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Heaven for a Cop

Japan is a long way from the United States. With respect to law enforcement it is a different world.

Ask a senior police officer anywhere in Japan—a station chief, riot-troop commander, or head of a detective section—what kind of misconduct by subordinate officers causes him the greatest concern and he will invariably cite off-duty traffic accidents, drunkenness, and indiscretions with women. Almost as an aside he may mention that police officers are sometimes careless with their pistols, discharging them accidentally or having them stolen. One listens in vain for concern about the disciplinary problems that trouble commanders in the United States—brutality, rudeness, corruption. Even off the record, when rapport has been built through hours of technical talk, shared patrol experiences, and innumerable cups of green tea, Japanese officers steadily maintain that the major discipline problems involve off-duty behavior, especially driving, drinking, and womanizing.

To an American this kind of testimony is incredible. American officers, though hardly forthcoming on this topic, would not be nearly as bland and disingenuous. So the suspicion grows that Japanese officers are not being candid. They may be reluctant to tell an outsider, especially a foreigner, the true state of affairs. Or, alternatively, perhaps they themselves do not know what is really going on. Rather than dissembling, they are simply ill-informed.

If they are not being candid, the fault is systematic. What they report privately is exactly what they tell their public, and both are supported by official statistics. In 1988, for instance, there were approximately 220,000 police officers in Japan.¹ Only 15 of them were discharged for misbehavior. Departmental punishments—meaning temporary suspension, reduction in pay, and formal reprimands—were given to another 97 officers.² Compared with the incidence of police misconduct in the United States, this is a drop in the bucket. The New York City police department, which has 26,000 officers, dismissed 55 in 1988, more than three times the total for all Japan. Even a moderate-sized force like the one in Portland, Oregon, with 766 officers, in 1988, either fired or pressed into resigning 3 officers, almost one-fifth the Japanese total. Lesser punishments were awarded to 97 other officers.³ The reasons for punishing officers in Japan were mostly trivial. Only 5 were dismissed for criminal actions such as corruption, fraud, or theft. The most common reason for punishing a police officer, including firing, was the failure of supervision by superior officers, mainly related to undue force in handling suspects, or the loss of an officer's police identification card. There were 35 of these in 1988.

In a representative year less than five officers are punished in connection with corruption.⁴ Theft and extortion, too, are rare. This record is not as reassuring to the public as it might have been before the 1980s. Several cases have come to light of police officers receiving money for tipping off gambling parlors about impending raids. The former chief of the Osaka police, then serving as director of the National Police Academy, committed suicide in 1982 when newspapers broke the story of these events during his tenure. Nonetheless, disenchantment is by no means general. Newspaper reporters and the public tend to dismiss corruption as a phenomenon confined to the Osaka and Kobe areas. Moreover, they think it is minor—not involving narcotics or organized crime—and that it rarely runs through entire stations or units.

Brutality—unnecessary physical force—occurs sometimes in the handling of disorderly drunks, as the police themselves admit, and occasionally in the course of criminal investigations. Prompted by several

1. National Police Agency, *White Paper On Police, 1988* (Tokyo: The National Police Agency, 1988), p. 118. These figures are for authorized strength; actual strength is somewhat less.

2. Data provided by the National Police Agency. These figures include officers found guilty by courts.

3. Data provided by the police departments of New York City and Portland, Oregon.

4. Data supplied by the National Police Agency.

cases of convictions, sometimes of capital offenses, being overturned by the Supreme Court on the grounds of involuntary confession, defense lawyers have campaigned for changes in the law regulating the detention of suspects under investigation. To the great embarrassment of the Japanese government, they have taken their case to the United Nations Commission on Human Rights. Neither the public nor the media seem greatly concerned, believing, as most experts do, that such excesses are confined to a few of the very small number of suspects detained in Japan.

Another piece of evidence that discipline in the police may be as good as the official records show is that there is no movement among the public for the creation of new mechanisms of supervision and investigation of misconduct. There is already a form of civilian review outside the police. This is the Human Rights Bureau of the Ministry of Justice, established in 1948. There are human rights offices in every major city, plus 1,200 volunteer counselors throughout the country. They receive complaints about violations of rights at the hands of government servants as well as private citizens. Amazing as it may seem, the number of complaints against the police brought to the Human Rights Bureau has been falling every year. In 1987 only 50 complaints were received in all of Japan.⁵

The skeptic may argue that a low number of complaints indicates that people are simply not sensitive to police misconduct, not that behavior is uniformly good. Although this is plausible and will be explored later, the media appear to be attentive. Police misdeeds are big news in Japan. The police are continually irritated because the press singles out the crimes and misdemeanors of off-duty and even retired police officers. Police reporting is one of the largest areas of specialization in print journalism. The major dailies assign as many as ten reporters to the headquarters of the Tokyo Metropolitan Police Department, with additional staff at the eight district police offices. Reporters assiduously cultivate personal contacts within the force so they will not be dependent on official versions of events. This may, of course, be a two-way street, with implicit understandings struck about the limits of reportability. Recognizing this possibility, one can at least say that the media are in a position to know, that notable exposés have occurred, and that the police believe that the media are eager to pounce.

The fact is that a transformation did occur in police behavior in Japan in a relatively short period of time immediately after World War

5. Information provided by the Ministry of Justice, Tokyo.

II. It is associated with democratization and is one of the most prized developments of the postwar period. Japan's contemporary record of excellence with respect to police behavior is striking, then, not only in relation to the United States but in relation to its own past.

In sum, if generality of agreement among people in a country is the mark of truth, then Japanese police behavior is astonishingly good. The incidence of misconduct is slight and the faults trivial by American standards. Though a cynical American may always wonder if enough is known about the conduct of individual officers—whether by himself or by insiders—he must begin to consider the disturbing possibility that police conduct need not inevitably, recurrently, require substantial improvement.

Japanese police operations are not conducted in an atmosphere of crisis and declining public confidence. There has been no spate of special investigations or national commissions. Surveys show that the public believes that police performance is very good. Their respect for the police is high. There are some pockets of hostility, mostly among ideologues of the left. University students tended to be very hostile to the police during the late 1960s and early 1970s, when large political demonstrations were organized. These are now rare, and violent confrontations between police and protestors occur almost exclusively in connection with the development, and now the expansion, of Narita Airport.

The Japanese police display a pride in themselves that is quite remarkable. They are supremely self-confident, not doubting the worth of the police role in society or the public's support of it. The annual *White Paper on Police* betrays no deep-seated anxiety about the position of the police in modern Japan. Police officers are neither defensive nor alienated. Though they have a strong sense of belonging to a distinct occupational community, solidarity has been self-imposed. They have not been driven in upon themselves by a critical public, isolated among their own kind. There has been no "blue power" movement in Japan, no organized effort among police officers to fend off threats to police autonomy. Officers do not feel victimized in pay or benefits, though they can cite improvements they would like in working conditions. Strikes by police officers are unheard of and the regulations banning formation of police unions are unquestioned. Recruitment of new officers is relatively easy, the number of applicants running at twelve times the number of vacancies.⁶

6. Information provided by the National Police Agency.

American police officers view other agencies in the criminal justice system as uncertain allies in the fight against crime. Resentment is particularly bitter against the courts, which they claim have unduly restricted the activities of the police or are being too lenient with arrested offenders. Japanese detectives, by contrast, are more outspoken about their own shortcomings than those of others. Getting them to evaluate the effect of judicial decisions on police performance or criminality is like pulling teeth. Although they sometimes complain about lenient sentences, they do not appear to feel that their investigatory powers have been unduly limited. They do not talk about being “handcuffed.”

The primary purpose of any police force is to protect people from crime. The crime rate in Japan is so low in comparison with that of the United States that Japanese police officers seem hardly to be challenged at all. This accounts, to some extent, for their self-confidence. The rate of serious crimes per capita is over three times greater in the United States than in Japan. In 1987, for example, the crime rate for homicide, rape, robbery, assault, and larceny all together was 1,131.2 per 100,000 people in Japan; it was 3,681.9 in the United States.⁷ There were six-and-a-half times as many murders per person in the United States in 1987 as in Japan—8.3 compared with 1.3 per 100,000 people.⁸ New York City alone, with a population of just under 8 million, had 1,672 murders in 1987—almost exactly as many as Japan, which had a population of 122 million.⁹ Tokyo, with a population just over 8 million, very similar to New York’s, had only 133 murders.¹⁰ The incidence of rape is twenty-five times higher in the United States than in Japan (37.4 per 100,000 persons versus 1.5 per 100,000 in 1987). In the New York metropolitan area, a woman is fourteen times more likely to be raped than in Tokyo. The most mind-boggling statistic has to do with robbery—taking property with force or threat of force. The rate is over one

7. Computed from the *White Paper on Crime, 1988*, p. 5, and *Sourcebook of Criminal Justice Statistics, 1988*, p. 427.

8. U.S. Department of Justice, Bureau of Justice Statistics. *Sourcebook of Criminal Justice Statistics, 1988* (Washington, D.C.: U.S. Government Printing Office, 1989), and Japan, Ministry of Justice, Summary of the *White Paper on Crime, 1988*. All figures that follow dealing with crime are from the same sources except where noted otherwise.

9. In 1987, 1,584 homicides were known to the police in Japan.

10. It might be objected that using crime figures from New York City biases the sample of American criminality. That is not so. Although it is true that cities have higher crime rates than rural areas, New York City ranked only ninth among U.S. cities in 1988 with respect to the incidence of homicide. Moreover, its homicide rate of 25.8 per 100,000 was less than half the rate of the number one ranked city, namely, Washington, D.C., which had a rate of 57.9. FBI statistics, *New York Times*, 13 October 1989.

hundred thirty-nine times higher in the United States than in Japan. In 1987, for example, there were 1,874 robberies in Japan and 517,000 in the United States, with 412 in Tokyo and 78,890 in New York City.¹¹ The reason for this enormous discrepancy has to do with the prevalence of guns in the United States. A drawn gun is a palpable threat. Japan, however, is a totally disarmed society; criminals hardly ever carry firearms. Theft is less dangerous to its victims in Japan than in the United States, therefore less likely to become a robbery, because thieves are less able, perhaps less willing, to injure people.

The Federal Bureau of Investigation in the United States analyzes trends in crime according to an index composed of the seven most serious crimes: murder, forcible rape, robbery, aggravated assault, burglary, larceny theft, and motor vehicle theft. To underscore just how different Japan is from the United States with respect to crime, consider this fact: there are four times as many serious crimes committed per person in the United States as there are crimes of all sorts, even the most petty, in Japan.¹² In 1987, for example, there were 13,508,700 serious crimes in the United States; in Japan, there were 1,577,929 crimes of all sorts.¹³

Yearly increases in the crime rate—the incidence of crime per person—in the United States are as inevitable as death and taxes; they have ceased to be news. It is hard to believe, therefore, that crime rates in Japan fell from 1948 to 1976 by 45 percent. Since then crime rates have risen very slightly each year. The 1987 rate is 17 percent higher than in 1976. The crime rate in 1987 was just about the same as it was in 1966. In the United States, by contrast, the rate for serious crime has doubled since 1966.

Narcotics addiction and drug abuse, which baffle and frighten the American public, are a relatively small problem in Japan, one that seems to be contained. In 1987, 22,337 persons were arrested for drug

11. The legal definition of robbery is the same in both countries, as are the criteria for classifying robberies, according to police officials responsible for collecting crime data in both countries. One possible source of confusion comes in distinguishing robbery from extortion. In Japan, a person deprived of property because he could not resist is a victim of robbery; a person deprived of property because of fear of assault is a victim of extortion. In 1987, there were 11,855 cases of extortion in Japan. If all these were classified as robberies, the total for robbery would still be substantially lower than in the United States.

12. Referring in Japan to crimes under the Penal Code, but excluding negligence cases.

13. The rates respectively are 5,550 per 100,000 for serious crime in the United States and 1,288 per 100,000 for Penal Code offenses, excluding negligence, in Japan.

offenses in Japan. Most of these—20,643—were in connection with stimulant drugs (methamphetamines). Of the remainder, 1,464 persons were arrested for marijuana use or sale and only 304 in connection with what Americans would regard as hard drugs.¹⁴ There were no arrests connected with “crack”—smokable cocaine. By contrast, 937,400 people were arrested for drug offenses in the United States in 1987. Drug arrests in Japan are 1.8 per 100,000; in the United States, 38.4.

Nonetheless, the Japanese are concerned because the trend is rising. Although hard-drug problems have remained vanishingly small, stimulant offenses rose dramatically after 1970, from less than 1,000 persons arrested to 24,022 in 1984. Since then there has been a slight decline. The Japanese refer to this as the “second methamphetamine epidemic,” the first being in 1954 when 55,000 persons were arrested.¹⁵ It should be noted that Japan faced and defeated a stimulant-drug epidemic before. Its people, including the police, believe that it can do so again. Drugs are not regarded as a crisis out of control.

Japan’s crime rates are remarkable not only by American standards but by those of the developed democracies generally. For example, its homicide rate was 1.3 per 100,000 persons in 1987, compared with 8.3 in the United States, 4.1 in France, 4.3 in West Germany, and 5.5 in Britain. For robbery, Japan has a rate of 1.5, whereas West Germany has 46.0, Britain 65.4, and France 46.0.¹⁶ The point is that Japan’s crime rates are remarkably small by international standards but America’s are remarkably high.

Can these figures on the incidence of crime in Japan be accepted at face value? Are there any reasons for believing that they may be less reliable than American figures? I do not think so. Both countries have studied nonreporting by victims to the police. They show that the rate of nonreporting is higher in the United States than in Japan. The National Policy Agency in Japan compared survey results from both countries for similar kinds of crime in 1970 and found that the true incidence of theft was 82 percent higher than reported figures in Japan, and 122 percent higher in the United States. On the basis of this evidence, differences in crime rates between the United States and Japan cannot be discounted because of differences in the willingness of people to report crime to the police. Unfortunately, although the United States has

14. *White Paper on Police, 1988*, chap. 5.

15. M. Tamura, “Japan: Stimulant Epidemics Past and Present,” *Bulletin on Narcotics* 41, nos. 1 and 2 (1989): 83–93.

16. *White Paper on Police, 1988*, p. 19.

conducted national surveys of victimization yearly since 1974, Japan has never again done so. While there is no reason to suspect that reporting of crime to the police has sharply declined since then, one would like to be reassured.

Official figures on crime in Japan should be accepted as evidence of a profound difference in the incidence of criminality between Japan and the United States. This conclusion need not be based exclusively on statistics; it is supported by quite obvious differences in the quality of life. The streets of Japan are safe. Americans who live for a while in Japan soon begin to experience a liberating sense of freedom; they forget to be afraid. They learn to walk through city streets by night as well as day and not fear the sound of a following step, the sight of a lounging group of teenagers, or the query of a stranger for directions. Vandalism is rare; even graffiti is unobtrusive, at most penciled mustaches on subway billboards. Public telephones show no signs of tampering and bus drivers make change. Every foreign visitor has a story of surprising acts of individual honesty—money left untouched in hotel rooms, lost purses returned, currency found again in the pocket of a suit brought back from the cleaners. In commuting to police operations I have walked at all hours through neighborhoods of every conceivable social condition and I have never experienced the slightest apprehension. Only twice did the police warn me about areas that should be avoided at night—the Sanya section of Tokyo and the Airin area of Nishinari ward in Osaka. These are Japan's "Skid Rows."

While the safety of Japanese cities cannot be overemphasized, representing as it does a qualitative difference in civility, Japan is not quite paradise. It has criminal problems—violence, gangsters, extortion, political corruption, and rape. It has the pathologies of any society. Reducing crime is an important part of Japanese police work, one that the public appreciates. Subjective concern with crime is not directly proportional to objective incidence.

The Japanese record should convince thoughtful Americans to reassess two popular explanations about rising crime rates. First, crime is often attributed to urbanization, the clustering of people more densely into compact areas. Japan's population is about half that of the United States, yet it is crowded into a land area no bigger than California. There are 800 people per square mile in Japan and 62.5 per square mile in the United States.¹⁷ Almost two-thirds of Japan's 121 million people

17. Foreign Press Center, Tokyo, *Facts and Figures of Japan* (1987 edition), p. 10, gives the density of the Japanese population as 320 per square kilometer and of the United States as 25.

live concentrated around three metropolitan areas—Tokyo, Nagoya, and Osaka. Population density in Tokyo is 38,000 per square mile compared with 24,089 per square mile in New York City.¹⁸ Almost one-fourth of all Japanese live within thirty miles of downtown Tokyo—30 million people.¹⁹ What would Americans do to one another, one wonders, if half of them lived in a space no larger than California? Would crime rates fall, as they are doing in Japan?

Second, Americans often explain criminality in terms of their history, especially the frontier tradition of individual self-assertion, violence, rough-hewn justice, and handguns. Americans accept the aphorism that violence is as American as apple pie; they believe that their unique tradition underlies contemporary lawlessness. Yet Japan's history has also been marked by blood, creating a legacy that touches contemporary culture. Political assassinations, for instance, have been much more common there than in the United States. Martial arts have always played a large role in popular culture. Japanese glorify the sword-wielding samurai every bit as much as Americans do the straight-shooting cowboy. Violent samurai dramas saturate Japanese television as monotonously as westerns do American television. Japan made a virtue at one time of unquestioning loyalty to the Emperor and, by extension, to military discipline. It has openly fought to create an overseas empire and has committed acts of brutal oppression. If Japanese social relations are tranquil today, it is not because their national experience is a tale for children.

These two theories may be so beguiling to Americans because they not only seem to explain, they also excuse. Urbanization is a fact of life; it has occurred and there is little that can be done about it. The past, similarly, is beyond the reach of social engineering. Therefore, crime is inevitable. Nothing can be done. The appropriate response is not collective action and self-appraisal but individual acts of self-protection—stronger locks, guns in the bedside table, migration to suburbs, large dogs, and avoidance of streets at night. These theories allow the face in the mirror to escape responsibility.

Police work in Japan is not only less demanding than in the United States, it is also vastly less dangerous. Guns play a very small part in crime. In 1987, for instance, only 265 crimes involved the use of handguns. Out of 7,778 violent crimes committed in Tokyo in 1987, only 14 involved the use of handguns.²⁰ The unexpected in police work is

18. *Facts and Figures*, p. 11, and *U.S. Statistical Abstract, 1989*, p. 34.

19. *The Economist*, "Tokyo in Torment," 8 April 1988, p. 21.

20. Information supplied by the Tokyo Metropolitan Police Department.

much less threatening than in the United States. Police officers are not haunted by fear of the sharpshooting assassin, the armed motorist, or the panicky criminal. The most dangerous weapon a police officer encounters is a knife or, occasionally, a sword. Since police officers carry nightsticks and .38-caliber revolvers, and are rigorously trained in hand-to-hand combat, the odds are solidly in their favor. They do not go in armed convoys, as has happened in American cities, and it would be considered outlandish for an officer to carry an auxiliary small-caliber pistol concealed in a pocket, as some American police officers do. Less than twenty police officers are killed each year in Japan as a result of felonious acts, and less than one by firearms.²¹ In 1987 alone, 65 American police officers were killed by firearms. During the same year, 2,789 were assaulted with firearms, 605 sustaining injuries.²²

From an American point of view, contemporary Japanese society is an anomaly. It is affluent, mobile, congested, technologically innovative, and penetrated by mass communications. In outward appearance, it is so like the West as to lack intrinsic interest; it is neither exotic nor traditional, as less developed countries are. Yet this country, with all the attributes Americans consider modern, has a crime rate that is low and declining. Streets are safe and narcotics addiction is infinitesimal. Law enforcement is conducted virtually without stress. Police officers are proud rather than defensive. They perceive the public as supportive, the political environment as benign. The ordinary citizen expects exemplary behavior from police officers and has been given few reasons for believing this unrealistic. How has this remarkable combination of modernity and tranquility been achieved? How can it have happened that a country so similar to the United States can be heaven for a cop?

21. Information provided by the National Police Agency.

22. *Sourcebook of Criminal Justice Statistics, 1988*, pp. 462–67.