

Chapter 3 Efforts to Broaden the Opportunity for Victims to Participate in Criminal Procedures

1 Development of the System to Expand Opportunities to Participate in Criminal Procedures, etc. (related to Article 18 of the Basic Act)

- **Appropriate Provision of Information Concerning Investigation etc.**

[Policy No. 134]

The National Police Agency gives instructions to the prefectural police to ensure contacting victims and provide crime victims with information appropriately based on the “Contacting Victim Guidelines”

(attachment to circular notice by the Director-General of Criminal Affairs Bureau of the National Police Agency, on July 12, 2017).

In addition, in order that an appropriate response is provided to traffic accident victims, etc., in consideration of their feelings, each prefectural police headquarters has set up victim contact coordinators to serve as people who supervise contact with traffic accident victims and they provide guidance and education to traffic investigators at police stations.

Furthermore, the prefectural police endeavors to cooperate with related organizations and groups by providing them with information which needs to be shared with private-victim support organizations and other administrative agencies on the situations and needs of crime victims, etc. identified through contacting victims with their consents.

The Ministry of Justice records information on juveniles to be obtained from related organizations such as Family Courts, Probation Offices and guardians, in addition to the one obtained from Juvenile Classification Homes and Juvenile Training Schools and indicate it in juvenile records to use them for the execution of protective measures. As from December 2007, the Ministry endeavors to ensure information to be shared with staff in charge of the treatment of juvenile delinquents by recording information on matters related to crime victims, etc., obtained in Juvenile Classification Homes and Juvenile Training Schools and indicate it in juvenile records in order to allow more necessary information to be collected and recorded.

[Policy No. 145]

The Ministry of Justice does not only enhance the content of specialized treatment programs for probationers and parolees having a specific crime tendency such as sexual crimes, but also implement these programs appropriately by establishing the attendance in the programs which includes sessions to encourage them to learn better ways of thinking from the perspective of crime victims, etc. as the special conditions. In addition, the Ministry implements the redemption guidance appropriately to encourage probationers/parolees to reconfirm their determination not to commit crimes again and to sincerely respond to crime victims, etc., in consideration of their intentions.

[Policy No. 146]

In the system where sentiments regarding the damages and the situation of crime victims, etc. are heard upon their request and conveyed to probationers/parolees (communication system of victims’ sentiments to probationers), the Probation Office provides thorough instructions and supervision to probationers/parolees to face them with the reality of damages and deepen their feelings of remorse and repentance.

The number of cases in which sentiments were conveyed in 2020 based on the system was 155.

Outline of system for contacting victims



- **Promotion of appropriate treatment of offenders based on the opinions of crime victims, etc.**

[Policy No. 144]



Report of the Legislative Council on the review of the age of juveniles and treatment of offenders

In February 2017, the Minister of Justice inquired the Legislative Council on lowering the age of “juveniles” to under 18 in Juveniles Act and the modality for the improvement of the substantive law and procedural law of criminal cases to further enhance the treatment of offenders including juvenile delinquents.

In order to investigate and discuss the inquired matters, the Council set up a committee on juvenile act and criminal law (related to the age of juveniles and treatment of offenders) by appointing persons with relevant expertise including crime victims, etc. as committee members and secretaries and held meetings 58 times in total (29 of them were meetings by sub-committees) including discussions at three sub-committees. In October 2020, the Legislative Council submitted the report to the Minister of Justice¹.

The contents of the “system to hear and communicate the sentiments of crime victims, etc. at the execution stage of the sentence,” and the “enhancement of probation/parole supervision from the perspective of crime victims, etc.” included in the report are described below.

1 System to hear and communicate the sentiments of crime victims, etc. at the execution stage of the sentence

Regarding the system to hear and communicate the sentiments of crime victims at the execution stage of the sentence, the report specified the following matters as the ones that require legislations.

- (1) The Wardens of the Penal Institutions or the Superintendents of the Juvenile Training Schools (hereinafter referred to as the “Wardens of the Penal Institutions, etc.”), in consideration of the importance of making sentenced persons or inmates in the Juvenile Training School (hereinafter referred to as the “sentenced persons, etc.”) understand the sentiments of victims and their relatives, are to hear their sentiments upon their request, provided, however, this does not apply if it is deemed inappropriate (2-4-1 of the Attachment to the report),.
- (2) Sentiments heard are to be not only used for correctional treatment and correctional education, but also considered as necessary for formulating and changing treatment guidelines in the penal institutions or a personalized correctional education program in the juvenile training schools. Such situations and results of correctional treatment are to be taken into consideration when a parole is applied or examined (2-4-2 of the Attachment to the report).
- (3) The Wardens of the Penal Institutions, etc. are to convey the sentiments heard in the item (1) to the sentenced persons, etc. if the person who offered them requests, provided, however, this does not apply if it is deemed inappropriate (2-4-3 of the Attachment to the report).
- (4) The Wardens of the Penal Institutions, etc. are to endeavor to cooperate with the Regional Parole Board and the Director of the Probation Office regarding the hearing of the item (1) and conveyance of the item (3) (2-4-4 of the Attachment to the report).
- (5) It is to be made clear that opinions on coordination of the social circumstance and the parole are included in the opinions of crime victims, etc. heard by the Regional Parole Board based on Article 38, paragraph 1 of the Offenders Rehabilitation Act (2-4-5 of the Attachment to the report).

¹ The 188th meeting of the Legislative Council <http://www.moj.go.jp/shingi1/shingi03500038.html>

Outline of the Report of the Legislative Council

No. 1 Progress of the discussions

Inquiry No. 103 (February 9, 2017)

(1) Lowering the age of "juveniles" to under 18 in the Juveniles Act
 (2) Modality for the development of the Criminal Law to further enhance the treatment of offenders including juvenile delinquents

A total of 29 sub-committee meetings on the Juveniles Act and the Criminal Law (related to the age of juveniles and treatment of offenders) were held (three different sub-committees were held 29 times in total).

Report (October 29, 2020)

No. 2 Conclusion

Treatment of persons aged 18 and 19 (Matter for inquiry ①)

While persons aged 18 and 19 have the right to vote and are positioned as the age of majority in the Civil Code, they are not yet mature enough and are malleable.

- If they commit a crime, it is appropriate to treat them differently from those under 18 of age and those equal to or over 20 of the age, and the legislations according to the report [Attachment 1] should be developed.
- Since the positioning and naming of persons aged 18 and 19 are required to conform to the public conscience and social norms, they should be discussed in the legislative process.

Main contents of [Attachment 1]

- As exemptions for the disposition and criminal cases of persons aged 18 and 19 who commit a crime, following mechanisms are to be established.
 - If a crime is suspected, all cases should be sent to the family court.
 - In principle, all "cases punishable by imprisonment for equal to or longer than one year" should be referred to a public prosecutor.
 - If a trial is requested, the prohibition of publication of articles should be lifted.

Further enhancement of the treatment of offenders (Matter for inquiry ②)

The legislations in Attachment 2 and policies in Attachment 3 should be implemented in order to further enhance the treatment of offenders.

Main contents of [Attachment 2]

- Create a new punishment by imprisonment by unifying imprisonment and imprisonment without work
- Establish a system to hear and communicate the sentiments of crime victims, etc. at the execution stage of the sentence
- Expand the system of suspended execution of the entire sentence
- Expand the scope of urgent aftercare of discharged offenders, etc.

Main contents of [Attachment 3]

- Enhance the treatment of young inmates
- Promote new treatment methods for probation/parole, etc.

No. 3 Supplementary matters

From the viewpoint of crime prevention, the following matters are expected to be implemented.

- Enhanced support efforts will be implemented in the administrative and welfare fields for persons aged 18 and 19.
- Necessary measures will be taken at an early stage regarding restrictions on the acquisition of professional credentials due to previous convictions.

No. 4 Future issues

- The modality of the system of [Attachment 1] should be reviewed from a multi-faceted perspective based on changes in social situations and public conscience due to the lowering of the age of majority in the Civil Code, etc., after a lapse of a certain period of time.

2 Enhancement of the probation/parole supervision from the perspective of crime victims, etc.

Regarding the enhancement of the probation/parole supervision from the perspective of crime victims, etc., the report specified the following matters as the ones that require legislations.

- (1) When the Regional Parole Boards and the Probation Offices take measures such as probation/parole pursuant to the provision of Article 3 of Offenders Rehabilitation Act, they are to take into consideration the sentiments regarding the damage, the situations, and other circumstances of crime victims, etc. in accordance with the measures (2-8-1 of the Attachment to the report).
- (2) Declaring the facts about the instructions to probationers/parolees for them to understand the sentiments regarding the damage, the situation, and other circumstances of crime victims, etc. and to be aware of the responsibility to restore their damage, or presenting materials relating to these facts to a probation officer or a *hogoshi* (volunteer probation officer) shall be added to the category of conditions in probation/parole (2-8-2 of the Attachment to the report).

In addition, the report specified the following matter as the one that is expected to be taken.

It is necessary to establish guidelines for life that encourages probationers/parolees to make a specific compensation plan and take actions to apologize to crime victims, etc., including seeking a job and transferring a certain amount of money obtained by working to the victims, and provide regulations on rules for operating the guideline to instruct to encourage probationers/parolees to live their lives and conduct themselves in accordance with this guideline for further enhancement of the instruction (3-5 of the Attachment to the report).

Outline of the systems and measures to further enhance the treatment of offenders (Attachments 2-3)

[Expansion of institutional treatment]

- 1 Unification of punishment by imprisonment (2-1 of the Attachment)**
 - Creation of a new punishment by imprisonment by unifying imprisonment and imprisonment without work
- 2 Enhancement of the content of treatment of young inmates (3-1 of the Attachment)**
 - Enhancement of treatment of young inmates by making use of knowledge and facilities of the juvenile training school
- 3 Enhancement of the assessment of young inmates (2-2 and 3-2 of the Attachment)**
 - Raising the age ceiling of inmates subject to classification
- 4 Clarification of principles of treatment of young inmates (2-3 of the Attachment)**
 - Clarification of principles of treatment of young inmates
 - Clarification of rehabilitation support
- 5 System to hear and communicate the sentiments of crime victims, etc. at the execution stage of the sentence (2-4 of the Attachment)**
 - Establishment of a system to hear the sentiments from victims and utilize them for treatment
- 6 Use of outside work with communities and use of day leave and furloughs (3-3 of the Attachment)**
 - Improvement of the environment for outside work with communities, and day leave and furloughs, etc.

[Expansion of community-based treatment]

- 1 Expansion of the system of suspended execution of the entire sentence (2-5 of the Attachment)**
 - Legislations to be able to suspend the execution of the sentence again on an offence of persons under probation with suspension of execution of the entire sentence
 - Raising the term of sentence whose execution can be suspended again, etc.
- 2 Promotion of the use of provisional discharge of probation during suspended execution of the sentence (2-6 of the Attachment)**
 - The authority to decide provisional discharge of probation during suspended execution of the sentence is transferred from the Regional Parole Board to the Director of the Probation Office
- 3 Enhancement of probation/parole supervision using a new assessment tool, addition of the category of special conditions, etc. (2-7 and 3-4 of the Attachment)**
 - Enhancement of treatment using a newly developed tool, etc.
- 4 Enhancement of probation/parole supervision from the perspective crime victims, etc. (2-8 and 3-5 of the Attachment)**
 - Addition of the declaring the facts and presenting materials related to the instructions provided by the probation officer, etc. regarding the compensation and apology to victims as the category of condition in probation/parole
- 5 Use of the assessment function of the juvenile classification home in probation/parole (2-9 of the Attachment)**
 - Addition of parolees from penal institutions and persons under probation with suspension of execution of the sentence as persons subject to classification
- 6 Revision of the system of the offender rehabilitation services (2-10 of the Attachment)**
 - Clarification of professional treatment and visiting treatment at offender rehabilitation facilities as services, etc.
- 7 Expansion the scope of urgent aftercare of discharged offenders (2-11 of the Attachment)**
 - Development of procedures to allow discharged offenders immediately after release from penal institutions to receive urgent aftercare
 - Measures to allow the Director of the Probation Office to actively provide support to discharged offenders after release from penal institutions, etc.



Support for crime victims by the police
 ~ Activities during FY2020 of the Crime Victim Support Office of the Saitama Prefectural Police Headquarters ~

1 Fostering the atmosphere to support crime victims, etc.

(1) Commission of a PR ambassador to support crime victims

The Saitama Prefectural Police, along with the Saitama Prefecture and the Saitama Crime Victim Support Center (an early support group for crime victims, etc. designated by the Saitama Prefectural Public Safety Commission), has commissioned the former AKB48 member, Ms. MATSUI Sakiko as a PR ambassador to support crime victims, who appears on videos and participates in various events to enlighten support for crime victims, etc.

Ceremony for commissioning the PR ambassador to support crime victims



Ms. MATSUI Sakiko as the PR ambassador to support crime victims



(2) Creation of crime victim support video “Akanechan’s Piano”

On September 9, 2018, a girl student in the second year of Saitama City Miyahara Junior High School was hit by a large truck while riding a bicycle and lost her young life. The girl played the piano from an early age and was scheduled to play the piano for the school chorus contest.

The crime victim support video “Akanechan’s Piano” created by the Saitama Prefectural Police contains the feelings of the deceased girl student and the wishes of the bereaved family collected through interviews with the bereaved family and teachers. In addition, you can listen to the song played by Ms. MATSUI Sakiko, which was supposed to be played by the girl student and the chorus song by students of Miyahara Junior High School with a wish for a world free of incidents or accidents.

Piano played by Ms. MATSUI Sakiko



Chorus performed by students of the Miyahara Junior High School



“Akanechan’s piano” in the YouTube channel of the Saitama Prefectural Police



(3) Creation of the PR video on policies for crime victims, etc.

Saitama Prefectural Police prepared PR videos on policies for crime victims, etc. featuring Ms. MATSUI Sakiko, Mr. OHNO Setaro, a radio personality, etc., who are famous people related to Saitama Prefecture. The prepared videos are not only available for viewing on the official YouTube channel of the Saitama Prefectural Police, but also were broadcast on street monitors, etc., in Saitama Prefecture.



PR video in the YouTube channel of the Saitama Prefectural Police featuring Ms. MATSUI Sakiko



PR video in the YouTube channel of the Saitama Prefectural Police featuring Mr. OHNO Setaro



2 Support considerate of crime victims' feelings

(1) Counseling for crime victims, etc.

Two counselors with the qualification such as certificated clinical psychologist work in the Crime Victim Support Office of the Saitama Prefectural Police Headquarters to provide counseling to crime victims, etc. who need mental support with due consideration of privacy. Police officers who support crime victims, etc. also take care to prevent crime victims, etc. from suffering secondary victimization under the guidance of the counselors.

Counseling for crime victims, etc. (simulation)



(2) Direct support such as accompanying crime victims to hospitals

In order to reduce the anxiety of crime victims as much as possible, the Crime Victim Support Office of the Saitama Prefectural Police Headquarters does not only provide accompaniment support to crime victims, etc. in response to their request, such as that a police personnel accompanies a crime victim, etc. to hospital and explains the summary of the case instead of him/her and accompanies to the court to attend a trial together, but also provides direct support considerate of crime victims, etc., such as the explanation of the investigation flow, guidance of various consultation services including administrative procedures for relocation and free legal consultations.

Accompaniment support by a police personnel (simulation)



3 Cooperation with related organizations

(1) Activities of “Sai no Kuni One-Stop Support Center for Crime Victim”

In Saitama Prefecture, three organizations of the Crime Victim Support Office of the Saitama Prefectural Police Headquarters, the Crime Prevention and Traffic Safety Division of Saitama Prefecture, and the Saitama Crime Victim Support Center form the “Sai no Kuni One-Stop Support Center for Crime Victim” located on the same floor of the same facility, and if a crime victim, etc. consults with any one of the organizations, necessary information is shared among these organizations to allow him/her to receive support from each of these organizations.

(Note) “Sai no Kuni” is a nickname for Saitama Prefecture. The word “Sai” represents color and beauty and expresses Saitama Prefecture which enjoys seasonal colorful and develops in various fields such as industry, culture, and academia.

(2) Activities of “Saitama Prefecture Crime Victim Support Promotion Council”

The Saitama Prefectural Crime Victim Support Promotion Council (chaired by the Chief of the Saitama Prefectural Police Headquarters) established to enhance support for crime victims, etc., where a total of 119 organizations, such as the Saitama Prefectural Police, the Public Prosecutors Office, the Probation Office, the Saitama Prefectural Government, the Saitama City, medical associations, bar associations, news organizations, transportation operators, financial institutions, organizations and companies that are favor of support for crime victims, etc. participate. Each organization carries out a variety of activities. For example, the TV Saitama, a local TV station that is one of the member organizations, broadcast a program about Saitama Prefecture’s efforts to support crime victims, etc. and presented them to the citizens of the prefecture.

Program broadcast on the TV Saitama

