

(英語版)

# Guidance for the victims of traffic accidents and their families



Tochigi Prefectural Police

## ~ Preface ~

To victims of traffic accidents and their family members:

Being involved in a traffic accident where you or your family members were injured or killed is a very sad and hard experience for all. In addition to this, struggling with the procedures relating to the accidents can make you anxious.

Some can't believe the reality of the accident, and others can't find appropriate ways to take all the steps.

We will go through various investigations to find a suspect and to clarify the situation surrounding the accidents. In these processes, please understand there are many things that will require your kind cooperation with the police.

Although we do not wish to place more burden on you when you are already suffering, please cooperate with our investigation to determine the causes of accidents.

We will support you and do our best to make your life easier and reduce the suffering from the stress after the traffic accident.

This brochure is designed to help you understand the following:

- How the investigation and the court trial are carried out, and how the offenders are going to be punished.
- What requests the police could make to the victims and their family members.
- What kinds of assistance and aid programs are available for the victims and their family members.

We sincerely hope the leaflet will be helpful for you and your family members.

~ Please feel free to consult with at any time ~

**【Person in charge】**

Police station (Unit) :

Traffic (investigation) section :

Branch :

Name :

Phone Number :

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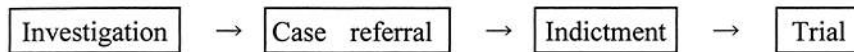
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## ～ Criminal Procedures and Administrative Deposition ～

### ○ The flow of criminal procedures ○

The criminal procedures are the process of identifying the offender, confirming the facts of the crime, and deciding the punishment to be imposed. The criminal procedures are categorized as below,



#### 1 Investigation

Investigation is the action of gathering enough evidence, clarifying and solving the criminal case, and arresting the offender.

When there has been a traffic accident, the police primarily carry out the investigation in the following ways:

##### ○ Police questioning (Written record of oral statement is taken)

A discussion takes place to clarify the circumstances of the accident and the accident report.

##### ○ On-the-spot investigation

The actual location and/or vehicles involved in the accident are investigated directly.

#### 2 Case referral

The suspect is a person who is suspected of committing a crime by the police based on certain levels of evidence. Police may arrest the suspect if necessary, and the arrested suspect must be sent to the public prosecutor's office within 48 hours.

When the prosecutor finds that there is sufficient evidence to detain the suspect, he/she can file a request with the judge for a warrant of detention. If the judge allows the prosecutor's request for the further detention, the suspect will be detained another 20 days maximum.

Police will conduct various types of necessary investigation in this extended period.

※ If there is no suspicion that the suspect will run away, police can carry out the investigation without arrest and present the case to the prosecutor with documents and evidence.

#### 3 Indictment

The prosecutor has to decide whether or not to put the suspect on trial during the detention term. "Kiso" (Indictment) means to put the suspect on trial and "Fukiso" to withdraw the charge.

※ "Kiso" is categorized into two procedures, one is to demand the open formal trial and

the other is to demand the summary order. The latter applies to misdemeanors. A penal fine or a minor fine is likely to be ordered by the summary court after the examination of the documents and evidence.

In the case in which the police present the case to a prosecutor without arresting a suspect, the prosecutor makes a decision whether or not the suspect should be indicted after necessary investigation is completed.

#### 4 Trial

Once the suspect is prosecuted, the court will be in session on the designated dates. Then, the trial is started and there will be a judgement at the end. (A suspect will be called "defendant" after the prosecution.)

If you want to observe the trial, the necessary information such as the date of the trial is available at the court in charge of the case.

During the trial, the judge may detain the defendant if he/she thinks that the defendant is likely to run away.

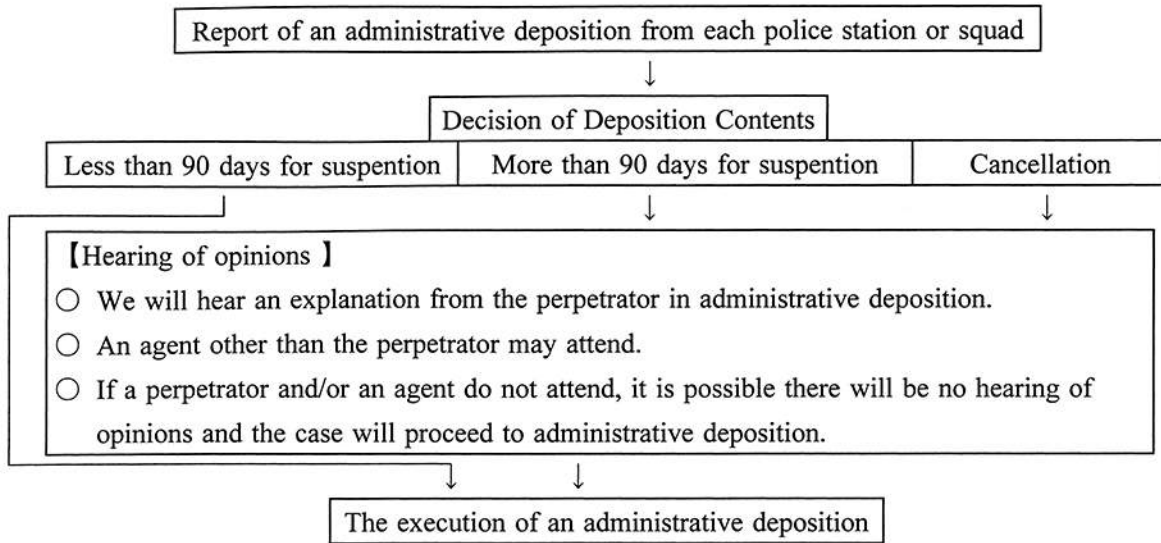
If the defendant or the prosecutor is dissatisfied with the judgment, they have the right to appeal to a higher court.

#### In the case that an assailant is a minor

In a case an assailant is a minor who is 14 or older but younger than 20 years old, after being referred by a prosecutor, the case is sent to the family court. A disposition will be made as below,

- Trial does not commence  
There are cases where it is not necessary to call on trial because a minor clearly shows his /her repentance. In that case, the matter is concluded.
- Discharge  
Referred to the judge (in the case of an adult), if protective measure is not needed, there will be no disposition and will be terminated.
- Protective measure  
Referred to the judge, the dispositions which are a referral to juvenile reform and training school and a probation are made.
- Referral by a prosecutor  
This is re-sent by a prosecutor, the minor shall be punished as a result of a trial same as an adult.
  
- Administrative deposition   
Administrative deposition for rescission and suspension of driving license is carried out against

perpetrators by the Public Safety Commission apart from the criminal procedure.



## ～ Your Cooperation with Our Investigation ～

Although it is a burden on you, the Police ask for your cooperation with criminal proceedings in order to elucidate all aspects of the accident.

### Interview for questioning

#### ○ Police

When a traffic accident is reported to the police either through a written report or a Dial 110 call, an officer is assigned to conduct an interview with the victim concerning the details of the case. The police also will have an interview with the bereaved family to learn about the person killed in the said accident.

This may be unpleasant for you because you do not want to recall the case anymore. But it is indispensable for the police to determine what has happened and to identify the offender. In other words, this is something decisive to make the investigation efficient.

#### ○ Public Prosecutor

There may be another questioning held by the prosecutor after the police interview. You may

feel it strange to have the same questions again. But please understand that this is important for the prosecutor to determine whether or not criminal action is needed for the case.

※ In the course of trial, you may be asked to testify before the judge as a witness.

#### Attending on-the-Spot-Inspection

The victim may be required to be present at on-the-spot inspection.

On-the-spot inspection is when the police examine the conditions of the scene.

You will have to spare a certain amount of time on this, but your kind cooperation is respectfully requested since this is conducted only when necessary to clarify and prove a traffic accident.

#### Presentation of the Physical Evidence

We may request that you submit evidence such as clothes you wore and personal belongings you carried at the time of the incident.

These items shall be submitted to the police on a voluntary basis. But they are so important that we are to treat them as physical evidence in the trial.

※ These items can be returned to you even before the case is closed if they are no longer needed in our investigation nor in the trial. (Items Restored)

※ It is also possible to return these items to you temporarily under certain condition upon your request even if we still need them. (Temporary Restoration of items)

※ If you do not need these items anymore, you are asked to waive your ownership of the items and they will be disposed of confidentially when there is no more reason for the investigations and court.

## ～ Automobile Liability Insurance System ～

#### ○ Compulsory automobile liability insurance and optional insurance ○

The automobile insurance system is classified into compulsory and optional insurance.

○ Every automobile has an obligation to be insured by automobile liability insurance (Hereinafter referred to as Compulsory Insurance) which is designed to provide relief to victims of traffic accidents.

○ Optional Insurance

The optional insurance includes liability coverage not covered by compulsory insurance.

The following is a comparison of the two system:

Compulsory Insurance	Membership	Optional Insurance
Obligation		Option
Physical injury only	Coverage	Physical injury and property damage

Death	30 million yen	Max. amount of benefit paid	Max. amount of compensation based on the insurance policy
Injury	1.2 million yen		
Aftereffect	750,000 yen to 40 million yen (Based on the grade of disabilities 1 to 14 )		
<p>Fundamentally, physical injury is covered by Compulsory Insurance. However, when the amount of damage exceeds the limits of coverage, the exceeding amount is to be covered by the optional insurance. For instance, if the amount of damage of a death accident is calculated at 70 million yen, the maximum coverage amount of 30 million yen is compensated by compulsory insurance, and the whole or partial amount of the shortfall of 40 million yen recovered by compulsory insurance insuring the perpetrator or physical injury insurance insuring the victim. If the compensation amount does not cover the amount of damage, or the parties involved are not insured, the perpetrator will become liable for the damages.</p> <div style="display: flex; align-items: center; justify-content: center;"> <div style="margin-right: 20px;">Amount of damage 70 million yen</div> <div style="border: 1px solid black; padding: 5px; margin-right: 10px;">40 million</div> <div style="margin-right: 10px;">→</div> <div style="margin-right: 20px;"> <p><b>【The shortage】</b></p> <ul style="list-style-type: none"> <li>• The compensation for perpetrator's optional insurance.</li> </ul> </div> </div> <div style="display: flex; align-items: center; justify-content: center; margin-top: 10px;"> <div style="margin-right: 20px;"></div> <div style="border: 1px solid black; padding: 5px; margin-right: 10px;">30 million</div> <div style="margin-right: 10px;">→</div> <div> <ul style="list-style-type: none"> <li>• The compensation for perpetrators (Up to 30 million yen)</li> </ul> </div> </div>			

○ Compulsory Insurance ○

1 Claiming for Compulsory Insurance

The perpetrator and victim are able to claim against the motor insurance companies (including unions) by recovering the amount of damages from the insurer by submitting the traffic accident certificate, diagnosis certificate and other necessary documents.

(1) Making a claim as a victim

Victims are able to claim directly against the motor insurance company insuring the car that caused the accident for the amount of damages.

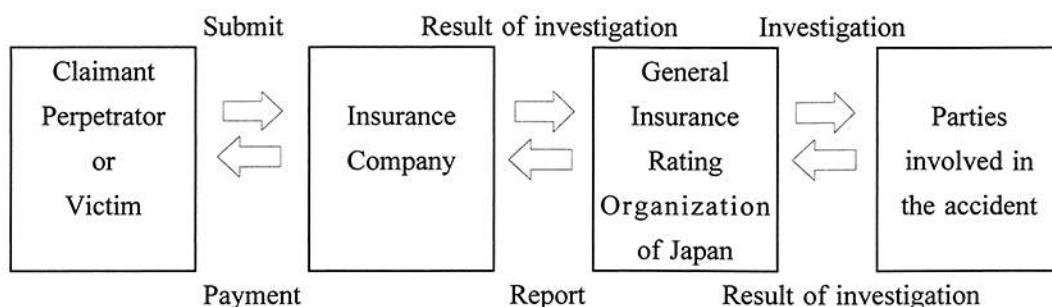
(2) Making a claim as a perpetrator

The driver or the owner of the vehicle, who has paid the compensation to the victim, can claim against the casualty insurance company for the amount of damages.

Even before reaching settlement of the amount of damage, the victim is able to claim against the motor insurance company each time the victim pays the medical bills to the



medical institutions, and the perpetrator is able to claim against the motor insurance company each time the perpetrator pays the amount within the allowable limit.



## 2 Suspense payment system

Prior to reaching an out-of-court settlement, the victim is able to claim suspense payment against insurance companies for use in paying for current expenses, in order to avoid running into difficulty maintaining his/her daily life due to the accident.

※ For further details on how to make a claim please contact the casualty insurance companies.

## 3 Time limit for making a claim

Claim Type	Since when	Till When
Injury	Date when treatment ended	Within 3 years after the accident
Physical Impediment	Date of symptom stabilization	Within 3 years after the date of symptom stabilization
Death	Date of death	Within 3 years after the date of death

※ The prescription of compulsory insurance is valid for three years, so that the right to claim for insurance amount (mutual aid fund) will be terminated after the period.

To delay the claim for any reason, there is a system for the interruption of prescription, so please feel free to contact each insurance company (association).

※ It is two years if the day of the accident happened before March/31/2010.

※ The symptom stabilization date is the date when a doctor judges that, the symptoms are stabilized and that no further medical effect can be expected even if further generally recognized medical treatment is provided.

The list of documents required for compulsory insurance (Mutual aid) payment

Required Documents	Claim by perpetrators			Claim by victims				
	Death	Physical impediment	Injury	Death	Physical impediment	Injury	suspention payment	
	Death	Injury		Death	Injury		Death	Injury
Claim form for insurance (Mutual aid)/Amount of Damages/Suspension Payment	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙
Traffic Accident Certificate (Physical injury)	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙
Papers reporting the circumstances when the accident occurred	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙
Medical certificate by doctor or Post-mortem certificate (Death certificate)	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙
Medical Practitioner's Receipt for Medical Insurance Claim	⊙	○	⊙	⊙	○	⊙		
Receipt for Transportation Expenses for Hospital visits	⊙		⊙	⊙		⊙		
Nurse Attendance Acknowledgement or Receipts of Nursing Care Fees	○		○	○		○		
Certificate of work Suspension Damage or Tax return (Copy)	○	○	○	○	○	○		
Receipt that proves the payment from the perpetrator	⊙	⊙	⊙					
Settlement Documents (in case of out-of-court Settlement)	○	○	○					
Seal Registration Certificate of the Claimant	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙
Power of Attorney or Seal Registration Certificate of the Grantor (In the case that a third party is mandated)	○	○	○	○	○	○	○	○
Attested Copy of Family Register	⊙			⊙			⊙	
Medical Certificate of Sequela		⊙			⊙			
X-rays etc.	○	○	○	○	○	○		

Documents with ©, and documents with ○ are to be submitted case by case depending on the type of accident.

There may be other documents to be submitted depending on the situation.

○ Optional Insurance ○

The extent of the damage that can be compensated for by the compulsory insurance is limited. Moreover, it does not cover the damage to property at all.

The optional automobile insurance is the supplementary instrument which will compensate for the damage that cannot be covered by the compulsory insurance.

In order to make an insurance claim, a Traffic Accident Certificate, Papers reporting the circumstances when the accident occurred and Medical certificate are required.

Contact an insurance company and/or an agricultural co-operative, for further information.

○ Automobile Liability Insurance Security Project ○

The victim is unable to make a claim for Compulsory Insurance for the following types of accidents causing physical injury.

- The hit -and -run driver of automobile is unidentified
- The driver that caused the accident is not insured under Compulsory Insurance
- The vehicle that caused the accident is stolen and is not insured under Compulsory Insurance.

To aid the victims in these circumstances, the government has put into place a system called Automobile Liability Security project that covers any deficiency for the amount of damages. It is possible to cover the cases of snatching and cases of murder via bicycle or motor-bicycle with this insurance.

Please ask your casualty insurance company about how to make a claim, and what documents are required.

The Association of Japan Insurance SONPO ADR Center 0570-022808
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～ Support Systems available for the Victims and their family ～

○ Police Supports ○

1 Designated Victim Support Personnel System

This system designates, besides investigators, a police officer as "Victim Support Personnel"

who will offer escort and accept consultation on various issues.

### Types of Support systems

Escorting	Consultation and Information Service	Introduction and Succession
<ul style="list-style-type: none"><li>○ Escorting to on-the-spot investigation in accident site</li><li>○ Escorting to police hearing</li></ul>	<ul style="list-style-type: none"><li>○ Acceptance of consultation</li><li>○ Providing the information regarding criminal proceedings of trial</li><li>○ Teaching all sorts of application procedures</li></ul>	<ul style="list-style-type: none"><li>○ Introduction and Succession for the civil group of victim support</li><li>○ Introduction for all sorts of consultation organizations</li><li>○ Introduction and Succession of private counselor</li></ul>

#### 2 Victim Information System

The police understand that the victims have a vested interest in how the investigation of the traffic accident proceeds, whether the traffic accident perpetrators are caught or not, and what punishment is imposed on the perpetrators.

In response to such interest, the police investigator in charge of traffic accidents will provide the victims with the following information concerning serious traffic accidents etc.

### Contact Matters

#### 【Regarding the traffic accident】

- Conditions of investigation
- Address, name, age of perpetrators (※ 1)
- Date and place of traffic accident occurrence (※ 2)

#### 【Regarding criminal dispositions of the other party】

- Status of perpetrator's arrest (※ 3)
- Status of perpetrator's disposition
- Suspect referral to public prosecutor's office, Indictment or Disposition of Non-Indictment, courthouse where indictment has occurred

※ 1 Depending on the incident, there are the cases where the condition of the investigation may not be released.

※ 2 If you do not wish to be contacted, please say so to your contact officer (the investigator in charge of the case).

※ 3 There is a slight difference in the contents of contact if a perpetrator is a minor.

### 3 Counseling

To reduce the mental burden of victims suffering from shock after the traffic accident, staff with specialized knowledge and skills on counseling are available. Consultation and counseling service for the victims are available through collaboration with psychiatrists and private counselors.

Please feel free to contact the address below.

Crime Victims Support Office  
Public Relations Division of Tochigi Police Headquarters  
Contact : 0 2 8 - 6 2 1 - 0 1 1 0  
(The main number of Police Headquarters)

#### Other supports from judiciary related organizations

- 1 The “Victim Support Personnel System” established within the Public Prosecutors Office nationwide designates a “Victim Support Personnel” to support victims and help ease the burden and anxiety of these victims.

The Victim Support Personnel offers support in the form of consultation with the victims on various issues, escorting them to court, assistance in viewing of dossiers, return of evidence and other procedures.

They will also introduce relevant organizations and groups that offer mental, everyday living and financial support depending on the condition of the victim.

- 2 The “Victims of Crime Notification System” established within the Public Prosecutors Office  
The “Victims of Crime Notification System” provides victims with information related to the proceedings and outcome of the case, outcome of the criminal trial, and treatment of the perpetrator. Please ask your prosecutor or victim support personnel for more details.

#### **【Lists to be available】**

- Dispositions of the cases
- The court and the date that the trial will be held
- The result of the trial
- Treatment of the perpetrator, accusations, reasons for non-prosecution
- The information for perpetrators released from prisons

### 3 Statement on Committee for the Inquest of Prosecution

When there has been a non-indictment disposition, the prosecutor can declare to police investigators that they request an investigation into the propriety of the disposition. There is no charge for the statement of examination and consultation.

Please contact the nearest Inquest of Prosecution Committee Secretariat (in the district court).

#### In the case that an assailant is a minor

There are the following systems for victims aged between 14 years or older to less than 20 years old,

#### ① Inspection · Copy of case records during trial

After a decision on commencement of hearing has been made, the victims may, in principle, peruse and photocopy the dossier of the juvenile criminal case stored in the court (excluding so-called social records which report surveys concerning the necessity of protection of the juvenile.)

#### ② Statement of opinions

Victims will be given an opportunity to express their feelings about the harm they suffered or give their opinion about the crime to the judge (s) and to the investigators of Family Court.

#### ③ Hearing of juvenile trial

Victim of dangerous driving resulting in injury or death or vehicular manslaughter, are allowed to attend the juvenile hearing upon request.

#### ④ Explanation of Trial proceedings

The victims can receive explanation about the circumstances of the hearing from the Family Court.

#### ⑤ Notice of trial result

The victims can receive notifications of the result of the hearing from the Family Court.

①~⑤ Contact Number	
Utsunomiya Family Court	0 2 8 - 3 3 3 - 0 0 5 2
Utsunomiya Family Court, Tochigi branch	0 2 8 2 - 2 3 - 0 5 7 9
Utsunomiya Family Court, Ashikaga branch	0 2 8 4 - 4 1 - 3 1 6 8

#### ⑥ The Victims of Crime Notification System (Notification after Juvenile trial)

Upon the victims' request, notification of the perpetrator put on probation (Notification after the Juvenile trial) and the perpetrator under probation will be made by the juvenile reformatory.

#### 【Notification available】

○ Date, name and location of the Juvenile training school where the

perpetrator was detained
○ Education programs in Juvenile training school (Approx. every 6 month notification)
○ Date of release from the Juvenile training school
○ Date of permitted release on parole from Juvenile training school
○ Commencement and expected terminated date of probation
○ Proceedings on probation (Approx. every 6 months notification)
○ Date of probation terminated etc.

⑥ Inquiry
※ The trial result of perpetrator for a referral to the juvenile training school Utsunomiya Juvenile Classification Home    0 2 8 - 6 4 8 - 5 0 6 2
※ The trial result of perpetrator for the case of probation Utsunomiya Probation Office                    0 2 8 - 6 2 1 - 2 2 9 8

○ Various Consultation Services ○

① Tochigi Prefectural Police Headquarters Crime Victims Support Office

We welcome consultations relating to public expenditure and consultation of priority public housing assistance, and we will introduce any other consultations to appropriate organizations.

Offices	Address	Contact
Tochigi Prefectural Police Headquarter	Hanawada 1-1-20 Utsunomiya-city	028-621-0110

② Tochigi Prefectural Traffic Accident Consultation

We welcome to inquire about claiming compensation for damage, how to lead settlements out of court, and life problems. We give instructions and advice on how to solve your problems, mediated by related organizations if necessary.

Offices	Address	Contact
Tochigi public relation (Prefectural plaza)	Tochigi prefectural office building 2F, Hanawada 1-1-20 Utsunomiya-city	028-623-2188
Shimotsuga prefectural consultation office	Tochigi prefectural Shimotsuga office 1F, Kanda-machi 6-6, Tochigi-city,	0282-24-5666
Nasu Prefectural consultation office	Tochigi prefectural Nasu office 1F, Chuou 1-9-9, Ootawara-city	0287-23-1556

③ Public Interest Incorporated Association Victim Support Center Tochigi

We try to perform the support activities with the related organizations with concern for the feelings for crime victims and their family as they work to retrieve their peaceful life.

Office	Address	Contact
(Public Interest Incorporated Association) victim support center Tochigi	Sakura 4-2-2, Utsunomiya-city, Tochigi prefectural art museum annex 2F	028-643-3940

- ④ Public Interest Incorporated Association Nichibenren traffic accident consultation center  
 The consultation office of traffic accident experts All Bar Associations in Japan cooperate, to provide calculations with the amount of compensation for damage, consultation, mediation for settlement out of court, and examination about the issue of civil law by a lawyer for free.

Office	Address	Contact
Nichibenren traffic accident consultation center Tochigi branch	Akebono-chou 1-6, Utsunomiya-city, Tochigi prefectural bar association building	028-689-9001



