

交通事故の被害者の手引き

Guide of the victim of the traffic accident

石川県警察本部交通部交通指導課
Traffic Enforcement Division, Ishikawa Prefectural Police Headquarters

Preface

This leaflet has been produced for any victim of a traffic accident or their surrounding family members.

It discusses:

- ☐ What support system is provided by the Police?
- ☐ What requests could the Police make to the victims and their family members?
- ☐ How are the traffic accident perpetrators punished?
- ☐ What type of motor insurance is available?

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

Please feel free to contact us any time.

The person to contact:

Name

☐ Section

☐ Traffic Division

☐ Police Station

Telephone Number

※ Using Japanese would be appreciated when calling.

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1 Do the police provide any support?

The police can support and help the victims of traffic accidents and their families (hereinafter written as “the victims” in this leaflet) by offering escort by a police officer, provision of information and providing a consultation service.

Designated Victim Support Personnel System

This system designates, besides investigators, a police officer as “Victim Support Personnel” to support the victims that are emotionally upset not long after the traffic accident. The “Victim Support Personnel” will offer escort and accept consultation on various issues.

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 the traffic will provide the victims with the following information concerning serious traffic accidents etc.

Information about the Traffic Accident Perpetrator

- ☐ Address, name/age etc. of the perpetrator
- ☐ The time and date and place of the traffic accident
- ☐ Progress of the investigation

Information about the criminal disposition for the party responsible for the accident

- ☐ Arrest of the perpetrator
- ☐ Information regarding disposition of the perpetrator
- ☐ The public prosecutor’s office where the suspect was sent, whether the suspect was indicted or not, the court where the perpetrator was indicted.

Others

Some people simply want to forget about a traffic accident and do not want to be contacted.

In this case the victims should inform the police investigators of that effect.

Provision of information on administrative disposition

The perpetrator who has caused a traffic accident is subject to administrative disposition such as revocation or suspension of their driver's licenses sanctioned by the public safety commission. Prior to the administrative penalties (revocation and suspension of more than 90 days), the perpetrator will be subject to a hearing open to the public. A representative may attend the hearing, however when both the perpetrator and representative cannot attend, disposition may be rendered without any hearing.

The police will provide information on the administrative disposition and hearing upon your request.

The date of hearing etc.

We will inform you of the date and place of the hearing.

Details of the administrative disposition

We will provide information regarding the administrative disposition offered to the perpetrator (revocation, suspension and the duration of suspension).

Police Consultation Services

The police offer support such as expert counseling services for victims. The following services are available.

Using Japanese would be appreciated when calling.

Consultation Service	Phone Number	Service Hours	Description
Police Safety Consultation	(076) 225-9110 # 9110 for a push-button phone	Available 24 hours	Consultation and requests related to police work.
Police Help Line	(076) 225-0555	Mon - Fri 9:00 - 17:00	Victim consultation for visiting internationals. (English, Chinese, Russian, Spanish, Portuguese)

Traffic Accidents Consultation Services

○ . . . Traffic Enforcement Division, Ishikawa Prefectural Police Headquarters

TEL 076-225-0110 (Ext. 5133)

Consultation Services for Counselling

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.

Concerning this counseling system, ask and request the contact person for victims or the administration section of a police station.

Please let us know about non-police support and information systems.

The following information systems are provided by organizations other than the police.

The “Victim Support Personnel System” Established within the Public Prosecutors Office

Public Prosecutors Offices 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 to the victims on various issues, escorting them to a 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.

The “Victims of Crime Notification System” established within each organization of the Ministry of Justice

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 when found guilty. The information is provided by the Public Prosecutors Office, the regional parole board or the probation office.

These notifications will be sent to the Public Prosecutors Office handling the case.

Upon the victims’ request, notification on the perpetrator put on probation (notification after the juvenile trial) will be made by the juvenile reformatory, the regional parole board or the probation office.

Application office for the notification is the Public Prosecutors Office where the case was dealt.

When the perpetrator has been committed to a juvenile reformatory, application for these notifications should be made to the nearest juvenile classification centre. When the perpetrator has been placed under probation, the application of these notifications should be made to the probation office of the victim’s local prefecture.

2 How are the perpetrators punished?

The following is the punishment procedures when a traffic accident occurs.

Investigation

Investigation is an activity whereby the perpetrator is identified through collecting evidence, the case is solved by investigating the facts and imposing punishment on the perpetrator.

The following investigations are carried out by the police when a traffic accident occurs.

Police Questioning

The police investigator in charge will ask you in detail about the situation where the accident occurred and the situation where the report of the traffic accident was filed.

We may take a deposition.

It may be difficult for the victims to revisit the accident, when all a person wants to do is to forget or not mention about things. However police questioning is an indispensable step in determining the cause of the accident and identifying the perpetrator. The more details are discovered, the faster and smoother the investigation will proceed. We appreciate your cooperation.

On-the-spot Investigation

On-the-spot Investigation involves the police officer investigating the following in detail in order to identify the situation and the cause of the accident:

- ☐ The scene of the traffic accident
- ☐ Clothes the victim was wearing at the time of the accident or the vehicle involved in the accident

Victims may be asked to revisit the scene of the accident. Furthermore, victims may be asked to submit the clothes the victim was wearing at the time of the accident as evidence that may lead to the resolution of the accident.

The evidence may have a large impact on the outcome of the trial.

Sending suspects to the public prosecutors office

A perpetrator suspected to be the criminal by the police (the perpetrator is called the “Suspect”) must be sent to the public prosecutor with evidence using the following procedures. This is called sending suspects to the public prosecutors office.

When the suspect is arrested	When the suspect is not arrested
☐ If it is deemed necessary for investigation, the suspect will be arrested and sent to the public prosecutor with relevant documents and evidence within 48 hours after the arrest. ☐ If the public prosecutor decides it is necessary to detain the suspect, he or she will ask the judge to issue a detainment order within 24 hours after the suspect has been sent. ☐ When there is a need to detain the suspect for a longer period, the suspect may be detained for a maximum of 20 days.	☐ When the suspect is not arrested and is investigated on a voluntary basis, the relevant documents and evidence will be sent to the public prosecutor after the police have collected evidence.

Indictment

The prosecutor will decide whether or not to bring the suspect to trial on the basis of the evidence sent.

- ☐ Bringing the suspect to trial is called “Indictment”.
- ☐ Choosing no to bring the suspect to trial is called “Non-indictment”.

There are two types of requests available to a prosecutor seeking indictment.

- ☐ “Demand for a Trial” that request for a public trial.
- ☐ “Summary indictment” which requests a judicial trial where fines or minor fines are ordered through written proceedings. (After the suspect is indicted, he or she is referred to as the “Defendant.”)
- ※ The prosecutor may question the victim in order to decide whether to proceed with an indictment or not. We appreciate your cooperation.
- ※ 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 district courts branches. For more details please contact the Executive Office of the Committee for Inquest of Prosecution.

Trial

At the trial, the judge will conduct a trial based on evidence and give a decision.

Victims may sometimes be asked to testify during the criminal trial as a witness. The following measures have been introduced by the court to protect the victims.

- ☐ A witness should be accompanied with a person deemed to be appropriate by the court.
- ☐ A physical shield to hide the witness’s identity from the defendant and court spectators should be set.
- ☐ To provide a system where the witness can testify from a different location via a video monitor

In addition, the following measures have also been introduced:

- After the first court day, in principle, the victims may inspect and photocopy the dossier of the criminal case.
- Victims will be given an opportunity to express their feelings about the harm they suffered or give their opinion concerning the crime.
- Victims are given consideration to have priority, upon their request, in observing the court proceedings.
- When a out-of-court settlement is reached between the victim and the defendant, the details of the out-of-court settlement may be written down in the record of investigation to avoid civil suit.
- Victims may receive a paper copy of the summary of the opening statement made at the Public Prosecutors Office.

○Victim participation system

Act on Punishment of Acts to the death or injury of people by driving a car are allowed to join in criminal trials with court permission as "victim participants," a status in the proceedings.

To be specific, a victim can attend trials on the court day and under certain conditions he/she can question the witnesses or the defendant, or give his/her opinion about the fact or the application of the law.

○Court-appointed lawyer system for victims

Victim participants can entrust a lawyer with the appearance on court day and questioning to the defendant. If the amount of money the victim possesses (total amount of cash and savings etc.) excluding the essentials (the combination of medical costs which is recognized to be spent within 6 months after claim for injuries caused by the criminal activity, and other expenses) is under the criterion (2 million yen), the victim can request a court-appointed lawyer (victim participant lawyer). The government shall bear the pay and expense for the lawyer.

○Compensation order system

Victims of intentional criminal activities such as dangerous driving causing death or injury can petition the court in charge, requesting an order to the defendant for compensation for the damage caused by the crime in which the accused has been indicted for in the case where the criminal case is pending at the district court.

Immediately after the defendant has been rendered a guilty verdict, the trial for the case of a compensation order for damages will commence. In principle, this trial will be carried out within four days in a simple and rapid manner. The court that dealt with the criminal case will, by its own authority, conduct an investigation and therefore simplify the process of the victims

having to prove his/her damages.

Furthermore, in the instance the trial takes longer than the four day period, or if an objection is raised against the petition for an order to the defendant concerning compensation for the damage caused by the crime, the action will be transferred to ordinary civil proceedings.

For more details please consult the prosecutor in charge or the Public Prosecutors Office or court handling the case.

In consideration for the victims of juvenile crime and their families the following measures have been introduced.

- 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 reports surveys concerning the necessity of protection of the juvenile).
- 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.
- Act on Punishment of Acts to the death or injury of people by driving a car (Excludes juvenile cases when the perpetrators was younger than twelve years old at the time of the crime.

Furthermore, with regard to cases of injury, the victim is allowed to attend the hearing only when the victim's life was seriously endangered due to the injury), the victims are allowed to attend the juvenile hearing upon request.
- The victims can receive explanation about the circumstance of the hearing from the Family Court.
- The victims can receive notifications of the result of the hearing from the Family Court.

For more details please consult the Family Court dealing with the case.

Main systems available in rehabilitation service for perpetrators

The following systems are put into place where victims can express their opinions on the rehabilitation service for perpetrators:

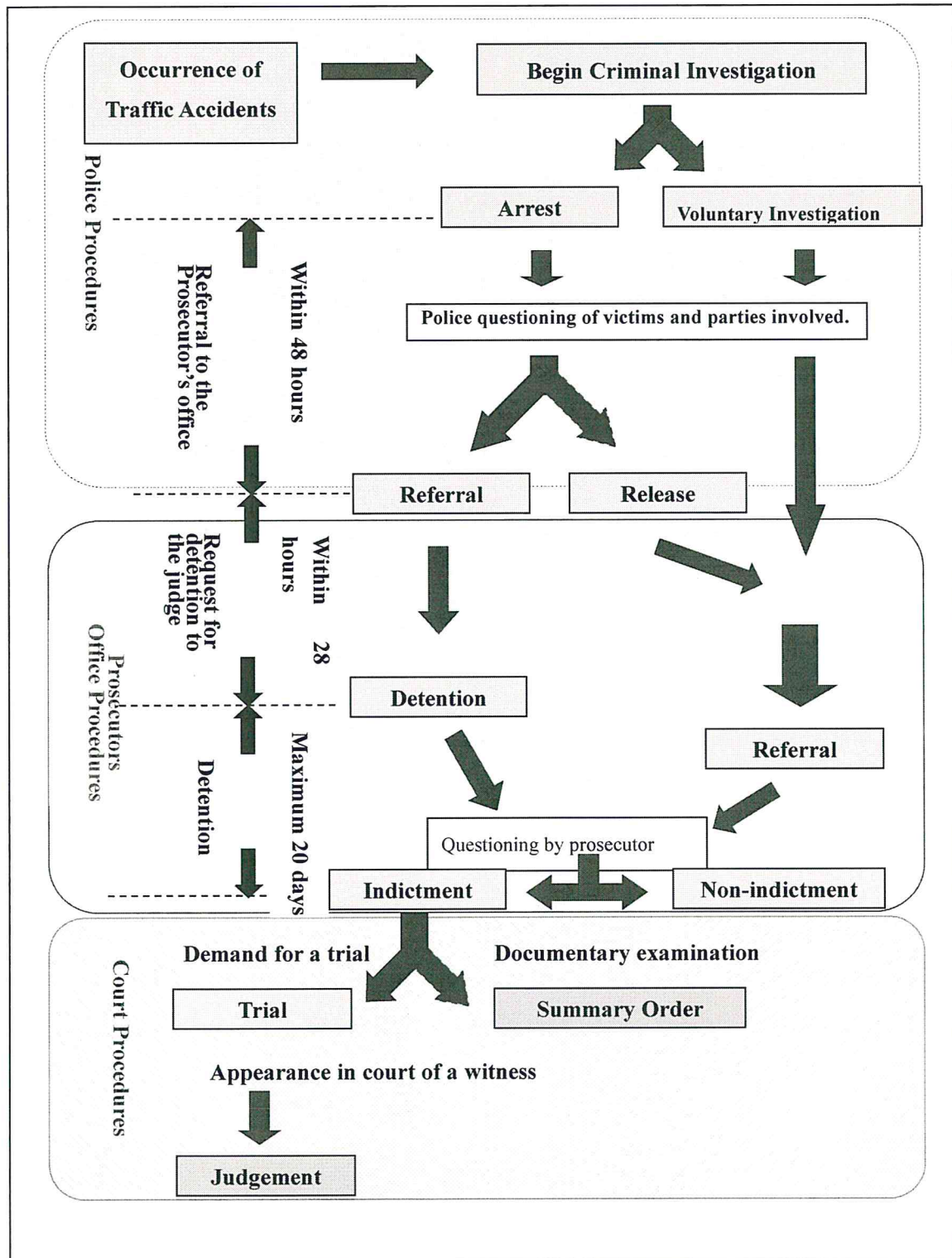
○Victims can express their opinions or feelings on parole of perpetrators or release on parole from juvenile training school at the hearings held by the regional parole board to determine whether a perpetrator should be granted parole from prison or reform school. Victims' opinions can be considered by the regional parole board to decide if the parole is appropriate. If parole is granted, victims' opinions are considered to decide if special conditions should be put on the parolee.

○Victims' feelings conveyance system

If a perpetrator is released on probation, at the victim's request, the perpetrator will be informed by the probation office of the victim's feelings, the plight the victim is placed in, and victim's opinions on the living and action of the perpetrator in probation. The perpetrator will be supervised and guided so that his/her actions can be realised and reform can be made by looking straight the actual condition of the harm.

For more information please contact your local probation office.

Criminal Procedure Chart



* If the suspect is a juvenile (less than 20 years of age), a juvenile trial proceeding etc., may be followed. A juvenile trial follows a different set of procedures than listed here.

3 What type of motor insurance is available?

The security system for the victim of traffic accidents is as described below.

Automobile Liability Insurance and Voluntary Insurance

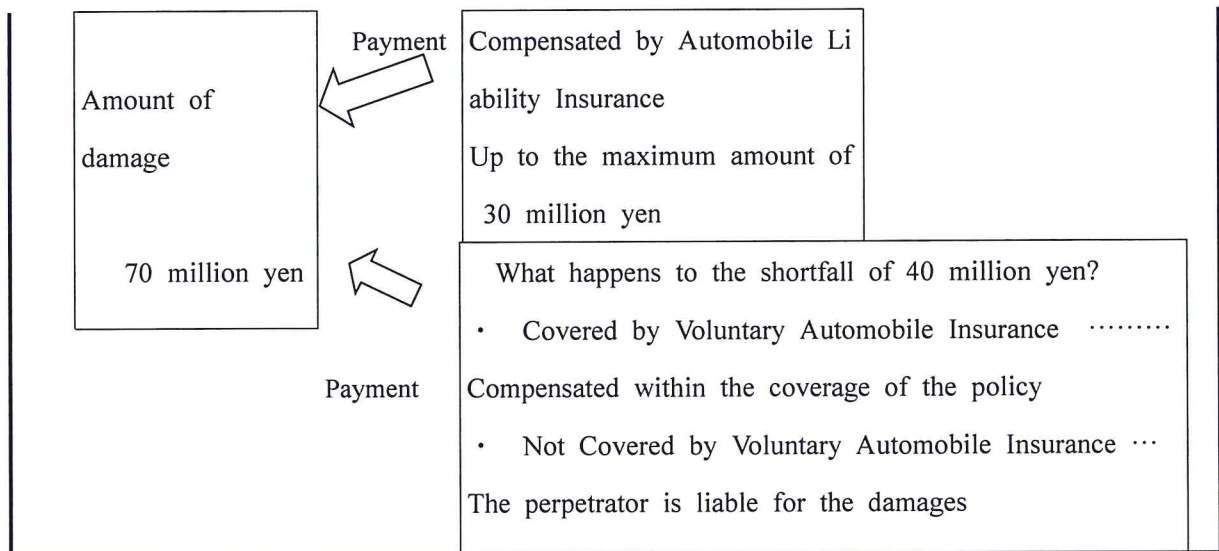
Automobile insurance is operated under two systems, automobile liability insurance, also called compulsory insurance (includes mutual aid) and voluntary insurance (includes mutual aid).

○ Every automobile has an obligation to be insured by automobile liability insurance which is designed to provide relief to victims of traffic accidents.

○ Voluntary insurance includes liability coverage not covered by automobile liability insurance.

The following is a comparison of the two systems:

Automobile Liability Insurance			Voluntary Automobile Insurance						
Compulsory (obligation)		Membership	Voluntary						
Physical injury only		Coverage	Physical Injury and Property Damage						
<table><tr><td>Death</td><td>30 million yen</td></tr><tr><td>Injury</td><td>1.2 million yen</td></tr><tr><td>Physical impediment</td><td>750,000 – 40 million yen (Based on the Grade of Disabilities 1 -14)</td></tr></table>		Death	30 million yen	Injury	1.2 million yen	Physical impediment	750,000 – 40 million yen (Based on the Grade of Disabilities 1 -14)	Max. amount of benefit Paid	Maximum amount of compensation based on the insurance policy
Death	30 million yen								
Injury	1.2 million yen								
Physical impediment	750,000 – 40 million yen (Based on the Grade of Disabilities 1 -14)								
Fundamentally, physical injury is covered by Automobile Liability Insurance. However when the amount of damage exceeds the limits of coverage, the exceeding amount is to be covered by Voluntary Automobile Insurance. For example, 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 Automobile Liability Insurance, and the whole or partial amount of the shortfall of 40 million yen is recovered by Voluntary Automobile 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.									



Automobile Liability Insurance

1 Claiming for Automobile Liability 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.

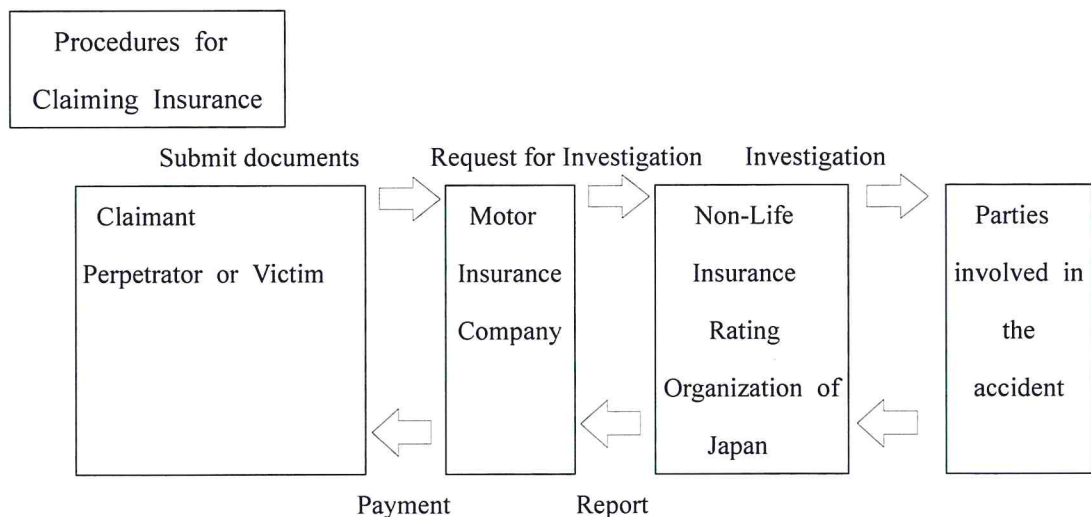
(1) Making a claim as a victim

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 of damages to the victim. They are able to claim any number of times as long as the total amount is 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 the casualty insurance companies for use in paying for immediate expenses, in order to avoid running into difficulty maintaining his/her daily life due to the accident.

※ For 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 three years after the accident
Physical Impediment	Date of symptom stabilization	Within three years after the date of symptom stabilization
Death	Date of death	Within three years after the date of death

※ Date of symptom stabilization is determined by a doctor, and points to a certain time when the symptoms have stabilized, and widely accepted medical treatment will have no further medical effectiveness.

List of Documents Required For Automobile Liability Insurance (Mutual Aid) Payment

Required Documents	Claim by Perpetrators			Claim by Victims				
	Death	Physical Impediment	Injury	Death	Physical Impediment	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	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙
Diagnosis Certificate by Doctors or Post-mortem Examination Report	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙
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 Mandator (In the case of a third party is mandated)	○	○	○	○	○	○	○	○
Attested Copy of Family Register	⊙			⊙			⊙	
Medical Certificate of Sequelae		⊙			⊙			
X-rays etc.	○	○	○	○	○	○		

Documents with ⊙ are mandatory, 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.

Voluntary Insurance (Mutual Aid)

Since the method of claiming differs per insurance company, for details on how to make a claim please contact the casualty insurance company that you are insured with.



Report immediately
after the accident

Automobile Liability Insurance Security Project

The victim is unable to make a claim for Automobile Liability Insurance for the following types of accidents causing physical injury:

- ☐ The hit-and – run driver of the automobile is unidentified
- ☐ The driver that caused the accident is not insured under Automobile Liability Insurance

To protect 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.

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

Other Liability Claims

In accordance with Article 3 of the Automobile Liability Security Act, victims are able to make a claim for automobile accidents causing injury or death against not only the perpetrator but also against the owner of the vehicle for economic and non-economic damages.

4 Are there any systems of aid and support?

The following systems of aid and support are available for victims of traffic accidents.

1 Financial Assistance and various support/ welfare system

Name	Description
Welfare system	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: Your Local Government and Welfare Office.

Priority Access to Public Housing	This system provides those who due to a traffic accident are experiencing reduction in income and are having trouble making a living, or those who due to a traffic accident that occurred at or close to the current residence are having difficulties residing at the property and will offer priority access to public housing. Contact: Department in charge of public housing at the local prefectural government or municipal government
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※ Please contact the relevant organizations for more information.

2 Tax Law Relief System

There may be cases where income tax is lowered for those who are paying medical expenses due to traffic incidents and are suffering from a disability, or those who have lost their spouse.

Tax deductions may apply as follows:

Type of Tax Deduction	Description
Medical expenses allowance	The amount (limited to the part that exceeds a certain amount) reduced for paid medical expenses (not including compensation covered by insurance)
Disabled persons allowance	270,000 yen allowance will be given to those with disabilities. 270,000 yen allowance will also be given per dependent with disabilities. (400,000 yen for those with severe disabilities in both cases)
Loss of spouse allowance	270,000 yen allowance may be given for loss of spouse

* For details, please contact your local tax office.

Consultation

Organisation	Phone Number	Service Hours	Description
Ishikawa Foundation for International Exchange (IFIE) 3F Rifare Bldg., 1-5-3 Hon-machi Kanazawa Languages (English,Portuguese,Chinese,Korean,Russian)	(076) 222-5950	Mon - Fri 9:15 - 17:15	The Trio-Pone System (a system where 3 people can share the conversation) You will be able to talk to the respective organization through our CIR staff who will interpret for you . Counseling is Free. However,telephone charges will be borne by the individual. Charges for two phone lines Caller→IFIE→Specialist Organization
	(076) 262-5932	Every1 st Thur. 13:00~14:00 Certified Legal Procedures Specialists Every3 rd Thur. 13:00~14:00 Lawyer Appointment Necessary.	Free Legal Consultation for Foreigners In general,30 minutes per person.