

For the victims of crime

- Handbook for victims-

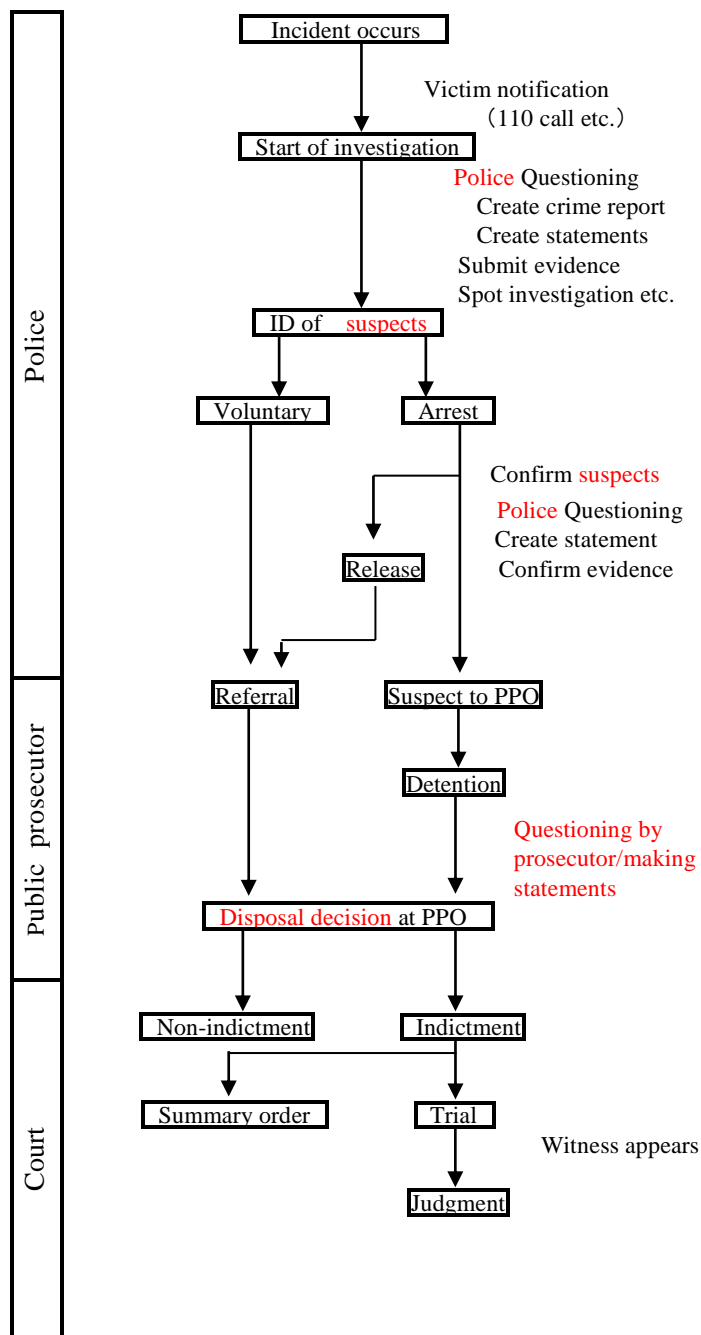
This handbook aims to explain simply

- How the investigation and trial will progress and how the criminals will be punished.
- What kind of cooperation the police will request of you
- What kind of systems are available for you.

Shiga Prefectural Police Headquarters

1-10 Uchidehama, Otsu City 520-8501
Tel.(main) 077-522-1231

Flow of criminal proceedings – adult cases



Overflow of criminal proceedings- adult cases

The procedures for clarifying the truth about a perpetrator or crime and determining the punishment are referred to as criminal proceedings, and these can be broadly classified into the three stages of "Investigation", "Indictment" and "Trial", and the procedures differ depending on whether the perpetrator is an adult or a child.

●In case the perpetrator is an adult

Investigation

The activities for catching the perpetrator, collecting evidence, clarifying the facts and resolving the cases are referred to as the "Investigation". Persons who are recognized by the police to be the perpetrator based on a certain amount of evidence are referred to as "suspects", and the police, when required, must refer that person to the public prosecutor's office (PPO) within 48 hours of the arrest. ("Referral").

The public prosecutor receiving the referral shall physically restrain the suspect, and when an investigation is considered necessary, petition the court to physically restrain them within 24 hours ("Detention"). If the court accepts this petition, the suspect shall be detained for a maximum of 20 days.

If there is no fear of the suspect running away, they may be investigated without arrest and the investigation results sent to the prosecutor after all of the evidence has been prepared.

Indictment

The prosecutor receiving the referral shall, during the detention period, examine the documents and evidences sent from the police, and the prosecutor will also question the suspect, and determine whether the suspect should go to trial or not.

If the suspect goes to trial, this is referred to as "indictment" and if not as "non-indictment". (An indicted suspect is referred to as the "defendant".)

Additionally, indictments may be made by "requests for trial" in ordinary public courts, or in the case of certain minor crimes, by "summary order request" where there is a petition for document management only.

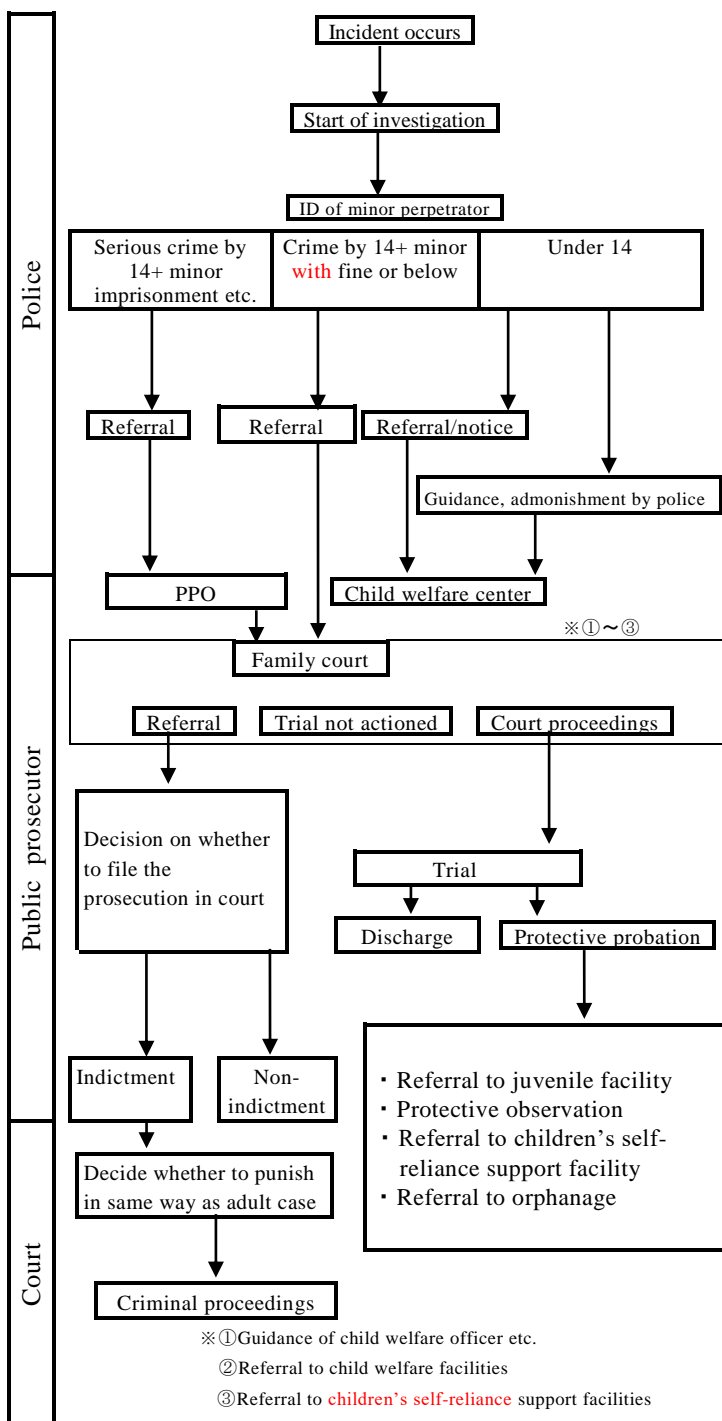
In the case of case referrals where the suspect is not arrested, the prosecutor receiving the referral shall determine whether the suspect should go to trial after carrying out the necessary investigation.

Trial

If the suspect is indicted, and after a date for the trial has been set, a hearing shall be held and the "judgment" made.

If either the prosecutor or defendant is dissatisfied with the judgment, they may appeal to a higher level of court (High Court etc.).

Flow of proceedings for minors



Overview of proceedings for minors

●In case the perpetrator is a minor between from the ages of 14 to 19

Investigation

The police will investigate a child of 14 and over using the same criminal procedures.

In the case of a comparatively serious crime with a statutory sentence of imprisonment etc., the case will be referred to the PPO. The public prosecutor receiving the referral shall, after questioning, give their opinion about what sort of punishment the child should receive, and refer the case to the family court.

Trial

The family court shall determine whether or not to hold a "trial" (trial in criminal proceedings) in relation to the referred case

If, during the proceedings process up to this point, it is judged that the minor has sufficiently reformed and there is no need to call them to a trial, proceedings may end at this point without a trial.

(This is referred to as "Trial not acted".)

On the other hand, if the judge considers it necessary to have a direct hearing to determine the punishment of the minor, they shall start trial proceedings.

In addition to cases where "protective probation" (referral to a child welfare center in which the minor is accommodated in facilities and given corrective education, or protective observation in which a probation officer and protector work together in society to improve and rehabilitate the minor) is determined, a "discharge" ruling may also be made.

In case it is considered that criminal proceedings should be taken, such as when the minor has committed a violent crime, the case shall be referred to the PPO. In such a case, minors shall, in principle, face a trial to judge whether they receive the same punishment as in an adult criminal case.

* Services available for the victims of crimes by minors

- Viewing and copying minor case records
- Hearings of trials of minors for victims of crimes etc.
- Explanation of trial status for victims etc.
- Notifications, such as trial results etc.

Please inquire to the family court for details.

●In case the perpetrator is a minor below the age of 14

Investigation etc.

The police are unable to punish minors below the age of 14 under law, so after performing the necessary survey, they will refer them to or notify the child welfare center.

Measures at the child welfare center

The child welfare center receiving a referral or notification shall take measures in relation to the minor under the Child Welfare Law (entry to children's self-reliance support facility or entrustment to foster parents), and when it is judged that the case be terminated or a trial at the family court is required, the case shall be referred to the family court. For minors referred to the family court, in the same way as those aged 14 or above, a decision will be made whether to go to trial or not.

Requests for cooperation in the investigation

You may be requested to cooperate with the following in relation to criminal proceedings, which may place a burden on you.

This is for the purpose of catching and punishing the perpetrator and prevent other people from becoming victims in the same way, so please give your cooperation.

● Interviews

You will be asked the circumstances regarding the crime situation and the perpetrator.

● Submission of evidence

You may be asked to submit clothes worn or things carried at the time of the crime, and other evidence proving the crime.

● Attendance at the scene

You may be asked to attend when confirming the scene of the crime.

● Interview by the public prosecutor

You may be asked the same things again and again by the public prosecutor so they can judge indictment or non-indictment.

● Evidence at the trial

You may be asked to provide evidence as a witness at the trial.

Compensation system for victims of crimes

The compensation system for victims of crimes is a system in which, due to a deliberate criminal act (murder or injury etc.), the bereaved family whose family member has died, a victim suffering serious injury or disease, or a victim with residual impediments is unable to receive sufficient compensation from the perpetrator and so a payment is made by National government.

※No application can be made in case 2 years have passed since there was first knowledge of the criminal damage or 7 years have passed since the criminal damage occurred.
 ※ All or part of the payment may not be paid in case there were also inappropriate acts committed by the victim.

For details, please consult with the police consultation point or police headquarters criminal victim support department.

Overview of the compensation system for the victims of crimes

| Type | Recipient qualification/order |
|--------------------------------------|--|
| Payment to bereaved family | Paid to bereaved family (in order of ① spouse ② children ③ parents ④ grandchildren ⑤ grand parents ⑥ siblings) |
| Payment to serious injury or illness | This is paid to victims suffering serious injury or disease requiring 1 month or more of treatment or 3 days or more of hospitalization (for psychiatric illness, where treatment lasts 1 month or more, or they are unable to work for 3 days or more), and, with a limit of 3 years, is the total amount of co-payment for medical fees under insurance system and damages for lost time (up to 1.2M yen). |
| Payment to the disabled | Paid to a victim with disability level of 1-14. |

Economic support system

| Type | Payment standard | Details |
|--|--|---|
| Diagnosis fees etc. | In case a diagnosis is required for the investigation in the case of a victim of physical crime | Diagnosis fee Initial consultation fee |
| Initial consultation fee in case of sexual crimes | In case a medical examination of the doctor is required for the investigation in the case of victims of sexual crimes | Initial consultation fees, test fees, repeat consultation fees, emergency contraception fees, abortion fees |
| Travel expenses | When requested to appear at the police station etc. for on-the-spot investigation or interviews | Transportation fees from home to police station |
| Counseling expenses for victims of crime etc. | In case the victim of crime etc. requires consultation and counseling from a psychiatrist or clinical psychologist | Consultation fees Counseling expenses |
| Expenses for non-police consultation | Victims of crime, organized crime(gangsters,etc), hit and run incidents etc. who desire victim consultation or interviews at facilities other than police stations | Facility usage fees |
| Expenses for securing temporary shelters | Victims of crime etc. who find it difficult to urgently or temporarily secure accommodation facilities. | Accommodation expenses when using facilities as a temporary measure |
| House cleaning expenses | In case cleaning is required when your home is stained by blood etc. due to criminal damage etc. | Cleaning fees (for removal of blood, vomit, excreta, foul odors etc.) |
| Body transportation expenses after a court autopsy | In case a court autopsy is carried out on a victim of crime or somebody feared to be so, and the bereaved family request transportation of the body | Transportation fees from Shiga University of Medical Science to home or desired location |

※There may be times when public expenditure cannot be used or is capped

Victim support from private victim support organizations

Shiga Prefectural Public Safety Commission-designated Early assistance organization for the victims of crime – Ohmi Victim Support Center

This center assists with the mental support of victims, families and related parties in case of murder, robber, and sexual crimes, etc., acts such as stalking and domestic violence, and victims of traffic accidents etc. Confidentiality is guaranteed. Free consultation. Please consult with us, anonymously if preferred.

077-521-8341 (Telephone for crime victim support)

077-525-8103 Monday - Friday 10:00-16:00

(excluding weekends, national holidays and year end/start)

0570-783-554 Navi Dial

In case the 077-525-8103 number is busy or it is outside opening hours (7:30AM-10PM on all days including weekends and public holidays: excluding start/end of year), you will be connected to the telephone center for crime victim support.

Victim Contact System

The police are operating a victim contact system to regularly keep in contact with the victims of physical crimes such as murder, rape, and injury, serious traffic accidents and traffic fatalities such as hit and run incidents, death or injury caused by dangerous driving, in regard to the following matters.

• Criminal proceedings and systems for the victims of crime

Investigators questioning victims will contact victims regarding criminal proceedings and systems for victims of crimes.

• Status of the investigation

If the perpetrator has not been arrested, they will contact the victim regarding the status to the extent that it does not obstruct the investigation

• Arrest of the perpetrator

If the perpetrator is arrested, they will inform the victim of the fact of the arrest and name and age of the perpetrator to the extent that it does not obstruct the investigation.

• Status of processing of the perpetrator

In cases where there is detention after arrest, the victim shall be informed of the PPO where the case was referred, the result of indictment/non-indictment, and the court filing the prosecution.

※There may be some differences in the above explanation in case the perpetrator is a minor.

Systems to ensure safety

• Measures for prevention of repeat damage/protection

“Prevention of repeat damage”...police protection

measures taken in case the victim fears repeat of damage to life or physical person from the perpetrator.

“Protection”...in case the perpetrator is a member or related to an organized crime organization, and there is a fear of revenge, the victim may be designated as a person requiring protection, and measures to prevent this in advance taken for the victim.

If threats indicating a risk to life or physical wellbeing are received from a perpetrator or organized crime organization(gangsters,etc), report this to the police immediately.

• DV (violence from spouse) Protection of victims such as child abuse

For those suffering from DV cases, child abuse and stalker cases, if there is a need to protect them away from the perpetrator, support in collaboration with the related facilities to protect safety.

Various types of assistance/relief system

| System | System details | Representative agency etc. |
|--|--|---|
| Crime victim support system at the court | Assists with witness screening, victim opinion statement, accompaniment of witnesses, viewing of trial records, and return of evidence. | |
| Victim participation system | In cases where victims have been killed/injured by deliberate crimes, such as murder or injury, negligent driving resulting in death and injury and receiving the permission of the court, on achieving the status of victim participant under indictment proceedings, they are able to participate in the criminal trial. This is a payment system for travel expenses for participation. | Otsu Regional Prosecutor's office 077-522-4671 |
| Damage compensation order system | In cases where victims of crime have been killed/injured by deliberate criminal activity, after the indictment at the criminal trial until the end of arguments in the criminal trial, a damage compensation order can be applied for in relation to the defendant, and the results of the criminal proceedings can be used to resolved in a simple and rapid way. | Otsu Regional Court 077-522-4281 |
| Civil compensation claim system | Victims who have suffered damage may claim compensation from the perpetrator. It is necessary for the victim to make an application for compensation claims separate to criminal proceedings. | Shiga Bar Association 077-522-3238 |
| System of rehabilitation | This is a rehabilitation system for the victims of crime, so please inquire to the probation office. ○Procedure for hearing of opinions etc. ○System for the communication of feelings etc. ○Notification of information regarding perpetrators ○Consultation/support | Otsu Probation Office 077-524-6683 |
| System of priority entry to public housing | Victims can receive priority entry into public housing if they are no longer able to live in their previous residence due to crime. | Shiga Prefectural Housing Management Center 077-510-1500 Municipal rep. dept. |
| Scholarship system | In case children or siblings of the victims of crime face in studying due to economic reasons, they may receive payment of scholarships (academic goods etc.) | Crime victim relief fund 03-5226-1021 |
| Crime Victims Support Ordinance | In Shiga Prefecture, there is a Crime Victims Support Ordinance that stipulates the payment of condolence money to victims. The amount of payment depends on the Municipality. ○Bereaved family condolence money (300,000yen) ○Injury condolence money (30,000~200,000yen) | Section in charge of your city |

Victim Counseling System

If you are the victim of a crime, in addition to the direct damage, a variety of physical and mental reactions may appear, such as being unable to sleep due to remembering the incident, and stress including the anxiety of repeat damage.

These kinds of symptoms can happen to anyone, and are not a sickness. They will gradually get better with time.

The police have established a system in which the victims of crime or accidents, or their families can receive the support of clinical psychologists and counselors.

This is available free of charge.

For details, please discuss this with consultation points in the police station or the police headquarters crime victim support department.

Sexual Assault victim Total Care One Stop Biwako

「Sexual Assault victim TOtal Care One stop BIWAKO」

The abbreviation is SATOCO

SATOCO is a system for providing one-stop support for a comprehensive care system for victims of sexual violence, and this is a collaborative structure consisting of the Oumi Crime Victim Support Center, a medical institution recommended by the Shiga Association of Obstetricians and Gynecologists(Minamikusatsu Nomura Hospital, Jinno Ladies Clinic), Shiga Police Department and Shiga Prefecture.

• Support that SATOCO can provide

○Comprehensive physical and mental care

Mainly comprehensive care for women who have met sexual violence.

Under the safe cooperative environment, a female consultant, nurse and doctor, provides your “body” and “mind” with comprehensive care.

24-hour hotline

Nikkori Kyu-Kyu Satoco

090-2599-3105

For push dial #8891

satoco3105biwako@gmail.com

You will be put through to a female consultant or nurse.



Consultation points

| Representative agency | Details |
|---|--|
| Crime victim support tel. TEL 077-521-8341 | Consultations regarding crimes, and introductions to related institutions and organizations etc. |
| Crime victim general support TEL 077-525-8103 TEL 0570-783-554 | Consultations and introductions to support for victims of sexual crimes |
| Citizens voice 110 TEL 077-525-0110 (For push dial#9110) | General consultations with police to prevent crime in advance |
| Sexual crimes consultation tel TEL 077-522-1551 (For push dial#8103) For free dial, use 0120-167110 | Consultations regarding sexual crimes (open 24 hours) |
| Japan Legal Support Center (Legal Terrace) Crime victim support dial TEL 0570-079714 | Provides Necessary information and legal services to resolve legal disputes |
| Otsu Regional Prosecutor's office.Victim Hotline TEL 077-527-5149 | Inquiries regarding victim consultations and incidents |
| Otsu Youth Support Center TEL 077-521-5735 Maihara Youth Support Center TEL 0749-52-0114 | Consultations for young people, including family, friends and bullying |
| Organized Crime Expulsion Hotline TEL 077-527-2140 | Consultations regarding organized crime |
| Shiga Organized Crime Expulsion Promotion Center TEL 077-525-8930 | Support and advice regarding problems with organized crime |
| Shiga Prefectural Gender Equality Center TEL 0748-37-8739 | Consultations on DV/sexual harassment |
| Shiga Prefecture Central Children & Family Consulting Center TEL 077-562-1121 | Consultations for children and women |
| Shiga Prefecture Hikone Children & Family Consultation Center TEL 0749-24-3741 | |
| Shiga Prefecture Otsu Takashima Children & Family Consulting Center TEL 077-548-7768 | |

District Legal Affairs Bureaus in Otsu Human Rights Bureau
TEL 077-522-4673

Consultations regarding human rights including infringement of human rights.

Please feel free to ask if there is something you do not understand.

(Representative investigator)

Shiga Prefecture

Police department/team

Division/department

Telephone number