

For Victims of Traffic Accidents and Their Family Members

1 Preface

This pamphlet is designed to help the victims of traffic accidents and their family members by providing the following information:

- What support system is provided by the police?
- What the police want the victims and their family members to do?
- How are the traffic accident perpetrators punished?
- What type of automobile insurance is available?

We hope that this pamphlet will be helpful for you and your family members.

2 Police Support

Police support for the victims of traffic accidents and their family members (hereinafter referred to as the "victims, etc." in this pamphlet) includes escort service by police personnel, provision of information and consultation services.

(1) Designated Victim Support Personnel System

To support the victims, etc., who are mentally affected shortly after a traffic accident, police personnel are designated, separately from the investigators, to escort the victims, etc., and provide various consultations.

(2) Victim Information System

The police understand that the victims, etc., have a keen interest in the progress of investigation of their traffic accident, whether the traffic accident perpetrators have been caught, and how the traffic accident perpetrators will be punished. To help answer these questions, the investigators, etc. in charge of the traffic accident provide the victims with the following information concerning serious traffic accidents, etc.:

A Information about the Traffic Accident Perpetrator

- Address, name, age and other details of the perpetrator
- Date/time and location of the traffic accident
- Progress of the investigation

B Information about the Criminal Disposition for the Party Responsible for the Accident

- Whether or not the perpetrator was arrested
- Status of disposition of the perpetrator
- Public prosecutors office to which the suspect was sent; whether the suspect was indicted or not; court where the perpetrator was indicted.

C Other information

- Some victims, etc., want to forget about the traffic accident and don't want to be contacted.

If you are one of such victims, etc., please let your investigators know.

(3) Counseling

There are some victims of traffic accidents, their family members and bereaved family members who are overcome with apprehensions, or distressed about controlling their feelings by receiving serious shock from the traffic accident.

Those who got damage to their minds, Police have systems to give counseling (for free) by experts in clinical psychology to them.

(4) Police Consultation Services

One way the police can help is to offer expert advice for the victims, etc.

The following services are available for this purpose.

A Traffic Accident Consultation Services

Traffic Enforcement Division, Traffic Department, Okayama Prefectural Police Headquarters

086-234-0110

B Victim Support Consultation Services

Crime Victim Support Office, Citizen Reception Division, Police Administration Department, Okayama Prefectural Police Headquarters

086-234-0110

* You can contact the consultation services provided at every district police station.

* If you are interested in the police consultation services in other prefectures, please visit the National Police Agency Crime Victim Support Office website. <http://www.npa.go.jp/higaisya/home.htm>

3 The following support systems are offered by agencies and organizations other than police.

(1) Victim support personnel system established within the public prosecutors office

District public prosecutors offices and some of their branches, etc. nationwide have "victim support personnel" whose task is to support the victims, etc., and ease their emotional and financial burdens and concerns.

The victim support personnel offers in the form of consultation to the victims, etc., on various matters, assist/escort them in court appearances, provide procedural assistance in inspecting the accident records, getting the evidence articles back, etc., and connect the victims, etc., with appropriate agencies and organizations that offer psychological, social and financial support.

(2) Victims of crime notification system established within each organization of the Ministry of Justice

There is a system that the public prosecutors office and each regional parole board or probation office, upon request by the victims, will notify the victims, etc. of the information related to the proceedings and outcome of the case, the outcome of the criminal trial, status of sentencing of the perpetrator who was found guilty, etc.

Also, each juvenile detention center, regional parole board or probation office will notify the victims, etc., upon request, of relevant information regarding the perpetrator who was placed on probation (notifications following the juvenile trial).

To request these notification services, please contact your nearest Juvenile Classification Office if the perpetrator was sent to a Juvenile Detention Center,

or the Probation Office in your prefecture if the perpetrator was placed on probation.

(3) Support services, etc., of the Okayama Prefectural Government and Private Victims Support Groups

In Okayama, the victims, etc., can receive support and helpful information not only from public agencies, but also from private advocacy organizations. Some private organizations provide various types of support free of charge according to the needs of each victim, etc., such as offering advice and direct support and providing information on self-help groups.

*Self-help groups

Self-help groups are groups of victims of similar crimes.

The place is provided where victims can talk frankly about the things they would otherwise have kept to themselves, and share their pains and sufferings with others in similar situations.

4 Steps to punish the perpetrator

When a traffic accident occurs, the perpetrator is punished according to the steps described below.

(1) Investigation

Investigation involves gathering evidence to identify the culprit and solving the case by clarifying the facts so that the culprit can be punished.

Following the traffic accident, the police conduct investigation comprising the following.

(2) Voluntary questioning

The police officer in charge asks about the details of how the accident occurred and how it was reported, etc.

A record of statement may be prepared.

As a victim, etc., you may not want to remember the accident or say certain things. However, voluntary questioning is an essential part of identifying the cause of the accident and who the perpetrator is. The more information the police have, the faster the case will be solved. Your cooperation in the investigation is greatly appreciated.

(3) On-the-spot Investigation

In the on-the-spot investigation process, the police officers investigate the following in detail to reveal the circumstances and cause of the accident. The scene of the traffic accident, the clothes worn by the victims, vehicles involved in the accident, etc.

The victims, etc., may be asked to be present during on-the-spot investigation. Also, the victims may be asked to submit the clothes they were wearing at the time of accident, as evidence to help solve the case.

Such evidence will play an important role at trial.

(4) Sending Suspects to the Public Prosecutors Office

Once the police have determined the perpetrator is suspected to be the criminal (the perpetrator is called the "Suspect") based on the result of investigation, the

suspect is sent to the public prosecutor together with the related documents and the evidence. This is called sending the suspect to the public prosecutors office. (In newspaper articles and other media reports, oftentimes the term "Accused" is used instead of "Suspect.")

A When the suspect has been arrested

If necessary as part of the investigation, the police arrest the suspect and send him/her to the prosecutor, together with the related documents and evidence, within 48 hours after the suspect was taken into custody.

If deemed necessary, the prosecutor files a request to the judge, within 24 hours after the suspect has been sent, to detain the suspect.

The suspect may be detained continuously for up to 20 days, if necessary.

B When the suspect is not arrested

When the suspect is not arrested and is investigated on a voluntary basis, the related documents and evidence will be sent to the public prosecutor after the police have collected evidence.

(5) Indictment

Based on the sent evidence, etc., the prosecutor decides whether or not the suspect should be brought to trial.

Bringing the suspect to trial is referred to as "indictment." Choosing not to bring the suspect to trial is referred to as "non-indictment."

There are following types of requests, etc. available to a prosecutor seeking indictment. "Demand for a Trial" that requests for a public trial, or "Summary Indictment" which requests a judicial trial where a penalty or fine is ordered based on written proceedings.

(Once the suspect is indicted, he or she is called the "Defendant.")

* If necessary, the prosecutor may question the victims, etc. This is an important process to decide whether to proceed with an indictment or not, so your understanding is appreciated.

* If the prosecutor has decided not to indict a suspect, an application for review may be made to the district court and the Committee for Inquest of Prosecution of main districts branches.

For details, please contact your nearest Executive Office of the Committee for Inquest of Prosecution.

(6) Trial, etc.

At the trial, the judge conducts a trial based on the evidence and renders a judgment.

During the criminal trial, the victims, etc., may be asked to testify as witnesses.

The following systems help protect the victims, etc., during the trial:

- The victims, etc., should be escorted by an appropriate person or persons approved by the court.
- Partitions should be set up so that the defendant and spectators cannot see the victims, etc.
- The victims, etc., should testify from a different room via a video monitor.

* The following systems are also available:

- In the case of a criminal trial, in principle, the criminal record of the

- case can be inspected or copied at the court after the first trial.
- The victims, etc., will be given an opportunity to express their feelings about the sufferings and damages and give their opinions concerning the crime.
 - The victims, etc., upon their request, will be afforded seats in the courtroom to observe the trial, to the extent it is possible.
 - If an out-of-court settlement (agreement) has been reached with the victim and defendant over the damages in a civil case, the details of the agreement can be included in the criminal trial record. An attested copy of this trial record can be used for a procedure for compulsory execution.
 - A document summarizing the opening statements can be obtained from the public prosecutors office.
 - Victim participation system
The victims, etc., of a violation, etc. of the Act on Punishment of Acts Inflicting Death or Injury on Others by Driving a Motor Vehicle, etc., can, with court permission, participate in the criminal trial by obtaining a status of "Participating Victim" for the purpose of judicial procedure from the court.
Specifically, the participating victims, etc., can attend the trial on the court day, question the witnesses and defendant under certain conditions, and state their opinions regarding the facts or application of laws.
The participating victims are also paid travel expenses and daily allowances for attending the trial on the court day.
 - Court-appointed attorneys system for victims
The participating victims can have their attorneys attend on the trial day or question the defendant, etc. on their behalf. However, if the amount of money the participating victim possesses (the total balance of his/her cash, deposits, etc.) not including the medical expenses, etc. is less than the specified base amount (2 million yen), the victim can request a court to appoint an attorney (participating victims' attorney). The government shall be responsible for the fee and expenses for the attorney.
(Note) The medical expenses, etc., deducted from the amount of money include the bills for medical services, private nurses, hospitalization, transportation to/from hospital, rehabilitation/care, as well as funeral service if the victim died, which are due within 6 months from the date of request.
 - Compensation order system
The victims, etc., of intentional criminal act such as reckless driving causing death or injury can petition the court in charge, requesting an order to the defendant for compensation for the damages caused by the crime in which the accused has been indicted for the case where the criminal case is pending at the district court.
If the defendant is found guilty, trial for the case of a compensation order for damages will commence immediately. In principle, this trial will be carried out within four days in a simple and rapid manner. The

court having jurisdiction over the criminal case will use its official authority to conduct an investigation. This procedure allows the victims, etc., to establish the facts of damages easily.

If four court days are not enough, or if an objection is raised to the trial over the petition for an order for compensation for damage, a normal civil procedure will take over.

*For details, please contact the prosecutor in charge or the public prosecutors office or court in charge of the case.

*The following systems are also available for the victims, etc., of juvenile cases:

- Following the decision to commence a hearing on a juvenile case, the victims, etc., in principle, can inspect or copy the records of the juvenile case (excluding so-called social records which reports surveys pertaining to the need for protective custody of the juvenile) stored in the court.
- Victims, etc., will be given an opportunity to express their feelings about the harm they suffered and give their opinions concerning the crime to the judge or family court probation officer.
- Any victim, etc., whose life was seriously threatened by a violation of the Act on Punishment of Acts Inflicting Death or Injury on Others by Driving a Motor Vehicle, etc. (only when the perpetrator was 12 years or older at the time of the accident) can observe the juvenile trial with a permission from the court.
- The victims, etc., can receive an explanation about the circumstance of the hearing on a hearing day from the family court.
- The victims, etc., can receive a notification of the juvenile adjudication, etc., from the family court.

*For details, please contact the family court in charge of the case.

(7) Main systems available at rehabilitation facilities

The following systems are available to voice opinions regarding the rehabilitation for the perpetrators:

- Opinion interview system
If the perpetrator was taken into a criminal facility or juvenile detention center, the victims, etc., can, upon their request, attend the reviews conducted by the regional parole board to determine whether or not to grant the perpetrator a parole or temporary discharge, and express their opinions regarding the parole/temporary discharge from juvenile detention center or their feelings regarding the damages. These opinions, etc., are considered by the regional parole board in determining whether or not to grant a parole/temporary discharge, and in setting special conditions for a parole/temporary discharge if granted.
- Victims' feelings conveyance system
If the perpetrator is released on probation, the probation office will interview the victims, etc., upon request, about their feelings regarding the damages suffered, the situations they are in, and their opinions regarding the life and activities of the perpetrator in probation, and the probation office will communicate these statements to the perpetrator. This is part of the guidance and supervision provided to the perpetrator

in probation, who will face the reality of the damages he/she has caused and feel a deep regret/remorse for what he/she has done.

* For details, please contact your nearest probation office.

5 Automobile Insurance, Etc.

The security system of the victims, etc., of traffic accidents is as described below.

(1) Liability insurance (mutual aid) and voluntary insurance (mutual aid)

Automobile insurance consists of liability insurance or so-called compulsory insurance (automobile liability insurance) and voluntary insurance.

○ Every vehicle has an obligation to be insured by the liability insurance to protect the victims, etc., of traffic accidents.

○ The voluntary insurance provides coverage against losses that are not compensated for by the liability insurance. The details are explained below.

(2) Comparison

A Compulsory or not

Liability insurance: Compulsory Voluntary insurance: Not compulsory

B Coverage

Liability insurance: Personal injuries only Voluntary insurance: Personal injuries and property damages

C Maximum amount of benefit paid

○ Liability insurance

Death: 30 million yen

Injury: 1.2 million yen

Residual disability: 750,000 to 40 million yen (Varies depending on the grade of disability from 1 to 14.)

○ Voluntary insurance

Covered up to the maximum limit under the insurance policy

*Personal injury is basically covered by the liability insurance and if the damage exceeds the limit of the coverage, the excess is paid for by the voluntary insurance. For example, assume a fatal accident where the damage amounts to 70 million yen. The liability insurance covers (compensates) up to 30 million yen, and the balance of 40 million yen not covered by the liability insurance is fully or partially paid for by the voluntary insurance of the perpetrator or the personal injury insurance, etc., of the victim. Any remaining balance not covered by these insurances, or amount unpaid because the related parties do not have these insurances, is paid out of pocket by the perpetrator for the accident.

(3) Liability insurance

A Liability insurance claim

The perpetrator or victim submits a certificate of traffic accident, medical certificate and other necessary documents to each insurance company (or association) to make an insurance claim.

○ Claim by the victim

The victim, etc., can make an insurance claim directly to the non-life insurance company, etc., underwriting the insurance for the vehicle involved in the accident.

○ Claim by the perpetrator

The driver or vehicle owner who paid the damage can make an insurance claim to his or her non-life insurance company, etc.

Even before the total amount of damage is confirmed, the victim or perpetrator can make an insurance claim to the non-life insurance company, etc., every time a medical bill from a medical institution is paid or a payment is made to the victim, for as many times as necessary, within the maximum allowable limit.

B Provisional payout system

Prior to reaching an out-of-court settlement, the victim, etc., of the traffic accident can ask his/her non-life insurance company, etc., to provide for a provisional payout to cover immediate living expenses, etc. in order to avoid running into difficulty maintaining his/her daily life due to the accident.

*For the specific procedure to make a claim, please contact your non-life insurance company, etc.

C Claim period

Injury

From the date of completion of medical treatment, until 3 years after the date of accident

Residual disability

From the date of diagnosis of irreversibility, until 3 years after the date of diagnosis of irreversibility

Death

From the date of death, until 3 years after the date of death

*The date of diagnosis of irreversibility refers to the date the doctor determines that the symptoms have stabilized and there is no hope for improvement from generally accepted medical treatments.

(4) Program Guaranteeing Compensation for Automobile Accidents

The following injury accidents are not covered by the liability insurance:

- Hit-and-run accident where the responsible party is not identified
- Accident where the individual responsible for the accident is not insured under liability insurance

Implemented by the Japanese government (Ministry of Land, Infrastructure and Transport), the Program Guaranteeing Compensation for Automobile Accidents indemnifies the victims, etc. for damage incurred pursuant to the Act on Securing Compensation for Automobile Accidents.

For details on how to make an insurance claim or documents required, etc., please contact your nearest non-life insurance company, etc.

(5) Other compensation claims

Article 3 of the Act on Securing Compensation for Automobile Accidents provides for damage liability relating to automobile injuries, recognizing the right of the victim, etc., to make compensation claims for property damage and/or psychological damage to the perpetrator, vehicle owner, shipping company, etc.

It should be understood that compensation claims are made according to the civil

procedures pursuant to the Code of Civil Procedure, which are different from the criminal procedures, and therefore the police cannot be directly involved in these claims.

6 Assistance and Relief Programs for Victims

The following assistance/relief programs are available for the victims, etc., of traffic accidents:

(1) Financial assistance and various other assistance/welfare programs

A By government agencies

○ Welfare programs

There is a welfare loan system for single-mother households that have lost the father due to a traffic accident. Available loans include child raising allowance and welfare funds for mothers with dependable children.

The livelihood protection system provides for those who due to loss of income, or low income, have trouble making a living with necessary protection such as maintenance allowance, education allowance, housing allowance, and medical assistance corresponding to their needs.

Contact: Local government or welfare office.

○ Preferential admission to public housing facilities

This system preferentially admits to public housing facilities persons whose earning capability decreased due to a traffic accident and are struggling to survive, or who cannot stay in the current place due to a traffic accident that occurred at or close to the current residence.

Contact: Public housing management section of each organization

* For details, please contact each related organization, etc.

B By various assistance/relief organizations

○ National Agency for Automotive Safety & Victims' Aid (NASVA)

Contact

Okayama Branch: 086-232-7053

Head Office: 03-5608-7560

Traffic Accident Victim's Hot-line: 0570-000-738

Description

NASVA provides the following victim's assistance programs:

- i Payment of personal care expenses for victims of automobile accidents who suffer from severe residual disability in their "brain," "spine" or "thoracico-abdominal organ" and require care on a "constant" or "as-needed" basis in conducting daily life.
- ii Establishment/operation of hospitals that provide treatment and care for individuals suffering from persistent disturbance of consciousness due to brain damage sustained in automobile accidents.
- iii Establishment/operation of societies that provide loans (no-interest loan) covering living expenses of, and other assistance for, children whose parents died in an automobile accident or who suffer from severe residual disability due to an automobile accident.
- iv Consultation regarding the items i to iii above.

Website <http://www.nasva.go.jp>

○ Foundation for Orphans from Traffic Accident

Contact

03-5212-4511

0120-16-3611

Description

[Foundation for Orphans from Automobile Accidents]

A child under 16 years of age whose father or mother died in an automobile accident contributes to the "Foundation for Orphans from Automobile Accidents" using a payout of automobile insurance money, etc., and the contribution, together with the subsidies from the government and private partners, will be invested and the child will receive four equal payments every year (in March, June, September and December) from the Fund to cover living and educational expenses until he/she turns 19.

[Traffic Accident Orphans' Support Service]

Individuals who lost their spouse in an automobile accident or suffer from severe residual disability (grade 1 to 3 of automobile liability), etc., and who also care for a child or children of middle school age or younger, are eligible to receive "year-end allowance," "school entrance allowance," "higher education allowance" and/or "emergency relief money" by meeting certain conditions.

Website <http://www.kotsuiji.or.jp>

○ Kotsuiji Ikueikai(An Educational Fund For Children Orphaned In Traffic Accident)

Contact

03-3556-0773

0120-521-286

Description

Scholarships (no-interest loans) are extended to children whose parents died in a traffic accident or who suffer from severe disability due to a traffic accident.

Students of various educational institutions, from high school and vocational school to two-year college, four-year college and graduate school, are eligible for the scholarships. (Four-year college students, etc., are eligible for its partial payout program.)

Website <http://www.kotsuiji.com>

○ Okayama Prefectural Schooling Assistance Fund for Traffic Orphans
Description

Schooling assistance is given to traffic orphans attending compulsory education school, high school or technical college in Okayama Prefecture.

For details, please contact each school or municipal education board.

○ Okayama-city Encouragement Fund For Children Orphaned In Traffic

Accident

Contact

086-803-1106

Description

It provides children orphaned in traffic accident who have resident registration of Okayama-city, with Encouragement funds when they enter into an elementary school / a junior high school, and graduate from a junior high school.

If you want to know in detail, please contact the Traffic Safety Crime Prevention Office, Community Safety Division, Okayama-city.

Website <http://www.city.okayama.jp/kurashi/0000016804.html>

○ Road Public Welfare Association

Contact

03-6674-1761

Description

Scholarships are granted to high school students, etc., whose parents died in a traffic accident (regardless of cause or admission of negligence) on any road managed by the East, Central or West Nippon Expressway Company, and who are otherwise unable to attend school for financial reasons.

Also, scholarship recipients who graduated from high school, etc., are given "graduation bonus."

The recipients need not return either the scholarship money or "graduation bonus."

Website <https://www.douro-kouseikai.org/>

○ Japan Legal Support Center Houterasu Hot-Line

Crime Victim Support Dial 0570-079714

Description

Provide contact information of organizations and groups that provide general legal support and assistance for crime victims.

Houterasu examines the situation of each victim and connects him/her to attorneys having experience and understanding with/of crime victim support and carries out work related to the "court-appointed attorney system for participating victims."

Website <https://www.houterasu.or.jp>

(2) Tax relief programs

Individuals who were injured and paid medical expenses or suffered physical disability, or lost their spouse, in a traffic accident may be eligible for income tax relief through "deductions and exemptions."

The following deductions/exemptions are available:

○ Medical expenses deduction

Actual medical expenses (excluding insurance money and other benefits received to pay for medical expenses) are deductible (portion above a certain amount).

- Allowance for disabled persons
An individual who himself/herself is a disabled person or who has a disabled dependent family member, etc., can deduct 270,000 yen (or 400,000 yen if the disability is severe) per person.
- Widow's (widower's) exemption
An individual whose spouse died can deduct 270,000 yen if certain requirements are met (widow meeting certain requirements can deduct 350,000 yen).

*For details, please contact your nearest tax office.

7 For Victims of Hit-and-Run Accidents

(1) Message to victims

Victims of hit-and-run accidents and their family members provide valuable resources, oftentimes at their great inconvenience and discomfort, in the criminal procedure. Cooperation by the victims and their family members is paramount in the ascertainment of facts and speedy arrest and punishment of the culprit. Your cooperation in the following steps is greatly appreciated.

(2) Questioning regarding the accident

As the police begin investigation, the victims are questioned about how the traffic accident occurred, any distinctive features of the vehicle that fled the scene, and other circumstantial evidence.

Some victims may not want to talk about the accident, but these pieces of information are vital in finding the culprit.

What little detail helps move the investigation forward, leading to speedy arrest/punishment of the culprit. Your cooperation is greatly appreciated.

(3) Submission of evidence

The clothes and articles worn or carried by the victims at the time of accident may have to be submitted as very important evidence in finding the culprit and revealing the circumstances of the accident from attached paint flakes of the vehicle fled, etc.

Submitted articles will be kept properly and returned once the investigation ends.

If you don't need certain articles back, please tell us when they are submitted.

Once the reason to keep them ceases, we will dispose of the articles confidentially.

(4) Revisiting the scene of the accident

The victims may be asked to revisit the scene of accident to answer questions regarding how the accident happened, etc.

It may take some time to complete the on-site investigation, but your cooperation is greatly appreciated.