

Volunteer Probation Officers Act

(Act No. 204 of May 25, 1950)

(Mission of volunteer probation officers)

Article 1 The mission of the volunteer probation officers shall be to contribute to the welfare of the individuals and to the public by helping persons who have committed offenses to improve and rehabilitate themselves and at the same time, to enlighten the public on crime prevention and enhance the local community, in the spirit of volunteer social service.

(Designated areas and fixed numbers)

Article 2 (1) Volunteer probation officers shall be designated for areas by the Minister of Justice in accordance with the prefectural areas (hereinafter referred to as "rehabilitation area") into and designates.

(2) The full number of volunteer probation officers shall not exceed 52,500 across the country.

(3) The fixed number of volunteer probation officers in each rehabilitation area shall be determined by the Minister of Justice in consideration of the population, economy, the status of offenses and other factors of the locality.

(4) The authority of the Minister of Justice prescribed in paragraph (1) and the preceding paragraph may be delegated to the regional parole board.

(Recommendation and commission)

Article 3 (1) Volunteer probation officers shall be appointed for commission by the Minister of Justice from among persons who have all the qualifications given in the following items:

(i) The person is highly evaluated in terms of character and conduct in the community;

(ii) The person is enthusiastic and has enough time available to accomplish the necessary duties;

(iii) The person is financially stable and;

(iv) The person is healthy and active.

(2) The Minister of Justice may delegate the power for appointment set forth in the preceding paragraph to the chair of the regional parole board.

(3) The appointment set forth in the preceding two paragraphs shall be made from among the persons recommended by the director of the probation office.

(4) The director of the probation office shall, when recommending the persons set forth in the preceding paragraph, hear the opinion of the Volunteer Probation Officers Screening Commission in advance.

(Disqualification)

Article 4 Any person who falls under any of the following items shall be disqualified as a volunteer probation officer:

- (i) An adult ward or a person under curatorship;
- (ii) A person sentenced to imprisonment without work or a heavier punishment;
- (iii) A person who, on or after the day of enforcement of the Constitution of Japan, has formed or become a member of a political party or any other organization which advocates the overthrow by force of the Constitution of Japan or the government existing under the Constitution.

(Volunteer Probation Officers Screening Commission)

Article 5 (1) The Volunteer Probation Officers Screening Commission shall be established in the probation office.

(2) The Volunteer Probation Officers Screening Commission shall be composed of a maximum of 13 members (a maximum of 15 in the case of the Volunteer Probation Officers Screening Commission established in the probation office corresponding to the territorial jurisdiction of the Tokyo District Court) and one of them shall be the chair.

(3) No salary shall be given to any member of the Volunteer Probation Officers Screening Commission.

(4) In addition to those items provided for in this Act, the organization, jurisdictional affairs, members and administration procedures of the Volunteer Probation Officers Screening Commission shall be provided for by a Ministry of Justice ordinance.

Article 6 Deleted

(Term of office)

Article 7 The volunteer probation officer's term of office shall be two years. However this shall not preclude him/her from being re-appointed.

(Area wherein the officer performs his/her duties)

Article 8 The volunteer probation officer shall perform his/her duties within the rehabilitation area wherein he/she has been posted. However this shall not apply when the volunteer probation officer is otherwise ordered by the regional parole board or the director of the probation office.

(Accomplishment of Duties)

Article 8-2 The volunteer probation officer shall, upon receiving designation

from the regional parole board or the director of the probation office, perform the duties belonging to the jurisdiction of the regional parole board or the probation office concerned, as well as performing the duties, which are given below, belonging to the jurisdiction of such probation office, in accordance with the items prescribed in the plans of the Volunteer Probation Officers Association for which the approval of the director of the probation office concerned has been obtained:

- (i) Enlightenment and publicity activities in order to assist in the improvement and rehabilitation of persons who have committed offenses or in the prevention of crime;
- (ii) Cooperation in the activities of private organizations in order to assist in the improvement and rehabilitation of persons who have committed offenses or in the prevention of crime;
- (iii) Cooperation in the measures of local governments which contribute to the prevention of crime;
- (iv) Any other activities which contribute to assisting in the improvement and rehabilitation of persons who have committed offenses or in the prevention of crime, which are prescribed by a Ministry of Justice ordinance.

(Service principles)

Article 9 (1) Volunteer probation officers shall be conscious of their mission, make efforts to develop a noteworthy character and broad vision and acquire knowledge and techniques necessary for performance of their duties, carrying out their duties with a positive attitude.

(2) Volunteer probation officers shall respect the confidentiality of concerned persons relating to the personal affairs which they have come to know in performance of their duties and strive to maintain honor.

Article 10 Deleted

(Payment of expenses)

Article 11 (1) No salary shall be paid to volunteer probation officers.

(2) Volunteer probation officers may, under the provisions of a Ministry of Justice ordinance and within the limits of the budget, be paid the whole or part of the expenses needed for performance of their duties.

(Discharge from commission)

Article 12 (1) When a volunteer probation officer has come to fall under any one of the items of Article 4, the Minister of Justice shall discharge the volunteer probation officer from his/her commission.

(2) When a volunteer probation officer has come to fall under any of the following

items, the Minister of Justice may discharge the volunteer probation officer from his/her commission based on a proposal from the director of the probation office.

- (i) Where he/she has lost any of the requirements for qualification given in the items of paragraph (1) of Article 3;
 - (ii) He/she has violated or neglected his/her official duties;
 - (iii) He/she has committed an act unbecoming of a volunteer probation officer.
- (3) The director of the probation office shall, when making the proposal pursuant to the provision of the preceding paragraph, hear the opinion of the Volunteer Probation Officers Screening Commission in advance.
- (4) The discharge from commission set forth in paragraph (1) or (2) shall not be carried out unless the volunteer probation officer concerned has been informed of the reason and has been given an opportunity for defense. However, this shall not apply when the discharge from commission is because he/she has come to fall under item (i) or (ii) of Article 4.

(Volunteer Probation Officers Association)

Article 13 (1) The volunteer probation officers shall establish a Volunteer Probation Officers Association for every rehabilitation area.

- (2) The duties of the Volunteer Probation Officers Association shall be to conduct the affairs given as follows:
- (i) Formulation of the plans as prescribed in Article 8-2 and communication and coordination concerning the duties of volunteer probation officers;
 - (ii) Collection of necessary materials and information concerning the duties of volunteer probation officers;
 - (iii) Study and announcement of opinions concerning the duties of volunteer probation officers; and
 - (iv) Any other matters deemed necessary for smooth and effective accomplishment of the duties of volunteer probation officers, which are provided for by a Ministry of Justice ordinance.

(Federation of Volunteer Probation Officers Associations)

Article 14 (1) The Volunteer Probation Officers Associations shall establish a Federation of Volunteer Probation Officers Associations for every prefecture. However, in Hokkaido, a Federation of the Volunteer Probation Officers Associations shall be established for every region as designated by the Minister of Justice.

- (2) The duties of the Federation of Volunteer Probation Officers Associations shall be to conduct the matters given below:
- (i) Communication and coordination concerning the duties of Volunteer Probation Officers Associations;

- (ii) Collection of necessary materials and information concerning the duties of volunteer probation officers;
- (iii) Study and announcement of opinions concerning the duties of volunteer probation officers; and
- (iv) Any other matters deemed necessary for smooth and effective accomplishment of the duties of the volunteer probation officers or the responsibilities of Volunteer Probation Officers Associations, which are provided for by a Ministry of Justice ordinance.

(Delegation of Necessary Matters Concerning Volunteer Probation Officers Associations to a Ministerial Ordinance)

Article 15 In addition to those matters which are provided for by this Act, any necessary matters concerning the Volunteer Probation Officers Associations and the Federations of Volunteer Probation Officers Associations shall be provided for by a Ministry of Justice ordinance.

(Commendation)

Article 16 The Minister of Justice shall take heed to commend volunteer probation officers, Volunteer Probation Officers Associations, and Federations of Volunteer Probation Officers Associations, which have rendered distinguished service, and give publicity to such service.

(Cooperation of Local Governments)

Article 17 The local governments may, in light of the fact that the activities of the volunteer probation officers, Volunteer Probation Officers Associations and Federations of Volunteer Probation Officers Associations assist in the improvement and rehabilitation of persons who have committed offenses and in the prevention of crime, and contribute to the safety of the community and improvement of the welfare of its residents, extend necessary cooperation to the activities of the volunteer probation officers, Volunteer Probation Officers Associations and Federations of Volunteer Probation Officers Associations.

(Delegation to a Ministerial Ordinance)

Article 18 The procedures for enforcing this Act and other detailed regulations necessary for its implementation shall be provided for by a Ministry of Justice ordinance.

Supplementary Provisions

Abbreviated