

Juvenile Classification Home Act

(Act No. 59 of June 11, 2014)

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Chapter I General Provisions

Section 1 Purpose; Related Matters

(Purpose)

Article 1 The purpose of this Act is to ensure the proper management and operation of juvenile classification homes, in addition to ensuring that those centers appropriately assess persons subject to assessment, carry out appropriate treatment for observation and protection that is tailored to the inmates' individual circumstances while respecting their human rights, and to appropriately support delinquency and crime prevention.

(Definitions)

Article 2 In this Act, the meaning of the terms set forth in the following items are as prescribed in each item:

- (i) "person subject to assessment" means a person who is subject to an assessment under Article 17, paragraph (1) or Article 18, paragraph (1);
- (ii) "inmate" means a person who is being held in a juvenile classification home;
- (iii) "inmate under observation and protection" means a person who is being held in a juvenile classification home due to the measures for observation and protection referred to in Article 17, paragraph (1), item (ii) of the Juvenile Act (Act No. 168 of 1948) (including measures that, pursuant to the provisions of paragraph (7) of that Article, are deemed to be measures for observation and protection referred to in paragraph (1), item (ii) of that Article; hereinafter referred to as "measures for observation and protection"), or a person who is under detention in a juvenile classification home pursuant to the provisions of Article 167, paragraph (1) of the Code of Criminal

Procedure (Act No. 131 of 1948) as applied mutatis mutandis pursuant to Article 14, paragraph (2) of the Juvenile Act;

- (iv) "inmate awaiting trial or sentencing" means a person who is under detention in a juvenile classification home pursuant to the provisions of the Code of Criminal Procedure (including if a measure is deemed to be detention pursuant to the provisions of Article 45, item (iv) of the Juvenile Act; the same applies in Article 125, items (i) and (iii)) or a person who is under detention in a juvenile classification home pursuant to the provisions of Article 167, paragraph (1) of the Code of Criminal Procedure (including as applied mutatis mutandis pursuant to Article 224, paragraph (2) of that Code);
- (v) "inmate from a juvenile training school" means a person who is being held in a juvenile classification home pursuant to the provisions of Article 36, paragraph (2) or Article 133, paragraph (1) or (2) of the Juvenile Training School Act (Act No. 58 of 2014);
- (vi) "nontraditional inmate" means an inmate other than an inmate under observation and protection, an inmate awaiting trial or sentencing, or an inmate from a juvenile training school;
- (vii) "custodian" means a custodian as provided in Article 2, paragraph (2) of the Juvenile Act;
- (viii) "custodian or relative" means a person falling under either of the following sub-item (a) or (b) (other than a person who has abused, willfully abandoned, or engaged in equivalent conduct that emotionally or physically harmed the inmate, and is likely to significantly hinder the sound development of the inmate):
 - (a) the inmate's custodian;
 - (b) the inmate's relative (other than a person as set forth in sub-item (a); this includes a person who has not yet registered the marriage but has a de facto relationship equivalent to a marital relationship).

Section 2 Operation of Juvenile Classification Homes

(Juvenile Classification Homes)

Article 3 A juvenile classification home is the facility that carries out the following functions:

- (i) conducting assessments of persons subject to assessment;
- (ii) holding persons who are held in a juvenile classification home due to measures for observation and protection and other persons who must or may be held in a juvenile classification home pursuant to the provisions of laws and regulations, and providing them with the necessary treatment for observation and protection;

(iii) providing support for delinquency and crime prevention pursuant to the provisions of this Act.

(Separation of Inmates)

Article 4 (1) Inmates are to be separated from one another in line with the following categories:

(i) sex;

(ii) inmates under observation and protection (other than those with status as inmates awaiting trial or sentencing), inmates awaiting trial or sentencing (other than those with status as inmates under observation and protection), inmates under observation and protection with status as inmates awaiting trial or sentencing, inmates from juvenile training schools, and nontraditional inmates.

(2) Notwithstanding the provisions of the preceding paragraph, if it is found to be appropriate to do so, it is permissible not to separate inmates based on the categories set forth in item (ii) of the preceding paragraph, but only outside each inmate's room (meaning a room that the director of a juvenile classification home assigns as a place for an inmate to use mainly for rest and sleep; the same applies hereinafter).

(On-Site Inspections)

Article 5 In the interests of the appropriate enforcement of this Act, the Minister of Justice must designate inspectors from among the Minister's officials and have the inspectors conduct on-site inspections at each juvenile classification home at least once per year.

(Hearing of Opinions)

Article 6 The director of a juvenile classification home must endeavor to hear the opinions necessary to contribute to the appropriate operation of that juvenile classification home from officials at the relevant public offices, public organizations, and private organizations and from persons with relevant expertise.

(Juvenile Classification Home Visiting Committees)

Article 7 (1) A Juvenile Classification Home Visiting Committee (hereinafter referred to as "the committee") is to be established in each juvenile classification home.

(2) The committee is to visit the juvenile classification home in which it has been established and give its opinion to the director of the juvenile classification home regarding the home's operation.

(Organization)

Article 8 (1) The committee is to be composed of a maximum of 7 members.

(2) The Minister of Justice is to appoint committee members from among persons of high moral character and integrity who have insight into the sound development of juveniles and who are enthusiastic about improving the operation of juvenile classification homes.

(3) A committee member's term of office is one year; provided, however, that this does not prevent reappointment.

(4) The position of a committee member is a part-time position.

(5) Beyond what is provided for in the preceding paragraphs, Ministry of Justice Order prescribes the necessary particulars concerning the organization and operation of the committee.

(Providing Information to the Committee; Visits by Committee Members;
Related Matters)

Article 9 (1) Pursuant to Ministry of Justice Order, the director of a juvenile classification home is to provide information about the operational status of the home to the committee at regular intervals or as needed.

(2) In order for the committee to assess the operational status of a juvenile classification home, the committee may implement a visit to the juvenile classification home that is conducted by its members. In such a case, if the committee finds it to be necessary to do so, it may request cooperation from the director of the juvenile classification home in implementing interviews with inmates that are conducted by committee members.

(3) The director of a juvenile classification home must provide the necessary cooperation for the visit and the interviews with inmates referred to in the preceding paragraph.

(4) Notwithstanding the provisions of Article 93 (including as applied mutatis mutandis pursuant to Article 99), and Article 101 (including as applied mutatis mutandis pursuant to Article 104), a document that an inmate submits to the committee must not be examined.

(Publication of Opinions of the Committee and Responsive Measures)

Article 10 Every year, the Minister of Justice is to compile the opinions that the committee has expressed to the directors of juvenile classification homes and the measures that the directors of those juvenile classification homes have taken in response, and is to publicize summaries of these.

(Inspection Tours by Judges and Public Prosecutors)

Article 11 A judge or public prosecutor may make an inspection tour of a juvenile classification home.

(Observation Visits)

Article 12 If a person requests to make an observation visit at a juvenile classification home and the director of a juvenile classification home finds this to be reasonable, the director of a juvenile classification home may permit it.

(Juvenile Classification Home Officials)

Article 13 A juvenile classification home official is to undergo the necessary training to provide them with a deeper understanding of the human rights of inmates and to allow them to acquire and develop the necessary knowledge and skills to appropriately and effectively implement assessments of persons subject to assessment, carry out the treatment for observation and protection of inmates, and engage in other such services of a juvenile classification home.

Section 3 Coordination with Related Organizations and Others

(Requesting Cooperation from Related Organizations and Others; Related Matters)

Article 14 (1) If the director of a juvenile classification home finds it necessary to do so in order to properly implement a function set forth in the items of Article 3, the director of a juvenile classification home may request cooperation from a family court; juvenile training school, regional parole board, probation office, or other such related administrative organization; or from a school, hospital, child welfare institution, private-sector volunteer, or other such person.

(2) A person that has provided the cooperation referred to in the preceding paragraph must not divulge any secret regarding a person subject to assessment or an inmate that the person has learned in the course of the cooperation.

(Contacting Public Offices and Other Organizations for Confirmation)

Article 15 If the director of a juvenile classification home finds it necessary to do so in order to appropriately implement an assessment of a person subject to assessment or in order to appropriately implement the treatment for observation and protection of an inmate, the director of a juvenile classification home may contact a public office or a public-or private-sector organization for confirmation, asking it to give an account of the necessary particulars.

Chapter II Assessment of Persons Subject to Assessment

(Implementation of Assessments)

Article 16 (1) In an assessment of a person subject to assessment, after the

circumstances of any problematic innate qualities and environmental issues that have influenced the delinquency or crime of the person subject to assessment have been identified based on medical, psychological, pedagogical, sociological, or other specialized knowledge and technique, appropriate guidelines that help in the treatment of the person subject to assessment are to be issued, in order to contribute to improving those circumstances.

- (2) In conducting an assessment of a person subject to assessment, the relevant person is to conduct an investigation into the person's character, background, physical and mental condition, and degree of development; the circumstances of the person's delinquency; the person's family environment and friends and acquaintances; the person's life and behavioral status while in a juvenile classification home (limited to cases in which the person subject to assessment is an inmate) and anything else that needs to be investigated in order to conduct an assessment.
- (3) In addition to conducting an investigation as referred to in the preceding paragraph by requesting that the person requesting the assessment submit materials, give explanations, and provide other such necessary cooperation, the person conducting the investigation, on finding it to be necessary to do so, is to conduct that investigation by interviewing the person subject to assessment, their custodian, or any other person of reference, conducting psychological testing and other such examinations, contacting public offices and others for confirmation, and by any other method that the person conducting the investigation finds to be appropriate.

(Assessment at the Request of the Family Court or Other Such Person; Related Matters)

Article 17 (1) If requested to undertake an assessment of one of the following persons by a family court, regional parole board, the director of a probation office, the head of a facility for the aid of child self-reliance, the head of an orphanage, the superintendent of a juvenile training school, or the warden of a penal institution; the director of a juvenile classification home is to undertake this:

- (i) a person undergoing an investigation or trial in a case that could result in putting the person under the disposition for rehabilitation of an adjudicated delinquent (including measures under Article 72, paragraph (1) of the Offenders Rehabilitation Act (Act No. 88 of 2007) and Article 138, paragraph (2) and Article 139, paragraph (2) of the Juvenile Training School Act; the same applies in the following item) or measures under the provisions of Article 18, paragraph (2) of the Juvenile Act;
- (ii) a person subject to the execution of the disposition for rehabilitation of an adjudicated delinquent;

- (iii) a person under 20 years of age who is subject to the execution of sentence of imprisonment with or without work.
- (2) When an assessment under the provisions of the preceding paragraph has been completed, the director of a juvenile classification home is to notify the person that asked for the assessment of the results promptly and in writing.
- (3) A person notified as referred to in the preceding paragraph must not divulge any secret learned based on the assessment.

(Designation of a Juvenile Training School; Related Matters)

- Article 18 (1) If an official of a juvenile classification home has been directed by the family court to enforce a decision as referred to in the provisions of Article 24, paragraph (1) of the Juvenile Act in connection with the disposition for rehabilitation of an adjudicated delinquent as referred to in item (iii) of that paragraph or to enforce a decision as referred to in the provisions of Article 72, paragraph (1) of the Offenders Rehabilitation Act, the director of a juvenile classification home is to conduct an assessment of the person subject to the decision and designate the juvenile training school in which that person is to be held, taking into consideration the correctional education curriculum (meaning the correctional education curriculum provided for in Article 30 of the Juvenile Training School Act) for which each juvenile training school is designated pursuant to the provisions of Article 31 of that Act, and other such circumstances.
- (2) Having made a designation as referred to in the provisions of the preceding paragraph, the director of a juvenile classification home is to inform the person subject to the decision referred to in that paragraph to that effect as well as notify the superintendent of the juvenile training school connected with the designation referred to in that paragraph to that effect.
 - (3) The results of the assessment under the provisions of paragraph (1) are to be attached to the notice that is issued to the superintendent of a juvenile training school under the provisions of the preceding paragraph.

Chapter III Treatment for Observation and Protection of Inmates

Section 1 General Rules

(Treatment for Observation and Protection)

- Article 19 Treatment for observation and protection of inmates is to be conducted pursuant to the provisions of this Chapter.

(Principles in the Treatment for Observation and Protection of Inmates)

- Article 20 (1) In carrying out the treatment for observation and protection of an inmate, the relevant persons are to make considerations for protecting the

inmate's sensibilities by behaving toward the inmate in a sincere and considerate manner, as well as working toward the sound development of the inmate by using the proper approaches for the inmate's individual characteristics.

- (2) Treatment for observation and protection of an inmate is to be undertaken utilizing medical, psychological, pedagogical, sociological, and other specialized knowledge and technique.

(Points of Attention in the Treatment for Observation and Protection of Inmates Awaiting Trial or Sentencing)

Article 21 In carrying out the treatment for observation and protection of an inmate awaiting trial or sentencing, special attention must be paid to preventing the inmate from escaping and from destroying evidence related to their criminal case, as well as respecting the rights of the accused, in consideration of the inmate's status as a person awaiting a judicial decision.

(Points of Attention in the Treatment for Observation and Protection of Inmates from Juvenile Training Schools)

Article 22 In carrying out the treatment for observation and protection of an inmate from a juvenile training school, attention must be paid to contributing to the inmate's rehabilitation, and smooth reintegration into society, taking into consideration the inmate's status as a person undergoing correctional education.

Section 2 Intake

(Informing Inmates of the Relevant Particulars upon Intake)

Article 23 (1) On an inmate's intake into a juvenile classification home, the director of that juvenile classification home must inform the inmate of the following particulars, in accordance with the person's status as an inmate. The same applies if an inmate who is being held in the juvenile classification home comes to have a different status:

- (i) particulars related to hygiene and medical care;
- (ii) particulars related to the lending, supplying, and purchasing of items;
- (iii) particulars related to the handling of money and other items;
- (iv) particulars related to reading books and equivalent works (meaning books, magazines, and other such documents and drawings (other than correspondence and newspapers); the same applies hereinafter) and newspapers;
- (v) particulars related to religious practices, religious ceremonies, and religious counseling;

- (vi) particulars related to the rules to be observed that are provided for in Article 73, paragraph (1);
 - (vii) particulars related to visitation and correspondence;
 - (viii) particulars related to the requests under Article 109 and Article 110, paragraph (1);
 - (ix) particulars related to the filing of complaints.
- (2) The director of a juvenile classification home informs an inmate of the particulars under the preceding paragraph pursuant to Ministry of Justice Order, in writing, and using plain language.

(Physical Examination for Identification)

Article 24 (1) On an inmate's intake into the juvenile classification home in question, a juvenile classification home official designated by Ministry of Justice Order (hereinafter referred to as a "designated official") may examine the body of the inmate to the extent necessary for identifying them. The same applies if this becomes necessary at a later date.

- (2) When a female inmate is examined pursuant to the provisions of the preceding paragraph, a female designated official must conduct the examination; provided, however, that if it is not possible for a female designated official to conduct the examination, a male designated official may give directions to a female official that the director of the juvenile classification home appoints, and the appointed female official may conduct the examination.

(Notice of Intake)

Article 25 When an inmate under observation and protection, an inmate awaiting trial or sentencing, or any other inmate provided for by Ministry of Justice Order has completed intake into a juvenile classification home, the director of the juvenile classification home is to promptly notify the custodian of the inmate or any other such person whom the director finds to be appropriate of this.

Section 3 Form of Treatment for Observation and Protection; Related Matters

(Form of Treatment for Observation and Protection)

Article 26 (1) The treatment for observation and protection of an inmate (excluding the treatment for observation and protection that occurs during exercise, use of shower/bath facilities, visitation, and other such occasions provided for by Ministry of Justice Order) takes place in the inmate's room both day and night, unless it is found appropriate for it to take place outside of the inmate's room.

- (2) To the extent possible, inmate rooms are single occupancy, unless it is found to be appropriate to hold inmates in a shared room for treatment for observation and protection or assessment.
- (3) Notwithstanding the provisions of the preceding paragraph, an inmate under observation and protection or an inmate awaiting trial or sentencing must be given a single-occupancy room if there is a risk that not doing so will hinder the juvenile classification home from preventing the destruction of evidence related to the inmate's delinquency case or criminal case.
- (4) If there is a risk that a juvenile classification home will be hindered from preventing the destruction of evidence related to an inmate's delinquency case or criminal case, an inmate under observation and protection or an inmate awaiting trial or sentencing must not be permitted to have contact with other inmates even outside of the inmate's room.

(Schedule of Daily Activities)

Article 27 Pursuant to Ministry of Justice Order, the director of a juvenile classification home is to set the daily schedule of meals, sleep, and other daily routine activities and inform inmates of this.

Section 4 Support for Sound Development

(Lifestyle Advice and Guidance)

Article 28 The director of a juvenile classification home is to provide an inmate with the lifestyle advice and guidance that the inmate needs in order to live a wholesome life in society, while respecting the inmate's autonomy.

(Providing Opportunities for Learning and Other Activities; Related Matters)

Article 29 (1) While respecting an inmate's autonomy, the director of a juvenile classification home is to provide the inmate with opportunities for learning and engagement in cultural and other such activities as well as with the necessary advice and support to engage in those activities, in order to enrich the inmate's sensibilities and help them improve in the knowledge and abilities they need to live a wholesome life in society.

- (2) In a case referred to in the preceding paragraph, special attention must be paid so that an inmate who has not completed the compulsory education prescribed in the School Education Act (Act No. 26 of 1947) is given opportunities for learning.

Section 5 Hygiene and Medical Care

(Principles of Hygiene and Medical Care)

Article 30 At a juvenile classification home, in addition to endeavoring to understand the inmates' physical and mental conditions, the relevant persons are to take measures for hygiene and medical care that are appropriate in light of general social standards of hygiene and medical care, in order to ensure the healthy mental and physical development of inmates and maintain hygiene inside the juvenile classification home.

(Physical Exercise)

Article 31 Except on Sundays and other days specified by Ministry of Justice Order, a juvenile classification home must provide an inmate with the opportunity to get the proper physical exercise to ensure the inmate's healthy mental and physical development, outdoors as much as possible; provided, however, that this does not apply if the juvenile classification home is unable to provide this opportunity within its working hours due to circumstances such as an inmate's appearance on an adjudication date or a trial date.

(Inmates' Cleanliness Obligation)

Article 32 An inmate must clean their own body, clothes, and personal belongings, as well as their room and other places the inmate uses on a daily basis.

(Use of Shower/Bath Facilities)

Article 33 Pursuant to Ministry of Justice Order, an inmate is to be allowed adequate use of shower/bath facilities to maintain hygiene in a juvenile classification home.

(Getting a Haircut; Shaving One's Face)

Article 34 If an inmate makes a request indicating that they would like to get a haircut or to shave their face, the director of a juvenile classification home is to permit this, pursuant to Ministry of Justice Order.

(Medical Examinations)

Article 35 (1) Pursuant to Ministry of Justice Order, the director of a juvenile classification home must provide a health check for an inmate promptly after the inmate's intake into the juvenile classification home. This also applies if it is considered necessary from the perspective of hygiene in a juvenile classification home.

(2) An inmate must undergo a health check under the provisions of the preceding paragraph. In doing so, the inmate may not refuse the blood tests, x-rays, and other such medical procedures that are necessary for implementing the health check.

(Medical Treatment; Related Matters)

Article 36 (1) If an inmate falls under one of the following items, the director of a juvenile classification home is to promptly provide the inmate with medical treatment (including nutritional support; the same applies hereinafter) by a doctor or dentist (meaning a medical doctor or dentist; the same applies hereinafter in this paragraph and the following Article) who is an official of that juvenile classification home or by a doctor or dentist whom the director of a juvenile classification home has commissioned, and is to implement other necessary medical measures; provided, however, that in cases falling under item (i), if there is no risk of an inmate sustaining a serious mental or physical impairment or infecting others with their illness, this is limited to cases in which the measures in question are not against the inmate's will:

(i) if the inmate has sustained an injury or illness or is suspected to have sustained an injury or illness;

(ii) if the inmate refuses to ingest food and drink and there is a risk of the inmate sustaining a serious mental or physical impairment.

(2) When providing medical treatment pursuant to the provisions of the preceding paragraph, the director of a juvenile classification home may have an inmate make outpatient visits to a hospital or a clinic outside the juvenile classification home as necessary, or may have the inmate admitted to a hospital or clinic outside the juvenile classification home if there are compelling circumstances.

(Medical Treatment by Appointed Doctors)

Article 37 (1) If an inmate who has sustained an injury or illness, or the person with parental authority or minor's custodian (hereinafter referred to as "parent or custodian") for such an inmate, requests to appoint a doctor or dentist (other than a doctor or dentist who is a juvenile classification home official or a doctor or dentist whom the director of the juvenile classification home commissions) and have the inmate receive medical treatment from the appointed doctor or dentist, and the director of the juvenile classification home finds this to be appropriate from the perspective of the inmate's medical care in light of circumstances such as the type and degree of the injury or illness or the fact that the inmate had been receiving medical treatment from that doctor or dentist prior to intake into the juvenile classification home, the director of a juvenile classification home may permit the inmate to receive medical treatment from that doctor or dentist inside the juvenile classification home, at the inmate's own expense.

(2) If the director of a juvenile classification home permits an inmate to receive medical treatment under the provisions of the preceding paragraph and it is

necessary to do so in order to verify the method of medical treatment used by the doctor or dentist who is providing the medical treatment referred to in that paragraph (hereinafter referred to as the "appointed doctor or dentist" in this Article) or in order to subsequently provide the inmate with medical treatment in the juvenile classification home, the director of a juvenile classification home may have an official of the juvenile classification home be present during the medical treatment or ask the appointed doctor or dentist questions about the medical treatment, or may ask the appointed doctor or dentist to submit a copy of the inmate's medical records or other such materials concerning the medical treatment.

- (3) At the time of providing medical treatment, an appointed doctor or dentist must obey the instructions that the director of a juvenile classification home gives pursuant to Ministry of Justice Order.
- (4) If the director of a juvenile classification home has permitted an inmate to receive medical treatment under the provisions of paragraph (1) but the appointed doctor or dentist fails to comply with a measure that the director of a juvenile classification home takes pursuant to the provisions of paragraph (2) or fails to obey an instruction that the director of a juvenile classification home gives pursuant to the provisions of the preceding paragraph, or if it is otherwise inappropriate for that medical treatment to continue, the director of a juvenile classification home may suspend the medical treatment and thereafter may decide not to permit the inmate to receive medical treatment from that appointed doctor or dentist.

(Notification of Critical Condition of Inmates; Related Matters)

Article 38 (1) If the director of a juvenile classification home finds that an injured or ill inmate has come to be or will likely come to be in critical condition, the director of the juvenile classification home must immediately notify the inmate's custodian or any other person that the director of a juvenile classification home finds to be appropriate of this.

- (2) If a person who has been notified pursuant to the provisions of the preceding paragraph makes a request indicating that the person wants to act as a caregiver for the inmate and the director of a juvenile classification home finds this to be appropriate, the director of a juvenile classification home, pursuant to Ministry of Justice Order, may permit the inmate to have that person as a caregiver.

(Measures for Preventing Infectious Diseases)

Article 39 If it is necessary to do so in order to prevent the occurrence of an infectious disease or to prevent an outbreak within a juvenile classification home, in addition to implementing health checks under Article 35 and medical

treatment and other necessary medical measures under Article 36, the director of the juvenile classification home is to implement vaccinations, enforce a quarantine until it ceases to be likely that the disease will spread, or take other measures provided for by Ministry of Justice Order.

(Protective Care Measures: Related Matters)

Article 40 (1) The director of a juvenile classification home is to take measures equivalent to those that are taken for injured or ill inmates for a pregnant or postpartum inmate, an inmate whose health is fragile, or any other such inmate who needs protective care, in keeping with the circumstances that make that protective care necessary.

(2) Unless compelled to do otherwise, when an inmate gives birth, the director of a juvenile classification home is to have her admitted to a hospital, clinic, or birthing center outside the juvenile classification home.

Section 6 Lending, Supplying, and Purchasing of Items

(Lending and Supplying of Items)

Article 41 (1) Inmates are lent or supplied with items as set forth in the following items (excluding books and equivalent works and newspapers; hereinafter the same applies in this Section) that are necessary for daily life in a juvenile classification home (excluding items set forth in the items of Article 43, paragraph (1)):

(i) clothing and bedding;

(ii) meals and drinks such as water and tea;

(iii) daily necessities, school supplies, and other such items.

(2) Pursuant to Ministry of Justice Order and as necessary, it is permissible to lend an inmate room decorations and other items for use in daily life in a juvenile classification home (excluding items set forth in the items of Article 43, paragraph (1)), and to supply the inmate with discretionary items (excluding alcoholic beverages and cigarettes; the same applies to paragraph (1), item (iv) of the following Article), in addition to the items set forth in the preceding paragraph.

(Use and Consumption of Purchased Items)

Article 42 (1) If an inmate other than an inmate from a juvenile training school requests to use or consume the following items purchased at the inmate's own expense (excluding items set forth in the items of paragraph (1) of the following Article; the same applies in the following paragraph), the director of a juvenile classification home is to permit the inmate to do so pursuant to Ministry of Justice Order, unless it is likely to hinder the maintenance of discipline and

order or the management and operation of the juvenile classification home, or unless it is likely to significantly impair the sound development of the inmate:

(i) clothing;

(ii) food items and beverages;

(iii) room decorations;

(iv) discretionary items;

(v) daily necessities, school supplies, and other such items used for daily life in a juvenile classification home.

(2) If an inmate from a juvenile training school requests to use or consume the items set forth in the items of the preceding paragraph purchased at the inmate's own expenses, and the director of a juvenile classification home finds this appropriate from the perspective of the treatment for observation and protection of the inmate, the director of a juvenile classification home may permit the inmate to do so, pursuant to Ministry of Justice Order.

(Purchasing of Corrective Devices and Other Items)

Article 43 (1) An inmate is to be allowed to use an item as follows that the inmate has purchased at their own expense, unless it is likely to hinder the maintenance of discipline and order or the management and operation of a juvenile classification home:

(i) eyeglasses and other such corrective devices;

(ii) envelopes and other such items needed for sending pieces of correspondence;

(iii) other items provided for by Ministry of Justice Order.

(2) If an inmate is unable to use an item set forth in one of the items of the preceding paragraph that the inmate has purchased at their own expense and it is found to be necessary to do so, the juvenile classification home is to lend or supply the inmate with that item.

(Standards for Lending and Supplying Items)

Article 44 Items that a juvenile classification home lends or supplies pursuant to the provisions of Article 41 or paragraph (2) of the preceding Article must be suitable for ensuring the sound development of the inmate and must be found to be appropriate for a person in the position of an inmate, in consideration of things such as the actual living conditions of the people.

Section 7 Handling of Money and Other Items

(Examination of Money and Other Items)

Article 45 The official of a juvenile classification home may examine money and other items as follows:

- (i) cash and other items in an inmate's possession at the time of intake;
- (ii) cash and other items (excluding pieces of correspondence; the same applies in the following item) an inmate obtains while in a juvenile classification home that do not constitute the cash and the items set forth in the following item (items supplied by the director of a juvenile classification home are excluded);
- (iii) cash and other items that a person other than the inmate in question has brought or sent to a juvenile classification home to give to the inmate.

(Disposal of Items in an Inmate's Possession at the Time of Intake and of Other Items)

Article 46 (1) If an item as set forth in item (i) or (ii) of the preceding Article falls under one of the following items, the director of a juvenile classification home is to ask the inmate to give the item to the inmate's custodian or relative or to another person who is found to be appropriate, or to dispose of the item in some other appropriate manner:

- (i) if it is inconvenient to hold in custody;
- (ii) if it is likely to decompose or perish;
- (iii) if it is likely to create a hazard.

(2) If the director of a juvenile classification home asks an inmate to dispose of an item pursuant to the provisions of the preceding paragraph but the inmate does not dispose of it within a reasonable period of time, the director of a juvenile classification home sells the items and retains the proceeds; provided, however, that the director of a juvenile classification home may discard an item that cannot be sold.

(Retrieval of Items Brought In to Inmates under Observation and Protection; Related Matters)

Article 47 (1) If the recipient of cash or any other item as set forth in Article 45, item (iii) is an inmate under observation and protection, and either the cash or the item does not fall under any of the following items or, pursuant to the Code of Criminal Procedure (including as applied mutatis mutandis pursuant to the Juvenile Act; the same applies in the following paragraph), it is not permitted for an inmate under observation and protection to receive the cash or the item, the director of a juvenile classification home is to ask the person who brought or sent the cash or the item (hereinafter referred to as the "source") to retrieve it:

- (i) if it is something that the custodian or relative of the inmate under observation and protection has brought or sent;
- (ii) if it is something that the inmate under observation and protection needs to be given in order to handle a task that is connected with the realignment of a

marital relationship, involvement in a lawsuit, or school or employment preparations, or that is otherwise of significant interest in terms of the inmate's status, legal situation, education, or occupation.

- (2) Notwithstanding the provisions of the preceding paragraph, if the recipient of cash or any item as set forth in Article 45, item (iii) is an inmate under observation and protection and the cash or the item does not fall under any of the items of the preceding paragraph, but the director of a juvenile classification home finds that there are circumstances which make it necessary for the inmate to get the support they need to live a wholesome life in society or other circumstances that make it necessary for the inmate to be given the cash or the item, and that the situation falls under all of the following items (except for item (iv), if the recipient is not a person subject to assessment), the director of a juvenile classification home may decide not to ask the source to retrieve it; provided, however, that this does not apply if it is not permitted for an inmate under observation and protection to receive the cash or the item, pursuant to the provisions of the Code of Criminal Procedure:
 - (i) if giving it to the inmate is unlikely to disrupt discipline and order in a juvenile classification home;
 - (ii) if giving it to the inmate is unlikely to result in the destruction of evidence related to the inmate's delinquency case or criminal case;
 - (iii) if giving it to the inmate is unlikely to significantly hinder the inmate's sound development;
 - (iv) if giving it to the inmate is unlikely to hinder the proper implementation of the inmate's assessment.
- (3) If, because the source's whereabouts are unclear, the director of a juvenile classification home is unable to ask the source to retrieve, under paragraph (1), the cash or the item under that paragraph that the director of a juvenile classification home has decided to ask the source to retrieve, the director of a juvenile classification home must issue a public notice of this by the means prescribed by Cabinet Order.
- (4) If the source does not retrieve the cash or the item provided for in the preceding paragraph by the last day of six months that starts to run on the day on which the director of a juvenile assessment center asks the source to retrieve it as under paragraph (1) or by the last day of six months that starts to run on the day on which the director of a juvenile classification home issues the public notice pursuant to the provisions of the preceding paragraph, the cash or the item belongs to the national treasury.
- (5) Even within the period set forth in the preceding paragraph, the director of a juvenile classification home may sell an item provided for in paragraph (3) that falls under one of the items of paragraph (1) of the preceding Article, and keep the proceeds; provided, however, that the director of a juvenile classification

home may discard this if it cannot be sold.

Article 48 (1) If the recipient of an item as set forth in Article 45, item (iii) (other than one that the director of a juvenile classification home has asked the source to retrieve as under the provisions of paragraph (1) of the preceding Article) is an inmate under observation and protection, and the item falls under one of the following items, the director of a juvenile classification home is to request the source to retrieve it:

(i) if the item is other than one that has been decided the inmate may use or consume at their own expense, or one that has been found the inmate will need upon their release (hereinafter referred to as an "allowable personal item" in Articles 55 and 60);

(ii) if the item falls under any of the items of Article 46, paragraph (1).

(2) If, because the source's whereabouts are unclear, the director of a juvenile classification home is unable to ask the source to retrieve, as under the preceding paragraph, an item under that paragraph that the director of a juvenile classification home has decided to ask the source to retrieve; if it is inappropriate for the director of a juvenile classification home to ask the source to retrieve this; or if the source refuses to retrieve it, the director of a juvenile classification home is to ask the inmate under observation and protection to give the item to the inmate's custodian or relative or to another person who is found to be appropriate, or to dispose of the item in some other appropriate manner.

(3) The provisions of Article 46, paragraph (2) apply mutatis mutandis if the director of a juvenile classification home has asked an inmate to dispose of an item pursuant to the provisions of the preceding paragraph.

Article 49 If the recipient of cash or any other item as set forth in Article 45, item (iii) is an inmate under observation and protection and the director of a juvenile classification home has decided not to ask the source to retrieve it as under Article 47, paragraph (1) or paragraph (1) of the preceding Article, but the inmate under observation and protection refuses to receive it, the director of a juvenile classification home is to request the source to retrieve it. The provisions of Article 47, paragraphs (3) and (4) apply mutatis mutandis in such a case.

(Retrieval of Items Brought In to Inmates Awaiting Trial or Sentencing)

Article 50 (1) If the recipient of cash or any other item as set forth in Article 45, item (iii) is an inmate awaiting trial or sentencing (excluding one with status as an inmate under observation and protection; hereinafter the same applies in this Article), and the cash or the item falls under any of the following items,

- the director of a juvenile classification home is to ask the source to retrieve it:
- (i) if giving it to the inmate awaiting trial or sentencing is likely to disrupt discipline and order in a juvenile classification home (other than if the source is the custodian or relative of the inmate awaiting trial or sentencing; the same applies in item (iii));
 - (ii) if it is not permitted for the inmate awaiting trial or sentencing to be given it, pursuant to the provisions of the Code of Criminal Procedure;
 - (iii) if giving it to the inmate awaiting trial or sentencing is likely to significantly hinder the inmate's sound development;
 - (iv) if the cash or the item is from a source whose name is unclear.
- (2) The provisions of the preceding three Articles (excluding Article 47, paragraphs (1) and (2)) apply mutatis mutandis if the recipient of the cash or the other item as set forth in Article 45, item (iii) is an inmate awaiting trial or sentencing. In such a case, the phrase "paragraph (1)" in Article 47, paragraphs (3) and (4) and "paragraph (1) of the preceding Article" in Article 48, paragraph (1) is deemed to be replaced with "Article 50, paragraph (1)", and the phrase "Article 47, paragraph (1)" in the preceding Article is deemed to be replaced with "paragraph (1) of the following Article."

(Retrieval of Items Brought In to Inmates from Juvenile Training Schools)

- Article 51 (1) If the recipient of cash or any other item as set forth in Article 45, item (iii) is an inmate from a juvenile training school and the cash or the item does not fall under any of the following items, the director of a juvenile classification home is to request the source to retrieve the cash or the item:
- (i) if it is something that the custodian or relative of the inmate from a juvenile training school has brought or sent;
 - (ii) if it is something that the inmate from a juvenile training school needs to be given in order to handle a task that is connected with the realignment of a marital relationship, involvement in a lawsuit, or school or employment preparations, or that is otherwise of significant interest in terms of the inmate's status, legal situation, education, or occupation;
 - (iii) if receiving the cash or the item is likely to contribute to the inmate's rehabilitation.
- (2) Notwithstanding the provisions of the preceding paragraph, if the recipient of cash or any other item as set forth in Article 45, item (iii) is an inmate from a juvenile training school and the cash or the item does not fall under any of the items of the preceding paragraph, but the director of a juvenile classification home finds that there are circumstances which make it necessary for the inmate from a juvenile training school to get the support they need to live a wholesome life in society or other circumstances that make it necessary for the inmate from a juvenile training school to be given the cash or the item, and

that the situation falls under all of the following items (except for item (iii), if the recipient is not a person subject to assessment), the director of a juvenile classification home may decide not to ask the source to retrieve it:

- (i) if giving it to the inmate from a juvenile training school is unlikely to disrupt discipline and order in a juvenile classification home;
- (ii) if giving it to the inmate from a juvenile training school is unlikely to hinder the inmate's rehabilitation;
- (iii) if giving it to the inmate from a juvenile training school is unlikely to hinder the proper implementation of the inmate's assessment.

(3) The provisions of Articles 47 through 49 (except for Article 47, paragraphs (1) and (2)) apply mutatis mutandis if the recipient of cash or any other item as set forth in Article 45, item (iii) is an inmate from a juvenile training school. In such a case, the phrase "paragraph (1)" in Article 47, paragraphs (3) and (4), the phrase "paragraph (1) of the preceding Article" in Article 48, paragraph (1), and the phrase "Article 47, paragraph (1)" in Article 49 are deemed to be replaced with "Article 51, paragraph (1)."

(Retrieval of Items Brought In for Nontraditional Inmates)

Article 52 The provisions of Articles 47 through 49 (excluding the proviso to and item (ii) of Article 47, paragraph (2)) apply mutatis mutandis if the recipient of cash or any other item as set forth in Article 45, item (iii) is a nontraditional inmate. In such a case, the phrase "and either the cash or the item does not fall under any of the following items or, pursuant to the Code of Criminal Procedure (including as applied mutatis mutandis pursuant to the Juvenile Act; the same applies in the following paragraph), it is not permitted for an inmate under observation and protection to receive the cash or the item" in Article 47, paragraph (1) is deemed to be replaced with "and the cash or the item does not fall under any of the following items."

(Retention of Money and Other Items)

Article 53 (1) The director of a juvenile classification home is to retain the following money and other items:

- (i) an item as set forth in Article 45, item (i) or (ii) that does not fall under any of the items of Article 46, paragraph (1);
- (ii) an item as set forth in Article 45, item (iii) that the director of a juvenile classification home has decided not to ask the source to retrieve as under Article 47, paragraph (1) (including as applied mutatis mutandis pursuant to the preceding Article), Article 48, paragraph (1) (including as applied mutatis mutandis pursuant to Article 50, paragraph (2), Article 51, paragraph (3) and the preceding Article), Article 50, paragraph (1), or Article 51, paragraph (1) (excluding an item that the inmate refuses to be given);

- (iii) the cash set forth in items of Article 45, that the director of a juvenile classification home has decided not to ask the source to retrieve as under Article 47, paragraph (1) (including as applied *mutatis mutandis* pursuant to the preceding Article), Article 50, paragraph (1), or Article 51, paragraph (1).
- (2) If the total volume of items (excluding those specified by Ministry of Justice Order) retained for an inmate (referred to as "total retention volume" in Article 55, item (i)) exceeds the maximum volume for items retained (meaning the volume that the director of a juvenile classification home sets separately for each status of an inmate as the volume of items that can be retained for one inmate; the same applies in Article 55, item (i)), the director of a juvenile classification home may ask the inmate to give the items in excess of the maximum to the inmate's custodian or relative or to another person who is found to be appropriate, or to dispose of them in some other appropriate manner. The same applies to an item that is likely to decompose or perish.
- (3) The provisions of Article 46, paragraph (2) apply *mutatis mutandis* if the director of a juvenile classification home has asked an inmate to dispose of an item pursuant to the preceding paragraph.

(Use of Retained Items; Related Matters)

- Article 54 (1) If an inmate asks the director of a juvenile classification home to hand over an item being retained for the inmate which the provisions of this Act permits the inmate to use or consume, the director of a juvenile classification home is to hand this over pursuant to Ministry of Justice Order; provided, however, that this does not apply if doing so would cause the total volume of items in the inmate's possession to exceed the volume of items that the inmate is permitted to possess pursuant to the provisions of the following paragraph.
- (2) Pursuant to Ministry of Justice Order, the director of a juvenile classification home may impose the necessary restrictions, in terms of the management and operation of a juvenile classification home, on how an inmate retains possession of the items in the inmate's possession that have been handed over to the inmate pursuant to the provisions of the main clause of the preceding Article and on the volume of items that the inmate is permitted to possess; as well as on how an inmate keeps the correspondence that the inmate has received and is keeping and on the number of pieces of correspondence that the inmate is permitted to keep.
- (3) If an inmate asks the director of a juvenile classification home to take back an item in the inmate's possession that has been handed over to the inmate pursuant to the provisions of the main clause of paragraph (1), the director of a juvenile classification home is to take the item back; if an inmate asks the director of a juvenile classification home to retain a piece of correspondence

that the inmate has received and is keeping, the director of a juvenile classification home is to retain that piece of correspondence.

- (4) If an inmate breaches a restriction under paragraph (2) regarding an item in the inmate's possession that has been handed over to the inmate pursuant to the provisions of the main clause of paragraph (1), the director of a juvenile classification home may take away the item; if an inmate breaches such a restriction regarding a piece of correspondence that the inmate has received and is keeping, the director of a juvenile classification home may take away that piece of correspondence and retain it.

(Use of Retained Money)

Article 55 If an inmate requests to use cash that is in retention to purchase an allowable personal item or cover an expense that the inmate will bear in the course of their daily life in a juvenile classification home, the director of a juvenile classification home is to permit the inmate to use the necessary amount of cash; provided, however, that this does not apply if the use of cash to purchase an allowable personal item falls under one of the following items:

- (i) if the purchase would cause the total retained volume of items to exceed the maximum volume for items retained;
- (ii) if the inmate is an inmate under observation and protection or an inmate awaiting trial or sentencing and, pursuant to the provisions of the Code of Criminal Procedure (including as applied *mutatis mutandis* pursuant to the Juvenile Act), it is not permitted for the inmate to be given the allowable personal item they would purchase.

(Giving the Retained Money and Other Items of Inmates under Observation and Protection to Other Persons)

Article 56 (1) If an inmate under observation and protection requests to give money or any other item that is in retention (excluding something that falls under the category of a document or drawing as prescribed in Article 98; the same applies in the following paragraph) to another person (other than a person being held in the same juvenile classification home; the same applies in this paragraph and the following Article through Article 59) (this excludes giving something in a way that falls under the category of sending a piece of correspondence; the same applies in the following paragraph and the following Article through Article 59), and this falls under one of the following items, the director of a juvenile classification home is to permit it; provided, however, that this does not apply if it is not permissible for the item in question to be given, pursuant to the provisions of the Code of Criminal Procedure (including as applied *mutatis mutandis* pursuant to the Juvenile Act; the same applies in the following paragraph):

- (i) if it will be given to the custodian or relative of an inmate under observation and protection;
 - (ii) if an inmate under observation and protection needs to give this to another person in order to handle a task that is connected with the realignment of a marital relationship, involvement in a lawsuit, or school or employment preparations, or that is otherwise of significant interest in terms of the inmate's personal status, legal situation, education, or occupation.
- (2) If an inmate under observation and protection requests to give money or any other item being retained to another person and the money or the item does not fall under any of the items of the preceding paragraph, but the director of a juvenile classification home finds that there are circumstances which make it necessary for the inmate to get the support they need to live a wholesome life in society or other circumstances which make it necessary for the inmate to give another person the money or the item, and that the situation falls under all of the following cases (except for item (iv), if the inmate is not a person subject to assessment), the director of a juvenile classification home may permit this; provided, however, that this does not apply if it is not permissible for the item in question to be given, pursuant to the provisions of the Code of Criminal Procedure:
- (i) if giving this to the other person is unlikely to disrupt discipline and order in a juvenile classification home;
 - (ii) if giving this to the other person is unlikely to result in the destruction of evidence in the inmate's delinquency case or criminal case;
 - (iii) if giving this to the other person is unlikely to significantly hinder the inmate's sound development;
 - (iv) if giving this to the other person is unlikely to hinder the proper implementation of the inmate's assessment.

(Giving the Retained Money and Other Items of Inmates Awaiting Trial or Sentencing to Other Persons)

Article 57 If an inmate awaiting trial or sentencing (other than one with status as an inmate under observation and protection) applies to give money or any other item that is in retention (excluding something that falls under the category of a document or drawing as prescribed in Article 98 as applied mutatis mutandis pursuant to Article 99) to another person, the director of a juvenile classification home is to permit it, unless this falls under any of the following items:

- (i) if giving this to the other person is likely to disrupt discipline and order in a juvenile classification home (unless the recipient is the custodian or relative of the inmate; the same applies in item (iii));
- (ii) if the item is something that it is not permitted to give to another person,

pursuant to the provisions of the Code of Criminal Procedure;
(iii) if giving this to the other person is likely to significantly hinder the inmate's sound development.

(Giving the Retained Money and Other Items of Inmates from Juvenile Training Schools to Other Persons)

Article 58 (1) If an inmate from a juvenile training school requests to give money or any other item that is in retention (excluding something that falls under the category of a document or drawing as prescribed in Article 98 as applied mutatis mutandis pursuant to Article 103; the same applies in the following paragraph) to another person, and this falls under any of the following items, the director of a juvenile classification home is to permit it:

- (i) if this is given to the inmate's custodian or relative;
- (ii) if the inmate needs to give this to another person in order to handle a task that is connected with the realignment of a marital relationship, involvement in a lawsuit, or school or employment preparations, or that is otherwise of significant interest in terms of the inmate's status, legal situation, education, or occupation;
- (iii) if the inmate's giving this is likely to contribute to the inmate's rehabilitation.

(2) If an inmate from a juvenile training school requests to give money or any other item that is in retention to another person and this does not fall under any of the items of the preceding paragraph, but the director of a juvenile classification home finds that there are circumstances which make it necessary for an inmate to get the support they need to live a wholesome life in society or other circumstances which make it necessary for the inmate to give another person the money or the item, and that the situation falls under all of the following items (except for item (iii), if the inmate is not a person subject to assessment), the director of a juvenile classification home may permit this:

- (i) if giving this to the other person is unlikely to disrupt discipline and order in a juvenile classification home;
- (ii) if giving this to the other person is unlikely to hinder the inmate's rehabilitation;
- (iii) if giving this to the other person is unlikely to hinder the proper implementation of the inmate's assessment.

(Giving the Retained Money and Other Items of Nontraditional Inmates to Other Persons)

Article 59 The provisions of Article 56 (excluding the proviso to paragraph (1), and the proviso to and item (ii) of paragraph (2)) apply mutatis mutandis if a nontraditional inmate requests to give money or any other item that is in

retention (excluding something that falls under the category of a document or drawing as prescribed in Article 98 as applied mutatis mutandis pursuant to Article 104) to another person.

(Restrictions on Bringing In Items and Other Actions)

Article 60 Beyond what is provided for in this Section, pursuant to Ministry of Justice Order, the director of a juvenile classification home may impose the necessary restrictions, in terms of the management and operation of a juvenile classification home, on the giving of money and other items to an inmate by a source, and on the purchasing of allowable personal items by an inmate.

(Handing Over Retained Money and Other Items)

Article 61 Upon an inmate's release, the director of a juvenile classification home is to hand over the money and other items that are in retention to the releasee or to their parent or custodian.

(Items Left Behind by Releasees)

Article 62 (1) An item left behind by a released inmate (meaning money or any other item that a releasee leaves behind in a juvenile classification home; the same applies hereinafter) belongs to the national treasury if the releasee or their parent or custodian does not ask for it to be handed over or provide the expenses required for it to be handed over by the last day of six months that starts to run on the day of the releasee's release.

(2) Even within the period referred to in the preceding paragraph, the director of a juvenile classification home may discard an item left behind that is likely to decompose or perish.

(Items Left Behind by an Escapee or Evacuee)

Article 63 (1) If an inmate falls under one of the following items and the person in question or their parent or custodian does not ask for an item left behind to be handed over or provide the expenses required for it to be handed over by the last day of six months that starts to run on the day prescribed in the relevant item, the item left behind belongs to the national treasury:

(i) if the inmate has escaped: the day of the escape;

(ii) if the inmate is released pursuant to the provisions of Article 79, paragraph (2) but fails to promptly appear at the location provided for in paragraph (3) of that Article after the conditions warranting evacuation prescribed in that paragraph have ceased to exist: the day on which the conditions ceased to exist.

(2) The provisions of paragraph (2) of the preceding Article apply mutatis mutandis to an item left behind as referred to in the preceding paragraph.

(Items Left Behind by a Deceased Person)

- Article 64 (1) Pursuant to Ministry of Justice Order, items left behind by an inmate who has died are to be given to a surviving family member or other such person (meaning a surviving family member or other such person specified by Ministry of Justice Order; the same applies hereinafter), at the request of that person.
- (2) If items have been left behind by an inmate who has died, and the director of a juvenile classification home is unable to notify the surviving family member or other such person under Article 129 because that person's whereabouts are unknown, the director of a juvenile classification home must issue a public notice of this by the means prescribed by Cabinet Order.
- (3) If no request as referred to in paragraph (1) is filed by the last day of six months that starts to run on the day on which the director of a juvenile classification home notifies the surviving family member or other such person as under Article 129 or the day on which the director of a juvenile classification home issues the public notice pursuant to the preceding paragraph, the items left behind that are referred to in paragraph (1) belong to the national treasury.
- (4) The provisions of Article 62, paragraph (2) apply mutatis mutandis to items left behind that are referred to in paragraph (1).

Section 8 Reading Books and Equivalent Works; Related Matters

(Juvenile Classification Homes' Books and Equivalent Works)

- Article 65 (1) The director of a juvenile classification home is to endeavor to have in place books and equivalent works that are suitable for ensuring the sound development of the inmates, and is to provide inmates with opportunities to read them voluntarily for educational, recreational, and other purposes.
- (2) The director of a juvenile classification home establishes the means of reading the books prescribed in the preceding paragraph.

(Inmates Other Than Those from Juvenile Training Schools to Read Books and Equivalent Works and Newspapers That They Have Purchased at Their Own Expense)

- Article 66 (1) Other than in a case as provided for in this Article or in Article 68, it is not permissible to prohibit or restrict an inmate other than one from a juvenile training school from reading books and equivalent works and newspapers purchased at the inmate's own expense.
- (2) The director of a juvenile classification home may prohibit an inmate other than one from a juvenile training school to read a book or equivalent work or a

newspaper purchased at the inmate's own expense if the inmate reading it causes a situation that falls under one of the following items:

- (i) if the inmate reading the books is likely to result in disrupting discipline and order in a juvenile classification home;
 - (ii) if the inmate in question is an inmate under observation and protection or an inmate awaiting trial or sentencing, and the inmate reading the books is likely to result in the destruction of evidence in the inmate's delinquency case or criminal case;
 - (iii) if the inmate reading the books is likely to significantly hinder the inmate's sound development;
 - (iv) if the inmate in question is a person subject to assessment, and the inmate reading the books is likely to hinder the proper implementation of the inmate's assessment.
- (3) If a book or equivalent work or a newspaper that an inmate other than one from a juvenile training school has purchased at the inmate's own expense needs to be translated in order for the director of a juvenile classification home to verify whether there are grounds to prohibit reading it pursuant to the provisions of the preceding paragraph, the director of a juvenile classification home may have the inmate bear the cost of this, pursuant to Ministry of Justice Order. In such a case, if the inmate does not bear the costs that the inmate should bear, the director of a juvenile classification home prohibits the inmate from reading the books in question.

(Inmates from Juvenile Training Schools to Read Books and Equivalent Works and Newspapers That They Have Purchased at Their Own Expense)

- Article 67 (1) If an inmate from a juvenile training school requests to read a book or equivalent work or a newspaper purchased at the inmate's own expense, the director of a juvenile classification home may permit this if the director of a juvenile classification home finds that the situation falls under all of the following items (except for item (iii), if the inmate from a juvenile training school is not a person subject to assessment):
- (i) if the inmate reading the books is unlikely to result in disrupting discipline and order in a juvenile classification home;
 - (ii) if the inmate reading the books is unlikely to hinder the inmate's rehabilitation;
 - (iii) if the inmate reading the books is unlikely to hinder the proper implementation of the inmate's assessment.
- (2) In judging whether or not to permit an inmate to read the books pursuant to the provisions of the preceding paragraph, the director of a juvenile classification home must remain mindful that, in general, reading books and equivalent works and newspapers contributes to young people's sound

development.

- (3) If a book or equivalent work or a newspaper that an inmate from a juvenile training school has purchased at the inmate's own expense needs to be translated in order for the director of a juvenile classification home to judge whether to permit reading it pursuant to the provisions of paragraph (1), the director of a juvenile classification home may have the inmate bear the cost of this, pursuant to Ministry of Justice Order. In such a case, if the inmate does not bear the costs that the inmate should bear, the director of a juvenile classification home does not permit the inmate to read the book in question.

(Restrictions on Newspapers)

Article 68 Pursuant to Ministry of Justice Order, the director of a juvenile classification home may impose the necessary restrictions, in terms of the management and operation of a juvenile classification home, on the variety of newspapers an inmate may acquire and on how an inmate acquires them.

(Providing Opportunities for Inmates' Access to Current Events)

Article 69 As much as possible, the director of a juvenile classification home must endeavor to provide inmates with access to major current events, by providing daily newspapers, broadcasting news reports, and other such means.

Section 9 Religious Practices; Related Matters

(Solitary Religious Practices)

Article 70 Worship and other such religious practices in which an inmate engages alone must not be prohibited nor restricted; provided, however, that this does not apply if it is likely to hinder the maintenance of discipline and order in a juvenile classification home or the center's management and operation.

(Religious Ceremonies and Counseling)

Article 71 (1) The director of a juvenile classification home must endeavor to provide the opportunity for inmates to participate in religious ceremonies presided over by religious leaders (limited to private-sector volunteers; hereinafter the same applies in this paragraph), or to receive religious counseling from religious leaders.

- (2) If it is likely to hinder the maintenance of discipline and order in a juvenile classification home or the center's management and operation, the director of the juvenile classification home may decide not to allow an inmate to participate in a religious ceremony provided for in the preceding paragraph or to receive religious counseling provided for in that paragraph.

Section 10 Maintenance of Discipline and Order

(Discipline and Order in Juvenile Classification Homes)

- Article 72 (1) Discipline and order in a juvenile classification home must be adequately maintained to ensure that the treatment for observation and protection of the inmates and inmate assessments are properly implemented, as well as to maintain a safe and peaceful environment that is suited to ensure inmates' sound development.
- (2) Measures taken in order to achieve the objective referred to in the preceding paragraph must not go beyond the extent necessary for that purpose.

(Rules to Be Observed; Related Matters)

- Article 73 (1) The director of a juvenile classification home is to establish the rules that inmates are required to observe (referred to as "rules to be observed" in the following paragraph).
- (2) Rules to be observed are to prescribe the following particulars in a concrete manner, in keeping with inmates' status as inmates:
- (i) that inmates must not engage in criminal acts;
 - (ii) that inmates must not use rude or outrageous language or engage in rude or outrageous behavior toward other people, and that they must not engage in acts that are a nuisance to others;
 - (iii) that inmates must not self-harm;
 - (iv) that inmates must not engage in acts that interfere with a juvenile classification home official's performance of their duties;
 - (v) that inmates must not engage in acts that are likely to interfere with the custody of the inmate in question or any other inmate in a juvenile classification home;
 - (vi) that inmates must not engage in acts that are likely to impair the safety of a juvenile classification home;
 - (vii) that inmates must not engage in acts that are detrimental to hygiene or public morals inside a juvenile classification home;
 - (viii) that inmates must not engage in the wrongful use, possession, or transfer of money or any other item, or in any other such acts;
 - (ix) necessary particulars for the maintenance of discipline and order in a juvenile classification home, beyond what is set forth in the preceding items;
 - (x) that inmates must not conspire to engage in, incite, induce, or aid in acts that violate the rules to be observed which have been established for the particulars set forth in the preceding items.
- (3) Beyond what is provided for in the preceding two paragraphs, the director of a juvenile classification home or an official the director of a juvenile

classification home designates may give instructions to an inmate regarding the inmate's life and behavior if it is necessary to do so to maintain discipline and order in a juvenile classification home.

(Body Searches; Related Matters)

- Article 74 (1) If it is necessary to do so in order to maintain discipline and order in a juvenile classification home, a designated official may search an inmate's body, clothes, possessions, and room, and may take and temporarily hold the inmate's personal belongings.
- (2) The provisions of Article 24, paragraph (2) apply mutatis mutandis to a search of the body and clothes of a female inmate as under the preceding paragraph.
- (3) If it is necessary to do so in order to maintain discipline and order in a juvenile classification home, a designated official, inside a juvenile classification home, may search the clothes and personal effects of a person other than an inmate (but not those of an attendant who is an attorney-at-law or of an attorney-at-law seeking to become an attendant at the request of an inmate or an inmate's custodian, and not those of a current or prospective defense counsel (meaning defense consultant a person seeking to become defense counsel as provided in Article 39, paragraph (1) of the Code of Criminal Procedure; the same applies hereinafter)), and may take and temporarily hold that person's personal belongings.
- (4) A search as referred to in the preceding paragraph must not extend into an examination of the content of a document or drawing.

(Putting a Stop to Detrimental Conduct and Other Such Measures)

- Article 75 (1) If an inmate self-harms or harms another person, escapes, interferes with a juvenile classification home official's performance of their duties, engages in other acts that are particularly detrimental to discipline and order in a juvenile classification home, or attempts to engage in any of these acts, a designated official may put a stop to the act, restrain the inmate, or take other necessary measures to restrain the act, to the extent that is judged to be reasonably necessary.
- (2) If a person other than an inmate falls under one of the following items, a designated official may put a stop to that person's act, restrain the person, or take other necessary measures to restrain the act, to the extent that is judged to be necessary:
- (i) if the person breaks into a juvenile classification home, damages the facilities, or interferes with a juvenile classification home official's performance of their duties, or is about to engage in any of these activities;
 - (ii) if the person refuses to leave a juvenile classification home even after a

- designated official has demanded that the person do so;
- (iii) if the person aids, incites, or instigates the escape of an inmate or interference with the performance of duties of a juvenile classification home official, at the scene of this act;
 - (iv) if the person harms or is about to harm an inmate.
- (3) Ministry of Justice Order provides for the guard equipment that is necessary for taking the measures referred to in the preceding two paragraphs.

(Use of Handcuffs)

Article 76 (1) By order of the director of a juvenile classification home and pursuant to Ministry of Justice Order, a designated official may use handcuffs (including any string that is attached to the handcuffs; the same applies hereinafter in this Article and Article 110, paragraph (1), item (v)) when escorting an inmate, or if an inmate is likely to engage in the following acts and there are compelling circumstances:

- (i) escaping;
 - (ii) self-harming or harming another person;
 - (iii) damaging the facilities, equipment, or any other property of a juvenile classification home.
- (2) In a case as referred to in the preceding paragraph, if there is no time to wait for an order from the director of a juvenile classification home, a designated official may use handcuffs without waiting for the order. In such a case, the designated official must promptly report this to the director of a juvenile classification home.
- (3) In using handcuffs when escorting an inmate, a designated official must make considerations so as not to needlessly damage the inmate's honor.
- (4) Ministry of Justice Order provides for handcuff models.

(Holding in Protection Rooms)

Article 77 (1) If an inmate falls under any of the following items and there are compelling circumstances, a designated official may hold that inmate in a protection room by order of the director of a juvenile classification home:

- (i) if the inmate is likely to self-harm;
- (ii) if the situation falls under any of the following sub-items (a) through (c) and holding the inmate in a protection room is especially necessary for maintaining discipline and order in a juvenile classification home:
 - (a) if the inmate shouts or makes noises despite a designated official's having stopped the inmate from doing so;
 - (b) if the inmate is likely to harm another person;
 - (c) if the inmate is likely to damage or deface the facilities, equipment, or any other property of a juvenile classification home.

- (2) In the case referred to in the preceding paragraph, if there is no time to wait for an order from the director of a juvenile classification home, the designated official may hold the inmate in a protection room without waiting for the order. In such a case, the designated official must promptly report this to the director of a juvenile classification home.
- (3) The time an inmate is held in a protection room is within seventy-two hours; provided, however, that, if it is particularly necessary to continue holding the inmate in a protection room, the director of a juvenile classification home may renew the holding period every forty-eight hours.
- (4) The relevant parties must endeavor to take the proper approach toward an inmate who is being held in a protection room to ensure the inmate's emotional stability.
- (5) Even during the period referred to in paragraph (3), if it has become unnecessary to hold an inmate in a protection room, the director of a juvenile classification home must immediately cause the detention to be discontinued.
- (6) Having placed an inmate in a protection room for holding or having renewed the period for holding an inmate in a protection room, the director of a juvenile classification home must promptly hear the opinion of a medical doctor who is a juvenile classification home official, or a medical doctor whom the director of a juvenile classification home has commissioned, about the inmate's state of health.
- (7) Ministry of Justice Order establishes the standards for the structure and furnishings of a protection room.

(Returning Inmates for Detaining Them)

Article 78 (1) If an inmate escapes, a designated official may return them; provided, however, that once forty-eight hours have passed from the time of the escape, a designated official may not initiate the return of a person under observation and protection, adjudicated inmate, or person under a temporary hold (meaning a person who is being held under measures for observation and protection (unless those measures are being taken based on a request under the provisions of Article 43, paragraph (1) of the Juvenile Act and the case has not been sent to the family court), an inmate with status as an adjudicated inmate under Article 2, item (2) of the Juvenile Training School Act, or a person being held pursuant to the provisions of Article 26-2 of the Juvenile Act; hereinafter the same applies in this paragraph and paragraph (4) of the following Article) other than based on a return warrant that a judge issues in advance; and that once forty-eight hours have passed from the time of the escape, a designated official may not initiate the return of an inmate who does not constitute a person under observation and protection, adjudicated inmate, or person under a temporary hold.

- (2) If returning an inmate as under the provisions of the preceding paragraph is difficult, the director of a juvenile classification home may request the assistance of a police officer. In such a case, the provisions of the preceding paragraph apply mutatis mutandis to a police officer whose assistance has been requested.
- (3) A return warrant as referred to in the proviso to paragraph (1) (including as applied mutatis mutandis pursuant to the preceding paragraph) is issued by a judge of the family court having jurisdiction over the locality of the juvenile classification home, at the request of the director of the juvenile classification home. In such a case, the provisions of Articles 4 and 36 of the Juvenile Act apply mutatis mutandis.

(Evacuation and Release during Disasters)

Article 79 (1) In the event of an earthquake, fire, or any other such disaster, if there is no means of evacuating to another area within the juvenile classification home, the director of the juvenile classification home must escort inmates to an appropriate location.

- (2) In the case referred to in the preceding paragraph, if it is unable to escort an inmate to an appropriate location, the director of a juvenile classification home may temporarily release the inmate from a juvenile classification home. The same applies in the event of an earthquake, fire, or other such disaster, if the director is unable to escort an inmate who is outside a juvenile classification home to an appropriate location for evacuation.
- (3) A person who has been temporarily released pursuant to the provisions of the preceding paragraph must appear at a juvenile classification home or a location specified by the director of a juvenile classification home promptly after the conditions that made it necessary to evacuate have ceased to exist.
- (4) If a person under observation and protection, adjudicated inmate, or person under a temporary hold who has been temporarily released pursuant to the provisions of paragraph (2) violates the provisions of the preceding paragraph in failing to appear at the juvenile classification home or specified location, a designated official may return them based on a return warrant that a judge issues in advance.
- (5) If returning a person as under the preceding paragraph is difficult, the director of a juvenile classification home may request the assistance of a police officer. In such a case, the provisions of the preceding paragraph apply mutatis mutandis to a police officer whose assistance has been requested.
- (6) The provisions of paragraph (3) of the preceding Article apply mutatis mutandis to a return warrant as referred to in paragraph (4) (including as applied mutatis mutandis pursuant to the preceding paragraph).

Section 11 Contact with the Outside World

Subsection 1 Visitation

Division 1 Inmates under Observation and Protection

(Visitors)

Article 80 (1) If one of the following persons requests to visit an inmate under observation and protection, the director of a juvenile classification home is to permit this, unless it is prohibited by the provisions of Article 107, paragraph (3); provided, however, that this does not apply if visitation is not permitted by the provisions of the Code of Criminal Procedure (including as applied mutatis mutandis pursuant to the Juvenile Act; the same applies in the following paragraph):

(i) the inmate's custodian or relative;

(ii) a person with whom the inmate needs to have a visitation in order to handle a task that is connected with the realignment of a marital relationship, involvement in a lawsuit, or school or employment preparations, or that is otherwise of significant interest in terms of the inmate's status, legal situation, education, or occupation.

(2) If a person other than one set forth in the items of the preceding paragraph requests to visit an inmate under observation and protection and the director of a juvenile classification home finds that there are circumstances which make it necessary for the inmate to get the support they need to live a wholesome life in society or other circumstances which make it necessary for the person to visit the inmate, and that the situation falls under all of the following items (except for item (iv), if the inmate is not a person subject to assessment; the same applies in paragraph (1) of the following Article), the director of a juvenile classification home may permit the visit; provided, however, that this does not apply if visitation is not permitted by the provisions of the Code of Criminal Procedure:

(i) if the visit is unlikely to result in disrupting discipline and order in a juvenile classification home;

(ii) if the visit is unlikely to result in the destruction of evidence in the inmate's delinquency case or criminal case;

(iii) if the visit is unlikely to significantly hinder the inmate's sound development;

(iv) if the visit is unlikely to hinder the appropriate implementation of the inmate's assessment.

(Observing and Recording Visits)

Article 81 (1) The director of a juvenile classification home is to have an official that the director appoints observe the visits of an inmate under observation

and protection (other than a visit with a current or prospective attendant (meaning an attendant or an attorney-at-law seeking to become an attendant at the request of the inmate or the inmate's custodian; the same applies hereinafter) or with a current or prospective defense counsel) or make audio or video recordings of them; provided, however, that on finding that the situation falls under all of the items in paragraph (2) of the preceding Article, the director of a juvenile classification home may decide not to have an official observe or make an audio or video recording of a visit (referred to as "observe or record the visit" in the following paragraph).

- (2) Notwithstanding the provisions of the preceding paragraph, the director of a juvenile classification home must not have an official observe or record the visit of an inmate under observation and protection with any of the following persons, unless there are special circumstances in which the director of a juvenile classification home finds that the visit is likely to result in disrupting discipline and order in a juvenile classification home or to result in the destruction of evidence in the inmate's delinquency case or criminal case:
- (i) a national or local government official conducting an investigation on a measure that the director of a juvenile classification home has taken toward the inmate or into any other treatment for observation and protection or assessment the inmate has undergone;
 - (ii) an attorney-at-law performing a duty provided for in Article 3, paragraph (1) of the Attorneys Act (Act No. 205 of 1949) with regard to a measure that the director of a juvenile classification home has taken toward the inmate, or with regard to any other treatment for observation and protection or assessment the inmate has undergone.

(Suspension and Termination of Visits)

Article 82 (1) In a case falling under one of the following items (limited to the item (i), sub-item (b), if it is a visit with a current or prospective attendant or a current or prospective defense counsel), an official of a juvenile classification home may either put a stop to the act or thing that is being said, or suspend the visit. In such a case, the official may order an inmate under observation and protection or a visitor to leave the visitation area, or take other necessary measures to suspend the visit:

- (i) if the inmate under observation and protection or the visitor engages in an act falling under either of the following sub-items (a) or (b):
 - (a) an act violating the restrictions under paragraph (1) of the following Article;
 - (b) an act that disrupts discipline and order in a juvenile classification home;
- (ii) if the inmate or the visitor says something that falls under any of the following sub-items (a) through (g):

- (a) something that the official cannot understand because the person is using coded speech or due to any other such reason;
 - (b) something that facilitates or induces a crime or delinquent act;
 - (c) something that is likely to result in disrupting discipline and order in a juvenile classification home;
 - (d) something that is likely to result in the destruction of evidence in the inmate's delinquency case or criminal case;
 - (e) something that is likely to significantly hinder the inmate's sound development;
 - (f) something that clearly deviates from the scope of what is necessary for the task in question to be handled, if the visit has been permitted on the grounds that it is necessary in order for the inmate to handle a specific task;
 - (g) something that is likely to hinder proper implementation of the inmate's assessment, if the inmate is a person subject to assessment.
- (2) If a visit has been suspended pursuant to the provisions of the preceding paragraph, and the director of a juvenile classification home finds it inappropriate to allow the visit to continue, the director of a juvenile classification home may terminate the visit.

(Restrictions on Visitation)

- Article 83 (1) Pursuant to Ministry of Justice Order, the director of a juvenile classification home may impose the necessary restrictions, in terms of maintaining discipline and order in the home or in terms of other management and operational considerations, on the number of visitors, visitation area, date and time, duration and frequency of visits, and other aspects of the form of visits, concerning the visits of an inmate under observation and protection (other than visits with a current or prospective attendant or a current or prospective defense counsel).
- (2) If the director of a juvenile classification home restricts the frequency of visits pursuant to the provisions of the preceding paragraph, the frequency must not fall below once a day.

- Article 84 (1) The days and times for the visits of an inmate under observation and protection with a current or prospective attendant or a current or prospective defense counsel are hereby established as being during working hours of a juvenile classification home on days other than Sunday and any other day specified by Cabinet Order.
- (2) The number of visitors in a visit referred to in the preceding paragraph is hereby established as being three or fewer persons.
- (3) Unless it hinders the management and operation of a juvenile classification

home, the director of a juvenile classification home is to permit a visit requested by a current or prospective attendant or a current or prospective defense counsel, even if the visit is not as provided in the preceding two paragraphs.

- (4) Pursuant to Ministry of Justice Order, the director of a juvenile classification home may impose the necessary restrictions, in terms of maintaining discipline and order in the home or in terms of other management and operational considerations, on the area of a visit as referred to in paragraph (1).

Division 2 Inmates Awaiting Trial or Sentencing

(Visitors)

Article 85 (1) If a person requests to visit an inmate awaiting trial or sentencing (excluding one with status as an inmate under observation and protection; hereinafter the same applies in this Division), the director of a juvenile classification home is to permit this unless it is prohibited by the provisions of the following paragraph or Article 107, paragraph (3); provided, however, that this does not apply if visitation is not permitted by the provisions of the Code of Criminal Procedure.

- (2) The director of a juvenile classification home may prohibit an inmate awaiting trial or sentencing from being visited by a person who has criminal tendencies or is otherwise likely to significantly hinder the inmate's sound development by visiting (this excludes an inmate's custodian or relative); provided, however, that this does not apply if a current or prospective attendant or a current or prospective defense counsel visits with an inmate awaiting trial or sentencing or if the visit is found to be necessary in order to protect the inmate's rights as a defendant or suspect or in order for the inmate to prepare for a lawsuit or to protect any other such rights.

(Observing and Recording Visits)

Article 86 (1) The director of a juvenile classification home may have an official that the director appoints observe a visit with an inmate awaiting trial or sentencing (other than a visit with a current or prospective attendant or with a current or prospective defense counsel) or make an audio or video recording of it; provided, however, that on finding that the situation falls under all of the following items, the director of a juvenile classification home may decide not to have an official observe or make an audio or video recording of the visit (referred to as "observe or record the visit" in the following paragraph):

- (i) if the visit is unlikely to result in disrupting discipline and order in a juvenile classification home;
- (ii) if the visit is unlikely to result in the destruction of evidence in the

- inmate's criminal case;
- (iii) if the visit is unlikely to significantly hinder the inmate's sound development.
- (2) Notwithstanding the provisions of the preceding paragraph, the director of a juvenile classification home must not have an official observe or record the visit of an inmate awaiting trial or sentencing with any of the following persons, unless there are special circumstances in which the director of a juvenile classification home finds that the visit is likely to result in disrupting discipline and order in a juvenile classification home or to result in the destruction of evidence in the inmate's criminal case:
- (i) a national or local government official conducting an investigation on a measure that the director has taken toward the inmate, or into any other treatment for observation and protection that the inmate has undergone;
 - (ii) an attorney-at-law performing the duty prescribed in Article 3, paragraph (1) of the Attorneys Act with regard to a measure that the director of a juvenile classification home has taken toward the inmate, or with regard to treatment for observation and protection that the inmate has undergone.

(Suspension and Termination of Visits)

Article 87 The provisions of Articles 82 through 84 (excluding Article 82, paragraph (1), item (ii), sub-items (f) and (g)) apply mutatis mutandis to the visitation of an inmate awaiting trial or sentencing. In such a case, the phrase "delinquency case or criminal case" in sub-item (d) of the same item is deemed to be replaced with "criminal case."

Division 3 Inmates from Juvenile Training Schools

(Visitors)

- Article 88 (1) If one of the following persons requests to visit an inmate from a juvenile training school, the director of a juvenile classification home is to permit this unless it is prohibited by the provisions of Article 107, paragraph (3):
- (i) the inmate's custodian or relative;
 - (ii) a person whose visit is necessary for the inmate to handle a task that is connected with the realignment of a marital relationship, involvement in a lawsuit, or school or employment preparations, or that is otherwise of significant interest in terms of the inmate's status, legal situation, education, or occupation;
 - (iii) a person connected with the inmate's rehabilitation or any other such person whose visit is found to contribute to the inmate's rehabilitation.
- (2) If a person other than one as set forth in the items of the preceding paragraph

requests to visit an inmate from a juvenile training school, and the director of a juvenile classification home finds that there are circumstances which make it necessary for the inmate to get the support they need to live a wholesome life in society or other circumstances which make it necessary for the person to visit the inmate, and that the situation falls under all of the following items (except for item (iii), if the inmate is not a person subject to assessment; the same applies in the paragraph (1) of the following Article), the director of a juvenile classification home may permit the visit:

- (i) if the visit is unlikely to result in disrupting discipline and order in a juvenile classification home;
- (ii) if the visit is unlikely to hinder the inmate's rehabilitation;
- (iii) if the visit is unlikely to hinder the proper implementation of the inmate's assessment.

(Observing and Recording Visits)

Article 89 (1) The director of a juvenile classification home is to have an official that the director of a juvenile classification home appoints observe the visits of an inmate from a juvenile training school (excluding a visit by a current or prospective attendant or by a current or prospective defense counsel) or make audio or video recordings of them; provided, however, that on finding that the situation falls under all of the items in paragraph (2) of the preceding Article, the director of a juvenile classification home may decide not to have an official observe or make an audio or video recording of a visit (referred to as "observe or record the visit" in the following paragraph).

(2) Notwithstanding the provisions of the preceding paragraph, the director of a juvenile classification home must not have an official observe or record the visit of an inmate from a juvenile training school with any of the following persons, unless there are special circumstances in which the director of a juvenile classification home finds that the visit is likely to result in disrupting discipline and order in a juvenile classification home:

- (i) a national or local government official conducting an investigation on a measure that the director has taken toward the inmate or any other treatment for observation and protection or assessment the inmate has undergone in a juvenile classification home, or conducting an investigation on a measure that the superintendent of a juvenile training school has taken toward the inmate or any other treatment to which the inmate has been subject in a juvenile training school;
- (ii) an attorney-at-law performing the duty under Article 3, paragraph (1) of the Attorneys Act with regard to a measure that the director of a juvenile classification home has taken toward the inmate or any other treatment for observation and protection or assessment the inmate has undergone in a

juvenile classification home, or with regard to a measure that the superintendent of a juvenile training school has taken toward the inmate, or any other treatment to which the inmate has been subject in a juvenile training school.

(Suspension and Termination of Visits)

Article 90 The provisions of Articles 82 through 84 (except for Article 82, paragraph (1), item (ii), sub-item (d)) apply mutatis mutandis to the visits with an inmate from a juvenile training school. In such a case, the phrase "significantly hinder the inmate's sound development" in sub-item (e) of that item is deemed to be replaced with "hinder the inmate's rehabilitation."

Division 4 Nontraditional Inmates

Article 91 The provisions of Division 1 (other than the proviso to Article 80, paragraph (1), the proviso to Article 80, paragraph (2), and item (ii) of that paragraph; and Article 82, paragraph (1), item (ii), sub-item (d)) apply mutatis mutandis to the visitation of a nontraditional inmate. In such a case, the phrase "all of the items in paragraph (2) of the preceding Article" in Article 81, paragraph (1) is deemed to be replaced with "all of the items in paragraph (2) of the preceding Article (except for item (ii))", and the phrase "home or result in the destruction of evidence in the inmate's delinquency case or criminal case" in paragraph (2) of that Article is deemed to be replaced with "home."

Subsection 2 Correspondence

Division 1 Inmates under Observation and Protection

(Correspondence Permitted to Be Sent or Received)

Article 92 The director of a juvenile classification home is to permit an inmate under observation and protection to send or receive correspondence, unless this is prohibited by the provisions of this Division or Article 107, paragraph (3); provided, however, that this does not apply if sending or receiving correspondence is not permitted by the provisions of the Code of Criminal Procedure (including as applied mutatis mutandis pursuant to the Juvenile Act).

(Examination of Correspondence)

Article 93 (1) The director of a juvenile classification home is to have an official that the director of a juvenile classification home appoints to examine the correspondence that an inmate under observation and protection sends or receives.

- (2) For the following pieces of correspondence, the relevant official is to conduct an examination as referred to in the preceding paragraph within the limits of what is necessary to verify that the correspondence falls under a category of correspondence referred to in one of those items; provided, however, that for a piece of correspondence as set forth in item (iii), this does not apply if there are special circumstances in which the relevant person finds are likely to result in disrupting discipline and order in a juvenile classification home or result in the destruction of evidence in the delinquency case or criminal case of the inmate under observation and protection:
- (i) correspondence an inmate receives from a current or prospective attendant or a current or prospective defense counsel;
 - (ii) correspondence an inmate receives from a national or local government agency;
 - (iii) correspondence an inmate receives from an attorney-at-law (including a legal professional corporation; hereinafter the same applies in this Subsection) who carries out the duty prescribed in Article 3, paragraph (1) of the Attorneys Act with regard to a measure that the director of a juvenile classification home has taken toward the inmate or any other treatment for observation and protection or assessment that the inmate has undergone.
- (3) Notwithstanding the provisions of the preceding two paragraphs, if the director of a juvenile classification home finds that it is unlikely to result in disrupting discipline and order in a juvenile classification home or result in the destruction of evidence in the delinquency case or criminal case of the inmate under observation and protection, the director may decide not to have an official conduct the examination referred to in paragraph (1).

(Stoppage of Correspondence Due to Its Substance; Related Matters)

- Article 94 (1) If the result of an examination under the preceding Article is that all or part of a piece of correspondence that an inmate under observation and protection is sending or receiving falls under one of the following items, the director of a juvenile classification home may stop the inmate from sending or receiving that piece of correspondence, or may remove or erase the relevant part. The same applies if the relevant official discovers all or part of a piece of correspondence as referred to in one of the items of paragraph (2) of that Article to fall under one of the following items in the course of verifying that it falls under a category referred to in one of the following items:
- (i) if a juvenile classification home official cannot understand its substance because the person has used a code or due to any other such reason;
 - (ii) if its sending or receipt is likely to cause a person to conduct an act that contravenes a law or regulation prescribing criminal penalties, or is likely to promote or induce a crime or delinquent act;

- (iii) if its sending or receipt is likely to result in disrupting discipline and order in a juvenile classification home;
 - (iv) if it is likely to cause the addressee to feel extremely uneasy or to inflict harm on the addressee because it contains intimidating statements or statements that are clearly false;
 - (v) if it includes statements that are extremely insulting toward the addressee;
 - (vi) if its sending or receipt is likely to result in the destruction of evidence in the inmate's delinquency case or criminal case;
 - (vii) if its sending or receipt is likely to significantly hinder the inmate's sound development;
 - (viii) if the inmate is a person subject to assessment and its sending or receipt is likely to hinder the proper implementation of the inmate's assessment.
- (2) Notwithstanding the provisions of the preceding paragraph, as it regards a piece of correspondence that an inmate under observation and protection sends to or receives from a national or local government agency and that includes a matter under that agency's authority, or as it regards a piece of correspondence that an inmate under observation and protection sends to or receives from an attorney-at-law and that includes a matter involved in that attorney-at-law's duty to that inmate as provided in Article 3, paragraph (1) of the Attorneys Act, the director of a juvenile classification home may stop the correspondence from being sent or received only if all of the parts that have to do with that matter falls under one of the items (i) through (iii), or (vi) of the preceding paragraph, and may remove or erase a part of the correspondence that has to do with that matter only if that part of it falls under any one of those items.

(Restrictions on Correspondence)

- Article 95 (1) Pursuant to Ministry of Justice Order, the director of a juvenile classification home may impose the necessary restrictions, in terms of the management and operation of a juvenile classification home, upon the ways of producing the correspondence an inmate under observation and protection sends, the days and times for applying to send it, the number of pieces of correspondence (except those sent to a current or prospective attendant or a current or prospective defense counsel) an inmate under observation and protection requests to send, and the way an inmate under observation and protection sends or receives correspondence.
- (2) If the director of a juvenile classification home restricts the number of pieces of correspondence an inmate under observation and protection may send pursuant to the provisions of the preceding paragraph, the number must not fall below one per day.

(Cost of Sending)

Article 96 If an inmate under observation and protection is unable to bear the cost for sending a piece of correspondence, and the director of a juvenile classification home finds it to be appropriate in light of the purpose of sending the correspondence, the national treasury bears all or part of the cost.

(Handling of Prohibited and Redacted Correspondence)

Article 97 (1) The director of a juvenile classification home is to keep any piece of correspondence that the director of a juvenile classification home has stopped or prohibited from being sent or received pursuant to the provisions of Article 94 or Article 107, paragraph (3), and is to keep any part of a piece of correspondence that the director of a juvenile classification home has removed pursuant to the provisions of Article 94.

(2) If the director of a juvenile classification home is to erase part of the text of a piece of correspondence pursuant to the provisions of Article 94, the director of a juvenile classification home is to make a copy of the part that will be erased and is to keep it.

(3) The director of a juvenile classification home is to hand over any full or partial piece of correspondence or copy of which the director of a juvenile classification home has kept pursuant to the provisions of the preceding two paragraphs (hereinafter referred to as "prohibited or redacted correspondence") to the inmate under observation and protection or a parent or custodian of the inmate upon the inmate's release.

(4) If an inmate under observation and protection dies, the director of a juvenile classification home, pursuant to Ministry of Justice Order, is to hand over the prohibited and redacted correspondence to the surviving family member or other such person, at that person's application.

(5) Notwithstanding the provisions of the preceding two paragraphs, if handing over the prohibited or redacted correspondence is likely to hinder the maintenance of discipline and order in a juvenile classification home, the director of a juvenile classification home is not to hand it over. The same applies in the following cases, if handing over the prohibited or redacted correspondence is likely to hinder the maintenance of discipline and order in a juvenile classification home:

(i) if a released inmate under observation and protection or their parent or custodian asks for the prohibited or redacted correspondence to be handed over after the inmate's release;

(ii) if an inmate under observation and protection falls under any of the items of Article 63, paragraph (1), and that inmate or their parent or custodian asks for the prohibited or redacted correspondence to be handed over.

(6) The provisions of Article 62, paragraph (1), Article 63, paragraph (1) and Article 64, paragraphs (2) and (3) apply mutatis mutandis to the prohibited or

redacted correspondence (excluding those not being handed over pursuant to the provisions of the preceding paragraph) of an inmate under observation and protection. In such a case, the phrase "request set forth in paragraph (1)" in paragraph (3) of that Article is deemed to be replaced with "request set forth in Article 97, paragraph (4)."

(7) The prohibited or redacted correspondence that has been decided not to be handed over pursuant to the provisions of paragraph (5) vests in the national treasury on the day after the end of the three years that starts to run on the day the inmate under observation and protection is released or dies, or that starts to run on the day on which the inmate under observation and protection comes to fall under any of the items of Article 63, paragraph (1).

(Documents and Drawings Created by Inmates under Observation and Protection)

Article 98 If an inmate under observation and protection creates a document or drawing (other than a piece of correspondence) and requests to give it to another person, the director of a juvenile classification home, in connection with this being given, may conduct an examination or take other such measures equivalent to those that are taken for correspondence that the inmate sends.

Division 2 Inmates Awaiting Trial or Sentencing

Article 99 The provisions of the preceding Division (except for Article 94, paragraph (1), item (viii)) apply mutatis mutandis to correspondence an inmate awaiting trial or sentencing (other than one with status as an inmate under observation and protection) sends or receives. In such a case, the phrase "the Code of Criminal Procedure (including as applied mutatis mutandis pursuant to the Juvenile Act)" in the proviso to Article 92 is deemed to be replaced with "the Code of Criminal Procedure"; and the phrase "delinquency case or criminal case" in the proviso to Article 93, paragraph (2) and paragraph (3) and the phrase "delinquency case or criminal case" in Article 94, paragraph (1), item (vi) are deemed to be replaced with "criminal case"; and the term "treatment for observation and protection or assessment" in Article 93, paragraph(2), item (iii) is deemed to be replaced with "treatment for observation and protection."

Division 3 Inmates from Juvenile Training Schools

(Correspondence Permitted to Be Sent or Received)

Article 100 The director of a juvenile classification home is to permit an inmate from a juvenile training school to send and receive correspondence, unless this

is prohibited by the provisions of this Division or Article 107, paragraph (3).

(Examination of Correspondence)

Article 101 (1) The director of a juvenile classification home is to have an official that the director of a juvenile classification home appoints examine the correspondence that an inmate from a juvenile training school sends or receives.

(2) For the following pieces of correspondence, the relevant official is to conduct an examination as referred to in the preceding paragraph within the limits of what is necessary to verify that the correspondence falls under a category of correspondence referred to in one of those items; provided, however, that for a piece of correspondence as set forth in item (iv), this does not apply if there are special circumstances in which the relevant person finds are likely to result in a disruption to discipline and order in a juvenile classification home:

(i) correspondence an inmate from a juvenile training school receives from a current or prospective attendant or a current or prospective defense counsel;

(ii) correspondence an inmate from a juvenile training school receives from a national or local government agency;

(iii) correspondence an inmate from a juvenile training school sends to a national or local government agency that is conducting an investigation on a measure that the director of a juvenile classification home has taken toward the inmate or any other treatment for observation and protection or assessment the inmate has undergone in a juvenile classification home, or conducting an investigation on a measure that the superintendent of a juvenile training school has taken toward the inmate or any other treatment to which the inmate has been subject in a juvenile training school;

(iv) correspondence an inmate from a juvenile training school sends to or receives from an attorney-at-law performing the duty prescribed in Article 3, paragraph (1) of the Attorneys Act with regard to a measure that the director of a juvenile classification home has taken toward the inmate or any other treatment for observation and protection or assessment the inmate has undergone in a juvenile classification home, or with regard to a measure that the superintendent of a juvenile training school has taken toward the inmate or any other treatment to which the inmate has been subject in the juvenile training school.

(3) Notwithstanding the provisions of the preceding two paragraphs, if the director of a juvenile classification home finds that it is unlikely to result in disrupting discipline and order in a juvenile classification home or to hinder the rehabilitation of the inmate from a juvenile training school, the director of a juvenile classification home may decide not to have an official conduct the examination referred to in paragraph (1).

(Prohibition of Correspondence)

Article 102 The director of a juvenile classification home may prohibit an inmate from a juvenile training school from sending correspondence to or receiving correspondence from a person who has criminal tendencies or any other person whose correspondence with the inmate is likely to disrupt discipline and order in a juvenile classification home or hinder the inmate's rehabilitation (this excludes an inmate's custodian or relative); provided, however, that this does not apply if the inmate is sending or receiving correspondence in order to handle a task that is connected with the realignment of a marital relationship, involvement in a lawsuit, or school or employment preparations, or that is otherwise of significant interest in terms of the inmate's personal status, legal situation, education, or occupation.

(Stoppage of Correspondence Due to Its Substance; Related Matters)

Article 103 The provisions of Articles 94 through 98 (except for Article 94, paragraph (1), item (vi)) apply mutatis mutandis to correspondence an inmate from a juvenile training school sends or receives. In such a case, the phrase "the preceding Article" in that paragraph is deemed to be replaced with "Article 101"; the phrase "significantly hinder the inmate's sound development" in item (vii) of that paragraph is deemed to be replaced with "hinder the inmate's rehabilitation"; the phrase "(i) through (iii), or (vi)" in Article 94, paragraph (2) is deemed to be replaced with "(i) through (iii)"; the phrase "or Article 107, paragraph (3)" in Article 97, paragraph (1) is deemed to be replaced with ", Article 102 or Article 107, paragraph (3)"; and the phrase "discipline and order in a juvenile classification home" in paragraph (5) of that Article is deemed to be replaced with "discipline and order in a juvenile classification home or to promote or induce an inmate from a juvenile training school to commit a crime or engage in a delinquent act."

Division 4 Nontraditional Inmates

Article 104 The provisions of the main text of Article 92, Articles 94 through 98 (except for Article 94, paragraph (1), item (vi)) and Article 101 apply mutatis mutandis to correspondence a nontraditional inmate sends or receives. In such a case, the phrase "the preceding Article" in that paragraph is deemed to be replaced with "Article 101 as applied mutatis mutandis pursuant to Article 104"; the term "(i) through (iii), or (vi)" in Article 94, paragraph (2) is deemed to be replaced with "(i) through (iii)"; the phrase "assessment the inmate has undergone in a juvenile classification home, or conducting an investigation on a measure that the superintendent of a juvenile training school has taken

toward the inmate or any other treatment to which the inmate has been subject in a juvenile training school" in Article 101, paragraph (2), item (iii) and item (iv) is deemed to be replaced with "assessment the inmate has undergone in a juvenile classification home"; and the phrase "a juvenile classification home or to hinder the rehabilitation of the inmate from a juvenile training school" in paragraph (3) of that Article is deemed to be replaced with "a juvenile classification home."

Subsection 3 Communication by Telephone and Other Means of Telecommunication

(Communication by Telephone and Other Means of Telecommunication)

Article 105 (1) The director of a juvenile classification home may permit an inmate from a juvenile training school to communicate with a person set forth in the items of Article 88, paragraph (1) by telephone or by any other means of telecommunication specified by Cabinet Order, on finding that this contributes to the inmate's rehabilitation or smooth reintegration into society or on otherwise finding this to be appropriate.

(2) The provisions of Article 96 apply mutatis mutandis to the communication referred to in the preceding paragraph.

(Verification of What Is Being Communicated; Related Matters)

Article 106 (1) In order to verify what is being communicated as referred to in paragraph (1) of the preceding Article, the director of a juvenile classification home is to have an official that the director of a juvenile classification home appoints monitor the communication or record the substance of the communication; provided, however, that this does not apply if the director of a juvenile classification home finds that the situation falls under all of the following items (except for item (iii), if the inmate from a juvenile training school is not a person subject to assessment):

(i) if the communication is unlikely to result in disrupting discipline and order in a juvenile classification home;

(ii) if the communication is unlikely to hinder the inmate's rehabilitation;

(iii) if the communication is unlikely to hinder the proper implementation of the inmate's assessment.

(2) The provisions of Article 82 (excluding paragraph (1), item (i), sub-item (a) and item (ii), sub-item (d)) apply mutatis mutandis to communication as referred to in paragraph (1) of the preceding Article by an inmate from a juvenile training school. In this case, the phrase "significantly hinder the inmate's sound development" in sub-item (e) of the same item is deemed to be replaced with "hinder the inmate's rehabilitation".

Subsection 4 Miscellaneous Provisions

(Visits and Communication in Foreign Languages)

Article 107 (1) The director of a juvenile classification home is to permit a visit or communication (meaning a visit or communicating as referred to in Article 105, paragraph (1); hereinafter the same applies in this Article) to take place in a foreign language if an inmate or the person with whom an inmate is visiting or communicating does not understand Japanese. In such a case, if the things that are said or the substance of the communications need to be interpreted or translated in order for the director to verify them, the director of a juvenile classification home may have the inmate bear the cost of this, pursuant to Ministry of Justice Order.

(2) The director of a juvenile classification home is to permit correspondence to be sent or received in a foreign language if an inmate or the person with whom an inmate is corresponding does not understand Japanese or if the director of a juvenile classification home otherwise finds that this is appropriate. In such a case, if a piece of correspondence needs to be translated in order for the director of a juvenile classification home to verify its substance, the director of a juvenile classification home may have the inmate bear the cost of this, pursuant to Ministry of Justice Order.

(3) If an inmate does not bear the costs that the inmate should bear pursuant to the preceding two paragraphs, the director of a juvenile classification home does not permit the visit or communication to take place or the correspondence to be sent or received.

(Effect of Treaties)

Article 108 If a treaty provides otherwise for a matter prescribed in this Section that concerns visits and correspondence, that matter is governed by the treaty.

Section 12 Request for Relief: Related Matters

Subsection 1 Request for Relief

(Request for Relief)

Article 109 If an inmate has a complaint regarding a measure that the director of a juvenile classification home has taken toward that inmate or regarding any other treatment for observation and protection or assessment that the inmate has undergone, the inmate may file a request for relief with the Minister of Justice, in writing.

Article 110 (1) If a person who has been released from a juvenile classification

home has a complaint regarding a measure as set forth in items (i) through (iii) that the director of a juvenile classification home has taken toward that person, or regarding an action as set forth in items (iv) through (vi) that an official of a juvenile classification home has taken toward that person, the person may file a request for relief with the Minister of Justice, in writing.

- (i) the action of having the person bear costs under Article 66, paragraph (3) or Article 67, paragraph (3);
 - (ii) the action of not handing over prohibited or redacted correspondence under the first sentence of Article 97, paragraph (5) (including as applied mutatis mutandis pursuant to Articles 99, 103, and 104; the same applies in Article 115, paragraph (1), item (ix)) (this is limited to an action that involves handing this over as under Article 97, paragraph (3) (including as applied mutatis mutandis pursuant to Articles 99, 103, and 104); the same applies in item (ix));
 - (iii) the action of having the person bear costs under Article 107, paragraph (1) or (2);
 - (iv) use of physical force against the person;
 - (v) use of handcuffs;
 - (vi) holding the person in a protection room.
- (2) A person must file a request as under the preceding paragraph within thirty days after the day immediately following the day of the person's release from a juvenile classification home.
- (3) Notwithstanding the provisions of the preceding paragraph, if there has been a natural disaster or any other compelling reason for not having filed the request under paragraph (1) within the period referred to in the preceding paragraph, the person may file that request within one week after the day immediately following the day on which the reason ceases to exist.

Article 111 The person filing a request under the provisions of Article 109 or paragraph (1) of the preceding Article (hereinafter referred to as "request for relief") must do so themselves.

(Consultant)

- Article 112 (1) A juvenile classification home official appointed by the director of a juvenile classification home (referred to as "consultant" in the following paragraph and Article 120, paragraph (1)) is to handle consultations with inmates about the request for relief.
- (2) The consultant must not divulge the substance of a request for relief learned through the consultation to any other juvenile classification home official.

(Investigations)

Article 113 (1) The Minister of Justice is to conduct the necessary investigation in connection with a request for relief by the Minister's own authority.

(2) If it is necessary to do so in order to conduct an investigation as referred to in the preceding paragraph, the Minister of Justice may order the director of a juvenile classification home to make a report or submit materials and other items, or may have an official that the Minister of Justice appoints question the person filing a request for relief or any other relevant party, or ask the filer or any other relevant party to submit an item, keep hold of the items that the person and any other relevant party have submitted, or conduct an inspection.

(Handling)

Article 114 (1) Having received a request for relief, the Minister of Justice is to handle it in good faith.

(2) If a request for relief concerns acts as set forth in Article 110, paragraph (1), items (iv) through (vi) taken by a juvenile classification home official toward the person filing the request, the Minister of Justice is to endeavor as much as possible to finish processing it within sixty days; and in other cases, the Minister of Justice is to endeavor as much as possible to finish processing it within ninety days.

(Measures by the Minister of Justice)

Article 115 (1) If the Minister of Justice confirms that a request for relief concerns either of the following measures which the director of a juvenile classification home has taken toward the person filing the request, and that the measure is illegal or unjust, the Minister of Justice is to rescind or modify all or part of the measure on finding that this is necessary:

- (i) the action of not permitting the filer to receive medical treatment as under Article 37, paragraph (1), or the suspension of medical treatment under paragraph (4) of that Article;
- (ii) the action of not permitting the filer to use or consume a purchased item as under Article 42, paragraph (1);
- (iii) the action of not permitting the filer to use the retained cash as under Article 55, or of not permitting the filer to give another person the retained money or any other item as under Article 56 (including as applied *mutatis mutandis* pursuant to Article 59), Article 57, or Article 58;
- (iv) prohibiting the filer from reading books and equivalent works or newspapers as under the provisions of Article 66, paragraph (2);
- (v) the action of having the filer bear costs as under Article 66, paragraph (3) or Article 67, paragraph (3);
- (vi) restricting the filer from acquiring newspapers as under Article 68;
- (vii) prohibiting or restricting the filer from engaging in religious practices as

- prescribed in Article 70;
- (viii) prohibiting, restraining, or restricting the filer from sending or receiving correspondence or giving a person a document or drawing as under Article 94, Article 95, paragraph (1), or Article 98 (including as applied mutatis mutandis pursuant to Articles 99, 103, and 104) or under Article 102;
 - (ix) the action of not handing over prohibited or redacted correspondence as under the first sentence of Article 97, paragraph (5);
 - (x) the action of causing the filer to bear costs as under Article 107, paragraph (1) or (2).
- (2) If the Minister of Justice confirms that a request for relief concerns an act as set forth in Article 110, paragraph (1), item (iv) through (vi) which a juvenile classification home official has taken toward the person making the filing, and that the act set forth in item (iv) of that paragraph is illegal, the Minister of Justice is to take the necessary measures to prevent the reoccurrence of similar acts or is to take other such measures, on finding that this is necessary, or that the act set forth in item (v) or (vi) of that paragraph is illegal or improper, the Minister of Justice is to take the necessary measures to prevent the reoccurrence of similar acts or is to take other such measures, on finding that this is necessary.

(Notices)

Article 116 When the Minister of Justice has finished the processing under Article 114, the Minister of Justice must promptly notify the person who has filed a request for relief of the results of the processing (including the measures taken by the Minister of Justice under paragraph (1) of the preceding Article); provided, however, that this does not apply to a request for relief filed by an inmate (other than a request for relief concerning a measure that the director of a juvenile classification home has taken, or an act that a juvenile classification home official has taken, as set forth in the items of Article 110, paragraph (1)), if the inmate has been released.

(Delegation to Ministry of Justice Order)

Article 117 Beyond what is provided for in this Subsection, Ministry of Justice Order prescribes the necessary particulars concerning the request for relief.

Subsection 2 Filing Complaints

(Filing a Complaint with an Inspector)

Article 118 (1) An inmate may file an oral or written complaint regarding a measure that the director of a juvenile classification home has taken toward that inmate or regarding any other treatment for observation and protection or

assessment that the inmate has undergone with an inspector who is conducting an on-site inspection pursuant to the provisions of Article 5 (referred to as an "inspector" hereinafter in this Article and Article 120, paragraph (1)).

- (2) The provisions of Article 111 apply mutatis mutandis to the filing of a complaint as set forth in the preceding paragraph.
- (3) An inspector must not allow a juvenile classification home official to be present when receiving an oral complaint.
- (4) If a complaint is filed with an inspector, the inspector must handle this in good faith and notify the person who filed the complaint of the results of the processing; provided, however, this does not apply if the person has been released.

(Filing a Complaint with the Director of the Juvenile Classification Home)

Article 119 (1) An inmate may file an oral or written complaint regarding a measure that the director of a juvenile classification home has taken toward that inmate or regarding any other treatment for observation and protection or assessment that the inmate has undergone with the director of a juvenile classification home.

- (2) The provisions of Article 111 apply mutatis mutandis to the filing of a complaint as referred to in the preceding paragraph.
- (3) If an inmate seeks to file a complaint as referred to in paragraph (1) orally, the director of a juvenile classification home may have an official that the director of a juvenile classification home appoints hear the substance of the complaint.
- (4) The provisions of paragraph (4) of the preceding Article apply mutatis mutandis if the director of a juvenile classification home is the person with whom a complaint is filed.

Subsection 3 Miscellaneous Provisions

(Secrecy of Filing)

- Article 120 (1) The director of a juvenile classification home must take the necessary measures so that, in filing a request for relief or in filing a complaint with an inspector, an inmate is able to keep the substance of the filing a secret from juvenile classification home officials (other than the consultant that the inmate has consulted about the relevant request for relief).
- (2) Notwithstanding the provisions of Article 93 (including as applied mutatis mutandis pursuant to the provisions of Article 99) and Article 101 (including as applied mutatis mutandis pursuant to the provisions of Article 104), the director of a juvenile classification home must not examine a document used in the request for relief or in the filing of a complaint.

(Prohibition of Disadvantageous Treatment)

Article 121 A juvenile classification home official must not treat an inmate in a disadvantageous manner on the grounds that the inmate has filed a request for relief or has filed a complaint.

(Special Provisions for Inmates from Juvenile Training Schools)

Article 122 The provisions of Article 112 and the preceding two Articles apply mutatis mutandis if an inmate from a juvenile training school files a request for relief with the Minister of Justice pursuant to the provisions of Article 120 of the Juvenile Training School Act.

Section 13 Provisional Detention

Article 123 If an inmate is being escorted (this includes if an inmate is being returned pursuant to the provisions of Article 78, paragraph (1) (including as applied mutatis mutandis pursuant to paragraph (2) of that Article) or Article 79, paragraph (4) (including as applied mutatis mutandis pursuant to paragraph (5) of that Article) and there is a compelling reason to do so, the inmate may be provisionally held at the nearest juvenile classification home or juvenile training school, or in a specially separated place inside a penal institution.

Section 14 Release

(Release of Inmates under Observation and Protection)

Article 124 An inmate under observation and protection is released immediately on the following grounds:

- (i) the period for holding the inmate that was established in advance has expired;
- (ii) the measures for observation and protection has ceased to be effective pursuant to a ruling as prescribed in Article 18, Article 23, paragraph (2), or Article 24, paragraph (1) of the Juvenile Act or pursuant to the ruling on an application as prescribed in Article 71 of the Offenders Rehabilitation Act (but only if this ruling is announced on the adjudication date);
- (iii) directions or a notice to release the inmate has been received from the family court, the public prosecutor, or any other such person that has authority over the physical restraint of the inmate.

(Release of Inmates Awaiting Trial or Sentencing)

Article 125 An inmate awaiting trial or sentencing is released immediately on

the following grounds:

- (i) the term of detention has expired, if the inmate is a defendant under detention;
- (ii) the period of detention that was established in advance has expired, if the inmate is a person who is under detention pursuant to the provisions of Article 167, paragraph (1) of the Code of Criminal Procedure (including as applied pursuant to Article 224, paragraph (2) of that Code);
- (iii) the detention warrant has ceased to be effective pursuant to the provisions of Article 345 of the Code of Criminal Procedure (but only if the inmate under detention pursuant to the provisions of that Code is in court);
- (iv) directions or a notice to release the inmate has been received from the public prosecutor.

(Release of Inmates from Juvenile Training Schools and of Nontraditional Inmates)

Article 126 An inmate from a juvenile training school or nontraditional inmate is released immediately on the grounds specified by Cabinet Order.

(Requests to Stay)

Article 127 (1) If an inmate that should be released is in a critical condition due to injury or illness, or if there is any other compelling reason to do so for the benefit of the inmate, the director of a juvenile classification home may permit the inmate to temporarily stay in a juvenile classification home, at the request of the inmate.

(2) The provisions on nontraditional inmates apply *mutatis mutandis* to the treatment for observation and protection of a person staying in a juvenile classification home pursuant to the provisions of the preceding paragraph to the extent that they are not inconsistent with the nature thereof.

(Provision of Travel Expenses and Clothing)

Article 128 The director of a juvenile classification home is to provide an inmate being released with the travel expenses and clothes necessary to help them return home.

Section 15 Death

(Notice of Death)

Article 129 If an inmate dies, the director of a juvenile classification home, pursuant to Ministry of Justice Order, must promptly notify a surviving family member or other such person of the cause, time, and date of the inmate's death, and of any items left behind that the person should be given and any

prohibited or redacted correspondence.

(Measures Taken Concerning the Bodies of the Deceased)

Article 130 (1) Notwithstanding the provisions of Article 9 of the Graveyards and Burials Act (Act No.48 of 1948), if an inmate dies and there is no one to cremate or inter the body, the director of a juvenile classification home is to conduct the cremation or interment.

(2) Beyond what is provided for in the preceding paragraph, Ministry of Justice Order provides for measures taken in connection with the body of a deceased inmate.

Chapter IV Support for Preventing Delinquency and Crime

Article 131 In order to contribute to preventing delinquency and crime in the local community, in addition to providing the necessary information, advice, and other such support for consultations about various issues on delinquency and crime initiated by juveniles, custodians, and other such persons which necessitate specialized knowledge and technique, the director of a juvenile classification home is to provide technical advice and other such necessary support at the request of an organization or entity involved in preventing delinquency and crime.

Chapter V Penal Provisions

Article 132 An inmate (but only one falling under a category of the person prescribed in Article 97 of the Penal Code (Act No. 45, 1907)) who has been released pursuant to the provisions of Article 79, paragraph (2), and subsequently has failed to appear at a juvenile classification home or the specified location in violation of the provisions of Article 79, paragraph (3) is subject to imprisonment for not more than one year.