Reviewer’s report

Title: Doctor as Criminal: Reporting of Patient Deaths to the Police and Criminal Prosecution of Healthcare Providers in Japan

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Reviewer: Che-Ming Yang

Reviewer’s report:

Malpractice has always been a major concern for physicians and the healthcare sector. Although there are numerous researches and discussions, this issue always has more facets than meet the eyes. And this study also presents a very interesting topic that is worthy of attention. I only have a few comments that I would like to bring to the authors’ attention.

Major compulsory revisions

1. I would like to see some description of the Japanese judicial and legal systems. Most of the readers of this journal will be healthcare professionals. They will need a brief introduction of the Japanese legal system and how it differs from the others. In addition, whether those differences have any impact on the findings also needs to be addressed.

2. Although this paper presented the Japanese system as a unique example, I still think comparisons with other countries should be added. Are there countries similarly situated and how do they cope with the problem raised in this paper?

3. According to the 1st paragraph of page 7, the guilty rate is over 90% of all indicted cases. This is awfully high. How so? I would love to see more discussions and explanations.

4. The last sentence of the 2nd paragraph of page 7 does not make sense to me. It only says that there is much debate regarding what contributes to the low rate of civil litigation and all of a sudden the authors concluded that the same applies to the criminal side of medical errors. I need more explanation.

5. Lastly, the authors implied that the prosecution rates go up in tandem with the rise of physicians’ reporting. However, it has not been demonstrated whether the increased indictments arose from physicians’ reporting or from family’s reporting. We cannot make the causal inference from the results available because there are too many possibilities. For one, the increase in prosecution might have been caused by the increase in the merits of family’s reporting not because there is more reporting from the physicians.

Level of interest: An article of importance in its field

Quality of written English: Acceptable

Statistical review: No, the manuscript does not need to be seen by a
statistician.

**Declaration of competing interests:**

I declare that I have no competing interests.