

Hogoshi Act (Volunteer Probation Officers Act)

(Act No. 204 of May 25, 1950)

(Mission of Hogoshi (Volunteer Probation Officers))

Article 1 In the spirit of volunteer social service, the mission of all hogoshi (volunteer probation officers) are to assist persons who have committed crimes and juvenile delinquents to improve and rehabilitate themselves, and to enlighten the public on crime prevention, thereby enhancing the local community and contributing to the welfare of both individuals and the public.

(Designated Districts and Set Numbers of Hogoshi (Volunteer Probation Officers))

Article 2 (1) Hogoshi (volunteer probation officers) are appointed in accordance with prefectural districts (hereinafter referred to as "probation districts") designated by the Minister of Justice.

(2) The total number of hogoshi (volunteer probation officers) does not exceed 52,500 throughout the country.

(3) The set number of hogoshi (volunteer probation officers) in each probation district is determined by the Minister of Justice in consideration of the population, economy, the status of crimes, and other factors of the locality.

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

(Recommendation and Delegation)

Article 3 (1) Hogoshi (volunteer probation officers) are delegated by the Minister of Justice from among persons who have all of the qualifications 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 entrust the power for delegation set forth in the preceding paragraph to the chairperson of the regional parole board.

(3) Delegations as set forth in the preceding two paragraphs are made from among the persons recommended by the director of the probation office.

(4) The director of the probation office must, when recommending the persons set forth in the preceding paragraph, hear the opinions of the Volunteer Probation

Officers' Screening Commission in advance.

(Disqualification)

Article 4 Any person who falls under any of the following items must not be qualified as a hogoshi (volunteer probation officer):

- (i) an adult ward or a person under curatorship;
- (ii) a person who has been sentenced to imprisonment without work or a heavier punishment; or
- (iii) On or after the day of enforcement of the Constitution of Japan, a person who 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 Commissions)

Article 5 (1) Volunteer Probation Officers' Screening Commissions are established at the probation offices.

(2) A Volunteer Probation Officers' Screening Commission is composed of a maximum of 13 members (a maximum of 15 in the case of the Volunteer Probation Officers' Screening Commission established at the probation office corresponding to the territorial jurisdiction of the Tokyo District Court) and one member is the chairperson.

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

(4) In addition to what is provided for in this Act, the organization, jurisdictional affairs, members, and administrative procedures of the Volunteer Probation Officers' Screening Commission are provided by Order of the Ministry of Justice.

Article 6 Deleted

(Term of Office)

Article 7 A hogoshi's (volunteer probation officer's) term of office is two years; provided, however, that this does not preclude them from being re-appointed.

(Area wherein the Officer Performs Their Duties)

Article 8 The hogoshi (volunteer probation officer) is to perform their duties within the probation district wherein they have been posted; provided, however, that this does not apply when that hogoshi (volunteer probation officer) is otherwise ordered by the regional parole board or the director of the probation office.

(Fulfillment of Duties)

Article 8-2 Upon being designated by the regional parole board or the director of the probation office, a hogoshi (volunteer probation officer) is to perform the duties pertaining to the jurisdiction of the regional parole board or the probation office concerned, as well as performing the following duties pertaining to the jurisdiction of the relevant probation office, in accordance with the items prescribed in the plans of the Volunteer Probation Officers' Association for which the relevant director of the probation office has given their approval:

- (i) enlightenment and publicity in order to assist persons who have committed crimes and juvenile delinquents to improve and rehabilitate themselves or in order to promote crime prevention;
- (ii) cooperation in the activities of private organizations in order to assist persons who have committed crimes and juvenile delinquents to improve and rehabilitate themselves or in order to promote crime prevention;
- (iii) cooperation in the measures of local governments which contribute to crime prevention; and
- (iv) any other activities which contribute to assisting persons who have committed crimes and juvenile delinquents improve and rehabilitate themselves or that promote crime prevention as prescribed by Order of the Ministry of Justice.

(Service Principles)

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

(2) Hogoshi (volunteer probation officers) must respect the confidentiality of the relevant parties relating to the personal affairs which they have come to know in the course of their duties, and must strive to maintain the good name of their position.

Article 10 Deleted

(Payment of Expenses)

Article 11 (1) No salary is paid to hogoshi (volunteer probation officers).

(2) Hogoshi (volunteer probation officers) may, pursuant to the provisions of Order of the Ministry of Justice and within the limits of the budget, be reimbursed for the expenses needed for the performance of their duties, in whole or in part.

(Discharge)

- Article 12 (1) When a hogoshi (volunteer probation officer) has come to fall under any one of the items of Article 4, the Minister of Justice must discharge the hogoshi (volunteer probation officer).
- (2) When a hogoshi (volunteer probation officer) has come to fall under any of the following items, the Minister of Justice may discharge the hogoshi (volunteer probation officer) at the request of the director of the probation office:
- (i) where they no longer fulfill any of the requirements for the qualifications given in the items of paragraph (1) of Article 3;
 - (ii) where they have violated an obligation in the course of their duties or they have neglected their official duties; or
 - (iii) where they have committed an act unbecoming of a hogoshi (volunteer probation officer).
- (3) The director of the probation office must, when making the request pursuant to the provisions set force in the preceding paragraph, hear the opinions of the Volunteer Probation Officers' Screening Commission in advance.
- (4) A discharge as set forth in paragraph (1) or paragraph (2) may not be carried out unless the hogoshi (volunteer probation officer) concerned has been informed of the reason and has been given an opportunity for explanation; provided, however, that this does not apply when the discharge is because they have come to fall under item (i) or (ii) of Article 4.

(Volunteer Probation Officers' Association)

- Article 13 (1) The hogoshi (volunteer probation officers) establish a Volunteer Probation Officers' Association for each probation district.
- (2) The duties of the Volunteer Probation Officers' Association are to conduct the following affairs:
- (i) formulation of plans as prescribed in Article 8-2 and liaison and coordination concerning the duties of hogoshi (volunteer probation officers);
 - (ii) collection of necessary materials and information concerning the duties of hogoshi (volunteer probation officers);
 - (iii) study and announcement of opinions concerning the duties of hogoshi (volunteer probation officers); and
 - (iv) any other matters deemed necessary for the smooth and effective performance of hogoshi's (volunteer probation officers') duties, as provided by Order of the Ministry of Justice.

(Federation of Volunteer Probation Officers' Associations)

- Article 14 (1) The Volunteer Probation Officers' Associations establish a Federation of Volunteer Probation Officers' Associations for every prefecture; provided, however, that in Hokkaido, a Federation of the Volunteer Probation

Officers' Associations is established for every region as designated by the Minister of Justice.

(2) The duties of the Federation of Volunteer Probation Officers' Associations are to conduct the following affairs:

- (i) liaison and coordination concerning the duties of Volunteer Probation Officers' Associations;
- (ii) collection of necessary materials and information concerning the duties of hogoshi (volunteer probation officers);
- (iii) study and announcement of opinions concerning the duties of hogoshi (volunteer probation officers); and
- (iv) any other matters deemed necessary for the smooth and effective performance of hogoshi's (volunteer probation officers') duties or the functions of Volunteer Probation Officers' Associations, as provided for by Order of the Ministry of Justice.

(Delegation of Necessary Matters Concerning Volunteer Probation Officers' Associations to Order of the Ministry of Justice)

Article 15 In addition to the matters provided in this Act, any other necessary matters concerning the Volunteer Probation Officers' Associations and the Federations of Volunteer Probation Officers' Associations are provided by Order of the Ministry of Justice.

(Commendation)

Article 16 The Minister of Justice must give consideration to commending hogoshi (volunteer probation officers), Volunteer Probation Officers' Associations, and Federations of Volunteer Probation Officers' Associations, which have rendered distinguished service in the course of their duties, and giving publicity to the service.

(Cooperation of Local Governments)

Article 17 The local government may, in light of the fact that the activities of the hogoshi (volunteer probation officers), Volunteer Probation Officers' Associations and Federations of Volunteer Probation Officers' Associations assist persons who have committed crimes and juvenile delinquents to improve and rehabilitate themselves, prevent crimes, and contribute to the safety of the community and improvement of the welfare of its residents, extend cooperation to the activities of the hogoshi (volunteer probation officers), Volunteer Probation Officers' Associations and Federations of Volunteer Probation Officers' Associations as necessary.

(Delegation to Order of the Ministry of Justice)

Article 18 The procedures for enforcing this Act and other detailed regulations necessary for its implementation are provided by Order of the Ministry of Justice.

Supplementary Provisions

Abbreviated