

# Information for crime victims



# For crime of victims and their families

## Procedures of investigations and trials until offenders are punished

### Overview

We understand the mental and physical stress that occurs day after day when you unexpectedly become a victim of crime and are not sure of what the future will bring.

Your police force will support you in any way possible so that you can return to a normal life as soon as possible.

This pamphlet provides the information of the procedures of investigations trials punishments of offenders and cooperation required during the procedures.

Please keep this pamphlet close by and we hope that you find it useful.

Tochigi Prefectural Police

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# The Police and the Flow of Criminal Investigations

The police commence a **criminal investigation** when an offense is committed. An **offender (the accused)** is apprehended, an interrogation is performed, and the details surrounding the offense committed by the offender are confirmed.

The offender (the accused) is **indicted** by a Public Prosecutor and **trials** are commenced.

In this manner, criminal procedures can be broadly divided into the following three stages:

**Investigation** ⇒ **indictment** ⇒ **trial**

These procedures are different when the offender is an adult or a juvenile.

## Criminal Procedure (Adults)

### 1 Investigation

The procedure in which the police apprehend an offender (accused), collect evidence and confirm the details of the offense in order to solve the crime is called the **criminal investigation**.

The person which is determined by the police to be the offender based on certain evidence is called the accused.

After the accused is arrested by the police, unless it is determined that there is no need to hold the accused in custody, the accused must be sent (**remanded**) to the public prosecutor **within 48 hours**.

When the public prosecutor determines that the accused should continue to be held in custody, they make an application to a court for **detention (penal detention) within 24 hours** and may interrogate the accused for **a maximum of 20 days**.

※ The police carries out various investigatory activities while the accused is in detention.



### 2 Charge

The public prosecutor decides whether or not to proceed with court proceedings while the accused is in custody.

When court proceedings are used, it is called "**indictment**" while when the decision not to go to court is made, it is called "**no indictment**".

The indictment may be a **petition for public trial** which requests that the trial is conducted in open court or a **petition for summary order** which requests, for certain minor offenses, that the trial is conducted by documentary evidence.

※ Once indicted, the accused is called the defendant.

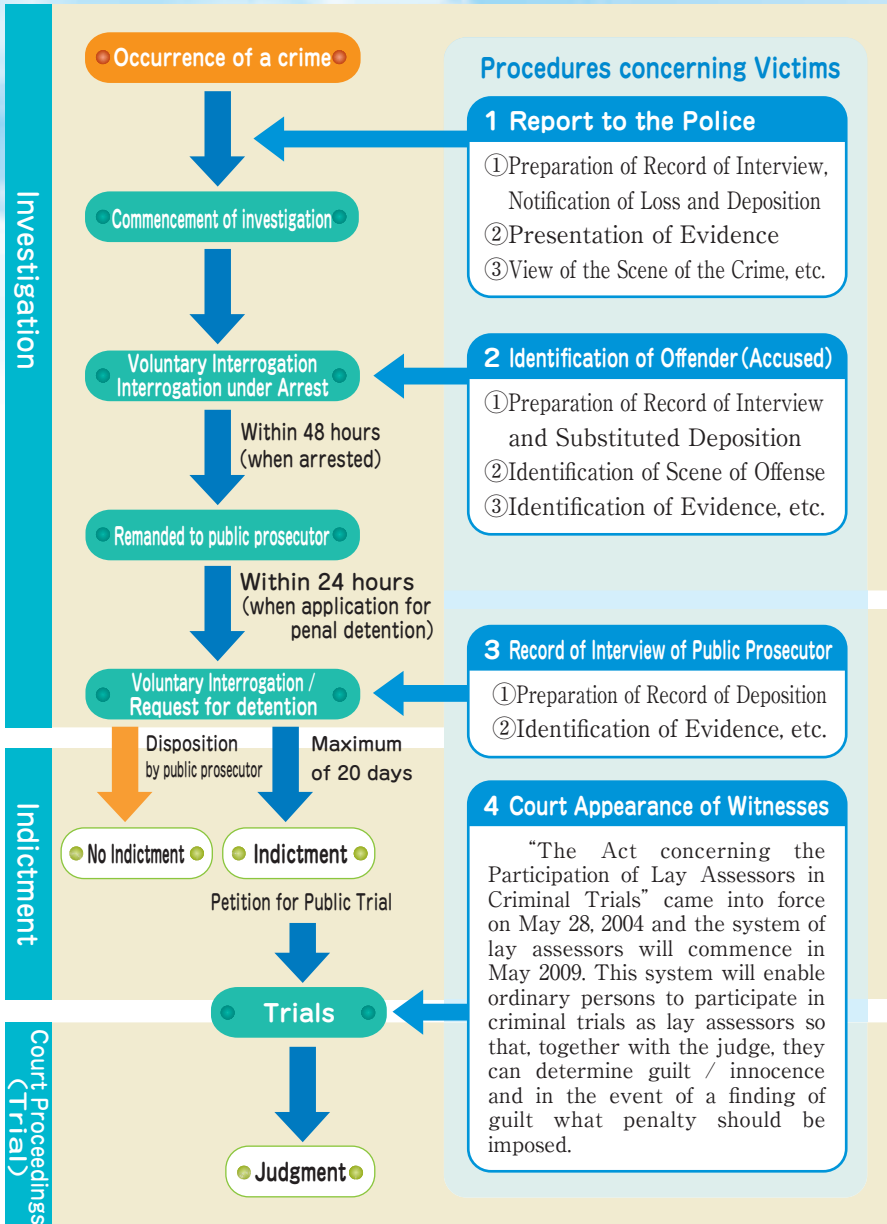


### 3 Trial

When the accused is indicted, a day for the commencement of the **trial** is determined, the **proceedings** are conducted and a **judgment** is handed down.

When either the public prosecutor or the defendant is dissatisfied with the judgment, they may appeal to a higher court (such as the High Court).

# Procedure from Offense to Trial



# Criminal Procedure (Juveniles)

## When the minor is from 14 to under 20 years of age

### 1 Investigation

The police conduct the same investigation for criminal offenses for juveniles of 14 years of age or more.

When the crime is associated with relatively heavy statutory penalties such as penal servitude or imprisonment, the case is referred to a public prosecutor of the Public Prosecutors Office. The public prosecutor makes a recommendation in the case with regards to the appropriate penalty for the juvenile and refers the case to the Family Court.

When the statutory penalty for the crime is a fine or lesser penalty, the police refer the case directly to the Family Court.



### 2 Hearing

The Family Court decides whether or not to commence a **hearing (called a "trial" in criminal procedure)**.

When the juvenile has shown sufficient remorse and it is determined that the juvenile does not need to attend a hearing, the hearing procedure is not commenced and the process stops at that point (**Non-commencement of Hearing**).

When it is determined that a judge should directly hear the case, the hearing procedure is commenced and a **protective order (detention in a reformatory school or probation)** is imposed. When it is determined that no protective order is required, **no order** is imposed.

When the juvenile has committed a heinous crime or it is determined that a criminal order should be imposed, the case is referred back to the public prosecutor of the Public Prosecutors Office (**re-refer**).

In this case, the juvenile generally undergoes court proceedings and it is determined whether or not to impose a criminal penalty in the same manner as a normal criminal case.

## When the minor is under 14 years of age

### 1 Investigation

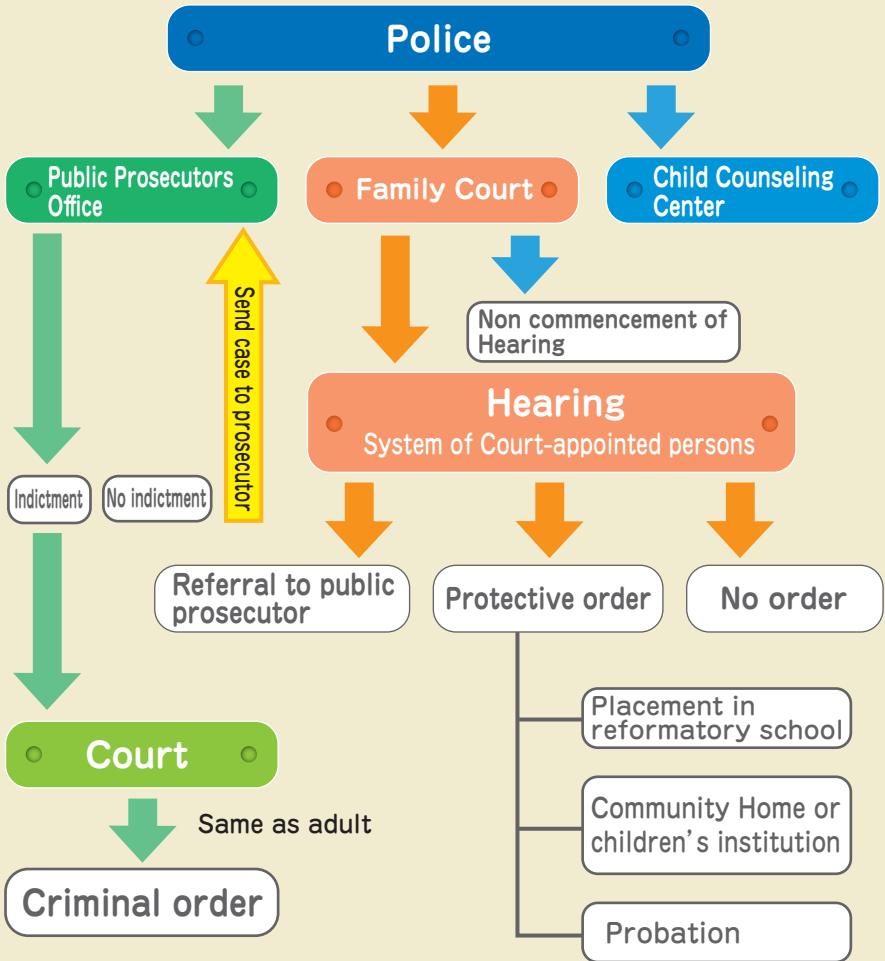
Since penalty cannot be imposed on juveniles of less than 14 years of age, after the completion of the necessary police investigation, the case is reported or referred to a child counseling center.



### 2 Measures taken at the Child Counseling Center

The child counseling center receiving the report or referral, in addition to measures with respect to the juvenile pursuant to the Child Welfare Law (such as placing the minor in a community home), may refer the case to the Family Court when it is determined that a hearing of the Family Court is necessary. Consequently in the same manner as juveniles of 14 years of age or more, it is determined whether or not to hold a hearing.

# Procedure for Cases involving Minors



※ **System of Court-appointed Persons**

This is a system in which the Family Court in some serious cases provides a court-appointed person who is a lawyer for the juvenile when protective orders will be made.

# A Request for Your Cooperation in Investigations

The police need your assistance in criminal cases in order to apprehend and impose penalties on offenders.

We understand the burden that this will impose on you, but we sincerely request your assistance.

## 1 Record of Interview

### ○ With the Police

Our investigator will request further details regarding your notification, your damage or injuries and the appearance of the offender.

We understand that there may be matters which you do not remember or do not want to discuss, but we make these requests to clarify the details of the offense or the offender.

We request your cooperation because the more understand the details of the case, the more rapidly we can apprehend the offender.

※ You may be worried that the offender will seek revenge if you discuss the case with the police. However the police make every effort to ensure your safety so that you will not suffer further loss from the offender.

### ○ With the Public Prosecutor

When the case is referred to the public prosecutor, the public prosecutor will request details about the facts directly from you.

You may find it strange that you are asked several times about the same matter. We ask for your understanding in this regard since it is important for the public prosecutor to determine whether or not to proceed with court proceedings against the offender.

## 2 Presentation of Evidence

It is sometimes necessary for you to present the clothes you were wearing at the time of the offense or articles that you had with you. These items are important as **evidence substantiating the offence of the offender**.

When you make a request for the return of items that you have presented, we can temporarily return them to you and when there is no need to retain them, we can return them to you before the completion of the court proceedings (provisionary return, return) . When you do not want the return of property, you can take a procedure for disposing of the items (waiver of ownership) .

## 3 Attendance at the Inspection

Sometimes it is necessary for you to attend inspection so that the police can confirm conditions surrounding the scene of the crime. We understand that this may require some time but it is necessary in order to clarify facts and prove matters. (**Inspection and Verification**)

## 4 Testimony in Court

Sometimes it is necessary for you to give testimony in public court to prove the details of a crime. (**summons of witnesses**)

※ There are various systems in court. For further details, please refer to the section entitled "Systems for Victims and related persons" (with the Public Prosecutors Office and the Court) on page 9.

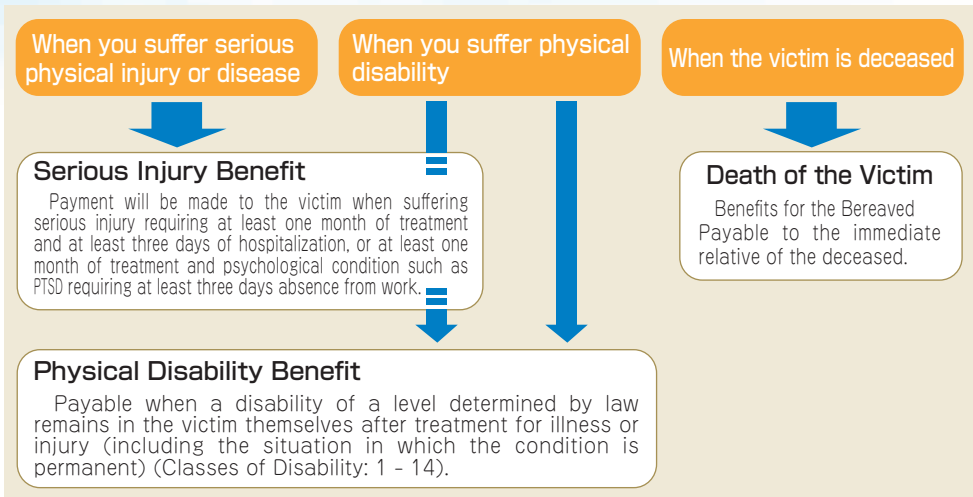
# Systems for Victims and Related Persons with the Police

## 1 System of Benefits for the Victims of Crime

### What is the System of Benefits for the Victims of Crime?

It is a system by which the state provides monetary benefits to victims or relatives of a deceased when public assistance or the recovery of damages from the wrongdoer is not possible even though you have been the victim of serious damage such as death, serious injury or disability as a result of unexpected criminal activity.

These monetary benefits are a lump-sum payment and fall into the following categories.



### Application for Award of Payment of Benefits

Persons making an application for receipt of benefits should make an application to the municipal public safety commission of their residence. The application should be made at the police headquarters or your local police

### Reduction or Adjustment to Benefits

Even when you are a victim of crime, if the crime is one between relatives or is also caused by the victim, a part or all of the benefits may not be paid.

When you receive public assistance such as worker's compensation insurance or receive an award of damages, that sum may be used to adjust the amount of benefits.

### Time Limits for making the Application

You must make an application within two years from the date of realizing that you have been a victim of crime or seven years from the date that the crime occurred.

However when it has not been possible to make the application within the prescribed period due to an unavoidable reason such as losing freedom of movement as a result of being a victim of crime, the application may be made within 6 months of the date that those circumstances cease to apply.

### For More Information

Please contact Victims of Crime Section, Public Relations Division, Tochigi Police Headquarters for further details on:

**☎028-621-0110**



## 2 System of Victim Assistance Officers

When specialist assistance is required for the victims of crimes to the person such as murder, rape or assault, or dangerous driving occasioning death or hit-and-runs, in addition to the investigators, specially designated police officers support the victims immediately after the crimes has occurred.

### Types of Assistance

#### Escort

Attendance and assistance at hospitals  
Attendance when visiting the scene of the crime

#### Counseling

Discussing matters of concern  
Assistance and preparation of record of interview and victims deposition

#### Introduction and Referral

Introduction and referral to nongovernmental victim support groups, external counselors etc.

**Contact:** For further details, please contact your nearest police station.

## 3 System for Contacting Victims

The police offer a system of maintaining contact with the victims of crimes to the person such as murder, rape or assault, or serious automobile accidents such as dangerous driving occasioning death or hit-and-runs by contacting the victims about the following matters at a suitable time and in a suitable manner.

### Items about which we will contact you include:

#### ① The system of contact

The investigating officer conducting the record of interview will contact you regarding criminal procedure and the system for victims of crime.

#### ② Progress of the Investigation

- If the offender has not been apprehended, we will contact you about the progress of the investigation as long it does not hinder the progress of the investigation.
- When the offender has been apprehended, we will contact you regarding the confirmation of the identity of the offender or that the offender has been apprehended as long it does not hinder the progress of the investigation.

#### ③ Public Prosecutors Office Indicting Offender

After arrest of the accused, we will contact you regarding the details of detention and the Public Prosecutors Office making the indictment.

- ※ If you would prefer not to be contacted, please discuss the matter with the officer responsible for contacting you (the investigating officer).
- ※ When the accused is a juvenile, the details of the matters about which we will contact you are slightly different.

**Contact:** For further details, please contact your nearest police station.

## 4 Policies for Protection and Preventing Re-occurrence of Damage or Injury

When there is a risk of the victim of a crime or related persons suffering further injury or damage to their life or person, we strive to ensure your safety by giving guidance about important points for avoiding crime or by providing protective services when necessary and by provision of information such as the parole of the wrongdoer.

If the wrongdoer or a member of an organized crime group makes a threat against your person or your life, please report the matter to the police immediately.

### Contact

For further details, please contact your nearest police station.

## 5 DV (Violence from your Spouse) and Protection of Victims of Child Abuse

The police act in cooperation with women's counseling centers and children's counseling centers to ensure safety of persons when protection is required from wrongdoers committing acts of DV, child abuse or stalking.

### Contact:

For further details, please contact

- your nearest police station,
- Tochigi Prefectural Women's Counseling Center  
(2-2-38 Wakakusa, Utsunomiya, Tel. 028-622-8644)
- your nearest children's counseling center.

## 6 Counseling System

Specialist counseling is available from psychiatrists to facilitate the mental recovery of victims who have anxiety or problems as a result of criminal acts.

### Contact:

For further details, please contact the officer responsible for contacting you (the investigating officer).

## 7 Economic Support

When you suffer injury as a result of crime, public assistance may be available to pay for part of the expenses associated with the documentation from medical examinations required to prove facts in the case.

### Contact:

For further details, please contact the officer responsible for contacting you (the investigating officer).

# Systems for Victims and Related Persons

(with the Public Prosecutors Office and the Court)

## 1 Victim Notification Scheme

The Public Prosecutors Office employs a victim notification scheme and related persons regarding the results of orders and the results of criminal trials to the greatest degree possible.

### Matters about which you can be notified:

- Results of orders made in the case
- The court handling the proceedings and the date of the court proceedings
- The result of the court proceedings
- The situation of the offender, the progress of the indictment and the reasons for not indicting the offender
- Information related to the release of the offender from prison

#### Contact:

Please contact the responsible public prosecutor or the victim support officer at the Public Prosecutors Office.

## 2 Damage or Injury from others due to being mentally incompetent

When a person committing arson or murder for example is insane at the time of the offense is not indicted or is found not guilty, the public prosecutor will make an application to the court for an order regarding medical treatment of the person. The court will conduct a hearing in the case and make a determination about the hospitalization or out-patient treatment of the person.

Victims may make application to attend the proceedings and may receive notification from the court of the result of the hearing.

#### Contact:

Please contact the responsible public prosecutor at the Public Prosecutors Office or the Court.

## 3 Application for the inquest of prosecution

It is possible to seek a review of a decision not to indict by a public prosecutor by application the inquest of prosecution.

There are no fees at all regarding the application or any consultation regarding the application for review.

#### 問い合わせ先

Please contact the nearest Prosecution Review Committee Office (in your district court).

## 4 Court Systems

In order to prove the crime, sometimes we may have the victim or other persons give testimony as witnesses in public court. The following points are available taking into account the needs of victims.

### ① Accompanying person when giving testimony

A suitable person approved by the court may accompany you.

### ② Video-link testimony or testimony behind a screen

A screen may be provided so that the victim or other person cannot be seen by defendant and the public.

Testimony may be given by video-line from another room.

### ③ Perusal and copies of the record of the case during public court

Copies of or perusal of the record is possible for a suitable reason such as a civil action claiming damages. (allowable also in cases involving juveniles).

### ④ Victim Impact Statement

A statement of the opinion of or effect of the damage caused by the crime. (allowable also in cases involving juveniles).

### ⑤ Priority Attendance

On application by the victim or related persons, the greatest efforts will be made to enable priority attendance at the proceedings. (In cases involving juveniles, it is possible to receive a notification of the result of the hearing. For some cases, attendance at the hearing of the juveniles by the victim is possible when it is approved as suitable by the Family Court).

### ⑧ Victims participial scheme

Victims and related persons in certain cases can attend the public court on appointed days and state their opinion when it is approved as suitable by the court.

### ⑩ Court-appointed attorney for the victim

In order to enable the suitable and effective participation in criminal proceedings by victims whose participation has been authorized, there is a system by which the state bears the costs and remuneration of legal counsel so that such person may obtain the assistance of legal counsel even when they do not have the financial means to do so.

### ⑥ Recordal of details of private settlement in the deposition of the criminal trials

When a private settlement has been reached but the defendant does not abide by the terms of the agreement, the details of the private settlement can be recorded as part of the deposition to the criminal court proceedings so that it is not necessary to use civil trials.

⑦ At the Public Prosecutors Office, after the completion of the opening statements, documents recording the points in the opening statement can be obtained.

### ⑨ The payment of damages ordering scheme

Victims and related persons in certain cases can make an application for the payment of damages by the defendant to the court hearing the criminal proceedings.

### Contact:

Please contact the responsible public prosecutor at the Public Prosecutors Office or the Court.

## Contact for Enquiries at the Public Prosecutors Office

Utsunomiya District Public Prosecutors Office Victim Hotline 028-623-6790 (phone/fax)

## Systems for Victims and Related Persons with other Parties

### 1 System for Claiming Damages in Civil Proceedings

A victim of crime can make a claim for damages including property damage and psychological damage against a wrongdoer based on provision of the civil law governing unlawful acts.

Upon application, the victim can peruse the record of the proceedings during the public court and obtain a certified copy which can be used in a claim for damages in a civil action against the wrongdoer.

The claim for damages may be discussed at the legal aid services of the Bar Association.

### Contact:

Please contact the Tochigi Bar Association Legal Aid Center, Tochigi Bar Association Offices, 2-7-13 Obata, Utsunomiya.  
☎028-622-2008

## 2 Relief under the Taxation System

Persons who pay for medical treatment due to injuries suffered as a result of crime, who suffer physical injury or who lose a spouse may be recognized for “Income Deductions (Medical Treatment Deduction, Deduction for Disability, Widows Pension (Widowers Pension)” .

Furthermore monies received under insurance policies, as compensation, other payments of damages and gifts made in sympathy to persons suffering physical injury are not taxable.

### Contact:

Your nearest taxation inquiry service of the Tax Office.

## 3 Priority for Public Housing

There is provision for persons who have less than a certain income and who can no longer live at their previous abode due to a criminal act (excluding unmarried person other than victims of DV) to obtain priority housing via the public housing system.

For further details, please contact the public housing management inquiry service in your prefecture, city or town.

### Contact:

A branch of the prefectural housing corporation.

## 4 Welfare System

A household of a mother and children which has lost the father may receive child support benefits and family payments.

Furthermore there is a public assistance system for persons who are having difficulties due to loss of income as a result of being a victim of crime to receive depending on the extent of the difficulties living costs aid, educational aid, housing aid and medical treatment aid.

### Contact:

※For city residents, your city welfare office.  
※For town residents, the southern district, eastern district, northern district or Yaita health and welfare services centers.

## 5 System for Dispute Resolution of Individual Labor Disputes

The Tochigi Labor Department actively promotes independent resolution to labor and management problems for the prevention of labor-related trouble between individual workers and employers. For this purpose, the department performs

- Provision of information by a general labor enquiries corner
- Advice and guidance by the head of the Municipal Labor Department
- Intervention by the Dispute Resolution Committee

### Contact:

Tochigi Department of Labor  
☎028-634-9111

The mediators of the Tochigi Labor Committee hear claims from both labor and employers in disputes related to work relationship between individual workers and employers. The mediators assist in achieving a harmonious resolution by discussions aimed at finding points of agreement which allow for resolution of the dispute.

### Contact:

Tochigi Labor Committee  
☎028-623-3334  
028-623-3337

## 6 Support for Persons with Psychological Injuries

In order to support a recovery of victims and related persons from psychological injury, a system is available of counseling by specialist medical staff.

**Contact:**  
Your nearest Health and Welfare Center

## 7 System to Support Legal Action for Crimes Committed by Organized Crime Groups

When a person who has been a victim of crime by a member of an organized crime group commences a civil action for damages against the organized crime group, it is possible to receive support for costs associated with the court procedures.

**Contact:**  
Tochigi Organized Crime Expulsion Center, Tochigi-Kencho Sakaecho Bekkan, 5-7 Sakaemachi, Utsunomiya.  
☎028-627-2600

## 8 Counseling and Telephone Inquiries

The centers listed below conduct counseling and telephone inquiries

Counseling by interview or by telephone inquiry related to emotional problems such as maladjustment resulting from stress.



**Tochigi Mental Health and Welfare Center**  
(Your nearest Health and Welfare Center and Utsunomiya Healthcare Center)  
☎028-673-8785

Telephone inquiries for emotional problems such as psychological anxiety or problems



**“Kokoro no Dial”**  
(Mental Health and Welfare Center)  
☎028-673-8341

- General inquiries related to women’s problems or concerns
- Specialist inquiries (by reservation) by lawyers and female doctors
- Provision of information and inquiries regarding violence by spouses



**Tochigi Danjo Kyodo Sankaku (gender equality) Center**  
(Parti Counseling Center)  
☎028-665-7714

Telephone or interview inquiries for anxieties or concerns of victims of crime, in addition to accompanying to hospital, the court etc



**Victim Support Center Tochigi**  
☎028-643-3940

Free provision of information related to victims of crime support groups or legal counsel who specialize in the support of victims etc. Free legal advice and provision of fund for legal representation for persons of limited financial means.



**Nihon Shiho Shien (judicial support) Center**  
(Ho Terrace)  
☎050-3383-5395

# List of Police Stations

Police Stations	Address	Telephone Number
Utsunomia Chuoh Police Station	1-1-6 Simotomatsuri, Utsunomia	0 2 8 - 6 2 3 - 0 1 1 0
Utsunomia Higashi Police Station	2996-2 Imaizumi-cho, Utsunomiya	0 2 8 - 6 6 2 - 0 1 1 0
Utsunomia Minami Police Station	1-8 Midorino-cho, Utsunomia	0 2 8 - 6 5 3 - 0 1 1 0
Oyama Police Station	1-6-40 Wakagi-cho, Utsunomia	0 2 8 5 - 2 5 - 0 1 1 0
Ashikaga Police Station	94-7 Chitose-cho, Ashikaga	0 2 8 4 - 4 3 - 0 1 1 0
Tochigi Police Station	40-14 Hakonomori-cho, Tochigi	0 2 8 2 - 2 5 - 0 1 1 0
Nasushiobara Police Station	1091-55 Nabekake, Nasushiobara	0 2 8 7 - 6 2 - 0 1 1 0
Sano Police Station	573-6 Asanuma-cho, Sano	0 2 8 3 - 2 4 - 0 1 1 0
Kanuma Police Station	1000-5 Kamidono-machi, Kanuma	0 2 8 9 - 6 2 - 0 1 1 0
Mohka Police Station	115 Ara-machi, Mooka	0 2 8 5 - 8 4 - 0 1 1 0
Shimotsuke Police Station	2451-41 Shimokoyama, Shimotsuke	0 2 8 5 - 5 2 - 0 1 1 0
Ohtawata Police Station	1-1-4 Murasakizuka, Ohtawara	0 2 8 7 - 2 4 - 0 1 1 0
Imaichi Police Station	1378-1 Imaichi, Nikko	0 2 8 8 - 2 3 - 0 1 1 0
Sakura Police Station	786-1 Baba, Sakura	0 2 8 - 6 8 2 - 0 1 1 0
Yaita Police Station	2001-1 Naka, Yaita	0 2 8 7 - 4 3 - 0 1 1 0
Nikko Police Station	2-2-2 Inari-cho, Nikko	0 2 8 8 - 5 3 - 0 1 1 0
Nasukarasuyama Police Station	3-6 Hatsune, Nasukarasuyama	0 2 8 7 - 8 2 - 0 1 1 0
Motegi Police Station	209-2 Motegi, Motegi-machi, Haga-gun	0 2 8 5 - 6 3 - 0 1 1 0
Nakagawa Police Station	85 Kitamukada, Nakagawa-machi, Nasu-gun	0 2 8 7 - 9 2 - 0 1 1 0
Fujioka Police Station	81-1 Fujioka, Fujioka-machi, Shimotsuga-gun	0 2 8 2 - 6 2 - 0 1 1 0

# Police Enquiry Service

Please feel free to make use of the police enquiry service for various problems and worries.

Consulting Service	Services	Telephone Number
Prefectural Consulting Corner	General consulting about various anxieties and worries	028-627-9110 (or #9110)
Consulting Service for Victims of Sexual Offenses	Anxiety due to sexual offenses against women	0120-710-873
Consulting regarding Organized Crime	Anxieties about damage or injury due to organized crime	028-622-2424
Youth Hotline	Anxieties about problems affecting young people	0120-874-152
Youth Support Center	Problems regarding juvenile delinquency and anxiety of young people who are the victims of crime	028-623-5782

## Person Responsible for Contact You (Investigating Officer)

I have responsibility for contacting you.

Section Department Police Station Tochigi Prefecture  
 ☎ - - (ext. )

If I am absent, please contact

Section Department Police Station Tochigi Prefecture  
 ☎ - - (ext. )

Please contact the responsible officer at any time if you remember something or have realized something or if you do not wish to be contacted.

If in the unlikely event, you are threatened or feel threatened by someone related to the case, please report the matter to the police (responsible officer) immediately. We will act on the matter immediately.

We can also lend you a personal safety alarm.





