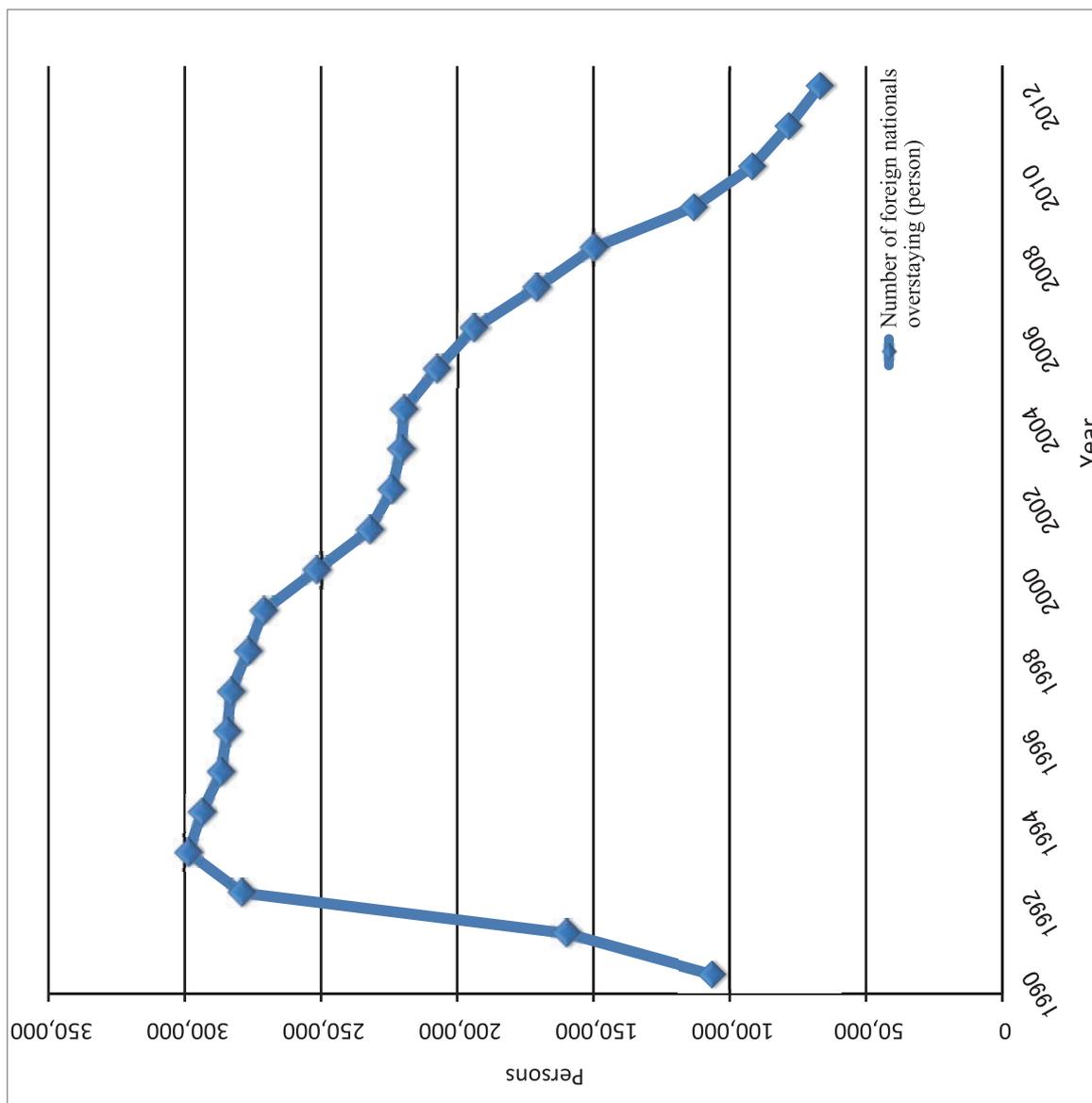


2. Percentage of major consultation details (In 2012)



Source: Material of Community Safety Planning Division, Community Safety Bureau, National Police Agency

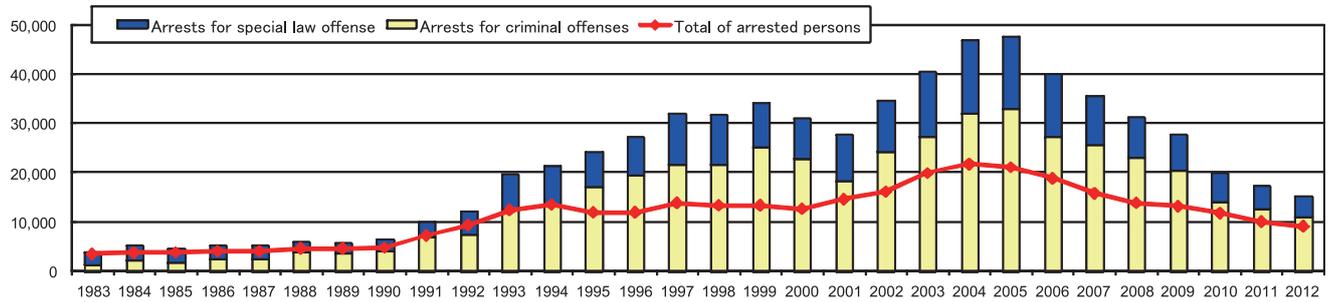
Number of foreign nationals overstaying in Japan - Prepared based on Data in White Paper on Crime



Year	Number of foreign nationals overstaying (person)
1990	106,497
1991	159,828
1992	278,892
1993	298,646
1994	293,800
1995	286,704
1996	284,500
1997	282,986
1998	276,810
1999	271,048
2000	251,697
2001	232,121
2002	224,067
2003	220,552
2004	219,418
2005	207,299
2006	193,745
2007	170,839
2008	149,785
2009	113,072
2010	91,778
2011	78,488
2012	67,065

Arrest Status of Foreign Criminals in Japan

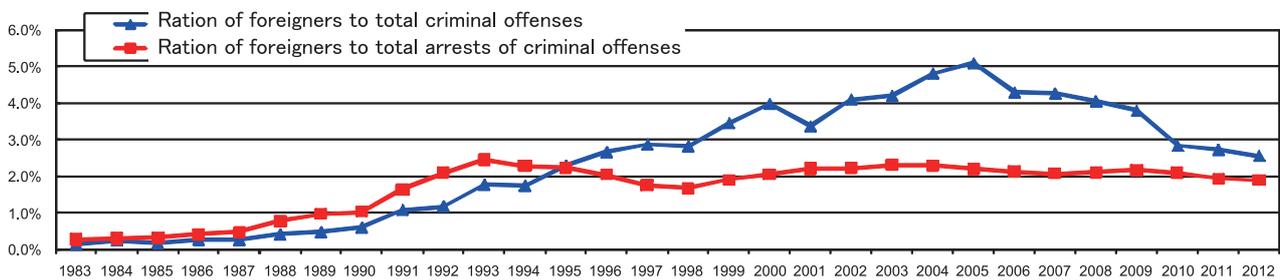
Change in arrest status of foreigners in Japan



		1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998
Total arrests	Cases	3,956	5,207	4,583	5,252	5,237	5,963	5,765	6,345	10,244	12,153	19,671	21,574	24,374	27,414	32,033	31,779
	Persons	3,477	3,801	3,819	4,064	4,062	4,586	4,618	4,770	7,270	9,456	12,467	13,576	11,976	11,949	13,883	13,418
Criminal Offenses	Cases	1,269	2,340	1,725	2,537	2,567	3,906	3,572	4,064	6,990	7,457	12,771	13,321	17,213	19,513	21,670	21,689
	Persons	1,153	1,301	1,370	1,626	1,871	3,020	2,989	2,978	4,813	5,961	7,276	6,989	6,527	6,026	5,435	5,382
Special law offenses	Cases	2,687	2,867	2,858	2,715	2,670	2,057	2,193	2,281	3,254	4,696	6,900	8,253	7,161	7,901	10,363	10,090
	Persons	2,324	2,500	2,449	2,438	2,191	1,566	1,629	1,792	2,457	3,495	5,191	6,587	5,449	5,923	8,448	8,036

		1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	Increase/decrease number	Increase/decrease rate
Total arrests	Cases	34,398	30,971	27,763	34,746	40,615	47,128	47,865	40,128	35,782	31,252	27,836	19,809	17,272	15,368	-1,904	-11.0%
	Persons	13,436	12,711	14,660	16,212	20,007	21,842	21,178	18,872	15,914	13,885	13,257	11,858	10,048	9,149	-899	-8.9%
Criminal Offenses	Cases	25,135	22,947	18,199	24,258	27,258	32,087	33,037	27,453	25,730	23,202	20,561	14,025	12,582	11,142	-1,440	-11.4%
	Persons	5,963	6,329	7,168	7,690	8,725	8,898	8,505	8,148	7,528	7,148	7,190	6,710	5,889	5,423	-466	-7.9%
Special law offenses	Cases	9,263	8,024	9,564	10,488	13,357	15,041	14,828	12,675	10,052	8,050	7,275	5,784	4,690	4,226	-464	-9.9%
	Persons	7,473	6,382	7,492	8,522	11,282	12,944	12,673	10,724	8,386	6,737	6,067	5,148	4,159	3,726	-433	-10.4%

* The increase/decrease number and rate are the numerical values in 2012 compared with those in 2011.



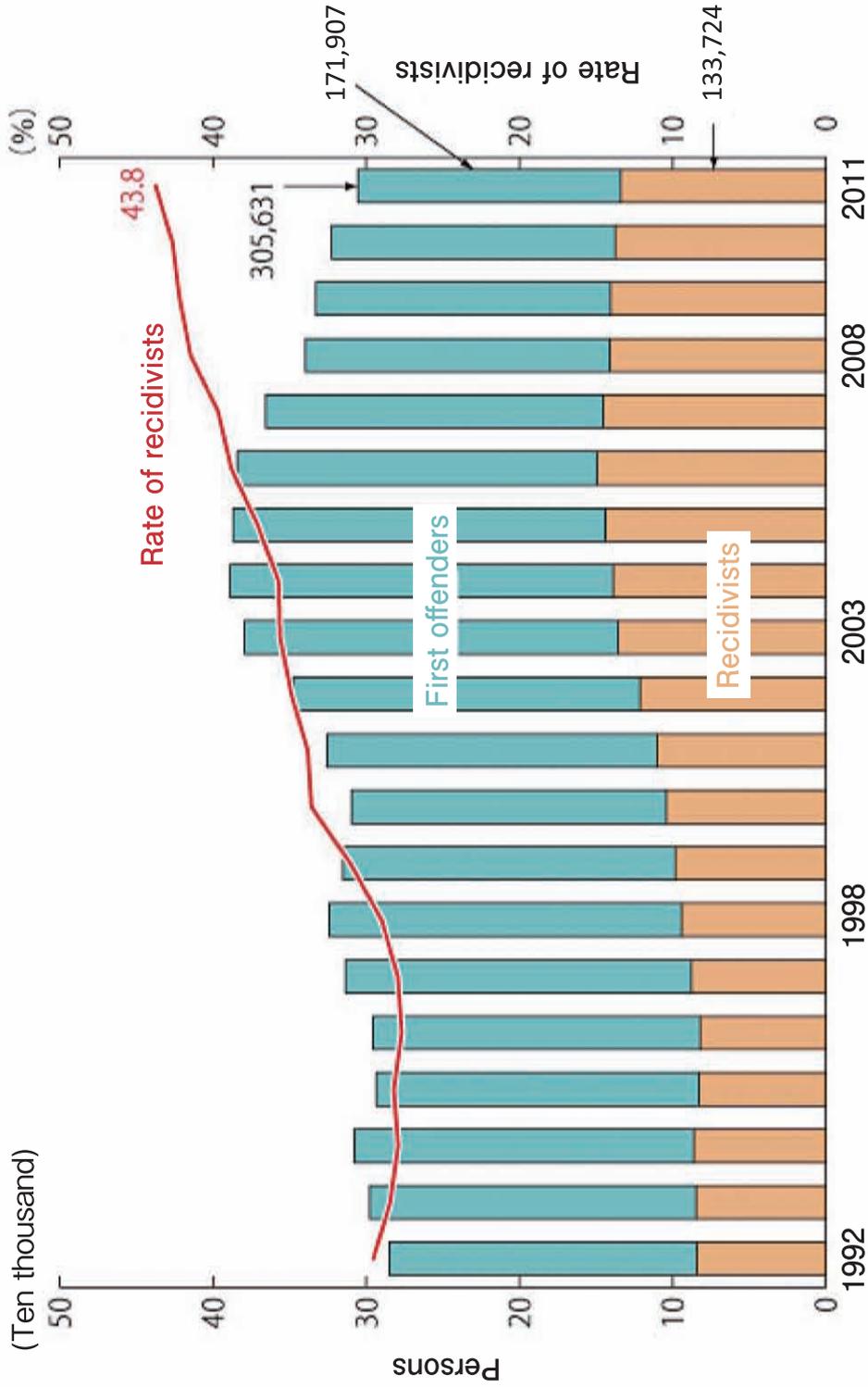
Change in ratio of foreigners to arrests of criminal offenses

Source: Data of Director for International Investigative Operations, Organized Crime Department, Criminal Investigation Bureau, National Police Agency

Extract from p. 176 of White Paper on Crime in 2012

Change in Number and Rate of Recidivist in Arrested Persons for Criminal Offenses

(Year 1992 to 2011)



- Notes:
1. Source: Statistical data of National Police Agency
 2. “Recidivists” mean those who had been arrested for a criminal offense in the past that arrested again, except those in the Road Traffic Act.
 3. “Rate of recidivists” mean the ratio of arrested recidivists to total arrested persons.

Criminal Offenses by the Elderly: Change in Number by Crime Category and Arrested Persons

	Total criminal offense	Crime rate (Per 100,000 population)	Felonious offenses	Of them Homicide	Of them Robbery	Violent offenses	Of them Violence	Of them Bodily injury	Larcenies	Of them Shoplifting	Intellectual offenses	Of them Fraud	Moral offenses	Other criminal offenses	Of them Embezzlement of lost property	Of them Damage to property	Population aged 65 and above (Per 1,000 population)
1986	10,295	80.0	108	64	5	262	98	142	8,057	4,918	380	272	135	1,353	1,118	31	12,869
1987	10,581	79.4	85	54	6	261	77	159	8,108	4,755	401	292	160	1,566	1,339	27	13,320
1988	9,888	71.7	82	44	8	252	90	148	7,485	4,673	394	285	176	1,499	1,249	30	13,785
1989	6,625	46.3	78	46	8	209	48	141	5,137	3,987	272	184	141	788	616	31	14,309
1990	6,344	42.6	74	46	9	189	43	125	4,834	3,675	248	184	148	851	693	24	14,895
1991	7,128	45.7	87	58	5	195	51	130	5,212	3,979	263	186	102	1,269	1,106	27	15,582
1992	7,741	47.7	82	49	8	213	52	144	5,431	4,147	327	232	140	1,548	1,395	42	16,242
1993	9,314	55.1	112	58	16	260	63	173	6,514	4,948	341	244	245	1,842	1,696	31	16,900
1994	11,017	62.6	105	67	19	292	67	182	7,548	5,816	434	312	218	2,420	2,255	34	17,585
1995	11,440	62.2	115	67	16	292	77	195	7,914	6,289	402	291	167	2,550	2,370	41	18,392
1996	12,423	65.3	125	79	13	306	76	196	8,968	7,241	396	269	214	2,414	2,225	39	19,016
1997	12,818	64.9	153	94	26	389	101	234	9,517	7,921	444	298	176	2,139	1,874	64	19,759
1998	13,739	67.0	195	113	41	453	97	279	10,272	8,651	460	331	174	2,185	1,956	59	20,510
1999	16,156	76.3	192	106	40	445	115	281	11,910	10,077	489	353	149	2,971	2,729	70	21,187
2000	17,942	81.4	234	118	56	762	204	474	13,352	11,651	548	387	195	2,851	2,464	107	22,041
2001	20,113	87.9	242	119	57	973	275	601	14,619	12,840	586	441	186	3,507	2,968	148	22,869
2002	24,241	102.6	272	140	61	1,245	348	769	17,377	15,174	702	509	248	4,397	3,761	182	23,629
2003	29,797	122.6	316	144	83	1,480	488	834	20,218	17,456	742	581	247	6,794	5,928	210	24,310
2004	36,696	147.5	321	164	84	1,714	598	965	24,204	20,667	826	640	258	9,373	8,215	260	24,876
2005	42,108	164.5	308	138	95	2,142	881	1,074	27,333	23,252	921	705	313	11,091	9,730	315	25,600
2006	46,637	175.3	338	152	101	2,781	1,472	1,086	29,953	25,060	1,089	878	321	12,155	10,739	325	26,601
2007	48,597	176.9	317	123	110	3,213	1,822	1,124	31,573	25,854	1,056	855	337	12,101	10,596	386	27,464
2008	48,786	172.9	367	179	103	3,404	2,021	1,112	33,276	27,015	1,088	912	358	10,293	8,875	381	28,216
2009	48,102	165.8	328	143	116	3,744	2,262	1,185	33,055	27,019	1,127	925	306	9,542	8,200	408	29,005
2010	48,145	162.8	373	174	107	3,795	2,337	1,174	34,355	27,362	1,034	846	368	8,220	6,903	388	29,578
2011	48,621	163.4	357	148	107	4,144	2,574	1,251	35,429	28,066	988	798	384	7,319	5,986	448	29,752
2012	48,544	157.6	359	148	116	4,874	3,017	1,479	35,659	28,673	1,114	911	409	6,129	4,648	514	30,793

Note 1. Age at offense

2. The elderly means those aged 65 and above.

3. The population used in percentage calculation of criminals was the population census and population estimate (as of October 1 every year) of the Statistics Bureau, the Ministry of Internal Affairs and Communications

Source: Material of Police Policy Research Center

Human trafficking

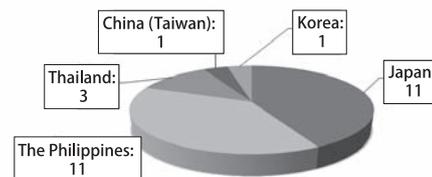
- In 2012: Increase in arrests, arrested persons and victims compared with those in 2011

	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	Total
Arrests	64	44	51	79	81	72	40	36	28	19	25	44	583
Arrested persons	40	28	41	58	83	78	41	33	24	24	33	54	537
Brokers	9	7	8	23	26	24	11	7	6	3	6	6	136
Total victims	65	55	83	77	117	58	43	36	17	37	25	27	640
Thailand	39	40	21	48	21	3	4	18	8		12	3	217
The Philippines	12	2		13	40	30	22	7	4	24	8	11	173
China (Taiwan)	7	3	12	5	4	10		5	1		1	1	49
Japan							1	2	2	12	4	11	32
China (Macao)								2					2
China		4	2					1					7
China (Hong Kong)									2				2
Bangladesh								1					1
Indonesia	4		3		44	14	11						76
Columbia	3	6	43	5	1								58
Korea				3	1	1	5			1		1	12
Romania					4								4
Russia				2									2
Cambodia			2										2
Australia					1								1
Estonia					1								1
Laos				1									1

○ Status in 2012

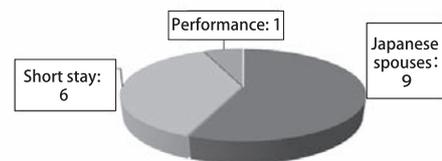
(1) Nationality, etc. of victims

40% in Japan and the Philippines, respectively



(2) Residence status of foreign victims

A half or more being Japanese spouses, all Filipinos



Source: Material of Public Security Division, Community Safety Bureau, National Police Agency

Activity Status of Community Residents and Private Volunteer Group for Voluntary Crime Prevention

Status of Volunteer groups for crime prevention*

* Groups doing activities more than once a month on the average whose members are 5 or more

- Groups: 46,673 (1,001 groups (2.2%) increase compared with in the preceding year
- Members 2,773,597 persons (59,629 persons (2.2%) increase compared with the preceding year

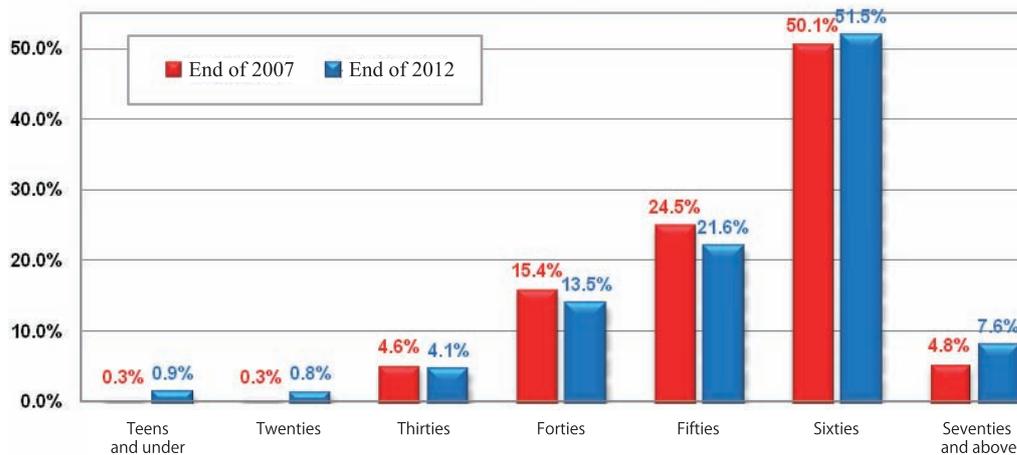
Change in volunteer groups and members for crime prevention



Note: Right axis for members

- Groups whose members' average age is 60 years old and above: 59.1% of all groups

Comparison of groups by members' average age



Source: Material Community Safety Planning Division, Community Safety Bureau, National Police Agency

Extract from White Paper on Fire Prevention, 2012 (p. 259)

Change in Disaster Prevention Organizations

