PSYCHOLOGY OF THE COURT

SOCIAL PSYCHOLOGY IN COURTROOM

STUDENTS FOR MASTERS IN FORENSIC PSYCHOLOGY

UNIVERSITY OF NAIROBI

DEPARTMENT OF PSYCHOLOGY

COURSE OUTLINE DEVELOPED WITHIN THE CURRICULUM OF THIS FACULTY

COURSE DESCRIPTION – OBJECTIVES - GOALS

Psychology of the Court aimed to train students to appreciate the work of psychology in the legal issues. It is psychology as understood and applied in the judicial processes. Such will seek to explain the distinction of psychology of law; psychology in law; and psychology and law.

Psychology of the Court is a subset of Forensic Psychology. It is concerned with how psychology is applied in Court processes. For instance, Eyewitness, Lunacy Trial; Sentencing; Penology and psychology in prisons and corrective institutions; Competency to stand trial; DNA Tests and other investigations in criminal offences; Use of psychology in retributive justice system; the role of a psychologist in court; in prison; in trial process; the role of a judge in court; why law should be obeyed and by who?

Forensic Psychology is the application of psychological knowledge to legal issues. It is interested more in psycho-legal research and various findings with the aim to reduce and limit wrongful convictions and acquittals. It covers such areas as; criminal psychology; psychology of the court; investigative psychology; Behavioural psychology; characters of a person; temperaments (analytical psychology); telling lies/truth – malingering; adjudication processes; behaviour patterns of criminals; known criminals and unknown criminals; theories of punishment; the science of the mind; some knowledge of forensic science; science, technology and the law; and most importantly – the arguments surrounding the work relationship between the courts and experts.

The course shall examine inter alia, such areas as cross-examination of witnesses; direct examination; and how laboratory works to detect facts. The purpose of the study is to make law appreciate other sciences using probability as the method to make decisions or
judgments. Law is a speculative science whose truth lies on law, evidence and adversarial adjudication. Law does not assume anything but works with persuasion and conviction based on facts of evidence.

The course shall last 15 weeks. There shall be lectures presented on power-point. The lecturer shall provide some reading materials to assist students learn more about the subject. Discussions, interventions and questions shall be included during the lecture. There shall be CATS and RATS offered during the course to test the understanding and progress of the class. Then there shall be final examination to close the course.

1. GENERAL INTRODUCTION AND COURSE OVERVIEW – HOW THE COURSE SHALL BE CONDUCTED / TIMETABLE/ ASSESSMENTS/ EXAMINATION
   1.1. WHAT IS PSYCHOLOGY?
   1.2. WHAT IS LAW?
2. WHAT IS THE PSYCHOLOGY OF THE COURTROOM?
   2.1. PSYCHOLOGY OF LAW
   2.2. PSYCHOLOGY IN LAW
   2.3. PSYCHOLOGY AND LAW
3. FORENSIC PSYCHOLOGY
   3.1. DEFINITION OF ITS CONTENTS
   3.2. EXPLORING PSYCHOLOGY IN CRIMINAL AND CIVIL LAW
4. EXPLAINING THE LEGAL SYSTEM AND HOW THE JUDICIAL BODY FUNCTIONS – ADMINISTRATION OF JUSTICE
   4.1. PSYCHOLOGY OF THE COURT DEFINED
      4.1.1. WHAT IS THE COURT?
      4.1.2. COURTROOM
      4.1.3. THE DOCK
      4.1.4. CHAIR
      4.1.5. THE BENCH
      4.1.6. WITNESS DOCK
   4.2. WHO ARE THE COURT OFFICIALS?
   4.3. STANDING TRIAL
   4.4. HOW DOES THE COURT PROCESS BEGIN?
      4.4.1. CRIMINAL PROCESS / IDENTITY THEFT
      4.4.2. CIVIL PROCESS – FRAUD / FORGERY
4.4.3. PETITIONS
4.4.4. PLEADINGS
4.4.5. MOTIONS

5. PARTIES IN COURT

6. AMICUS CURIAE / FRIEND OF COURT
   6.1. PROSECUTOR
      6.1.1. DESCRIBE THE PSYCHOLOGY OF THE PROSECUTOR
   6.2. DEFENDANT
      6.2.1. DESCRIBE AND DISCUSS THE PSYCHOLOGY OF THE DEFENDANT
   6.3. PLAINTIFF/COMPLAINANT
      6.3.1. DESCRIBE THE PSYCHOLOGY OF A COMPLAINANT
   6.4. RESPONDENT

7. COURTROOM PSYCHOLOGY
   7.1. SOCIAL PSYCHOLOGY
      7.1.1. PSYCHOLOGICAL AMBIVALENCES SURROUNDING THE COURTROOM
      7.1.2. WHY RELATIVES AND FRIENDS FEAR TAKING THEIR FELLOWS TO COURT – COGNATE
      7.1.3. OATH – COMMISSIONER OF OATH/ SWEARING IN COURT

8. TRUTH VERSUS LIES
   8.1. WHAT IS DECEPTIVE CULTURE?

9. STARTING TRIAL – ORIGINATING SUMMON
10. CIVIL & CRIMINAL LAW PROCEDURES
11. CRIMINAL PROCEDURES – PENAL CODE
12. MENTION
13. PETITIONS – STATEMENTS TO THE COURT
14. PLEAS
15. COMMITTING ONE TO FULL TRIAL
16. ACQUITTAL / CONVICTIONS/CORRECTIONAL
17. CONCLUSION OF TRIAL – VERDICT / SENTENCE
18. PENAL LAW – PUNISHMENT – IMPRISONMENT
19. COURT OF APPEAL – APPELATE JURISDICTION
   19.1. WHAT IS AN APPEAL?
      19.1.1. WHO SHOULD SEEK JUSTICE IN APPEAL?
19.1.2. RE-TRIAL
19.1.3. SQUASH
19.1.4. REVERSE THE TRIAL
19.1.5. JUDICIAL REVIEW

20. LAW OF EVIDENCE AND THE PSYCHOLOGY
20.1. DIRECT EVIDENCE
20.2. MATERIAL EVIDENCE
20.3. CIRCUMSTANCIAL EVIDENCE
20.4. FORENSIC EVIDENCE
20.5. PAROL EVIDENCE
20.6. LEGAL EVIDENCE
20.7. PRIMA FACIE EVIDENCE
20.8. JUDICIAL EVIDENCE
20.9. INTRINSIC EVIDENCE
20.10. EXCULPATORY EVIDENCE
20.11. INculpATORY EVIDENCE
20.12. INSUFFICIENT EVIDENCE
20.13. HABIT EVIDENCE
20.14. ILLEGALLY OBTAINED EVIDENCE
20.15. IMPEACHMENT EVIDENCE
20.16. INCRIMINATING EVIDENCE
20.17. CONCLUSIVE EVIDENCE
20.18. DOCUMENTARY EVIDENCE
20.19. EVIDENCE IN CHIEF
20.20. EXPERT EVIDENCE
20.21. FABRICATED EVIDENCE
20.22. FORENSIC EVIDENCE

21. EXPERT
21.1. CONSULTING EXPERT
21.2. IMPARTIAL EXPERT
21.3. TESTIFYING EXPERT
21.4. CREDIBILITY OF THE EXPERT TESTIMONY
21.5. RELIABILITY OF THE EXPERT TESTIMONY – AUTHENTICITY - VALIDITY
22. NULLITY (VOID AND NULL)
23. CONFESSIONS / PRAYERS
24. PROOF
   24.1. BURDEN OF PROOF
25. HUMAN MIND – MEMORY
26. JURIMETRICS
27. ADVOCACY / EMPATHY
   27.1. WHAT IS ADVOCACY? – ADVOCACY IS TO THE LAWYER
   27.2. WHAT IS EMPATHY? – EMPATHY IS TO THE PSYCHOLOGIST
28. MENTAL ILLNESS / DISORDERS – INCAPACITY
   28.1. INCAPACITY
   28.2. DIMINISHED CAPACITY
   28.3. DESCRIBE SOME OF MENTAL DISABILITIES – PSYCHOPATHY/ LUNATIC/ IDIOT/ REDARDATION/ LOW IQ/ BASTARDS/
29. M’NAUTEN TEST – INSANITY CASE / CUSTODY
   29.1. PRESIDENTIAL ORDER - AMNESTY
30. MENS REA – guilty mind / ACTUS REUS –
   30.1. CULPABILITY – CRIMINAL LIABILITY / CRIMINAL RESPONSIBILITY
   30.2. PROOF OF INNOCENCE / PROOF OF GUILT
31. REDUCED LIABILITY: COERCION/ DURESS/ ACTING UNDER EXTERNAL PRESSURE
32. PRACTICAL CASES
33. EXPERT TESTIMONY – HOW TO MAKE A REPORT
34. JUVENILE OFFENDERS
   34.1. JUVENILE COURT
   34.2. CHILD PSYCHOLOGY
   34.3. CAPACITY TO STAND A TRIAL
35. BORSTAL INSTITUTIONS – CORRECTIONAL JUSTICE SYSTEM
   35.1. APPROVED SCHOOLS
   35.2. CARE HOMES FOR CHILDREN – CHILDREN ACT
36. PRISONS OR HELL? – DISCUSS CRITICALLY THE WORK OF PRISON/ DETENTION
37. MISCHIEF RULE

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38. MALICE AFORETHOUGHT
   38.1. MALICIOUS MISCHIEF
39. WILLFUL MISCONDUCT
40. WANTON MISCONDUCT
41. MISDEMEANANT
42. RE-OFFENDING
   42.1. SERIAL OFFENDERS
43. POST FACTUM
   43.1. HIDING FACTS AFTER CRIME
   43.2. EX POST FACTUM
44. CONCLUSION OF THE COURSE