

# The significance of psychologists giving court testimony in criminal trials in Japan

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## Reasons for the Focus on Psychological Evaluation

- Introduction of lay judge system (May 21, 2009)
  - Participation of citizens in the judicial system
  - The need for trials to be easily understood and adequate for lay judges selected from members of the public
- Limited understanding from a legal perspective
  - Extraordinary criminal cases
  - Cases where trauma such as past abuse or bullying is recognized
  - Cases where the accused is a minor or has a developmental disorder
- The overall picture of cases that are clarified by psychological evaluations
  - Background developmental factors, intellectual ability, personality traits, psychiatric problems, etc.
  - Mechanism of the crime: motivation, psychological process of the crime
  - Noteworthy points regarding treatment

## What is the saiban-in system (lay judge system)?

- The lay judge system is applicable in serious cases : Murder, robbery resulting in death, injury resulting in death, robbery resulting in bodily injury, robbery, rape, arson of inhabited structure, etc.
- Lay judges are responsible for both determining the facts and sentencing. cf. jury members
- The trial is conducted in a relatively short time, and the lay judge has a major sense of burden.
- The strictness of sentencing

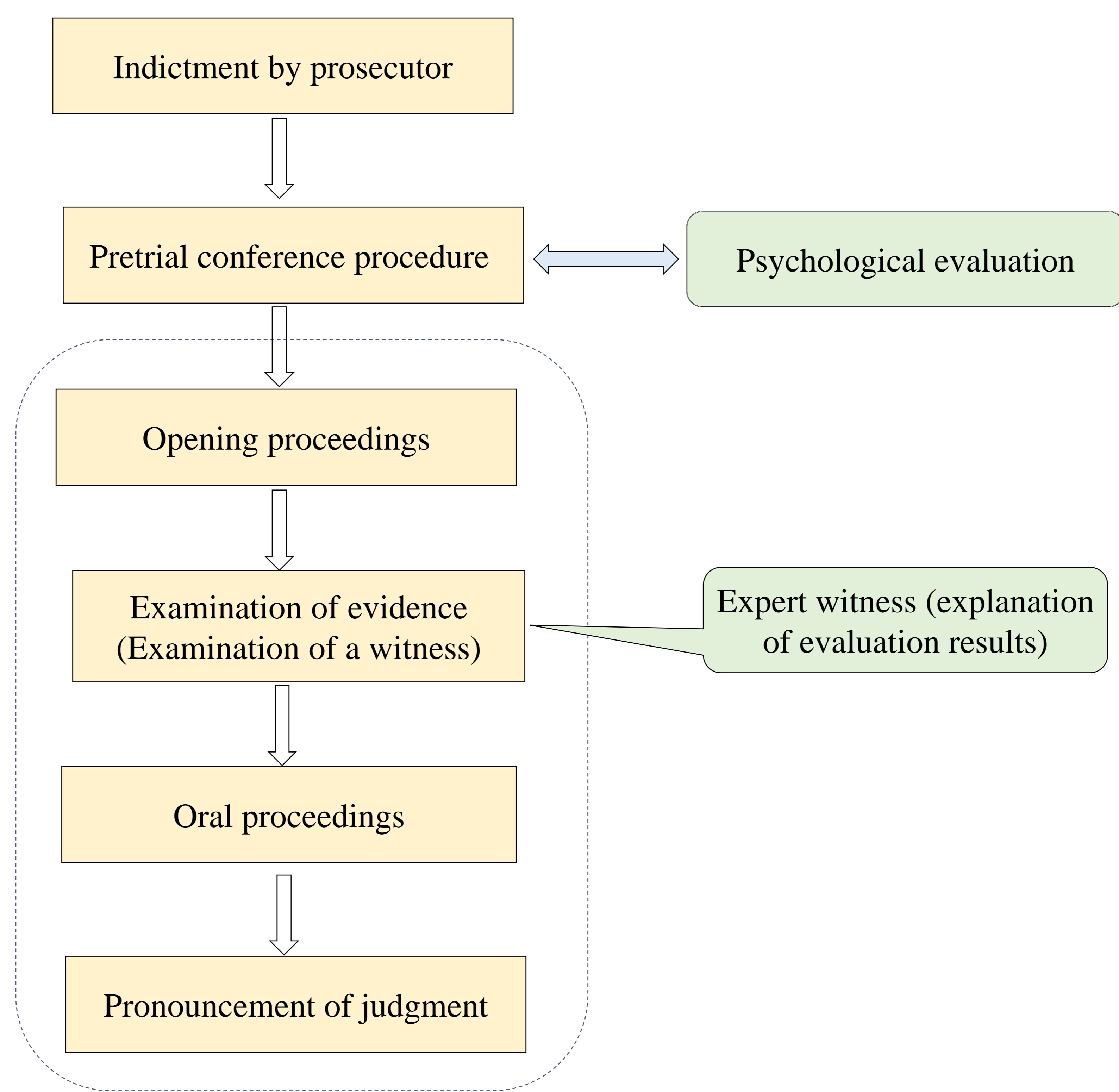
Therefore, psychological evaluations are sometimes performed, and the procedure is as follows.

## Significance of Psychological Evaluation

- The main purpose of psychological evaluation is to understand the true nature of the crime.
- It is used as strong evidence for mitigation when making a judgment.
- Psychological evaluation has the following benefits for the defendant.
  - Feelings can be organized in a planned way, and they can face trial calmly.
  - They become able to understand the meaning of criminal acts.
  - It provides an opportunity to consider their own way of life.
  - It provides an opportunity to reconcile with inherent feelings of victimhood.
  - It also provides an opportunity to rebuild family relationships.

⇒ Conducting a psychological evaluation is also one of the processes in the rehabilitation of the defendant.

## Procedure of a lay judge trial and the positioning of the psychological evaluation



## Detailed method of psychological evaluation

- Examination of records and interviews with the defendant
- Tests of intelligence and personality
- Interviews with family members and other people concerned
  - Submit as a written statement of an expert opinion
  - Give testimony as an expert witness in court: the required presentation skills



## Future Tasks

- Problems such as difficulty in securing remuneration for psychological evaluation requested by defence counselor, inadequate interview conditions, etc.
- The importance of collaboration/coordination with other professionals (social workers, doctors, etc.) as required
- The need for evaluator to undergo training and practice – create a DVD of training course and expert testimony scenarios

<A scene explaining the crime mechanism> ⇒

