

# Forensic psychology



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The Supreme Court has the authority to review a court judgment (Appeal s487), as well the Supreme Court is able to review a court judgment (Appeal s489). It is clear that the indigent is entitled to a court appointed psychological evaluation prior to sentencing (Criminal Law s53(4, 5 & 6)). Further, the Supreme Court has the authority to adjourn a case so that the forensic psychologist can be requested to determine the most suitable way to handle the case. The psychological evaluation will review their cognitive and other mental faculties to verify if they comprehend the difference between right and wrong. The expectation is that forensic psychiatrist will provide information and advice to the court, so that it can decide among sentencing options. In this respect the psychologist will assess the risk of re-offending; the defendant's attitude and motivation to change; to assess the feasibility of a community based disposal rehabilitation or community service program; to assist the court to avoid the use of custody, instead using a community based disposal; and to evaluate the possible risk of defendant to harm themselves and others.

The forensic psychologist is required to be aware of and sensitive to the circumstances of under-represented groups in the community, for example, those who experience a mental illness. It has been indicated that the defendant is suspected of having a long-standing illness. As such, the defendant is to be shown respect, community, dignity and to be provided with unbiased and un-discriminatory services in the practices of the forensic psychologist, and in the report that the psychologist prepares for them. The forensic psychologist can develop a criminal profile of the defendant to aid in decisions about the sentencing. Using a risk and needs assessment, the psychologist can also advise the court as to the suitability of the defendant

to attend rehabilitation based programs coordinated and supervised by local authorities within the prison system, if the defendant is remanded in custody. It is crucial to ensure that information and advice is timely, accurate and without bias. To achieve this it is the responsibility of the forensic psychologist needs to obtain information about the defendant's life circumstances, their character, and physical and mental condition. The psychologist is expected to discuss the report with local judges, with the discussions beginning with the premise that the court can always ask for a report, without obligation for giving reasons for it. All discussions are expected to agree on order of priorities for the report, and to recognize that the final decision for the sentencing rests with the court. Ultimately, the function of the psychologist is to provide the court with information and advice that is needed to make a decision on the most appropriate sentencing for the offender must investigate the offender's behavior and their personal and social circumstances, attitudes and motivation to change.

The forensic psychologist must ensure that the defender understands what the report for the courts is for; and that the defendant understands the reasons that specific questions about the defendant's personal life are asked. The offender in question has the right to know the contents of the report, and to have their questions about the report explained. For example, as to why the report is being prepared, why certain areas of the report are relevant to their sentencing, and that the report may have wide circulation, such as publicly in the court, a prison service or to a Parole Board. In this sense, the defendant has the right to know the content of the report written about them. Overall, the forensic psychologist must be prepared to assist in providing the court with; information about the offender; the offender's

behavior; the feasibility of community based disposals; the motivation of the offender to comply; program availability and or suitability; the need for post-custodial supervision, and the assessment of risk of re-offending, harming one's self, or harming others. The working principles of the forensic psychologist is to provide an impartial and professional service to the court; being accountable to the court, not the defendant.