Police Responses to Domestic Violence

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Introduction

The Law on the Prevention of Spousal Violence and the Protection of Victims (hereinafter the DV law), which came into effect in October 2001, names the police, along with Spousal Violence Counseling and Support Centers, as organizations where victims of domestic violence can seek consultation, assistance, and protection. The law mandates that police take necessary measures to stop violence, provide protection to victims, and prevent victims from suffering from violence.

The Cabinet Office and the National Public Safety Commission created a revised and expanded version of this law, called the Basic Policy Concerning Measures for the Prevention of Spousal Violence and Protection of Victims (hereinafter the Basic Policy), which came into effect on January 11, 2008.

In this article, I will draw upon my experience as an attorney for victims of domestic violence to examine the current status of and problems relating to police responses domestic violence in Japan.

Protection of victims under protection order

Responses to protection order violations

In December of 2006, in Yoshinogawa City, Tokushima Prefecture, a man who had domestically abused his ex-partner hired a private detective to track her down; after the detective notified him of her whereabouts, he found her and killed her. Before her murder, however, the victim had taken out a protection order against him that prohibited him from approaching her. The fact that this murder occurred despite the issuance of a protection order makes it particularly shocking and raises questions about the effectiveness of protection orders.

By the end of December 2006, the police made arrests for 267 violations of protection orders, which is 3 percent of the total number of protection orders issued during the same period (8,785 orders). Does this mean that 97 percent of people adhere to protection orders? According to the “National Survey on the Police Response to Domestic Violence Victims: Current Situations and Issues” (hereinafter the national survey) (see page 22 for additional results from the survey), 21 percent of those who had taken out a protection order said that the perpetrator violated the order. Of those violations, 82 percent were reported to the police and 64 percent of these reports led to the arrest of the person violating the order. From my experience, when victims report protection order violations to the police, the police first issue a warning, but do not establish a criminal case immediately. Therefore, it could be inferred that the 267 protection order violation cases in which police did make arrests involved the most malicious
perpetrators who repeatedly violated instructions and warnings from police or involved those who committed other offenses—such as assaults, injuries, and damages to property—at the same time they violated a protection order.

**Current victim protection**

According to the DV law, the court, when issuing a protection order, must notify the Superintendent General of the Metropolitan Police Department or the Chief of the Prefectural Police Headquarters. Once they have been notified, police become responsible for protecting the victims.

The Basic Policy (mentioned above) says that, once notified, police need to promptly contact victims and, if the victim wishes, meet with them and advise them on how to immediately report to police in case of an emergency. According to the Basic Policy, the police also need to ensure that perpetrators fully understand what a protection order means and that it is a criminal offense to violate protection orders. Police must clearly warn and instruct perpetrators so that they will follow the protection orders. Essentially, the Basic Policy was a clearer re-iteration of what police were already required to do for victims under previous domestic violence laws.

Immediately after the issuance of a protection order, police officers from the Community Safety Bureau check on the perpetrator’s whereabouts and contact victims to check where they live and to learn about their life circumstances. When deemed necessary, they also conduct safety patrols in victims’ neighborhood. In cases where a protection order also stipulates that a perpetrator must leave a residence shared with the victim, police officers confirm whether the perpetrator has actually left. Officers also accompany victims when they enter their residences to remove their belongings. In general, police from the Community Safety Bureau understand what the DV law is for and perform their duty.

However, in my experience, some police officers have shown a lack of understanding of the law. For example, after being repeatedly contacted by a perpetrator, a police officer acted as his messenger, telling the victim that she should talk with the perpetrator, possibly out of sympathy or in an attempt to reduce the amount of contact between the perpetrator and police. Another police officer made offensive remarks to a domestic violence victim when she needed to return to her residence multiple times to remove her belongings.

According to the national survey that I discussed earlier, only 54 percent of women who have taken out protection orders said that police paid special attention to them by, for example, conducting safety patrols. Only 42 percent said that police officers accompanied them when getting their belongings, and of that 42 percent, only about six out of 10 police officers escorted victims to their new address or to a safe place afterwards. It seems that the degree of victim protection provided by police varies from region to region or depends on individual police officers.

As soon as police are notified that a protection order has been issued, it is essential that they gain a solid understanding of the perpetrator’s life circumstances and whereabouts and begin to make regular contact. The police must be on the alert for any threat to the victim and prepared to intercede at the first sign of danger.
The criminalization of domestic violence cases

According to statistics from the National Police Agency, the rate of arrest clearances for cases in which husbands have injured or assaulted their wives has greatly increased since 2000. In 2006, there were 117 cases of murder, 1,294 cases of injury, and 671 cases of assault in which the perpetrator was the husband and the victim was his wife. Compared with the data on domestic violence from 1999, the reported number of injuries has increased fourfold and the number of reported domestic assaults is twenty times greater. Until 1999, approximately 300 cases of domestic injury and 30 cases of domestic assault were reported annually. In December 1999, the Deputy Director-General of the National Police issued an internal notice on the establishment of implementation guidelines for policies to protect women and children, and in October 2001, the DV law became effective. These new guidelines led to the changes in how the police investigate domestic violence cases.

When I consult with clients who are victims of domestic violence, I can tell that the response to domestic violence at the Investigation Bureau has improved. Many police officers are eager to listen to victims, consider domestic violence cases seriously, and actually arrest and prosecute perpetrators.

On the other hand, some police officers are still reluctant to open investigations in cases of domestic violence. For instance, some domestic violence offenders manage to convince police officers who have answered an emergency call and actually seen the injured wife that nothing was wrong, saying something like, “I’m sorry that my wife called you here for such a trivial marital squabble. We are all right, so please leave us as we are,” or “My wife is mentally unstable, but she feels better now.” Many times, police officers accept these explanations and leave. In other cases, domestic violence victims go to the police to file a criminal complaint, but a police officer rejects their complaint and asks them to reconsider, saying things like “Are you really trying to accuse your own husband? Think carefully about this.” and “You will get into trouble if you file a claim. Your husband is a public servant; he would be fired.” Police also urge women who have received compensation through out-of-court settlements to withdraw damage reports.

Police responses to domestic violence seem to be problematic in some cases, but so too are the responses from the courts. It is worth asking whether courts impose similar punishments on perpetrators guilty of domestic violence and as they do on criminals guilty of violence of the same degree in other circumstances. It is not possible to compare cases and prove for certain one way or the other, because even when victims have suffered the same type of injuries, the degree of injury, specifics about the assault, and the way the case developed will always differ. Nevertheless, let us look at the following two cases:

One domestic violence offender was charged and summarily prosecuted for two cases of injury against his wife and was subject to fine of 300,000 yen. One of the charges against him was for contusion on both sides of her face and on her arms, as well as multiple scratches on her back that took one week to heal; the other charge was for facial and neck bruising and contusion, as well as a chest bruise, that required one week of medical treatment. In the other injury case, which took place in a lounge, one man hit
another over the head with a bottle; the injury took one week to heal and required seven stitches. In this case, the perpetrator was arrested, detained, and charged, as well as required to pay a fine of 400,000 yen. I can’t be the only one who thinks that the prosecutors are going easy on domestic violence perpetrators. Assistant prosecutors are assigned to work on most injury cases, but in 2005, only 1 percent of assistant prosecutors were women. Furthermore, the percentage of women in the police force is less than 5 percent.

To encourage the prosecution of domestic violence cases, drastic systemic and institutional changes are required. For example, the prosecutor’s office needs to set up a special section for sexual violence and domestic violence and needs to train investigators who will specialize in combating violence against women.

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Responses from the Hokkaido Shelter Network’s “National Survey on the Police Response to Domestic Violence Victims: Current Situations and Issues” (Grant from the Japan Foundation)

1. Did the police explain about the protection order system?
   
   Yes  54%
   
   No  33%
   
   Don't know  13%

2. Did the police encourage the victim to criminalize the case, for example, to file a claim or to lodge a criminal complaint?
   
   Yes  41%
   
   No  44%
   
   Don't know  15%

3. Did the police explain about temporary protection at a Spousal Violence Counseling and Support Center?
   
   Yes  49%
   
   No  37%
   
   Don't know  14%

4. Has the perpetrator violated the protection order?
   
   Yes  21%
   
   No  67%
   
   No answer  12%

5. (If Yes) Did anyone report to the police about the violation of the protection order?
   
   Yes  82%
   
   No  12%
   
   No answer  6%

6. (If Yes) Did the police arrest the perpetrator for the violation of the protection order, immediately after the report?
   
   Yes  64%
   
   No  36%