

The Police Duties Execution Act

(Act No. 136 of July 12, 1948)

(Purpose of this Act)

- Article 1 (1) The purpose of this Act is to set forth necessary measures to be taken by police officials in order to faithfully conduct such officials' authorities and duties of protecting the lives, bodies and property of individuals, preventing crime and maintaining public safety, as provided in the Police Act (Act No. 162, 1954), as well as the enforcement of other laws and regulations.
- (2) Any measures provided for in this Act are to be used within the limits of minimum necessity for the purpose of the preceding paragraph, and any abuse thereof is strictly prohibited.

(Questioning)

- Article 2 (1) A police official may stop and question any person for whom there is sufficient probable cause to suspect that the person has committed or is about to commit a crime or who is deemed to possess information on a crime which has already been committed or is about to be committed, judging reasonably on the basis of unusual behavior and/or other surrounding circumstances.
- (2) In the event that a police official considers that conducting questioning as set forth in the preceding paragraph on the spot will disadvantage the subject person or impede traffic, the police official may request the subject person to accompany the police official to a nearby police station, police box or residential police box for the purpose of questioning.
- (3) No person provided for in the preceding two paragraphs is taken into custody, or be conducted to a police station, police box or residential police box by force, or be coerced to answer questions against his or her will unless this is based on the provisions of an act concerning criminal proceedings.
- (4) With regard to a person who is under arrest pursuant to an act concerning criminal procedure, a police official may search his or her body to check whether he or she possesses weapons.

(Protection)

- Article 3 (1) If a police official identifies a person who clearly falls under any of the following items, judging reasonably on the basis of unusual behavior and other surrounding circumstances, and moreover there is sufficient probable cause to believe that such person needs emergency aid and protection, the police official must provide such person immediate protection at any appropriate place, such as a police station, hospital, shelter, etc.

- (i) a person who is likely to inflict injury on his or her own or others' lives, bodies or property due to mental derangement or drunkenness.
 - (ii) a lost child, a sick person, an injured person or the like who is not attended by any proper custodian and is considered to require emergency aid and protection (except in any case where such person refuses to accept the same).
- (2) In the event that police official has taken measures provided for in the preceding paragraph, the police official must notify the family, acquaintances or other persons concerned as soon as possible to that effect, and make necessary arrangements for handing the subject person over to them. If no responsible relative, acquaintance or the like can be found, the police official must immediately turn the case over to the appropriate institution for public health or public welfare, or any other public institution responsible for the disposition of such persons pursuant to laws and regulations.
- (3) Police protection under the provision of paragraph (1) must last no longer than 24 hours; provided, however, that this does not apply in cases where a permit of a judge of the summary court (meaning the summary court having jurisdiction over the location of the police station to which the police official who has provided the relevant protection is assigned; the same applies hereinafter) approving further protection is obtained.
- (4) The permit referred to in the provision to the preceding paragraph is to be issued by the judge at the request of a police official only in the event that the judge deems there exist unavoidable circumstances, and the period of extension must not exceed five days in total. In this permit, the unavoidable circumstances must be stated expressly.
- (5) The police official must notify the summary court every week of the names, addresses, reasons for protection, dates of protection and delivery, and recipients of the delivery, of any persons placed under police protection pursuant to the provisions of paragraph (1).

(Measures for Refuge)

Article 4 (1) In the event of a dangerous situation, such as a natural disaster, incident, destruction of a structure, traffic accident, explosion of a hazardous materials, appearance of a rabid dog or runaway horse, severe crush, or the like, which is likely to endanger the lives or bodies of people or cause serious damage to property, a police official may provide necessary warning to persons who happen to be at the scene, the controller of relevant items and other persons concerned; and in cases of extreme urgency, the police official may restrain or evacuate persons who are liable to suffer harm within the limits of necessity to escape harm at the scene, or order persons who happen to be at the scene, controller of relevant items and any other persons concerned to take measures generally considered necessary for the prevention of harm, or take

such measures himself or herself.

- (2) With regard to actions taken by a police official pursuant to the provisions of the preceding paragraph, the police official must report such actions through due steps to the Public Safety Commission to which the police official belongs. In such cases, the Public Safety Commission must take appropriate measures to request other public institutions for such cooperation as is deemed necessary for subsequent actions.

(Prevention and Suppression of Crime)

Article 5 A police official may, if they notice that a crime is about to occur, give necessary warning to the persons concerned in order to prevent such occurrence, and may restrain the actions of such persons in the event that such actions may endanger the lives or bodies of persons or cause serious damage to property and the matter is urgent.

(Entry)

Article 6 (1) In the event that any dangerous situation provided for in the preceding two Articles has occurred and the lives, bodies or property of persons are liable to suffer harm, if a police official considers it unavoidable in order to prevent such danger, restrain the spread of damage or rescue victims, such police officer may, to the extent judged reasonably necessary, enter any person's land, building, vessel or vehicle.

- (2) The manager or any person in the equivalent position, of a place of entertainment, hotel, restaurant, railway station or any other place accessed by large numbers of patrons, may not, without justifiable grounds, deny entry to a police official who demand entry to such premises during its business hours for the purpose of preventing any crime or danger imperiling the lives, bodies or property of persons.
- (3) In making entry under the provisions of the preceding two paragraphs, a police official must not interfere with the lawful operation of the business of the person concerned without good reason.
- (4) In making entry under the provisions of either paragraph (1) or paragraph (2), a police official, if requested, must inform the manager or person in the equivalent position of the reason for his or her entry, and present such person his or her certificate of identification.

(Use of Weapon)

Article 7 In the event that there is probable cause to deem it necessary for the arrest of a criminal or the prevention of a criminal's escape, for self-protection or the protection of others, or for suppression of resistance to the performance of public duty, a police official may use a weapon within the limits judged

reasonably necessary in the situation; Provided, however, that the police official must not inflict injury upon any person except in a case falling under Article 36 (Self-Defense) of the Penal Code (Act No. 45, 1907) or Article 37 (Averting present Danger) of the same Act, or a case falling under one of the following items:

- (i) in the event that a person who is actually in the act of committing, or is suspected on sufficient grounds of having committed, a violent and dangerous crime which is subject to the death penalty, life imprisonment or life imprisonment without work, or imprisonment or imprisonment without work for a maximum period of not less than three years, resists a police official's performance of duty regarding such person or attempts to escape, or a third party resists the police official in order to allow the subject person to escape; provided there is sufficient probable cause on the part of the police official to believe that there are no other means but to do so either for the prevention of such resistance or escape or for the arrest of such persons.
- (ii) in event of arrest of a person under an arrest warrant, or execution of a writ of physical escort or detention warrant, if the subject person resists the police official's performance of duty with respect to such subject person or attempts to escape, or a third person resists the police official in order to allow the subject person to escape; provided there is sufficient probable cause on the part of the police official to believe that there are no other means but to do so either for the prevention of such resistance or escape or for the apprehension of the such persons.

(Authorities and Duties under other Laws and Regulations)

Article 8 A police official is to exercise the police official's authority and carry out the police official's duties granted under the laws and regulations concerning criminal procedure and others, as well as police rules, in addition to the provisions of this Act.