

## 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)

#### ○ Main efforts

- **Enhancement of the Information Concerning Criminal Procedures and Related Issues Provided to Crime Victims, etc.**

**[Policy No. 128]**

The Ministry of Justice has prepared a pamphlet entitled, “For Victims of Crime,” which describes in an easily understandable manner, Victim participation system, the system that enables crime victims to attend juvenile hearings, and other systems for the protection and support of crime victims, which the Public Prosecutor’s Office provides to victims on an interview and distributes at various events. The pamphlet is also available in digital form on the website of the Ministry of Justice and the Public Prosecutor’s Office.

Furthermore, the Ministry of Justice has produced the DVD, “If you encounter crime” for distribution to the each District Public Prosecutor’s Office for use in explaining legal procedures, etc. to crime victims and is broadcasting the same video on a YouTube channel for viewing by the general public. Ministry of Justice website “For Victims of Crime”: [http://www.moj.go.jp/keiji1/keiji\\_keiji11.html](http://www.moj.go.jp/keiji1/keiji_keiji11.html))

Ministry of Justice You Tube channel “If you encounter crime”: <https://www.youtube.com/watch?v=1XmgYAoEM9E>)

The police have also released an updated and improved edition of the “Brochure for Crime Victims.”

#### Pamphlet for Crime Victims



Source: Ministry of Justice

#### Guidebooks for Victims



#### Guidebook for Victims (traffic accidents, incidents)



- **Appropriate Provision of Information Concerning Investigation**

**[Policy No. 134]**

Based on the Framework for Contact with Victims (issued by the Director General Criminal Affairs Bureau of the National Police Agency, etc. on July 12, 2017), the National Police Agency is providing guidance to the prefectural police to ensure that contact with victims is made and that relevant information is communicated appropriately to them.

For cases involving traffic accidents, the prefectural police headquarters have created a post for victim contact coordinator to oversee contact with victims and provide guidance and education to traffic accident investigators at every police station to ensure that Traffic Accident Victims, etc. receive treatment appropriate to their emotional state.

Further, of the knowledge about the circumstances and needs of victims gleaned in support activities, such as contact with victims, the National Police Agency communicates information it deems important to share with private victim support associations or government organizations after obtaining the victims' consent as part of its effort to collaborate the activities of government organizations and private associations.

**Outline of system for contacting crime victims**



**Collaboration between the Bar Association and Relevant Regional Organizations for the Support of Crime Victims, etc.**

Although the Kanagawa Prefectural Police (hereinafter referred to as the “Prefectural Police”) and the Kanagawa Prefectural Bar Association (hereinafter referred to as the “Prefectural Bar Association”) Committee on Crime Victim Support have long been involved in providing support to crime victims, etc., the establishment of the Kanagawa Prefecture Crime Victim Support Ordinance (hereinafter referred to as the “Prefectural Ordinance”) in April 2009 provided an opportunity to strengthen their cooperation further. Based on the Prefectural Ordinance, the Kanagawa Crime Victim Support Station (hereinafter referred to as the “Support Station”) was established to unite the efforts of Kanagawa Prefecture, (hereinafter referred to as the “Prefecture”), the Prefectural Police, and the NPO Kanagawa Victim Support Center as a base of operations for comprehensively supporting crime victims within the Prefecture. The prefectural ordinance also calls for the enhancement of a system of consultation with attorneys, and in July 2010 the Prefecture and Prefectural Bar Association concluded an agreement to implement a legal consultation service for crime victims, etc. Concretely, when crime victims request legal consultation through the Support Station, the request is relayed to the Prefectural Bar Association, which then dispatches an attorney who is an expert in matters related to supporting crime victims to provide the requested consultation. Crime victims are not required to contact the attorneys themselves to arrange the time, date, and location of the consultation. Moreover, while the legal consultation is provided at the Support Station, office of the attorney or the police department, the member of the Prefectural Police or the member of the NPO Kanagawa Victim Support Center will accompany crime victims, removing the need for the latter to go to the place of consultation alone.

Furthermore, as the consulting attorneys will have familiarized themselves with the outlines of each case before the consultation, crime victims, etc. are not required to recount the particulars of their victimization. Additionally, the Prefecture pays the fee of up to two consultations to the attorney, freeing the victims from the need personally to bear the financial cost of consultation.

While legal consultations for crime victims were being provided before the establishment of the prefectural ordinance, with the creation of the system for participation of victims and the restitution order system, the current number of consultation requests has increased dramatically to ten times the number prior to the issuance of the prefectural ordinance.

The Prefectural Bar Association is also strengthening its collaboration with the Public Prosecutor's Office, and in March 2018, organized the implementation of coordinated support for crime victims between with the Yokohama District Public Prosecutor's Office (hereinafter referred to as the "Yokohama Prosecutor's Office"). Prior to this, the prosecutor provided consultation to crime victims, etc. and when they judged some kind of support was necessary, conferred with the Prefectural Police about it by the prosecutor oneself. However, the said arrangement has now become a system for collaboration between the Prefectural Bar Association and the Yokohama Prosecutor's Office.

As with the legal consultation provided by the Support Station, whenever crime victims, etc. request legal consultation from the Yokohama Prosecutor's Office, the request is relayed by the Office of Crime Victim Support of the Comprehensive Support Office for Criminal Policy in the General Affairs Department of the Yokohama District Public Prosecutor's Office to the Crime Victim Support Center in an arrangement with the Prefectural Bar Association, and the center dispatches an attorney, thus reducing the burden on crime victims, etc. Moreover, the consultation charges for the first time are free.

In addition, the Prefectural Bar Association sends its attorneys to the Prefectural Police and the Yokohama Prosecutor's Office to deliver lectures on support for crime victims, etc. and periodically holds discussions to confirm the status of their coordinated efforts, thus deepening mutual understanding of the support provided by the respective parties. In recent years, a series of violent crimes has been committed within the Prefecture and has drawn the attention of society at large. However, thanks to the close coordination between the Prefectural Bar Association and various government organizations, consultation and support were provided in a timely manner after the occurrence of each incident.

A crucial feature of support for crime victims, etc. is the "linkage of support," i.e., not merely the provision of support by individual organizations but the combining of support efforts between the relevant organizations once the need for it is recognized.

For example, one form of support is providing information about where legal consultation may be obtained. In this case, callers would need to state that they are victims, arrange a time and date for a consultation, and go to the place of consultation by themselves. They might also experience some anxiety regarding the financial cost of receiving a consultation. Even if crime victims, etc. sincerely wish to receive legal consultation and are referred to the appropriate places, the many obstacles they would need to overcome in order to receive consultation may discourage them from ever availing themselves of this support.

In order to reduce the burden on such crime victims so that they may receive the legal consultation they wish in an appropriate manner, the Prefectural Bar Association and its partner organizations are required to engage proactively in linking their efforts on behalf of victims through communicating with each other and deepening mutual understanding.