

## **Chapter II.**

### **Promotion of Measures against Organized Crimes**

#### **Section 1. Measures against *Boryokudans***

##### **1. *Boryokudan* Situation**

Recently *Boryokudans* are attempting to make headway undertaking various businesses such as the construction industry, financial business, waste disposal industry and securities markets, supplementing their traditional fields of interest such as fund acquisition activities, violent interventions in civil affairs, and violence against the government administrations. *Boryokudans* are concealing the true nature of their organizations and utilizing those living in coexistence with *Boryokudans*<sup>1</sup>, activating fund acquisition activities in society as a whole.

*Boryokudans* conduct various fund acquisition activities corresponding to changes in their socioeconomic circumstances. Recently, many have acquired funds by intervening in public work projects or have committed fraud by misuse of public benefit mechanisms and other systems.

Furthermore, the number of brutal crimes using guns committed by *Boryokudans* in busy streets or residential intersections has not decreased. These crimes continue to seriously threaten society.

The police are doubling efforts against these problems and conducting thorough crackdowns on *Boryokudan*-related crime while paying attention to the changes in socioeconomic situation. The police are promoting the effective operation of the Act on Prevention of Unjust Conduct by Organized Crime Group Members (hereafter referred to as The Anti-*Boryokudan* Act) and *Boryokudan* elimination activities

##### **(1) Trends in Regular and Associate *Boryokudan* Membership**

The total number of regular and associated *Boryokudan* members<sup>2</sup> (hereafter referred to as “*Boryokudan* Members”) are shown in Diagram 2-1. The total count gradually increased between 1996 and 2004, but decreased in 2008 following 2007.

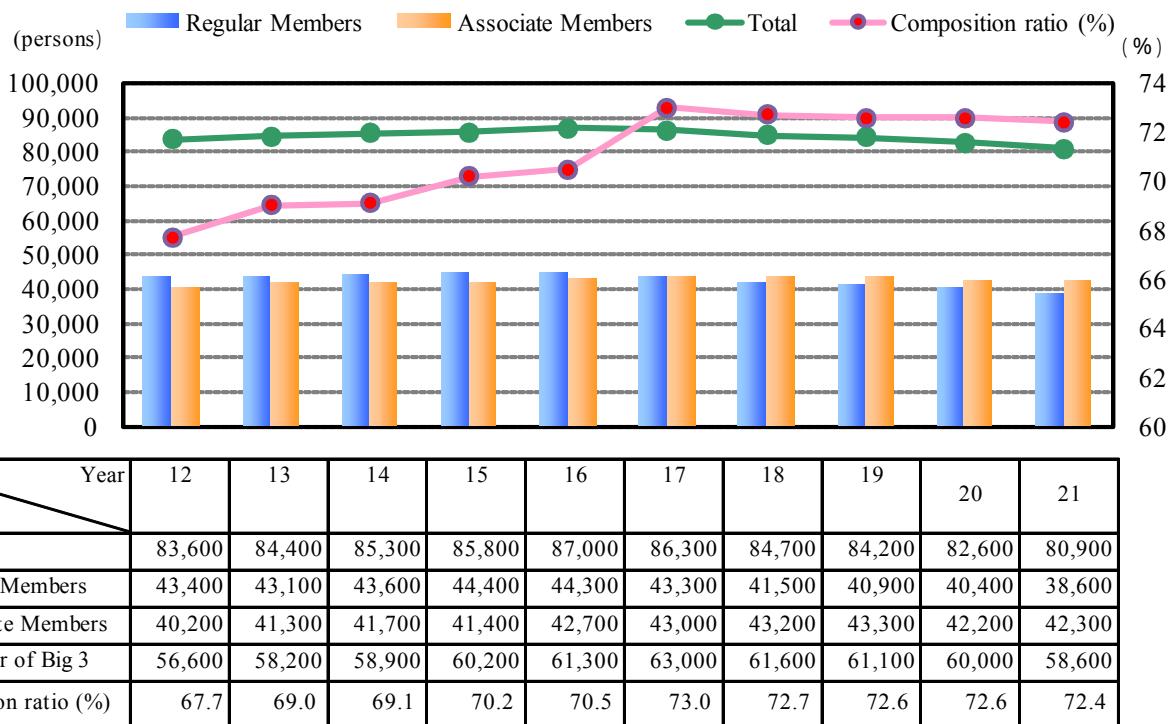
In 2009, although the aggregate number of regular and associated members within the big three organizations of Yamaguchi-gumi, Sumiyoshi-kai and Inagawa-kai decreased, the three still account for more than 70% of Japan’s total *Boryokudan* members, signifying that these three groups continue to hold an oligarchy over organized crime. Furthermore, the associated and regular members of the Yamaguchi-gumi alone made up 45.0%<sup>3</sup> of the total number of *Boryokudan* members, which indicates the prominence of Yamaguchi-gumi.

Note 1: The existence of individuals or groups who provide funds, support fund acquisition activities or are associated with *Boryokudans*. They are, as it were, living in coexistence with *Boryokudans* who attempt to expand their own interests by utilizing *Boryokudans*’ power and fund concealing relations with *Boryokudans*.

2: Associated Members are those who are not necessarily members of a *Boryokudan*, but have a relationship with a *Bokryokudan* and attempt unlawful and violent actions with the power of the *Boryokudan* behind them or those who cooperate with and support the activities of *Boryokudans* by supplying funds, weapons, etc. or are associated with *Boryokudans* or *Boryokudan* members.

3: The associated and regular members of the Yamaguchi-gumi account for 49.2% of all the *Boryokudan* members.

**Diagram 2-1 Trends in *Boryokudan* Membership (2000-2009)**



Note: Composition ratio = Total Number of three organizations ÷ Total Number × 100

## (2) Dissolution and Disintegration of *Boryokudans*

In 2009, a total of 215 *Boryokudan* organizations (having a total of approximately 1,165 regular members) were dissolved or disintegrated. Of these, 168 organizations (78.1%) having approximately 922 members (79.1%) were organizations under the umbrella of one of the big three organizations, Yamaguchi-gumi, Inagawa-kai or Sumiyoshi-kai.

## (3) Designation of *Boryokudan*

As of June 1, 2010, a total of 22 organizations were designated as a *Boryokudan*, based on the definition laid out in the Anti-*Boryokudan* Act. During 2009, Matsuba-kai, were designated as a *Boryokudan* for the sixth time, the third Fukuhaku-kai was designated as a *Boryokudan* for the fourth time.

**Table 2-1 List of Designated *Boryokudans* ( 22 Organizations )**

<b>Sixth Yamaguchi-gumi</b> 4-3-1 Shinohara-honmachi, Nada-ku, Kobe City, Hyogo Kenichi Shinoda 45 19,000	<b>Inagawa-kai</b> 7-8-4 Roppongi, Minato-ku, Tokyo Sin Byon-Gyu 21 4,700	<b>Sumiyoshi-kai</b> 6-4-1 Akasaka, Minato-ku, Tokyo Shigeo Nishiguchi 19 6,100
<b>Fourth Kudo-kai</b> 1-1-12 Kantake, Kokurakita-ku, Kitakyushu City, Fukuoka Satoru Nomura 3 690	<b>Third Kyokuryu-kai</b> 4-301-6 Shuri Ishimine-cho, Naha City, Okinawa Yoshihiro Onaga 1 270	<b>Okinawa Kyokuryu-kai</b> 2-6-19 Tsuji, Naha City, Okinawa Kiyoshi Tominaga 1 370
<b>Sixth Aisukotetsu-kai</b> 176-1 Higashi-tagasegawa-suji, Uenokuchi-agaru Iwataki-cho, Shimogyo-ku, Kyoto City, Kyoto Yoshitsugu Baba 3 470	<b>Fifth Kyosei-kai</b> 18-10 Minami-oko-cho, Minami-ku, Hiroshima City, Hiroshima Atsumu Moriya 1 290	<b>Seventh Goda-ikka</b> 3-13-6 Takezaki-cho, Shimonoseki City, Yamaguchi Kim Kyo-Hwan 3 160
<b>Fourth Kozakura-ikka</b> 9-1 Kotsuki-cho, Kagoshima City, Kagoshima Kiei Hiraoka 1 100	<b>Third Asano-gumi</b> 615-11, Kasaoka, Kasaoka City, Okayama Yoshiaki Kushita 2 130	<b>Dojin-kai</b> 247-6 Kyo-machi, Kurume City, Fukuoka Tetsuji Kobayashi 4 840
<b>Second Shinwa-kai</b> 2-14-4 Shiohami-cho, Takamatsu City, Kagawa Hiroyumi Kira 1 70	<b>Soai-kai</b> 1343-8 Uruido, Ichihara City, Chiba Masanori Shioshima 2 230	<b>Third Kyodo-kai</b> 3025-1 sanba-cho, Onomichi City, Hiroshima Nozomu Watanabe 6 180
<b>Taishu-kai</b> 1314-1 Ugeta, Oaza, Tgawa-city, Fukuoka Hiroshi Hidaka 1 170	<b>Seventh Sakaume-gumi</b> 1-3-17 Taishi, Nishinari-ku, Osaka-City, Osaka Nam Yeoil 1 110	<b>Kyokuto-kai</b> 1-29-5 Nishi-ikekuburo, Toshima-ku, Tokyo Jo Gyu Hwa 15 1,200
<b>Second Azuma-gumi</b> 1-11-8 Sanno, Nishi-nari-ku, Osaka City, Osaka Hiroshi Takimoto 1 170	<b>Matsuba-kai</b> 2-9-8 Nishi-asakusa, Taito-ku, Tokyo Yoshiro Ogino 10 1,200	<b>Third Fukuhaku-kai</b> 5-18-15 Chiyo, Hakata-ku, Fukuoka City, Fukuoka Kim In Sun 4 300
<b>Kyushu Seido-kai</b> 2-4-2 Jyokan-cho, Omuta City, Fukuoka Park Jeong Ho 6 380	[Legend]  Location of Main Office  Representative ( Including second-in-command ) Area of Influence (prefectures) Approximate number of members	

Note 1: & refer to address as of 19 March, & refer to the end of 2009.

2: The percentage of the designated Boryokudan members (37,000 persons) within the total number of Boryokudan members (38,600 persons) was 95.9% as of the end of 2008.

## 2. Cracking Down on *Boryokudan* Crime

### (1) Overview of Arrests of *Boryokudan* Members

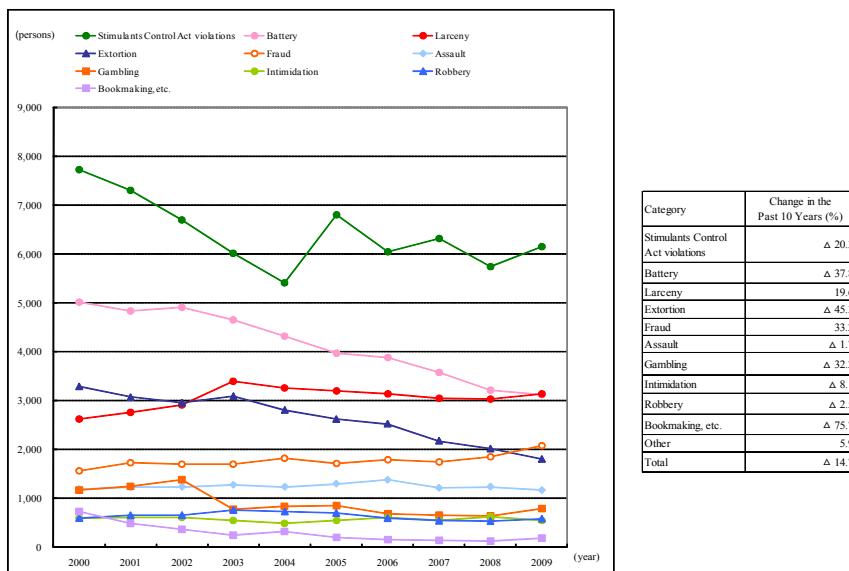
Trends in the number of arrests of *Boryokudan* members according to the type of crime are shown in Diagram 2-2.

Since 2000, there have been five primary types of crime leading to criminal arrest. They are: Stimulants Control Act violations, larceny, battery, fraud and extortion. The primacy of these crimes has not changed, but there has been a sharp decline in the number of

persons arrested for extortion, the four laws related to gambling and public racing (bookmaking)<sup>1</sup>. On the other hand, the number of persons arrested for fraud and larceny has increased, which shows that *Boryokudans* greatly change the methods to acquire funds.

Note 1: Horse Racing Act, Bicycle Racing Act, Auto Racing Act, and Motorboat Racing Act

**Diagram 2-2 Trends in the Number of Members or Associated Members of *Boryokudans* Cleared for Serious Crimes, by Crime Category (2000-2009)**



### (2) Incidents of Rivalry Conflict and Incidents of Gun Violence Caused by *Boryokudans*

Diagram 2-2 shows the trends of the number of cases concerning rivalry conflict and gun violence caused by *Boryokudans*. In 2009, there was one case of rival

conflict, leading to two deaths or injuries. Additionally, there were 22 incidents of handgun usage by *Boryokudan* members, leading to 14 deaths or injuries.

**Table 2-2 Trends in the Number of Incidents of Rivalry Conflicts or Gun Violence caused by *Boryokudans* (2000-2009)**

Category	Year		2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
	Number of cases (cases)	Number of incidents (times)	5	5	7	7	6	6	0	3	1	1
Rivalry Conflict	Number of incidents (times)	18	81	28	44	31	18	0 [ 15 ]	18	6	4	
	Number of incidents among those that involved guns	16	71	21	32	19	11	0 [ 8 ]	12	3	1	
	(88.9)	(87.7)	(75.0)	(72.7)	(61.3)	(61.1)	(53.3)	(66.7)	(50.0)	(25.0)		
	Number of deaths	1	4	2	7	4	2	0	8	3	2	
Gun Violence	Number of injuries	9	15	14	15	12	4	0 [ 6 ]	8	0	0	
	Number of cases	92	178	112	104	85	51	36	41	32	22	
	Number of deaths	17	24	18	28	15	7	2	12	8	6	
	Number of injuries	24	20	20	27	12	6	8	7	5	8	

Note 1: The rate of firearm use is shown in parenthesis.

In rivalry conflicts, the series of incidents between specified groups resulting from beginning to end is considered individually for "Number of incidents" and the total number of illegal acts stemming from a given conflict falls under "Number of occurrences."

3: "Incidents of gunfire" believed to have been committed by *Boryokudan*, etc., are cases for which it is suspected that a *Boryokudan* member or associated member was responsible, as well as those incidents with which it is believed that *Boryokudan* held an interest.

4: The incidents that are regarded as internal conflicts between *Dojin-kai* and *Kyushu Seido-kai* in 2006 or the attacks by conflicts are allocated in square parentheses.

### (3) Fund Acquisition Crimes

The police collect and analyze information regarding the ever diverse and nontransparent fund acquisition efforts of *Boryokudans* and promote crackdown on *Boryokudans* or those living in coexistence with *Boryokudans* while paying attention to the changes in socioeconomic situation.

#### 1) Fund acquisition crimes responding the changes in social situation

*Boryokudans* commit a multitude of fund acquisition crimes such as unreasonable requests of corporations and government organizations, *Furikome* fraud, robbery, and larceny, as well as misuse of public benefit systems under the recent economic depression and various fund acquisition crimes responding to the changes of the time.

#### 2) Fund acquisition crimes in disguise of economic activities

*Boryokudans*, with the threat of force in the background, either act through the business that is effectively provided to them by associate companies or collude with those individuals living in coexistence with them to carry out general business transactions and commit a multitude of fund acquisition crimes such as violation of the Money Lending Business Act or the Waste Management and Public Cleansing Act.

#### 3) Traditional fund acquisition crimes

In recent years there has been a declining trend in the ratio held by *Boryokudan* members in the total number of arrests for the so-called traditional fund acquisition crimes of Stimulants Control Act violations, assaults, gambling and bookmaking.

**Table 2-3 Trends in the Number of Arrests Regarding Traditional Fund Acquisition Activities (2000-2009)**

Category \ Year	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Total number of boryokudan members arrested (persons)	31,054	30,917	30,824	30,550	29,325	29,626	28,417	27,169	26,064	26,503
Number of arrests for traditional fund raising activities (persons)	12,910	12,100	11,398	10,128	9,379	10,467	9,412	9,275	8,517	8,921
Stimulant drugs	7,720	7,298	6,699	6,016	5,412	6,810	6,043	6,319	5,735	6,153
Extortion	3,290	3,070	2,954	3,092	2,808	2,619	2,523	2,175	2,013	1,800
Gambling	1,164	1,238	1,374	780	837	845	685	648	639	789
Bookmaking, etc.	736	494	371	240	322	193	161	133	130	179
Composition ratio (%)	41.6	39.1	37.0	33.2	32.0	35.3	33.1	34.1	32.7	33.7

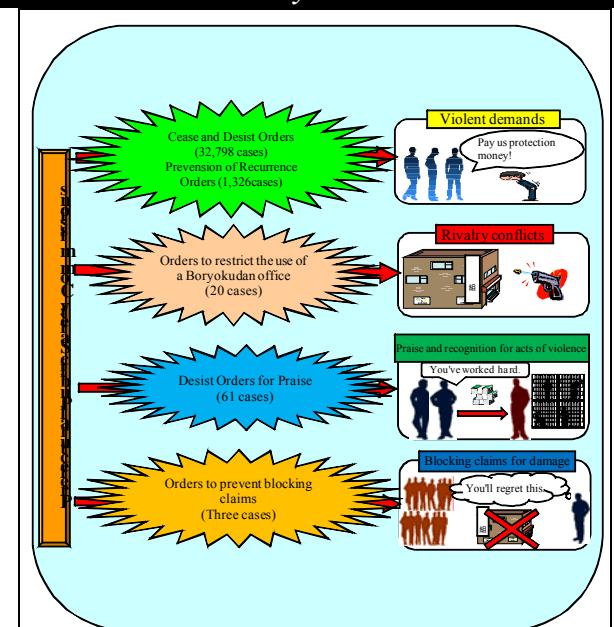
Note: Composition rate = Number of arrests for traditional fund raising activities ÷ Total number of boryokudan members arrested × 100

### 3. Operation of the Anti-*Boryokudan* Act

When members of designated *Boryokudans* use the influence of the *Boryokudan* to which they belong to make violent demands etc., the Prefectural Public Safety Commissions can issue cease and desist orders etc., based on the Anti-*Boryokudan* Act.

Table 2-4 shows the number of issuances of cease and desist orders by Prefectural Public Safety Commissions in the last five years.

**Diagram 2-3 Outline of Orders based on Anti-*Boryokudan* Act**



Note: Figures in parentheses indicate the number of issued orders from the time the Anti-Boryokudan Act was enacted to the end of 2008.

**Table 2-4 Trends in the Number of Issuances of Cease and Desist Orders (2005-2009)**

Category		Year					
			2005	2006	2007	2008	2009
	Total	2,668(112)	2,488(128)	2,427(110)	2,270( 86)	2,119( 95)	
By Law	Article 9	Unjust demands for donation Unjust demands for subcontracting, etc. Unjust demands for protection money Unjust demands for bodyguard fees Unjust demands for the payment of a high interest bond Unjust demands for the payment of a bond Unjust demands to be released from debt Unjust demands for a loan, etc. Unjust auction obstructions Unjust interference in negotiations Unjust demands for money and goods under invented pretexts Other	798 (19) 36 (3) 253 (17) 391 (49) 32 35 89 (1) 27 0 1 52 5	792 (36) 21 237 (24) 356 (23) 24 25 93 (2) 17 (1) 1 1 38 (2) 13	764 (25) 62 (2) 223 (16) 369 (30) 35 19 86 16 (1) 0 2 24 4	796 (20) 16 170 (14) 407 (28) 43 (2) 15 (1) 72 (1) 14 (1) 0 1 25 (1) 7	721 (18) 13 17 (14) 333 (18) 49 (4) 12 87 (1) 19 0 2 22 8
	Article 10	Demand for violent demanding acts On-site assistance against violent demands	(1) 347	(0) 273	(1) 247	(0) 255	(0) 279
	Article 12-2	Violent demands related to the carrying out of the business of designated Boryokudans	(1)	(1)	(1)	0	(0)
	Article 12-3	Requests of associated violent demanding acts	(1)	(4)	(0)	(1)	(0)
	Article 12-5	Associated violent demanding acts	22	1 (1)	2 (1)	1	1
	Article 15	Order to restrict the use of a Boryokudan office	(1)	(0)	(0)	(0)	(0)
	Article 16	Forceful affiliation of juveniles and preventing them from leaving Forceful affiliation of members and preventing them from leaving through the threat of violence Forceful affiliation of those in close contact to members and preventing them from leaving	37 (1) 454 (19) 53	63 (1) 449 (33) 44	68 (9) 422 (24) 50	23 (2) 366 (15) 34	24 (2) 324 (8) 31
	Article 17	Forceful order to join Boryokudan	(0)	(0)	(0)	(0)	(0)
	Article 20	Extortion by finger cutting	32	31	19	20	12
	Article 24	Extortion of youth by forcing them to receive tattoos	0	1	3	2	0
	Article 29	Prohibited activity in the office	4	8	12	3	6
	Article 30-2	Persistent compensation claims	-	-	0 (3)	0 (0)	
	Article 30-5	Appraisal of violent act	-	-	-	(61)	(30)
By Group	Sixth Yamaguchi-gumi Inagawa-kai Sumiyoshi-kai Fourth Kudo-kai Third Kyokuryu-kai Okinawa Kyokuryu-kai Sixth Aizukotetsu-kai Fifth Kyosei-kai Seventh Goda-ikka Fourth Kozakura-ikka Third Asano-gumi Dojin-kai Second Shinwa-kai Soai-kai Third Kyodo-kai Taishu-kai Seventh Sakaume-gumi Kyokuto-kai Second Azuma-gumi Matsuba-kai Third Fukuhaku-kai Kyushu Seido-kai	1,137 (34) 417 (32) 331 (19) 19 15 23 25 (3) 9 7 (1) 0 3 91 (7) 2 37 (6) 2 8 0 50 (1) 13 (1) 73 (6) 6	1,152 (52) 377 (41) 333 (9) 23 (2) 15 18 (3) 34 (4) 8 7 (1) 1 5 80 (6) 5 20 (4) 4 8 0 47 (1) 17 66 (3) 11 (1)	1,192 (43) 341 (25) 319 (14) 17 (2) 10 (2) 27 (1) 10 (2) 8 8 (1) 0 1 62 (7) 2 38 (6) 2 (1) 22 (1) 28 (1) 18 68 (2) 11	918 (25) 372 (29) 361 (9) 12 (1) 15 (1) 4 (12) 4 8 6 (1) 2 2 77 (5) 2 17 (1) 7 16 (2) 1 41 (3) 24 81 (7) 17 (1)	843 (18) 330 (24) 368 (12) 13 15 (1) 10 (2) 17 (13) 0 7 1 2 2 26 (3) 1 13 (1) 12 (1) 20 (3) 4 61 (1) 10 79 (4) 7 (1) 17	

Note 1: The number shows the amount of cease orders issued, while those in parenthesis indicate that Article 15 for the order to restrict the use of a Boryokudan office, Article 30-2 order to prevent, Article 30-5 desist order, and others order to prevent recurrence.

#### 4. Activities to Eliminate Violence

Since measures against *Boryokudan* organized crime groups need to be implemented by society as a whole, the police have been trying to shift the underlying structure of “police versus *Boryokudans*” into that of “society versus *Boryokudans*” and promoting efforts to isolate *Boryokudans* by society as a whole by further intensifying cooperation with relevant institutions and organizations.

#### (1) Activities to Eliminate Violence by the National and Local Governments

##### 1) Elimination of *Boryokudans* from Public Works Projects and Private-Sector Construction Works

The national and local governments, in cooperation with the police, have been promoting the development of so-called guidelines for the elimination of *Boryokudans*, etc. in order to exclude *Boryokudan*-linked enterprises from contractors for public works projects, etc.

Under an agreement reached in December 2009 by the working team on comprehensive measures for the crackdown on *Boryokudans* set up under the Ministerial Meeting Concerning Measures against Crime, the government is pushing ahead with efforts to eliminate *Boryokudans* from all public works projects, including the incorporation of *Boryokudan* exclusionary clauses<sup>1</sup> in contracts for public works other than government-ordered public construction projects (including those related to subcontractor contracts and reconsignment contracts, etc.). The government is also giving guidance to and requesting

industry sectors involved in private-sector works, etc. to promote similar measures. Furthermore, it is giving guidance to independent administrative institutions as well as local governments to promote similar efforts.

Note 1: Clauses of laws, regulations, bylaws and contracts, etc. that provide for the exclusion of *Boryokudan*-related persons such as *Boryokudan* members or *Boryokudan*-linked enterprises from those who obtain permissions, etc., parties to be entrusted with clerical work and counterparties of contracts and other transactions, etc.

#### Diagram 2-4 Outline of Agreement by Working Team on Comprehensive Measures for Crackdown on *Boryokudans*

##### **Clarification of targets for elimination from public works and stronger cooperation with the police**

Concerning the placement of orders for public works, government ministries and agencies that have yet to clarify *Boryokudan*-linked enterprises and other targets for elimination from public works and to secure stronger cooperation with the police shall do so promptly.

##### **Introduction of the reporting system concerning unjust intervention by *Boryokudan* members, etc.**

Government ministries and agencies that have yet to introduce the reporting system obligating contractors to report any unjust intervention by *Boryokudan* members, etc. to the police and ordering parties and levying penalties on those that neglect these obligations shall introduce the reporting system promptly.

##### **Elimination of *Boryokudans* from all public works, etc.**

Government ministries and agencies shall promote the elimination of *Boryokudans* from all public works, etc. by excluding *Boryokudan* members, etc. from tender participants and incorporating *Boryokudan* exclusionary clauses in contracts for public works other than government-ordered public construction projects (including those related to subcontractor contracts and reconsignment contracts, etc.).

##### **Elimination of *Boryokudans* from private-sector works, etc.**

Government ministries and agencies concerned shall continue to give guidance to and request industry sectors involved in private-sector works, etc. to implement measures similar to those described in (1) above, including the incorporation of *Boryokudan* exclusionary clauses into contracts and contractual conditions for transactions concerning the placement of orders for such works, consignment of services and procurement of goods and materials, etc.

## 2) Ordinances for Elimination of *Boryokudans*

Following increasing incidents of rivalry conflicts between *Boryokudans* and the opening of *Boryokudan* offices in commercial and residential buildings in recent years, local governments are moving to enact or revise ordinances for the elimination of *Boryokudans*.

### (2) Elimination of *Boryokudans* from Various Industry Sectors and Transactions

#### 1) Elimination of *Boryokudans* from Various Industry Sectors

In order to shut off sources of funds of *Boryokudans*, the police are promoting, in cooperation with relevant organizations, activities to eliminate *Boryokudans* from various industry sectors, including industrial waste disposers, money lenders and building contractors. Further, in recent years, many laws regulating various industry sectors have been incorporating *Boryokudan*

exclusionary clauses to eliminate *Boryokudans* and *Boryokudan*-linked enterprises from various industry sectors. In 2009, such clauses were incorporated into the Customs Act and the Installment Sales Act.

#### 2) Elimination of *Boryokudans* from Various Transactions

As *Boryokudans* have become very sophisticated in making their activities to acquire illicit funds opaque in recent years, it is quite possible that ordinary companies unknowingly conduct economic transactions with them, totally unaware that counterparties of transactions are *Boryokudan*-linked enterprises. Given such a situation, relevant organizations and institutions are intensifying their cooperation to promote efforts to eliminate *Boryokudans* from various transactions in accordance

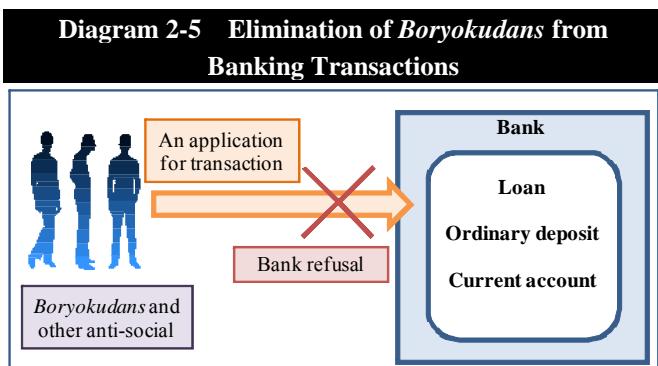
with the “Guideline for Business Enterprises to Prevent Damage by Anti-Social Forces”<sup>1</sup> worked out at an executive meeting of the Ministerial Meeting Concerning Measures against Crime.

The Japanese securities industry has been promoting efforts to eliminate *Boryokudans* and other anti-social forces from securities transactions. In March 2009, the Japan Securities Dealers Association (JSDA) was registered with the National Public Safety Commission as an institution to manage information on unjust demands<sup>2</sup>.

In the banking industry, the Japanese Bankers Association has been promoting efforts to eliminate *Boryokudans* and other anti-social forces from banking transactions. In September 2009, the association presented its member banks, etc. with reference examples of *Boryokudan* exclusionary clauses and account application forms that require applicants to state and affirm that they do not fall under the category of anti-social forces.

Note 1: The guideline summarizes basic ideas and concrete responses with which business enterprises prevent damage by anti-social forces.

2: An institution that undertakes the collection of information on unjust demands and the provision of relevant information.



### (3) Activities by Local Residents to Eliminate Violence, etc.

The police have been promoting adequate support to local residents, etc., including assistance for local residents’ movements to block designated *Boryokudans*’ plans to set up their headquarters offices in local communities, which actually forced them to drop such plans. The police have also worked closely with the Prefectural Centers to Promote Movements for Elimination of *Boryokudans* (hereinafter referred to “the *Boryokudan* Elimination Centers”) and bar associations to establish study groups on measures to deal with the intervention of *Boryokudans* in civil

affairs in order to prevent damage from unjust demands from *Boryokudans* and alleviate damage caused by *Boryokudans* by supporting the victims of *Boryokudan* crimes in their damages suits against perpetrators and local residents in their civil suits to remove *Boryokudan* offices from their communities.

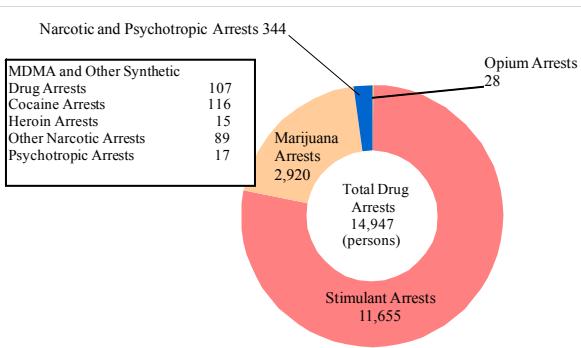
In cooperation with the police, *Boryokudan* Elimination Centers and bar associations, restaurants, bars and other businesses are mounting movements to refuse payments of so-called “protection money” to *Boryokudans* to shut off this stable source of funding for them. The police are promoting support to these activities to eliminate violence.

## Section 2. Drugs and Firearms Countermeasures

### 1. Drug Situation

In 2009, the number of persons arrested was 14,974, an increase of 659 (4.6%) from the previous year. The number of cases for stimulants and marijuana offenses cleared increased significantly and the number of persons arrested for stimulants and marijuana offenses marked record highs, and as such, the drug situation in Japan continues to be severe.

**Diagram 2-6 The Number of Persons Arrested for Drug-related Offenses (2009)**



#### (1) Stimulant Situation

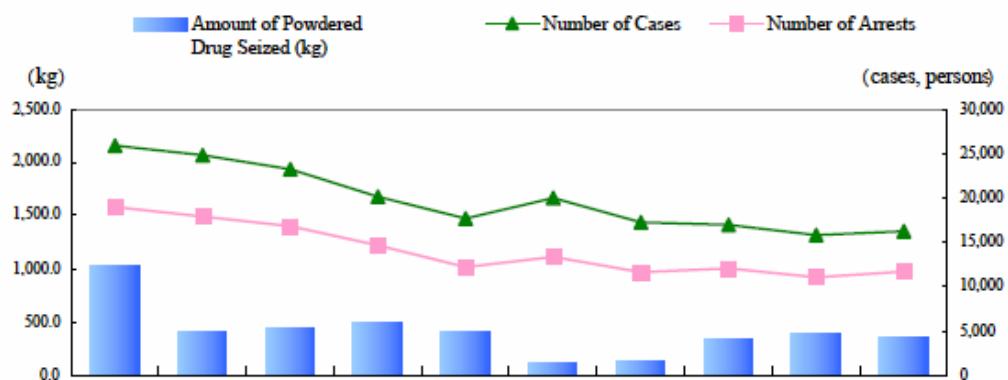
The number of persons arrested for stimulant offenses in 2009<sup>1</sup> has increased from the previous year. This accounts for a large portion of the total number of persons arrested for all the drug-related offenses. Moreover, the amount of powdered drug seized has decreased from the previous year.

Characteristics of methamphetamine offenses in 2009

- 58% of those arrested are repeat offenders.
- 53.2% of those arrested are *Boryokudan* members.
- The number of persons arrested for profit-making crimes significantly increased.

Note 1: Includes the number of persons arrested for violation of the Act on Special Provisions for the Narcotics and Psychotropics Control Act, etc. and Other Matters for the Prevention of Activities Encouraging Illicit Conducts and Other Activities Involving Controlled Substances through International Cooperation (hereinafter referred to as the "Anti-Drug Special Act").

Diagram 2-7 Trends in the Situation of Arrests for Stimulant Offenses (2000-2009)



Category \ Year	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Number of Cases	25,913	24,791	23,225	20,129	17,699	19,999	17,226	16,929	15,801	16,208
Number of Arrests	18,942	17,912	16,771	14,624	12,220	13,346	11,606	12,009	11,025	11,655
Amount of Powdered Drug Seized (kg)	1,026.9	406.1	437.0	486.8	406.1	118.9	126.8	339.3	397.5	356.3
Amount of Tablets Seized (tablets)	—	—	16,031	70	366	26,402	56,886	4,914	22,371	12,799
Number of First-time Offenders	9,506	8,742	7,861	6,785	5,454	5,995	5,270	5,296	4,837	4,890
Component Ratio of First-time Offenders (%)	50.2	48.8	46.9	46.4	44.6	44.9	45.4	44.1	43.9	42.0

Note 1: Component ratio of first-time offenders = The number of first-time offenders / the number of offenders x 100

2: The figures for the number of cases and number of arrests include those cases and arrests relating to stimulant use and pursued through the Anti-Drug Special Act.

3: The amount of powdered drug seized does not include the number of tablets seized.

## (2) Situation of Each Type of Drug Offense

### 1) Each type of drug offense

Table 2-5 shows the number of persons arrested for offenses relating to each type of drug, including cannabis, MDMA<sup>1</sup> and other synthetic drugs (but not including paint thinner offenses or other organic solvent offenses) and the amount seized of each drug in the past five years.

Characteristics of cannabis offenses in 2009

- The number of persons arrested for growing cannabis increased
- 61.3% of those arrested were teenagers or those in their twenties
- 84.8% of those arrested were first-time offenders

Characteristics of MDMA and other synthetic drug

offenses in 2009

- The amount seized decreased
- 53.3% of those arrested were teenagers or those in their twenties
- 86.0% of those arrested were first-time offenders



Cannabis cultivated in vinyl greenhouse

**Table 2-5 Trends in the Situation of Each Type of Drug Offenses Cleared (2005-2009)**

Category	Year		2005	2006	2007	2008	2009
Cannabis Offenses	Number of arrests		1,941	2,288	2,271	2,758	2,920
	Amount seized (kg)	Marijuana	643.1	225.8	437.8	375.1	195.1
		Hashish	230.5	96.7	20.1	33.1	17.2
Narcotic and Psychotropic arrests	MDMA and other synthetic drugs		Number of arrests	403	370	296	281
	Amount seized (tablets)		571,522	186,226	1,233,883	217,172	85,688
	Cocaine	Number of arrests		36	72	99	98
		Amount seized (kg)		2.9	9.8	18.5	5.5
	Heroin	Number of arrests		21	22	13	13
		Amount seized (kg)		0.1	2.3	1.8	1.0
	Psychotropic drugs		Number of arrests	15	21	19	30
	Amount seized (tablets)		19,287	17,311	13,072	48,031	2,918
	Opium	Number of arrests		12	27	41	14
		Amount seized (kg)		1.0	17.2	19.4	6.6

## 2) Paint Thinner and Other Organic Solvent Offenses

The number of persons arrested (including custody) for offenses related to paint thinner and other organic solvents in the last five years is in the decreasing trend as Diagram 2-6 shows.

Characteristics in 2009

- 31.8% of those arrested (for ingestion, inhalation or the intent to ingest or inhale) were juveniles
- 67.9% of those arrested (for willful sale<sup>2</sup> (sale of organic solvent with the knowledge that they will be used improperly)) were juveniles

**Table 2-6 Trends in the Persons Arrested related to Organic Solvent Offenses (2005-2009)**

Category	Year	2005	2006	2007	2008	2009
Ingestion, inhalation or the intent to ingest or inhale		2,783	2,142	1,802	1,428	1,215
Willful sale		269	196	184	106	106

Note 1: An abbreviation for the drug's scientific name, "3,4-methylenedioxymethamphetamine." Originally a fine white powder, now commonly sold secretly in a variety of colors and featuring a variety of patterns and engravings.

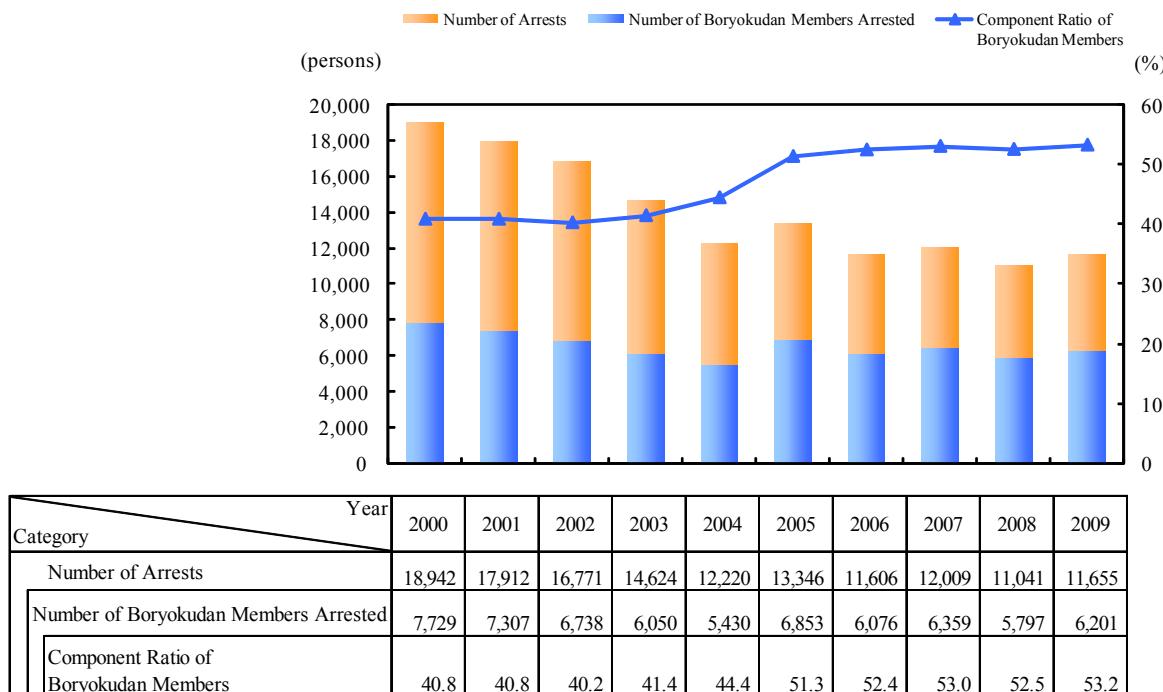
2: Sales knowing purchase was made for drug abuse

## (2) Contribution of *Boryokudans* to Drug Offenses

In 2009, 6,201 *Boryokudan* members were arrested for stimulant offenses. This is an increase of 400 persons (6.9%) from the previous year and accounts for 53.2% of all the arrests for stimulant offenses, indicating that *Boryokudans* are contributing to stimulant offenses more than ever before.

In addition, 870 *Boryokudan* members were arrested for cannabis offenses, an increase of 14 persons (1.6%) from the previous year and accounts for 29.8% of all the cannabis offense arrests. 28 *Boryokudan* members were arrested for MDMA or other synthetic drug offenses, a decrease of 56 persons (66.7%). It accounts for 26.2% of all the arrests for MDMA or other synthetic drugs. This indicates that *Boryokudan* members are contributing to drug offenses on a wider scale.

**Diagram 2-8 Trends in Situation of *Boryokudan* Members for Stimulant Offenses (2000-2009)**



Note: Component Ratio = Number of Boryokudan Members Arrested ÷ Number of Arrests × 100

### (3) Illicit Drug Sales via the Internet

In 2009 there were 13 arrests for illicit drug sales via the Internet, an increase of 2 (18.2%) from the previous year. Of those, one case warranted the enactment of the advertising restriction clause of the Stimulants Control Act.

## 2. Anti-Drug Measures by the Police

### (1) Interrupting the Supply of Drugs

As most of the drugs abused in Japan are being imported into the country from abroad, in order to prevent drugs from coming onshore, the police are working closely and exchanging information with the supervising institutions of other countries, and strengthening cooperation with such relevant organizations as customs, Japan Customs, Japan Coast Guard.

Additionally, in order to plan for the breakup of drug syndicates the Police are proceeding with effective investigation techniques such as controlled delivery<sup>1</sup> and transmission interception. Also, based on the Narcotics Special Exemption Law, the police are proceeding with even harsher punishments for the

regular illicit sale and smuggling of drugs<sup>2</sup>, and are continuing to arrest those who smuggle and sell drugs as a profession. Furthermore, in order to deal a blow to the financial side of drug syndicates, the police are progressing with measures based on provisions in the Narcotics Special Exemption Law, against money laundering through the taxation and seizure of drug syndicate profits.

Note 1: Controlled delivery is an investigation method in which even if illegal substances are discovered, rather than arresting the criminal and seizing the drugs immediately, the supervising organization allows transport to continue under heavy supervision, in order to arrest related suspects

2: This allows more severe punishments than normal smuggling and illicit sales as well as targets series of actions as cumulative offenses to allow confiscation and additional collection for the total of drug related crime profits.

**Table 2-7 Trends in the Number of Cases Controlled Delivery was Carried Out (2000-2009)**

Category \ Year	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Number of cases carried out	29	28	26	63	78	42	29	39	31	38

**Table 2-8 Trends in the cases violating the Anti-Drug Special Act (Pursuing the illegal import of drugs as a profession) (2000-2009)**

Category \ Year	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Number of violations of article 5 (Pursuing the illegal import of drugs as a profession)	34	18	43	32	45	47	40	38	52	35

Note: For violations of articles 6 and 7, refer to P. 125

## (2) Eliminating Demand

Drug abuse does not just damage the mind and body of the user, it threatens the very safety of society. Depending on the hallucination or fantasy caused, users may commit murder, arson or any number of malicious acts, in addition to potentially causing horrendous traffic accidents.

In addition to arresting serious drug abusers, the police are carrying out activities such as the spreading of public awareness to promote the spread of correct knowledge about the danger and harm of drugs.

**Table 2-9 Number of Persons Arrested due to Crimes Committed by Regular Drug Users (2008, 2009)**

Type \ Year	Penal Code Offenses										Other Law Offenses		
	Felonious Offenses				Violent Offenses						Firearm Control Act	Others	
	Murder	Robbery	Arson	Rape	Violence	Battery	Threat	Extortion	Unlawful assembly with dangerous weapons	Larceny Offense	Others		
2009	858	72	10	57	4	1	184	28	99	14	43	0	373
2008	809	68	17	39	6	6	146	23	80	5	38	0	404
Difference	49	4	7	18	2	5	38	5	19	9	5	0	31
												3,942	23
												3,919	
												3,403	10
												3,393	
												539	13
												526	

Note: This term applies to those who regularly use stimulants, drugs, cannabis, opium or psychotropic drugs or those who regularly abuse toluene and other types of organic solvents, including paint thinner and glue. Whether or not the user is addicted is not questioned.

## 3. Gun Situation

The gun situation in 2009 remains severe. While the numbers of confirmed cases in which guns were fired and confirmed cases involving the use of a gun<sup>1</sup> remain at a record low level, felonious crimes causing harm to the general public continue to occur.

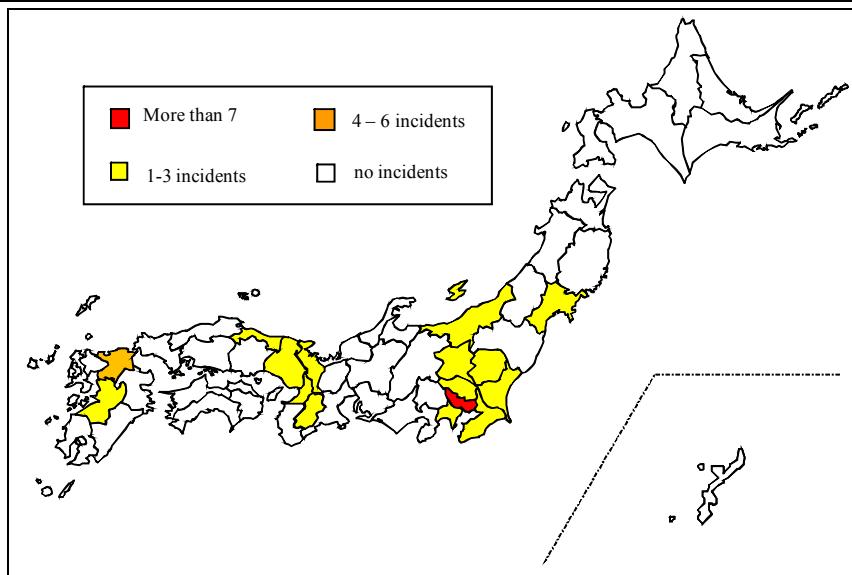
Note 1: Incidents in which firearms or firearm-like objects were fired. Firearm includes handguns, small arms, machine guns, cannons, hunting rifles and other air-rifles and gunpowder rifles with the ability to shoot metallic bullets" (Article 2-1 of the Firearms and Swords Control Act (hereafter the "Firearm Control Act"). Firearm-like objects refer to objects that resemble firearms and that are shown to others in order to perpetrate crimes, and may be identified as firearms by the testimony of a victim or witness.

### (1) Occurrence of Incidents in which Guns were Fired

In 2009 there were 34 incidents in which guns were fired, a decrease of 8 cases (19.0%) from the previous year, but the number of deaths and injuries was 20 persons, an increase of one person from the previous year. Of these, there were 22 cases allegedly resulting from *Boryokudans*, accounting for 64.7% of all the incidents in which guns were fired.

Looking at the occurrence of incidents by prefecture, the Kanto area had an occurrence rate of 55.9% out of all the regions. Other areas with four or more incidents were Tokyo Metropolis (9 cases) and Fukuoka (4 cases).

**Diagram 2-9 Outline of Incidents in which Guns were Fired by Prefecture (2009)**



**Diagram 2-10 Trends in the Situation of Occurrence and the Number of Deaths and Injuries due to Incidence of Gun Violence (2005-2009)**



Category	Year	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Total Shootings (cases)		134	215	158	139	104	76	53	65	42	34
Gang Members		92	178	112	104	85	51	36	41	32	22
Gang Conflicts		16	71	21	32	19	11	0	12	3	1
Others and Unknown		42	37	46	35	19	25	17	24	10	12
Casualty		58(27)	69(34)	58(23)	67(25)	38(17)	22(13)	19(11)	39(23)	19(7)	20(11)
Deaths		23(9)	39(20)	24(5)	35(11)	17(5)	10(4)	2(1)	21(10)	10(2)	7(3)
Injuries		35(18)	30(14)	34(18)	32(14)	21(12)	12(9)	17(10)	18(13)	9(5)	13(8)

Note 1: "By Boryokudans" means any incidents thought to be caused by Boryokudan and includes incidents caused by Boryokudan members as well as incidents resulting from the supply of guns by Boryokudans to others.

2: "Rival conflict" means any incident resulting from rival conflict.

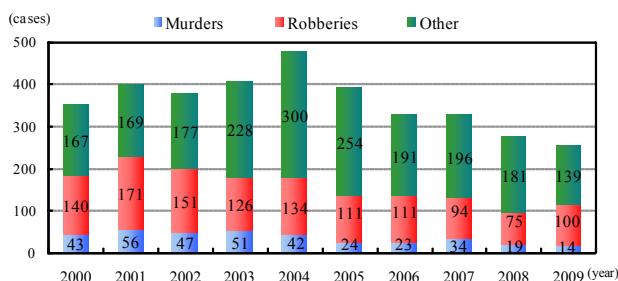
3: "Other reason/reason unclear" means any incident caused by anyone not involved with Boryokudan.

4: The number inside the parenthesis represents the number of people killed who were not Boryokudan members.

## (2) The Situation of Cases Confirmed in which Guns were Involved

Trends in the situation of cases confirmed in which guns were involved are shown in Diagram 2-11, and has been on the decreasing trend since 2005. By crime type, there were 14 cases of murder, a decrease of 5 cases (26.3%) from the previous year, but there were 100 cases of robbery, an increase of 25 cases (33.3%).

**Diagram 2-11 Trends in the Number of Confirmed Incidents in which Guns were Fired (2005-2009)**

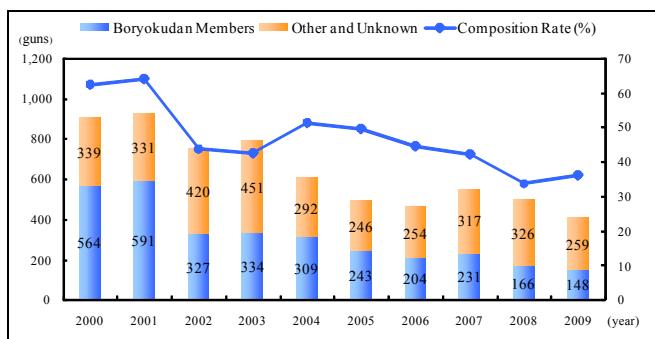


## 4. Measures against Firearms by the Police

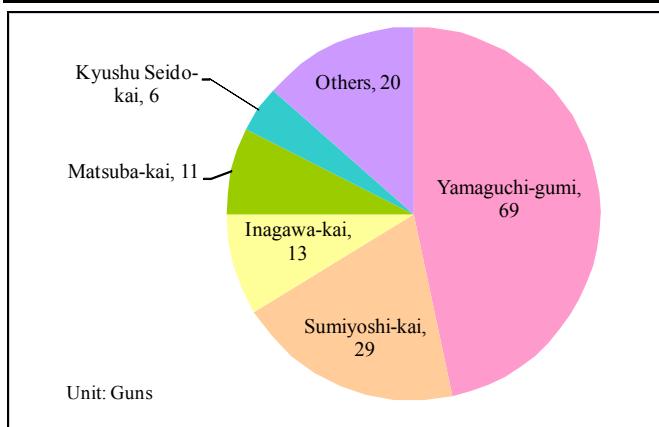
### (1) Exposure of Firearms

The police are carrying out comprehensive anti-firearm measures by placing importance on exposing the weapon caches and smuggling/illicit trade of weapons of criminal organizations. Recently, the number of handguns seized is in the decreasing trend. This is thought to be because criminal organizations are becoming more sophisticated and latent in the way that they conceal, smuggle, and illicitly sell firearms.

**Diagram 2-12 Trends in the Number of Incidents in which Handguns were Seized (2000-2009)**



**Diagram 2-13 Breakdown by Organization of Handguns Seized from *Boryokudan* Members (2009)**



### 1) Situation of Handgun Seizure

Diagram 2-12 shows trends in the number of handguns seized. Seizures from *Boryokudan* accounted for 36.4% of all handguns seized in 2009, of which 46.6% were from Yamaguchi-gumi.

### 2) Situation of Weapon Cache Exposure

Diagram 2-10 shows the situation of weapon cache exposure cases<sup>1</sup>. All exposed weapons cache were being organizationally managed by *Boryokudan* using ever more sophisticated methods such as concealing handguns in the houses of friends of *Boryokudan* members or in rental storages.

Note 1: Cases where more than three handguns related to organizational management were seized.

**Table 2-10 Trends in the Situation of Weapon Cache Cases (2000-2009)**

Category \ Year	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Number of cases (cases)	12	19	8	10	11	11	7	12	5	3
Number of weapons seized (weapons)	45	105	68	60	49	56	36	84	22	12
Number of firearms concealed per cache	3.8	5.5	8.5	6.0	4.5	5.1	5.1	7.0	4.4	4.0

## (2) Securing the Cooperation and Understanding of the People

In May, 2008, the police introduced the Dial 110 for Handgun Reward System<sup>1</sup> with the aim of facilitating the provision of information regarding handgun offenses, in order to overcome the difficulties in collecting information on handguns. This system led to the confiscation of two handguns.

In addition, the police are calling on the public to help eradicate firearms related crimes and eliminate illegal firearms by carrying out such events as the Symposium on the Eradication of Firearms Related Crimes<sup>2</sup> or by conducting activities in line with private volunteer groups such as the Stop Gun Caravan.<sup>3</sup>

Note 1: A system in which the police have established a free reporting hotline with a common nationwide telephone number (0120-103774), and collect information at Prefectural Police across the country and pay reward money according to the contents of information provided or the degree of cooperation to investigation.

2: A meeting held every fiscal year by the National Police Agency and Prefectural Firearms Control Headquarters. The first meeting was held in October 1995 in Tokyo. The 15th meeting was held in Fukuoka in January 2010.

3: A volunteer organization made up of researchers who have a deep interest in the firearms problem and the surviving families of the deceased victims and concerned persons of firearms related crimes. Established in April 1997, through meetings, events and the website, the organization is working to heighten the awareness of the public on the tragedy related to firearms, and on crime, and promoting the eradication of illegal firearms.

## **Section 3. Measures to Prevent Transfer of Criminal Proceeds**

### **1. Activities based on Implementation of the Act on Prevention of Transfer of Criminal Proceeds**

Criminal proceeds obtained by criminal organizations such as *Boryokudans* are used for “activity funds” for new crimes or for expenses on procuring weapons, which maintain and strengthen the criminal organizations, as well as fostering organized crime. Thus it is important to prevent the transfer of criminal proceeds as well as ensuring that criminals are deprived of them in order to undermine these organizations and drive them to extermination. Based on laws relating to the prevention of the transfer of criminal proceeds (hereafter referred to as “Act on Prevention of Transfer of Criminal Proceeds”), the police are promoting measures against transfer of criminal proceeds in cooperation with related organizations, businesses, foreign related organizations.

#### **(1) Measures to Secure the Proper Observation of the Act on Prevention of Transfer of Criminal Proceeds**

In order to effectively promote measures against transfer of criminal proceeds, it is important to take measures to confirm the ID of customers, create and save transaction records, and report suspicious transactions by specified business operators<sup>1</sup> based on the Act on Prevention of Transfer of Criminal Proceeds. In this regard, the National Public Security Commission and the NPA are making efforts to advance understanding and cooperation toward the Act on Prevention of Transfer of Criminal Proceeds through various seminars or websites for specified business operators in cooperation with related organizations. When the NPSC and the NPA recognize that specified business operators are breaching obligation to confirm ID of customers, they can give statement to presiding administrative agencies holding jurisdiction over specified business operators that correction order shall be executed based on the Act on Prevention of Transfer of Criminal Proceeds. In 2009, nine such allegations were implemented.

#### **(2) Suspicious Transaction Report**

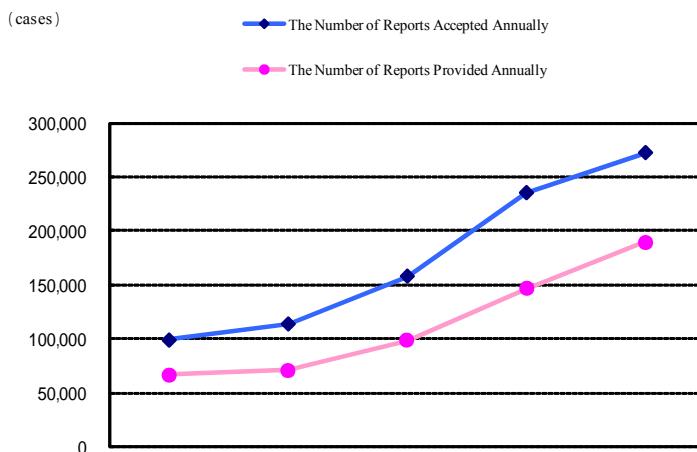
By the report system of suspicious transaction stipulated in the Act on Prevention of Transfer of Criminal Proceeds, the information submitted by these businesses to their respective presiding administrative agencies is compiled by the NPSC and NPA for sorting and analysis and then submitted to investigative institutions such as Prefectural Police and the public prosecutor’s office for use in investigations, etc. of money laundering offenses. In 2009, the number of cases in which information concerning suspicious transactions has provided clues leading to a case clearance was 337 cases, an increase of 162 cases (92.6%), among which 26 cases were fraud cases, occupying 78.6% of the total. There were nine cases leading to clearances of money laundering offenses originated with information on suspicious transaction.

The NPSC and NPA, while closely cooperating with each investigation agency and other organizations, analyze submitted information comprehensively and strive to grasp the flow of funds that Boryokudan and other antisocial influences are involved in. In addition, they try to figure out the international status of transfer of criminal proceeds, by exchanging opinions on overseas remittance with foreign FIUs.<sup>2</sup>

Note 1: Businesses stipulated in Article 2 paragraph 2 of Act on Prevention of Transfer of Criminal Proceeds

2: Abbreviation of Financial Intelligence Unit. Organizations established in each country to gather and analyze information on suspicious transactions and provide such information to investigative authorities and other organizations. The National Public Safety Commission and the NPA are in charge of Japan’s FIU which is called the Japan Financial Intelligence Center (JAFIC).

**Diagram 2-14 Trends in the Situation of Suspicious Transaction Report (2005-2009)**



Category \ Year	2005	2006	2007	2008	2009
The Number of Reports Accepted Annually <sup>1</sup>	98,935	113,860	158,041	235,260	272,325
The Number of Reports Provided Annually <sup>2</sup>	66,812	71,241	98,629	146,330	189,749

Note 1: The number of cases received by the Financial Services Agency from January 2007 to March 2009, and by the National Public Safety Commission and NPA from April 2009. 2009 combines the number of cases received by the Financial Services Agency, the National Public Safety Commission and NPA.

2: The number of cases submitted by the Financial Services Agency to the NPA from January 2007 to March 2009, and by the National Public Safety Commission and the NPA to investigative institutions from April 2009. 2009 combines the number of cases submitted by the Financial Services Agency, the National Public Safety Commission and NPA.

## 2. Situation of Measures against Money Laundering

### (1) Situation of Money Laundering Offenses Cleared

Table 2-11 shows the number of cleared cases for money laundering in the last five years.

Of the cleared cases, the ones involving *Boryokudan* members reached 94 cases. Looking by predicate crime, the major crimes are as follows: fraud-19 cases, black market finance offenses -17 cases, Anti-Prostitution

Act violation 17 cases. Other cases include larceny, distribution of obscene objects, gambling. This shows that *Boryokudans* gain funds from diverse range of crimes and it can be said that these funds are laundered (Refer to P.15 for money laundering offenses committed by foreign nationals visiting Japan in 2009).

Note 1: Crimes that produce illegal profit which is an object of money laundering acts.

**Table 2-11 Trends in the Situation of Money Laundering Offenses Cleared (2005-2009)**

Category \ Year	2005	2006	2007	2008	2009
Organized Crime Punishment Act (cases)	107 ( 48 )	134 ( 53 )	177 ( 60 )	173 ( 63 )	226 ( 90 )
Management / control such as legal persons (Article 9)	0	1 ( 0 )	0	1 ( 1 )	0
Concealment of criminal proceeds (Article 10)	65 ( 21 )	91 ( 18 )	137 ( 35 )	134 ( 41 )	172 ( 49 )
Receiving of criminal proceeds (Article 11)	42 ( 27 )	42 ( 35 )	40 ( 25 )	38 ( 21 )	54 ( 41 )
Anti-Drug Special Act (cases)	5 ( 4 )	10 ( 5 )	7 ( 5 )	12 ( 5 )	10 ( 4 )
Concealment of drug criminal proceeds (Article 6)	3 ( 2 )	5 ( 3 )	5 ( 4 )	10 ( 4 )	5 ( 1 )
Receiving of criminal proceeds (Article 11)	2 ( 2 )	5 ( 2 )	2 ( 1 )	2 ( 1 )	5 ( 3 )

Note: Those shown in parentheses show those committed by *Boryokudan* members (NPA confirmed)

## (2) Forfeiture of Criminal Proceeds

In order to prevent criminal proceeds from being used for maintaining and expanding criminal organizations or for investment for the future criminal activities, it is essential to forfeit them. Confiscation/additional penalties are rendered by a judgment from court, and the police secure effectiveness of confiscation/additional penalties so that criminal proceeds will not be concealed or spent by proactively taking measures of confiscation of criminal proceeds prior to indictment as prescribed in the Act on Punishment of Organized Crimes and

Control of Crime Proceeds (hereinafter referred to as the Organized Crime Punishment Act) and the Anti-Drug Special Act.

Application of Regulations on Confiscation/additional penalties in the Organized Crime Punishment Act and the Anti-Drug Special Act in ordinary process of trial at the trial are as shown in Table 2-12. Also the situation of order for forfeiture of criminal proceeds before Indictment is shown in Table 2-13.

**Table 2-12 Application of Regulations on Confiscation/Additional Penalties on the Organized Crime Punishment Act and Anti-Drug Special Act (2005-2009)**

Year	Confiscation		Additional Penalties		Total	
	Persons	Amount	Persons	Amount	Persons	Amount
Organized Crime Punishment Act	2004	15	69,610	22	500,773	37
	2005	18	69,958	54	585,698	72
	2006	27	150,406	75	1,869,842	102
	2007	29	104,020	67	603,680	96
	2008	40	335,721	79	560,791	119
Anti-Drug Special Act	2004	75	357,944	329	1,999,941	404
	2005	39	53,674	316	1,324,360	355
	2006	62	79,264	373	1,740,761	435
	2007	53	153,830	285	1,128,689	338
	2008	61	93,695	362	1,391,545	423

Note 1: From the 2009 Crime White Paper.

2: The unit for the amount is \1,000 (rounded down to the nearest 1,000).

3: For confiscation and additional penalties involving accomplices, the total number of persons and total amount are given.

4: For foreign currencies, the amount is converted into yen calculated by the exchange rate of the time.

**Table 2-13 Trends in the Application of Regulations on Confiscation/Additional penalties on the Organized Crime Punishment Act and Anti-Drug Special Act (2005-2009)**

Category	Year	2005	2006	2007	2008	2009
Organized Crime Punishment Act (cases)		8 ( 0 )	9 ( 3 )	21 ( 7 )	44 ( 21 )	54 ( 23 )
Anti-Drug Special Act		8 ( 5 )	3 ( 2 )	4 ( 3 )	7 ( 5 )	8 ( 5 )

Note: Those shown in parentheses were committed by *Boryokudan* members (NPA confirmed)