

For Victims of Crime



OKAYAMA POLICE

Okayama Prefectural Police

Preface

Involvement in a crime or traffic accident is a very painful and sad experience to the victims and their families. This booklet has been issued to provide useful information to the victim of crime and their families so that they may recover from painful experience, and get back to the normal life as soon as possible.

This booklet provides you information on;

- ◇ Criminal procedures
- ◇ Execution of sentence
- ◇ Procedures after trial
- ◇ Request to the victims for their cooperation
- ◇ Victim support system , and so on.

If you have any questions or requests, or if you need further information, please consult with the police officer in charge.



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1 Report to the Investigative Authorities

Investigations will begin after victims submit an incident report to the police. It usually initiates criminal procedures.

Complaint and Crime Indictable only on Complaint

To respect the privacy and other rights of victims, a formal complaint has to be filed to a police officer or public prosecutor for prosecution to take place in cases of rape or sexual assault, crimes against property, defamation, and other offenses. Such crimes where a formal complaint by the victim is required for the perpetrator to be prosecuted are described as crime indictable upon a complaint, and the period of time in which such complaint must be submitted is generally within six months from the day that the perpetrator's identity became known to the victim.

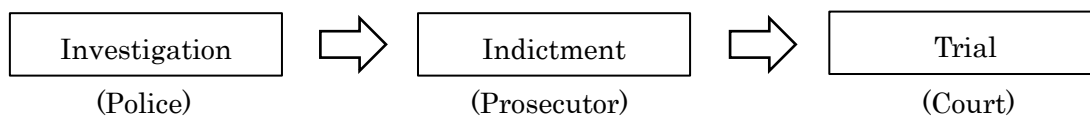
However, due to psychological trauma caused by the offense, or other circumstances surrounding the case, it may be difficult for victims of sexual offenses to decide within a short period whether to file a formal complaint. Therefore, for sexual offenses that are indictable only upon a complaint, a formal complaint can still be filed within six months after the statute of limitations has expired.

- ◆ The period of time in which a public prosecutor is able to bring a prosecution against an offender: 10 years for rape, 7 years for indecent assault.

It should be noted that the collection of evidence becomes more difficult as time passes. Therefore, if a victim desires the offender to be punished, it is recommended that one should call up the courage and file a complaint at an early stage.

2 The Course of Criminal Procedures

Procedures for identifying the perpetrator, determining the fact of crime, and deciding the penalty are called “Criminal Procedures”. Criminal procedures are roughly divided into three stages: Investigation, Indictment, and Trial.



(1) What is investigation?

Investigation is a course of activity to solve the case. When the police arrest a suspect (i.e. the person who is suspected of committing the crime and is the subject of the investigation), the police must transfer the case (the suspect, documents and evidence) to a public prosecutor within 48 hours of arrest.

The public prosecutor who receives the case from the police will request a judge to authorize the suspect’s detention if the public prosecutor judges the investigation needs to be continued while detaining the suspect. The public prosecutor has to make this decision within 24 hours after the transfer and within 72 hours after the arrest.

When a judge receives a request for detention from the public prosecutor and approves it, the judge authorizes 10 days’ detention. Generally the public prosecutor has to decide whether to indict or not within 10 days, but if there are unavoidable circumstances, the public prosecutor can request an extension of detention for up to 10 more days. In case the judge approves the request for extended detention, the judge will detain the suspect for up to 20 days at the most. During this period, the police engage in various investigative activities.

(2) What is indictment?

After completing investigation, the public prosecutor has to make a decision whether to indict or not. Prosecution by the public prosecutor includes request for trial, where the public trial will be held in a courtroom, and request for summary order, where the decision and sentencing (ex, a fine) are rendered through the examination of documentary evidence without a public trial.

If the case is transferred without arresting the suspect, a public prosecutor who received the case will decide whether to prosecute the suspect after completing investigation.

(3) What is trial?

The public prosecutor will attend trials to prove that the defendant (person who has been indicted) has committed criminal offenses by requesting and conducting

examination of evidence including witness testimonies.

The public prosecutor, after concluding examination of evidence, will make a recommendation as to the degree of punishment. After considering the opinions of the public prosecutor and the defense counsel, the court will pass a sentence on the defendant.

If the public prosecutor or the defense counsel believes the court made a wrong judgment about the facts or passed a wrong sentence, of them may appeal the case.

- ◆ In case when the suspect is a juvenile (under eighteen years old), the case will be sent to the Family Court for the proper treatment to be decided, including probation or treatment in a reformatory. If the Family Court decides that criminal punishment is appropriate, the case will be referred back to the public prosecutor generally, and the suspect will be indicted afterwards.

3 Requests from the Police to Victims and Bereaved Families.

People never expect that they or their family become a victim of crime. When people become a victim or bereaved families, they will be suffering from the crime.

However, the police still have to ask victims and bereaved families to cooperate with criminal investigation.

In order to carry out criminal investigations and trials, cooperation from the victims and bereaved families by responding to the police/the prosecutor's interviews, submitting evidence, and/or making testimony in trial is essential.

(1) Interviews

After victims or bereaved families report to the police, usually investigators will ask them about the case in detail.

Victims and bereaved families may feel anxiety to be interviewed by the police, and they may feel like "I don't want to talk about it now", "I don't want to recall the incident" and so on. In addition to that, they may be afraid of retaliations by the perpetrators.

As mentioned above, however, victims and bereaved families' cooperation is essential to reveal the truth of the case.

The police will provide support to ease the burdens of victims, and will make necessary arrangements to prevent retaliations by the perpetrators. Therefore, please raise your courage and cooperate with the investigation.

- ◆ The public prosecutor will interview victims and bereaved families, and ask victims similar questions like the police do. Please understand that the interview by the prosecutor is also important procedure to reveal the fact of case.

(2) Submission of Evidence

The police may ask victims and bereaved families to submit evidence; such as clothes or other belongings that victims were wearing or carrying at the scene of the crime.

After investigations and trials are completed, the police/the public prosecutor will promptly return evidence that was collected from victims.

- ◆ For items victims and bereaved families do not want to have returned, please submit documents called "Waiver of Ownership" with evidence so that the police will dispose of them promptly.

(3) On-the-Spot Inspection

The police will request victim's presence at on-the-spot inspection. On-the-spot inspections means the police will inspect the crime scene to prove the circumstance of the case. Please understand that on-the-spot inspection is also important to the criminal procedure.

(4) Testifying at Trial

In order to verify the fact, victims will be asked to testify in the court. Generally, the written statement at the police or the public prosecutor's office cannot be submitted to the court as evidence if the defendant makes an objection. Testifying at the trial is necessary for the victims to prove the circumstances of the case, or to have judges to hear the victims' feeling directly.

4 Main Victim Supports Provided by the Police

(1) Victim Information System

The police have set up Victim Information System to inform victims and bereaved families about necessary information, such as investigation status, arrest of suspect, punishment for the defendant and so on.

Sometimes, victims or bereaved families just do not want to receive information because they do not want to recall details of the incidents. In that case, please notify the designated police officer.

(2) Designated Support Officer for Victim

Designated police staff other than investigators provides the following supports for the victim and the bereaved family who suffer from crime:

- Accompanying (accompanying victims to the hospital, the police station, take victims to and from the home)
- Listening to the victims' concern, respond to their request for advice
- Explanation (explanation of criminal procedure to the victim and the bereaved family, explanation to schools/companies on behalf of a victim and the bereaved family)
- Introduction of private victim support organizations

(3) Counseling Adviser Service

Many crime victims, family members and bereaved families are terribly shocked by the incident, and many of them feel strong anxiety.

In addition, some of them are troubled that they cannot control their emotions. Because of these troubles, victims, family members and bereaved families may have difficulty with leading a normal life.

This is normal way to react stress of the incident, and this could occur to anybody else.

To ease your anxieties, the police will arrange for free counseling by clinical psychologists in cooperation with the Okayama Society of Certified Clinical Psychologists.

If you are struggling with pain of sorrow, losses of family member and so on, please consult with the designated support officer to use the Counseling Adviser System.

Are you suffering from any of the following symptoms after the incident?

- **Loss of appetite, sleep difficulty and poor physical condition.**
- **Feel strong fear, anxiety, haunted by the incident.**
- **Sudden flashback.**
- **Blame yourself.**
- **You cannot concentrate on anything. You feel nothing.**
- **Feel like no one understands you.**

And so on...

※ **These are natural responses to victims, family members, and bereaved families.**

(4) Crime Victim Protection Program

There may be a threat of revenge by perpetrators or related persons on victims and bereaved families because victims and their families reported the incident to the police or cooperated with the investigator.

The police secure victims and family member's safety by providing instructions for crime prevention, patrolling victim's home, workplace, school, etc., and installing security cameras at victim's home.

If you received threats from perpetrators or related persons with intent to kill or harm you, please report to the police immediately.

(5) Shelter-Protection Program

If victims and their family members need a place to hide because they are involved in crimes; such as threats, DV, stalking, gang related case, and so on; the police will protect them by providing a shelter.

If the police think it is necessary to shelter, this program will be applied to any incidents regardless of whether criminal act occurs or not.

(6) Benefit System for Crime Victims

The national government implemented the benefit system based on the idea that society should provide help to its members who are in particular need; the national government makes benefit payments to the victims of vicious criminal activities and their bereaved family members.

The purpose of payment is to help alleviate the emotional and economic distress caused by serious crimes.

○ Targeted Criminal Acts

This system will pay benefits for losses incurred because of criminal acts

(excluding acts of negligence) that take place inside Japanese territory (including on a Japanese ship or aircraft outside Japan).

○ Victims or Bereaved Families Eligible to Receive Benefit Payments

Persons holding Japanese citizenship or persons whose residence is in Japan are eligible to receive benefit payments. In addition to that, foreigners holding residence in Japan at the time of a criminal incident are also eligible.

○ Types and Amount of Benefit

Three types of benefits are paid.

- **Survivor benefits** for families of deceased victims of a targeted criminal act.
- **Severe injury and disease benefits** for victims who suffer injury or disease requiring more than one month of medical treatment and more than three days of hospitalization(in terms of mental disorders, such as PTSD, damage which entails medical treatment for more than one month, and suspension of the business for more than three days).
- **Disability benefits** for victims disabled physically.

Each type of benefit is a one-time payment.

The amounts of survivor benefits or disability benefits are calculated based on the age of the crime victims and their work-based income, etc.

As for benefits provided for serious injuries and diseases, a sum equivalent to the self-payment portion of medical expenses and the amount taking into account of the loss caused by the suspension of the business are offered.

It should be noted that even in the event of targeted criminal act, Prefectural Public Safety Commissions may rule that all or a part of benefit funds not be paid based on the following considerations:

- The crime was committed by a relative
- The victim was in part the cause of his/her injury or death
- Workers Compensation or other public compensation or damage awards were received.

○ Application Restrictions

An application for benefit payments should be filed within two years after the applicant became aware of a death, severe injury/disease, or disability due to a criminal incident, or within seven years after a death, severe injury/disease, or disability actually occurred. However, if there was an unavoidable reason such as the victim had been illegally detained by the offender, the victim can apply up to 6 months after the reason has ceased.

(7) Another Payment System for Crime Victims by the Police

The police will pay fees for a patient's first visit, abortion, a medical certification and so on to lighten the burden of crime victims. Persons who can receive these fees are victims of sexual crime or certain case of victims who suffer from injury requiring more than one month of medical treatment.

As same as the benefit system mentioned above, there are certain cases the police will not pay fees. For further information, please consult with your designated support officer.

5 Victim Support by Public Prosecutors Office and Victim Support during Trials

(1) Alleviate Psychological Burden of Witnesses

- Accompanying persons

Victims of sexual offenses, children and other people sometimes feel great nervousness or anxiety when they testify in a criminal court. To ease such feelings, family member, psychological counselor or other person can accompany the witness when testifying.

- Screen for witness

In order to lessen the psychological pressure people sometimes feel when testifying in front of the defendants or the gallery, witness can be screened off from the defendant and the gallery when giving testimony so that they will not distract the witness.

- Testimony by video link

For victims of sexual offenses and others for whom appearing in front of everyone involved in the trial in the courtroom would be a severe psychological burden, the person testifying can sit in a separate room in order to ease the pressure they feel. This room will be connected by a cable to the courtroom, allowing the witness to give testimony over a monitor.

(2) Expression of Victim's Opinion

This procedure allows victims and their bereaved families to express their opinions in court.

When a victim or their bereaved family wishes to express their feelings about the harm they suffered or wishes to express their opinions about the crime, they can express their feelings or opinions through this procedure.

(3) Victim Support Officers at Public Prosecutors Office

To ease the worries and burdens of victims and their bereaved families, victim support officers are available at Public Prosecutors Offices. The supports of victim support officers include such activities as responding to the various questions that victims may have, guiding and accompanying the victims in the courthouse and helping them with the access of the case records or having the evidence return to them.

Victim support officers can also introduce victims to organizations that can provide psychological, economic and other forms of support, according to the victim's needs.

(4) Victim Notification System by Public Prosecutors Office

Victims and their families may have deep interests in such matters as the

disposition of the case, the procedure and the decision by court, and the treatment of the offenders in prison. In addition, witnesses involved in the procedure may be interested in the disposition of the case or the trial.

This system will provide such information as the disposition of the case, the outcome of the trial, treatment of the perpetrators in prison and the time of their release to the extent possible. For the witnesses, the system will provide such information as the deposition of the case, the outcome of the trial, and the time of their release to the extent possible.

- ※ If the public prosecutor decides that it would be best not to issue notifications, even if victims and others desire to receive them, notifications may contain only partial information or there may be no notifications at all.

(5) Victim Participation System

This system allows victims and their bereaved families to participate directly in criminal trial proceedings. Victims and their bereaved families shall ask the public prosecutor in charge for participation in criminal trials. The public prosecutor will notify the court along with the opinion on whether the victim should participate.

(6) State-Appointed Attorneys for Victim Participants

In order to ensure proper and effective participation of victims permitted to participate in criminal trials, there is a system where the State bears the remuneration and costs for attorneys so that participants lacking financial resources can also receive assistance of attorneys.

(7) Restitution Order System

There is a system to settle disputes simply and promptly by using the outcomes of criminal procedures. This is an exceptional procedure for the victims and their bereaved families to claim restitution and is an accompaniment of criminal procedure.

This system is designed to ease the burden of victims and their families seeking restitution.

6 Other Assistance, Agencies and Organizations Available for Victims

(1) The Japan Legal Support Center(JLSC/Houterasu)

The Japan Legal Support Center (JLSC) is a public corporation established according to the frameworks of an Incorporated Administrative agency under the Comprehensive Legal Support Act. The mission of the JLSC is to conduct business for general legal assistance expeditiously and appropriately.

○ Aids Provided by JLSC

◆ Crime Victim Support

JLSC provide proper information and assistance about legal system for crime victims to alleviate their pain and recover from damages.

In addition, to ensure proper and effective participation of victims permitted to participate in criminal trials, there is a system where the State bears the remuneration and costs for attorneys so that participants lacking financial resources can also receive assistance of attorneys.

◆ Civil Legal Aid

Civil Legal Aid provides supports for people having financial difficulties when they get into legal trouble. JLSC will provide free legal counseling and advance payment of expenses for representation of litigation and preparation of documentation.

[Japan Legal Support Center]

Houterasu Okayama Regional Offices: (050)-3383-5491

Crime Victim Help Line: 0120-079714

URL: <http://www.houterasu.or.jp/>

(2) Okayama Bar Association

Okayama Bar Association responds to any legal counsel, and you will obtain advice on a claim for damages, etc.

[Counseling Fee] ¥ 5,500 (tax include, 40 minutes, need an appointment)

[Contact] Okayama Bar Association (086) 223-4401, (086)234-5888

(3) Legal Aid Okayama (LA Okayama)

Legal Aid Okayama (LA Okayama) conducts legal counseling by lawyers registered with the Okayama Crime Victims Support Center.

[Counseling Fee] First Time: Free (about 60 minutes, need an appointment)

[Contact] Legal Aid Okayama (LA Okayama) (086)223-7899

(4) Okayama Prefecture Promotion Center for Elimination of Boryokudan

This organization supports victims of boryokudan(gangster) related organized crimes by giving the victims advice and assistance.

They offer the following assistance:

- Extending interest-free loans for costs of judicial procedures
- Offering consolation payments to victims of boryokudan
- Consultations by officers who have expert knowledge on the issue

[Okayama Prefecture Promotion Center for Elimination of Boryokudan]

Okayama Main Office: (086) 233-2140

Kurashiki Branch: (086) 434-2140

Tsuyama Branch: (0868) 22-2140

(5) Priority for Moving into Public Housing

Some local public entities preferentially provide public accommodation to those who can no longer live in their previous house due to criminal activity if their income is below a certain level. In addition, some local public entities provide public accommodation temporarily to those who are in an emergency for public housing.

Details of the system may differ by prefecture. Please contact your prefectural or municipal public housing administrative office for more details.

7 Private Victim Support Organizations

The worries and burdens of crime victims and their bereaved families are more severe than we thought.

If you have no idea what to do, where to ask, or if you need someone talk to, please contact any one of the following private victim support organizations.

You can receive various assistances, such as counseling, accompanying the witness at trials, introduction of self-help groups and so on.

(Public Corporation) Victim Support Center of Okayama (VSCO)

- Telephone: (086)223-5562
- Counseling Days/Hours: Every Monday to Saturday (Except holidays, year-end and New Year holidays) 10:00~16:00
- URL: <http://vsco.info>
- Main Support:
 - Counseling (telephone/interview)
 - Introduction to experts (lawyers, police, psychiatrist et al.).
 - Accompanying victims to police, prosecutor's office, courts and so on.
 - Conducting self-help groups.

Okayama Prefectural Police Headquarters

Okayama Prefectural Police Headquarters
Crime Victim Support Desk

2-4-6, Uchisange Kita-Ku, Okayama-Shi, Okayama

Tel: 086-234-0110

<http://www.pref.okayama.jp/kenkei/kenkei.htm>