

Paper Presented at
3155 Penal System and Violence
WG Human Rights
RCSL SDJ Annual Meeting Lisbon 2018
Room C5.08 ISCTE University of Lisbon
13:30-15:15 12 September 2018

A Case Study of the Misconduct of Police Officer in Law Enforcement in Japan

Presenter / Author
Sozaburo MITAMAYAMA
Osaka University of Tourism

Self Introduction:

Sozaburo MITAMAYAMA(KAWATA)

Academic Background

2003 LLB, Faculty of Law, Chuo University, Japan

2005 M. Policy Studies, Graduate School of Policy Studies, Chuo University, Japan

2015 LLD Candidate, Graduate School of International Cooperation Studies,
Kobe University, Japan

Career

1995-1998 JICA Junior Expert in Indonesia (Suharto Era)

1999 JICA Expert of General Election in Indonesia (Post Suharto Era)

2004 JICA Expert of General Election in Indonesia (Reformation Era)

2004-2006 JICA Project Formulation Advisor on Judicial Reform for Indonesia
(SBY Era)

2010-2012 Advisor to the Japanese Ambassador on Political Affairs,
Embassy of Japan in Indonesia (SBY Era)

2016-2017 Lecturer, Tokyo University of Social Welfare

2017-2018 Associate Professor, Osaka University of Tourism

2018- Professor, Osaka University of Tourism

3155 Penal System and Violence RCSL SDJ
Lisbon 2018

Index

- Self Introduction
- Full Title
- Abstract
- Was the action of the citizen really physically impossible to be recognized by the state officials in this case?
- Why don't citizens challenge against the state at the court in such cases?
- Conclusion
- Implications
- Potential Impact of this Case Study
- Note: Related Fundamental Human Rights
- Reference

Full Title:

A Case Study of the Misconduct of
Police Officer in Law Enforcement in
Japan.

When the action of a citizen is
physically impossible to be recognized,
can the state punish the citizen?

The answer is “Yes” in Japan.

Abstract

- One day, a citizen drove a car. He had a record of no violation of road traffic law and no traffic accident for more than 24 years and got award for that record several times. He had no reason to drive in a hurry on that day as well. However, what happens when the police is determined to get him even though the police officer physically impossible to recognize the driving?
- The Japanese Prosecutor has turned down the case file from the police because of the lack of evidence of violation of law. But the Local Public Security Commission (An Inspection Body for Police Misconduct) has affirmed the conduct of the police officer without evidence and punished the driver administratively (administrative sanctions) therefore. How the Japanese Judicial system provide a solution to this contradiction between the Prosecutor and the Administrative Branch? Do you think you can rely on the Japanese Judicial Court?
This presentation provides an overview of the situation of Administrative Litigation of Japan and analyses this case to reveal the reality that cannot be imagined from the statistics.

Was the action of the citizen really impossible to be recognized by the state officials in this case?

The Law directly related to this case:

Road Traffic Act

Doro Kotsu Ho

- Driving Over Speed is criminalized by this law.
- If a citizen violate this law, he/she get;
- Criminal sanctions:
 - 6 months in prison etc.
 - Article 22, 90, 118, etc.
- Administrative sanctions:
 - (1). Administrative Fine : 40,000 yen (300 euro) etc.
 - (2). Administrative Sanction Points : 6 points etc.
 - Article 22, 90, 103, 128, etc.
- → The Law is reasonable to prevent traffic accidents. But how does the law enforced?

Law in Action in Japan

Chronology of the case

- From April to August 2017, a citizen with no record of violation of the road traffic act nor traffic accidents for more than 23 years (up to now more than 25 years) drove a car to his working place.
- The citizen found out there was a location that police conducts crackdown on motorists once in 2 weeks.
- 1st August 2017, the citizen was ordered to stop the car at the location and told that he drove over speed thus violated the road traffic law.
- The citizen did not admit the violation of the law because he drove the car as safely as usual. Then the police send the file to the prosecutor (penal system).

Police Officer PI xxx or/and PI yyy

1st August 2017



Source:
Author

Police Officer PI zzz

1st August 2017



Source:
Author

Chronology of the case

- 2nd August 2017, the citizen came to the location and found out that the police was conducting crackdown on motorists 2 consecutive days!
- Later, the citizen found out that it was physically impossible for the police officer to recognize the over speeding cars.

Position of the police officer in charge of sight recognition and the position of speed detectors.



Source:
Author

Verification of Position of the police officer in charge of sight recognition and the position of speed detectors. (-4 steps)



Source:
Author

Verification of Position of the police officer in charge of sight recognition and the position of speed detectors. (-5 steps)



Source:
Author

Verification of Position of the police officer in charge of sight recognition and the position of speed detectors. (-6 steps)



Source:
Author

Height of the wall: About 92 cm.



Source:
Author

Thick of the wall:
About 29 cm.



Source:
Author

Height of the view point of the police office in charge of sight recognition:
About 40 cm from the top of the wall.



Source:
Author

Height of 1 step of stairway: About 12 cm.



Source:
Author

Width of 1 step of stairway: About 50 cm.



Source:
Author

Overview of relation of police officer in charge of sight recognition and the cars

Google マップ

8/2/17 12:40 PM

Google



Source:
Author
with
image
form
Google.

<https://www.google.co.jp/maps/@34.4112321,135.3950394,71m/data=!3m1!1e3>

Page 1 of 2

12/9/18

3155 Penal System and Violence RCL SDJ
Lisbon 2018

22

Range of the sight of police officer in charge of sight recognition



Source:
Author
with
image
form
Google.

It is impossible for the police officer in charge of sight recognition to recognize the car in the right row crossing the measurement lines of speed detector.



Source:
Author
with
image
form
Google.

Range of the view from the position of the police officer in charge of sight recognition from 8:00-9:00 on a weekday.



Source:
Author

Range of the view from the position of the police officer in charge of sight recognition from 8:00-9:00 on a weekday.



Source:
Author

Range of the view from the position of the police officer in charge of sight recognition from 8:00-9:00 on a weekday.



Source:
Author

Range of the view from the position of the police officer in charge of sight recognition from 8:00-9:00 on a weekday.



Source:
Author

Range of the view from the position of the police officer in charge of sight recognition from 8:00-9:00 on a weekday.



Source:
Author

Range of the view from the position of the police officer in charge of sight recognition from 8:00-9:00 on a weekday.



Source:
Author

Range of the view from the position of the police officer in charge of sight recognition from 8:00-9:00 on a weekday.



Source:
Author

Range of the view from the position of the police officer in charge of sight recognition from 8:00-9:00 on a weekday.



Source:
Author

What if the police argues that the
officer in charge of sight recognition
stood up?

What if the police argues that the officer in charge of sight recognition stood up?



Source: Kensatsu Jimukan OKIMI Takashi.(2018.03.27.). p.5.

The argument of the Police does not match the real situation.

The Police officer can NOT stand up instantly when he wants to stand up.

2nd August 2017.(Reality)

This photograph was disclosed on 30th August 2018.



Source:
Author

Enlargement:
The Police officer can NOT stand up instantly when he wants to stand up because his head set is wired to a device on the ground.



Source:
Author

The police officer can stand up vertically ONLY when he puts off his head set.

2nd August 2017.(Reality)

This photograph was disclosed on 30th August 2018.



Source:
Author

Enlargement:

The police officer can stand up vertically ONLY when he puts off his head set.

It is also doubtful that he can see cars accurately OVER the wall even the officer stands up.



Source:
Author

Example of ordinary position of the police officer in charge of sight recognition in crackdown of over speeding motorists.
NEVER NEED TO STAND UP TO RECOGNIZE.



Source: <https://blog.goo.ne.jp/thiroy/e/fb5df35df53fe6fc0e4aa3a73b819176>

Therefore the argument of the Police does not match the real situation.



Source: Kensatsu Jimukan OKIMI Takashi.(2018.03.27.). p.5.

The action of the citizen was really physically impossible to be recognized by the state officials in this case.

Why don't citizens challenge against the state at the court in such cases?

The Law directly related to this case :
Administrative Litigation Act
Gyosei Jiken Sosho Ho

- Article 3(2) The term "litigation for the revocation of the original administrative disposition" as used in this Act means a litigation seeking the revocation of an original administrative disposition and any other act constituting the exercise of public authority by an administrative agency (excluding an administrative disposition on appeal, decision or any other act prescribed in the following paragraph; hereinafter simply referred to as an "original administrative disposition").

The Law directly related to this case :
Administrative Litigation Act
Gyosei Jiken Sosho Ho

- Article 3(3) The term "litigation for the revocation of an administrative disposition on appeal" as used in this Act means a litigation for the revocation of an administrative disposition on appeal, decision or any other act by an administrative agency in response to a request for an administrative review, objection and any other appeal (hereinafter simply referred to as a "request for an administrative review") (hereinafter simply referred to as an "administrative disposition on appeal").

The Law directly related to this case :

Administrative Litigation Act

Gyosei Jiken Sosho Ho

- Article 9 (1) A litigation for the revocation of an original administrative disposition and a litigation for the revocation of an administrative disposition on appeal (hereinafter referred to as "litigations for the revocation of administrative dispositions") may be filed only by a person who has legal merit to seek the revocation of the original administrative disposition or of the administrative disposition on appeal (including a person who has legal merit to be recovered by revoking the original administrative disposition or administrative disposition on appeal even after it has lost its effect due to the expiration of a certain period or for other reasons).

The Law directly related to this case :

Administrative Litigation Act

Gyosei Jiken Sosho Ho

- When judging whether or not any person, other than the person to whom an original administrative disposition or administrative disposition on appeal is addressed, has the legal merit prescribed in the preceding paragraph, the court shall not rely only on the language of the provisions of the laws and regulations which give a basis for the original administrative disposition or administrative disposition on appeal, but shall consider the purposes and objectives of the laws and regulations as well as the content and nature of the interest that should be taken into consideration in making the original administrative disposition. In this case, when considering the purposes and objectives of said laws and regulations, the court shall take into consideration the purposes and objectives of any related laws and regulations which share the objective in common with said laws and regulations, and when considering the content and nature of said merit, the court shall take into consideration the content and nature of the merit that would be harmed if the original administrative disposition or administrative disposition on appeal were made in violation of the laws and regulations which give a basis therefor, as well as in what manner and to what extent such merit would be harmed.

The Law directly related to this case :
Administrative Litigation Act
Gyosei Jiken Sosho Ho

- The Law is in principle reasonable to limit administrative litigation cases.
- However, one of the purposes of this law is to empower citizens to revoke administrative dispositions.

Law in Action in Japan

Chronology of the case

- State → Citizen
- 11th October 2017, case file of criminal charge against the citizen was dropped at the level of prosecutor. (Final and Binding)

Chronology of the case

- Citizen → State
- Criminal Charges against Police Officers
- Criminal Litigation against Police Officers
- 3rd November 2017, the citizen filed the case of criminal charges against police officers to Public Prosecutors Office.
- 24th January 2018, the case was transferred to special division of Osaka District Public Prosecutors Office.
- 12th April 2018, the case was dropped at the level of the prosecutor.
- 30th August 2018, the citizen filed the case of criminal charges against police officers to Committees for the Inquest of Prosecution (Kensatsu Shinsa Kai). (Present)

Chronology of the case

- Citizen → State
- Administrative Litigation against State
- Administrative Litigation
- 21st October 2017, the citizen filed the case of revocation of the administrative disposition/sanction to Osaka Prefectural Public Safety Commission.
- 15th November 2017, the case was dismissed without prejudice on the merit saying 'it was not administrative disposition/sanction'.
- 11th March 2018, the citizen file the case of revocation of the administrative disposition/sanction to Osaka District Court.
- 18th April 2018, the case was dismissed without prejudice on the merit saying 'it was not administrative disposition/sanction'.
- 30th April 2018, the citizen appealed the case to the Osaka High Court. (Present)

Points System in Road Traffic Law

- 0 point 50 years+ → Even Better Award
- 0 point 3 years+ → Award
- 1 -5 points → GRAY ZONE
- 6 points → Suspension of Driver's License for 30 days.
- 15 points → Driver's License is stripped and will not be provided for 1 year.
- 70 points → Driver's License is stripped and will not be provided for 10 years.
- (Source:Keishicho(2018).)

Administrative Disposition?

- Yes, the followings are Administrative Dispositions and triable.
- 6 points → Suspension of Driver's License for 30 days.
- 15 points → Driver's License is stripped and will not be provided for 1 year.
- 70 points → Driver's License is stripped and will not be provided for 10 years.

Administrative Disposition?

- No.
- According to the precedent of the Supreme Court of Japan, the following GRAY ZONE is NOT Administrative Disposition therefore NOT triable.
- The consequence is 'Dismissal without prejudice on the merit'.
- 1 -5 points → GRAY ZONE

Administrative Disposition?

- There is no precedent of the Supreme Court of Japan directly applies to the followings.
- To get Award, the citizen need to get notarization of the record of no violation of road traffic law and no accidents.
- The notarization *IS* Administrative Disposition.
- 0 point 50 years+ → Even Better Award
- 0 point 3 years+ → Award

The Argument of the Citizen

- The citizen argued that the case is NOT about the GRAY ZONE.
- The citizen argued that the case is about getting Awards that need to get notarization which is Administrative Disposition.
- The precedent of the Supreme Court of Japan dated 27th February 2009 allows citizens to file of no violation of road traffic law cases at the time of renewal of the driver's license.

What was the decision of the Osaka District Court?

- The Osaka District Court handed down a decision of 'Dismissal without prejudice on the merit' saying 'it was not administrative disposition/sanction' pointing out that the case is of the GRAY ZONE.
- The Osaka District Court never mentioned about the precedent of the Supreme Court of Japan dated 27th February 2009.
- The case is appealed. (Present)

So even in this extreme case, the court
of Japan (district level) sustains
‘Dismissal without prejudice on the
merit’ and make no decisions on the
very fact.

Analysis from Different Dimensions

Administrative sanctions:

(1). Administrative Fine : 40,000 yen (300 euro) etc.

(2). Administrative Sanction Points : 6 points etc.

Article 22, 90, 103, 128, etc.



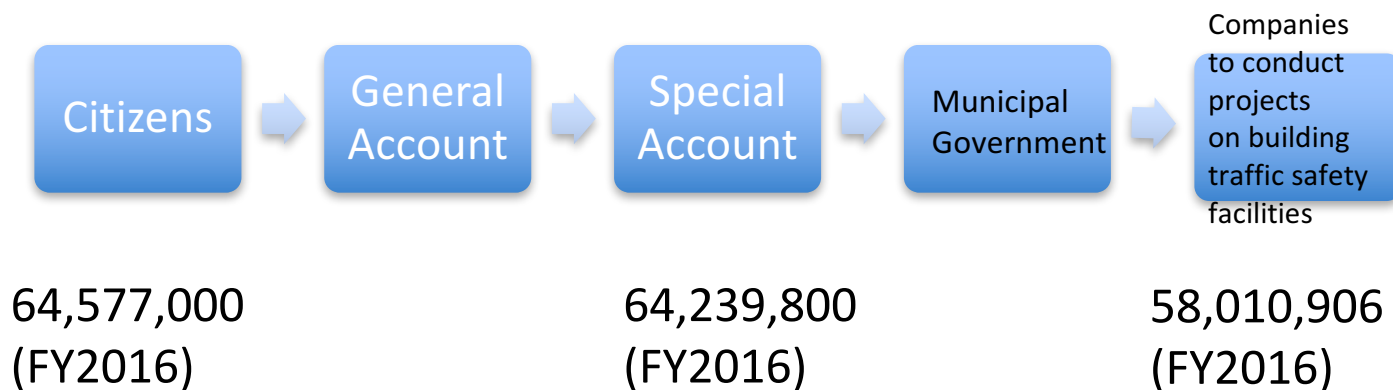
1 set of decision by Police.

A citizen pays administrative fine from 3,000 yen (24 euro) to 40,000 yen (130 euro) in 1 case. (Keishicho.(2018b))

Total 64,577,000,000 yen (496,746,154 euro) were collected by police in fiscal year 2016. (Soumusho.(2018))

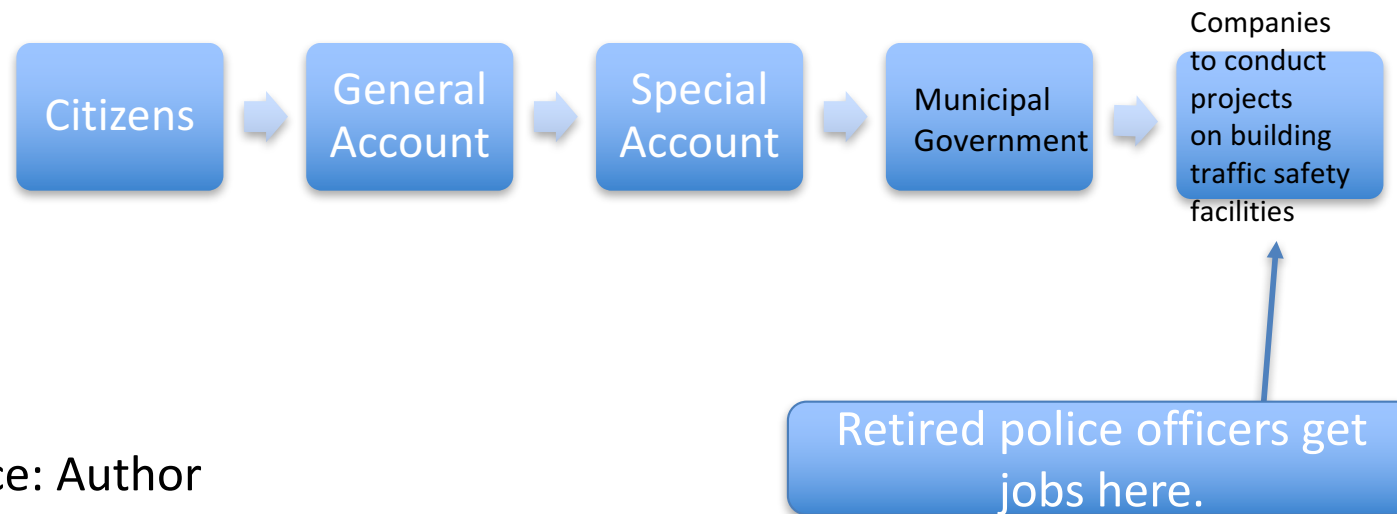
How the money is spent?

Analysis from Different Dimensions. Flow of Fine Collected from Citizens.



Source:Soumusho.(2018)

Analysis from Different Dimensions. Flow of Fine Collected from Citizens.



Source: Author

Analysis from Different Dimensions.

Members of Osaka Prefectural Public Safety Commission

大阪府公安委員会 | 委員長・委員のプロフィール 3/11/18 10:34 AM

大阪府公安委員会 Osaka Prefectural Public Safety Commission | 国家公安委員会 | 大阪府警察 |

大 文字を大きくする

大阪府公安委員会とは			
委員長・委員のプロフィール			
	氏名	任期	職業
委員長	もりした しゅんやう 森下 俊三	H27. 7.10 ～ H30. 7. 9 (3期目)	会社役員
委員	いのうえ まこと 井上 誠	H27.10. 7 ～ H30.10. 6 (2期目)	会社社長
委員	たかせ けいこ 高瀬 桂子	H28.12.20 ～ H31.12.19 (2期目)	弁護士
委員	おおやま たかし 大山 隆司	H29.10.21 ～ H32.10.20 (2期目)	元裁判官
委員	うめみや のりこ 梅宮 典子	H27. 4. 1 ～ H30. 3.31 (1期目)	大学教授

[トップページに戻る](#)

[プライバシーポリシー](#) | [Copyright©Osaka Prefectural Public Safety Commission All Right reserved](#)

OYAMA Takashi
Former Judge

Source: Osaka Prefectural Public Safety Commission. (2018).

Analysis from Different Dimensions.

Members of Osaka Prefectural Public Safety Commission

大阪府公安委員会 | 委員長・委員のプロフィール 3/11/18 10:34 AM

大阪府公安委員会 Osaka Prefectural Public Safety Commission | 国家公安委員会 | 大阪府警察 |

大 文字を大きくする

大阪府公安委員会とは

委員長・委員プロフィール

最近の定例会議の概要

活動状況

情報公開のご案内

苦情申出制度のご案内

お知らせコーナー

ご意見・ご要望欄

	氏名	任期	職業
委員長	もりした しゅんやう 森下 俊三	H27. 7.10 ～ H30. 7. 9 (3期目)	会社役員
委員	いのうえ まこと 井上 誠	H27.10. 7 ～ H30.10. 6 (2期目)	会社社長
委員	たかせ けいこ 高瀬 桂子	H28.12.20 ～ H31.12.19 (2期目)	弁護士
委員	おおやま たかし 大山 隆司	H29.10.21 ～ H32.10.20 (2期目)	元裁判官
委員	うめみや のりこ 梅宮 典子	H27. 4. 1 ～ H30. 3.31 (1期目)	大学教授

トップページに戻る

プライバシーポリシー | Copyright©Osaka Prefectural Public Safety Commission All Right reserved

OYAMA Takashi
Former Judge

Source: Author

Retired judges
get jobs here.

Analysis from Different Dimensions.

Members of Osaka Prefectural Public Safety Commission

- Public Safety Commission, in idea, supervises the conduct of the police officers.
- Public Safety Commission, in reality, becomes a part of HQ of Police. Same address, same building, same resource and even secretariat staffs are from police.

Analysis from Different Dimensions

- In Japan, the public officials rarely get bribes especially in the judicial branch.
- In fact, they get benefits from some sophisticated way such as getting jobs after his/her retirement.
- Isn't this the true motive of such a hard sustainability of the court decisions in an extreme case like the one in this study?

Conclusion

- Up to today, when the action of a citizen is physically impossible to be recognized, the state can administratively punish the citizen in Japan.

Implications

- When the action of a citizen is physically impossible to be recognized, the state SHOULD NEVER administratively punish the citizen.
- Cases like in this study should be eligible to be tried with prejudice on the merit at the court.
- Japan may need lay judges in Civil and Administrative Litigations as well as Criminal Litigations.

Potential Impact of this Case Study

- Total of 1,478,281 citizens were deemed as violating the road traffic law by over speed in 2009.(Source:Keisatsu Cho.(2018). Tokei 5-22. Ihanshu betsu goto no kotsu torishimari jokyo in 2017 and 2016.)
- 0 (zero) case has been tried as a case with prejudice on the merit in the cases similar to this case study. The courts never look into the fact of the cases.
- That means if the police says ‘I saw you violated the law’ , the citizens virtually have no means to revoke it.
- Is it natural and rational?
- This Case Study hopefully has some impact to improve such situations in Japan.
- Thank you for this opportunity to present and share this Case Study.

Related Fundamental Human Rights

- Articles of the Constitution of Japan.
- Article 13. All of the people shall be respected as individuals. Their right to life, liberty, and the pursuit of happiness shall, to the extent that it does not interfere with the public welfare, be the supreme consideration in legislation and in other governmental affairs.
- Article 16. Every person shall have the right of peaceful petition for the redress of damage, for the removal of public officials, for the enactment, repeal or amendment of laws, ordinances or regulations and for other matters; nor shall any person be in any way discriminated against for sponsoring such a petition.
- Article 17. Every person may sue for redress as provided by law from the State or a public entity, in case he has suffered damage through illegal act of any public official.
- Article 31. No person shall be deprived of life or liberty, nor shall any other criminal penalty be imposed, except according to procedure established by law.
- Article 32. No person shall be denied the right of access to the courts.

Reference

- Case Documents
- State → Citizen
- Criminal Litigation against Citizen
- Kaizuka Keisatsu Sho.(2017.08.01.). Kotsuihan Tsuchi Sho. Osakafu Keisatsu.
- TADA Nobuo.(2017.10.11.). Fukisoshobun Tsuchisho. Kishiwadaku Kensatsucho.
- Osakafu Koan linkai.(2017.11.15.).Saiketsusho. Osakafu Koan linkai Shirei (Kan) 114.
- MIWA Masahiro. Et. Al.(2018.4.18.).Hanketsu. Heisei 30 Nen (Gyo U) 38 Gyosei Shobun Torikeshi To Seikyu Jiken. Osaka Chiho Saibansho Dai 2 Minjibu.
- Administrative Punishment (Administrative Sanctions)
- Osakafu Jimusho Cho.(2017.08.04.a). Mujiko Muihan Shomeisho. Jidosha Anzen Unten Center.
- Osakafu Jimusho Cho.(2017.08.04.b). Ruiseki Tensu To Shomeisho. Jidosha Anzen Unten Center.
- Osakafu Jimusho Cho.(2017.10.17.a). Mujiko Muihan Shomeisho. Jidosha Anzen Unten Center.
- Osakafu Jimusho Cho.(2017.10.17.b). Ruiseki Tensu To Shomeisho. Jidosha Anzen Unten Center.
- Criminal Litigation against Police Officers
- Kensatsu Kan. (2018.01.24.) Kokuhatsujo No Kaifu ni tsuite. Osaka Chiho Kensatsucho Kishiwada Shibu.
- Kensatsu Jimukan OKIMI Takashi.(2018.03.27.). Sosa Hokokusho. Osakachio Kensatsucho Tokubetsu Sosabu.
- Kensatsukan Jimu Toriatsukai Fuku Kenji MAKINO Yoshinori.(2018.04.12.). Shobun Tsuchisho. Osaka Chiho Kensatsucho.
- Kensatsukan Jimu Toriatsukai Fuku Kenji MAKINO Yoshinori.(2018.05.07.). Fukiso Shobun Riyu Kokuchisho. Osaka Chiken (Ji) 10250. Osaka Chiho Kensatsucho.
- Osaka Dai 3 Kensatsu Shinsa Kai.(2018.09.03). Shinsa Moshitate Juri Tsuchisho.

Reference

- Case Documents
- Citizen → State
- Criminal Defense
- MITAMAYAMA Sozaburo.(2017.08.03.).Kansatsu Seikyu.
- MITAMAYAMA Sozaburo.(2017.08.30.) Ikencho.
- MITAMAYAMA Sozaburo.(2017.09.01.) Ikencho Sono 2.
- Administrative Litigation
- MITAMAYAMA Sozaburo.(2017.10.12.) Torikeshi Joshin Saikoku Oyobi Gyosei Shobun Torikeshizumi Tsuchi Seikyu.
- MITAMAYAMA Sozaburo.(2017.10.21.) Gyosei Shobun Fufuku Moshitatesho (Igi Moshitatesho, Shinsa Seikyusho) oyobi Gyoseishobun Torikeshizumi Tsuchiseikyu.
- MITAMAYAMA Sozaburo.(2018.03.11.). Sojo.
- MITAMAYAMA Sozaburo.(2018.04.30.). Kosojo.
- MITAMAYAMA Sozaburo.(2018.06.18.). Koso Riyusho.
- Criminal Litigation against Police Officers
- MITAMAYAMA Sozaburo.(2017.11.03.). Kokuhatsujo (Kokusojo).
- MITAMAYAMA Sozaburo.(2018.04.30.). Fukisoshobun Riyu Kokuchi Seikyu.
- MITAMAYAMA Sozaburo.(2018.08.30.). Shinsa Moshitatesho.

Reference

- Case Documents
- Citizen→State
- Evidence attached to MITAMAYAMA Sozaburo.(2018.08.30.). Shinsa Moshitatesho.
- Evidence Ko 1: 番号213—452222事件 警察官が現認していないにも関わらず、現認事実を捏造した事例 証拠資料(原本)
- Evidence Ko 2: 番号213—452222事件 1分間(実際には数十秒)に通過する車両の数の事例 証拠資料(原本)
- Evidence Ko 3 : 番号213—452222事件 警察官が現認していないにも関わらず、現認事実を捏造した事例 証拠資料(原本)虚偽公文書作成罪等被疑事件 平成29年10月31日事案検証分
- Evidence Ko 4 : 平成29年8月3日付書留内容証明郵便物「監察請求」(写し)
- Evidence Ko 5 : 平成29年8月24日付書留内容証明郵便物「意見書」(写し)
- Evidence Ko 6 : 平成29年9月1日付日付書留内容証明郵便物「意見書その2」(写し)
- Evidence Ko 7 : 平成29年10月12日付書留内容証明郵便物「取消上申催告及び行政処分取消通知請求」(写し)
- Evidence Ko 8 : 平成29年10月21日付書留内容証明郵便物「行政処分不服申立書(異議申立書・審査請求書)及び行政処分取消通知請求」(写し)
- Evidence Ko 9 : 平成29年11月15日付「裁決書(大阪府公安委員会(監)第114号)」(写し)
- Evidence Ko 10 : 平成29年10月11日付「不起訴処分告知書(平成29年検第61401号)」(写し)

Reference

- Evidence Continued;
- Evidence Ko 11 :平成29年8月4日付「無事故・無違反証明書」(写し)
- Evidence Ko 12 :平成29年8月4日付「累積点数等証明書」(写し)
- Evidence Ko 13 :平成29年10月19日付「無事故・無違反証明書」(写し)
- Evidence Ko 14 :平成29年10月19日付「累積点数等証明書」(写し)
- Evidence Ko 15 :平成29年8月1日付「交通違反通知書(番号213—452222)」(写し)
- Evidence Ko 16 :平成10年6月4日付「自動車等運転免許の行政処分事務取扱いに関する訓令」(写し)(抄)
- Evidence Ko 17 :平成26年7月1日付「広報たいし」(写し)(抄)
- Evidence Ko 18 :平成27年3月27日付「優良自動車運転者表彰規則の制定について」(写し)
- Evidence Ko 19 :平成27年11月29日付「交通違反切符ねつ造容疑 森署巡査長逮捕、40回以上」(写し)(抄)
- Evidence Ko 20 :平成27年12月1日付「被害者20人以上か 北海道・森署・交通違反切符の捏造容疑」(写し)(抄)

Reference

- Evidence Continued;
- Evidence Ko 21 :平成24年7月6日付「速度違反取り締まりでミス 栃木県警」(写し)(抄)
- Evidence Ko 22 :平成29年4月8日付「大阪府巡査、勤務中に高齢男性宅から300万円盗む 他に20万円も」(写し)(抄)
- Evidence Ko 23 :平成21年2月27日付
- 「最高裁判所 判決 平成18(行ヒ)285 優良運転免許証交付等請求事件」(写し)
- Evidence Ko 24 :番号213-452222事件 測定係警察官は、真実は、有線のヘッドセットを装着しているため、立ち上がることができないこと(原本)
- Evidence Ko 25 :番号213-452222 事件測定係警察官が立ち上がり違反車両を目視することは全く予定も計画もされていないし、実際、目視していなかったこと(その1)
- Evidence Ko 26 :平成30年3月27日付捜査報告書(写し)
- Evidence Ko 27 :大阪府警察本部長が、平成30年8月12日に大阪府警の富田林警察署で留置中の者が逃走した事件発生から一週間以上が経過しているのに、被疑者の身柄を確保できておらず、平成30年8月20日に陳謝しているという記事
- Evidence Ko 28 :過去に大阪府警察は、被害者の調書など約4300件を実質的に捜査せずに放置し、多くが公訴時効を迎えたという記事
- Evidence Ko 29 :いわゆる郵便料金不正事件における検察官による証拠隠滅罪の記事
- Evidence Ko 30 :大阪府公安委員会による優良運転者表彰制度に関する規則

Reference

- Evidence Continued;
- Evidence Ko 31 : 平成29年11月3日付告発状(告訴状)17～19ページ威力業務妨害罪関連
- Evidence Ko 32 : 本件現場近傍における危険かつ不正確なカラーコーンなしの速度超過違反取締の様子
平成30年2月14日頃 大阪府泉南郡熊取町小垣内付近
- Evidence Ko 33 : 平成30年8月18日頃に大阪府警察官が本件現場から河内長野方面へ約1キロメートルいった所付近で速度超過違反取締をしている様子
大阪府貝塚市と岸和田市の境界付近

Reference

- Academic Writings
- NAGAYA Fumihiko.(Heisei 24). Saiko Saibansho Hanrei Kaisetsu Minji Hen. Heisei 21 Nendo (Jo).Hosokai.
- SHIONO Hiroshi.(2013). Gyosei Ho II. Yuhikaku.
- UGA Katsuya.(2018). Gyosei Ho Gaisetsu. II. Yuhikaku.
- OHASHI Yoichi.(2018). Gyosei Ho. II. Yuhikaku.
- HASHIMOTO Hiroyuki. (2013). Gyosei Hanrei Note. Kobundo.
- NIWAYAMA Hideo.(1979). A Study on the Orbis III Cases(1),Chukyo hogaku 13 (4) , p.32-70
- NIWAYAMA Hideo.(1979). A Study on the Orbis III Cases(2),Chukyo hogaku 14 (1) , p.27-49
- NIWAYAMA Hideo.(1981). A Study on the Orbis III Cases(3),Chukyo hogaku , p.99-123

Reference

- Statistics
- Keisatsu Cho.(2018). Heisei 30 Nen Keisatsu Hakusho. Tokei Shiryo.
- <https://www.npa.go.jp/hakusyo/h30/data.html> (2018.09.09.).

Reference

- Laws:
- Nihonkoku Kenpo. (Showa 21.).
- http://elaws.e-gov.go.jp/search/elawsSearch/elaws_search/lsg0500/detail?lawId=321CONSTITUTION&openerCode=1 (2018.09.09.).
- https://japan.kantei.go.jp/constitution_and_government_of_japan/constitution_e.html (2018.09.09.).
- Doro Kotsu Ho.(Showa 35.).
- http://elaws.e-gov.go.jp/search/elawsSearch/elaws_search/lsg0500/detail?lawId=335AC0000000105. (2018.09.09.).
- <http://www.japaneselawtranslation.go.jp/law/detail/?id=2962&vm=04&re=01> (2018.09.11.).
- Gyosei Jiken Sosho Ho.(Showa 37.).
- http://elaws.e-gov.go.jp/search/elawsSearch/elaws_search/lsg0500/detail?lawId=337AC0000000139&openerCode=1 (2018.09.09.).
- <http://www.japaneselawtranslation.go.jp/law/detail/?id=1922&vm=04&re=01> (2018.09.11.).
- Osakafu Koan linkai Kisoku. Dai 11 Go.(Heisei 27. Mar. 25th). Yuryo Jidosha Untensha Hyosho Kisoku.

Reference

- Precedents of The Supreme Court of Japan:
- Saiko Saibansho.(Heisei 21(2009AD). Feb. 27th). Case Number. Heisei 18.(Gyo. Hi). 285.
- Saiko Saibansho.(Showa 30(1955AD).Feb.24th.) Case Number. Showa 28 (O). 1362.
- Saiko Saibansho.(Showa 39(1964AD). Oct. 29th.) Case Number. Showa 37 (O). 296.

Websites

- [Soumusho.\(2018\).Kotsu Anzen Taisaku Tokubetsu Kofukin Seido no Gaiyo.](#)
- [http://www.soumu.go.jp/main_content/000317383.pdf.](#) (2018.09.09.)
- ISHIZAKI Seiya.(1998). Gyosei Shobun no Kubun ni Tsuite.
- [http://www.jura.niigata-u.ac.jp/~ishizaki/abhandlung/kubun.pdf.](#)(2018.09.09.)
- Keishicho.(2018a).Gyosei Shobun Kijun Tensu
- [http://www.keishicho.metro.tokyo.jp/menkyo/torishimari/gyosei/seido/gyosei20.html](#) (2018.09.11.).
- Keishicho.(2018b).Hansoku Koi no Shurui oyobi Hansokukin Ichiranhyo.
- [http://www.keishicho.metro.tokyo.jp/menkyo/torishimari/tetsuzuki/hansoku.html](#) (2018.09.11.).
- Saiko Saibansho.(2018). Court System of Japan
- [http://www.courts.go.jp/english/vcms_lf/2018_Court_System_of_Japan.pdf](#) (2018.09.11.).
- Osaka Prefectural Public Safety Commission. (2018).
- [https://kouaniinkai.pref.osaka.jp/profile.html](#) (2018.03.11.)

Thank You!