

FORENSIC PSYCHO-LEGAL PROFILING, AUTOPSY AND CRIME SCENE RECONSTRUCTION: THE ROLE OF THE JUDICIAL OFFICER

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Abstract

Discovery and innovation in the field of sciences and technology lead to the development and evolution of human social life. This development results to changes in entirety of human activities, laws and lawyers are not exclusive. Forensic psycho-legal profiling, autopsy and crime scene reconstruction are direct products of such development and dynamism of human nature. The terms are related to the use of scientific experiments to detect and extract complicated evidence that cannot be easily fetched out due to absence of eyewitness or due to intricacy of the circumstance of the event. The terms are used by law enforcement officers, scientists, lawyers and judicial officers to determine legal position of case by way of investigation, prosecution and adjudication. The paper adopting doctrinal method of research, attempts to define and explain the concepts of the theme and further identify some duties of the experts relating to exploiting forensic instrument for reporting before the court of law. It was observed that forensic experts are few in the entire Country; hence, the forensic services are lacking in many deserving cases. Forensic laboratories are also few across the Country, and the necessary equipment are also not provided for the job. It is recommended that basic knowledge of forensic science should be included as requirement to be judicial officer, certified investigator and prosecutor in Nigeria.

Keywords: Forensic; Psycho-Legal; Profiling; Autopsy; Crime Scene Reconstruction; Judicial Officer.

1. Introduction

Forensic psycho-legal profiling, autopsy and crime scene reconstruction are direct products of such development and dynamism of human nature. The terms are related to the use of scientific experiments to detect and extract complicated evidence that cannot be easily fetched out due to absence of eyewitness or due to intricacy of the circumstance of the event.

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The terms are used by law enforcement officers, scientists, lawyers and judicial officers to determine legal position of case by way of investigation, prosecution and adjudication. The paper attempts to define and explain the concepts of the theme and further identify some duties of the experts relating to exploiting forensic instrument for reporting before the court of law. The paper further traces the forensic service of the psycho legal expert in civil and criminal cases and finally outlined the principles necessary to abide by judicial officers in accepting and administering any forensic and psycho-legal related evidence in the course of adjudication. Traditional doctrinal methodology was utilised in the research to enable the understanding of the concepts and highlight the principles required to accept any piece of evidence especially the forensic evidence.

2. Clarification of the Key Terms

2.1 Forensic

Forensic is derived from the Latin word *forensis*, meaning ‘in open court or public’. It is relating to or dealing with the application of scientific knowledge to legal problems.¹ It is involving examining the objects or substances that are involved in the crime. Forensic science is commonly used to investigate criminal cases involving victim, such as assault, robbery, kidnapping rape, or murder. The medical examiner is the central figure in an investigation of crimes involving victims.

2.2 Psycho-legal

Psycho-legal refers to specific applications of psychology within law. It involves applying psychology methodologies and knowledge to studying jurisprudence, substantive law and law breaking. In practice, psycho-legal studies and determines the reliability of eyewitness testimony, mental state of the defendant, and a parent’s suitability for child custody in a divorce case.²

2.3 Profiling

Profiling is an act or process of inferring information about a person based on known traits or tendencies.³ It is a branch of forensic science that involves the recording and analysis of a person’s psychological and behavioural characteristics especially the criminal behaviour, so as to assess or predict their capabilities in certain sphere or to assist in identifying categories of people. Criminal profiling is an investigative strategy used by law enforcement agencies to

¹ <https://www.merriam-webster.com/dictionary/forensic> 20/08/2017, 14:32

² <http://assets.cambridge> Psycholegal Research; An Introduction p.2 2/8/2017, 11:45

³ <https://www.merriam-webster.com/dictionary/profiling> 23/8/2017, 12:13

identify likely suspects and to link cases that may have been committed by the same perpetrator. The profile may be used to predict the identified offender's future action.⁴

Criminal profiling techniques are based on four main approaches:

- i. Geographical approach which is used to deduce links between the crimes and suggestion about the place where the offenders stay and work.
- ii. The clinical approach which is mainly directed at offenders thought to be suffering from dementia and other psychological aberrations.
- iii. Investigative approach which is used to establish psychological theories and techniques to predict an offender's behavioural characteristics.
- iv. Typological approach which analyses the characteristics of crime scenes in order to categorise offenders into groups of typical characteristics.

2.4 Autopsy

The word autopsy comes from the Greek, meaning "to see with one's own eyes". It is an examination and dissection of a dead body to determine cause of death or changes produced by disease.⁵ Autopsy is a surgical procedure that consists of a thorough examination of corpse by dissection to determine the cause, mode and manner of death or to evaluate any disease or injury that may be present for research or educational purpose.

2.5 Psychological Autopsy

Psychological autopsy is related to this topic of discussion, it is a procedure of investigating a person's death by reconstructing what the person thought, felt and did before death, based on the information gathered from personal documents, Police report, medical and coroner's records, and face-to-face interview with families, friends and other who had contact with the person before the death.⁶

Psychological autopsy is an extensive reviewing of psychological aspects of a victim's life to reconstruct the mental state at the time of death. These autopsies are normally done by mental health professional, who review all information present about an individual and about their death. This may include reading journals, going through personal records and interviewing friends and family.⁷

Psychological autopsy is divided into two: the suicide psychological autopsy and the equivocal death psychological autopsy. The suicide psychological autopsy is conducted when the death is undoubtedly

⁴ Woodhoms, Jessica, Toye, Kirty (2007) "An Empical Test of the Assumption of case Linkage an offender Profiling with serial commercial robbery" Psychology Public Policy, and Law.

⁵<https://www.vocabulary.com/dictionary/autopsy> 22/08/2017 16:21

⁶<http://medical-dictionary.thefreedictionary.com/psychological+autopsy>. 24/8/2017, 11:12

⁷ <http://colbycriminaljustice.wikidot.com/criminal-profiling> 10/08/2017, 1350

a suicide and is used to understand what psychological factors lead to the suicide. The equivocal death psychological autopsy on the other hand is conducted when the manner to death is not completely clear and this is used as an attempt to provide new information to help in further investigation. Courts and law enforcement usually require psychological autopsies to help obtain further information about a particular case.

2.6 Crime Scene Reconstruction

Crime scene reconstruction is the process of determining the events and actions that occurred at the crime scene through analysis of the crime scene pattern, the location and position of the physical evidence, and the laboratory examination of the physical evidence. It is used for a purpose of both litigation and crime management to detect and determine crime perpetrated in the absence of eyewitness and in supplementary evidence acquired from the eyewitness. Crime reconstruction determines actions and events surrounding the commission of a crime. It involves consideration and incorporation of all investigative information with physical evidence analysis and interpretation moulded into a reasonable explanation of the crime and its related events. Logic, careful observation, and considerable experience, both in crime scene investigation and forensic examination of physical evidence, are necessary for proper interpretation, analysis and ultimately crime scene reconstruction. Crime scene reconstruction requires that evidence be broken down and examined in a different mode, and with different goal that may be familiar to many forensic specialists.

Experts in crime scene reconstruction differentiate crime scene reconstruction from similar mechanism such as ‘re-enactment’, ‘re-creation’ or ‘criminal profiling’. Re-enactment in general refers to having the victim, suspect, witness or other individual rebuild the event that produced the crime scene or the physical evidence based on their knowledge of the crime. Re-creation is to replace the necessary items or actions back at a crime scene through original scene documentation. While criminal profiling is a process based upon the psychological and statistical analysis of the crime scene, which is used to determine the general characteristics of the most likely suspect for the crime. Each of these types of analysis may be helpful for certain aspects of a criminal investigation. Crime scene reconstruction is based on the ability to make observations at the scene, the scientific ability to examine physical evidence, and the use of logical approaches to form a premise. It is based partially on scientific experimentation and the use of past experiences, and its procedure emanated from forensic science.⁸

The reconstruction of the crime scene depends on the nature of the crime, the questions to be answered and the consideration based on the degree of involvement of the suspects. The

⁸ ibid

reconstruction may be of traffic accident such as automobile, truck, train, aeroplanes etc. It can be of industrial accident such as employee accidents, building collapses, machinery, etc. It can also be reconstruction of specific crime such as homicide, arson, rape case reconstruction etc. It also depends on the degree of involvement i.e. total case reconstruction, partial case reconstruction, limited event reconstruction etc.⁹

In Summary the paper will look at how the scientific measures are used to discover and record evidence from psychological behaviour of a person suspected to be the perpetrator of a crime or victim of a crime, from the work of an expert such as crime scene investigators, criminalists, sociologists, medical examiners, detectives, psychologist and pathologist by reviewing clinical records of the deceased in case of suicide and interview the deceased close associate or when the pathologist examined the body of the deceased victim and by way of reconstruction of the crime scene, the evidence will be finally presented before a court of law for adjudication.

3. Forensic Service of the Psychological Expert in the Civil Proceedings

Psychological experts provide services in direct assistance to courts and parties to legal proceedings when required. All psychological services provided for the legal community are forensic psychological services in nature. Sometimes, forensic psychologists provide services which are both clinical and forensic in nature. When a psychologist treats an individual who was emotionally traumatised by an accident, and the treatment designed to assist the victim in recovering from the trauma, such service is referred to as clinical. But when the psychologist is asked to provide a report for the court regarding the extent of the trauma, and to assess the psychological damage incurred, in that case, the psychologist is providing forensic services.¹⁰ In civil cases, psychologists can be involved at the request of either the plaintiff or the defence, in the assessment of psychological factors related to harassment or sexual harassment in the workplace, discrimination issues, and psychological disability related to worker's compensation. Psychologists may also provide expert evaluation services for the court for complete competency evaluations prior to or following the execution of wills, power of attorney, or in the process of establishing a guardianship for an incapacitated individual.¹¹

4. Forensic Services of the Psychological Expert in Criminal Proceedings

The most common psychological service for the criminal courts is in defence of insanity. The insanity defence is one of the well-known subjects pertaining to forensic psychology and

⁹<http://crime scene reconstruction> 10/08/2017, 13:50

¹⁰ <http://psychologyinfo.com/forensic/index.html> 10/08/2017, 10:28

¹¹http://psychologyinfo.com/forensic/civil_court.html 10/08/2017, 13:55

relationship between mental ill and law. The defence of insanity is used by criminal defendants. For one to be criminally responsible for an act he must have the capacity to:

- i. understand what he is doing.
- ii. know that he ought not to do the act or make the omission; and
- iii. control his action.

The defendant must have been impaired by mental diseases or defect at the time of the act that he/she did not know the nature or quality of the act, or if the defendant did know the nature of the act, he/she did not know the act is wrong. At this point, majority of the countries allow the criminal defendants to invoke the defence of insanity. Obaseki (JSC) in **Nkanu v. The State** held that: ‘the burden of proof of insanity rests on the person charged for there is presumption of sanity in every person charged under our law.’¹²

In **Udofia v The State**,¹³ Obaseki JSC held that an accused person affected by delusion can only be relieved of criminal liability:

if at the time of doing the act or making the omission, he is in such a state of mental illness or natural mental infirmity as to drive of the capacity to understand what he is doing, of capacity to control his action or of capacity to know that he ought not to do the act or make the omission.

In the above stated circumstance, the onerous duty is upon the defendant to rebut the presumption of sanity on him/her by his counsel. The prosecuting team is to disprove the rebuttable defence. Both the parties may involve psychological expert to support their argument before the court for the ultimate decision by the judge.

In the case of juvenile, the juvenile justice system often provide the necessary psychological treatment, or mandate other agencies or individuals (including the juvenile and his/her parents) to provide assistance to the juvenile. Psychological evaluation of juvenile offenders can provide valuable information to the court, which can be used in developing a rehabilitation plan for the juvenile. This treatment plan can then be incorporated into sentencing or probation requirements. These evaluations may be ordered by the court at the request of either the prosecution or the defence.

In other jurisdiction like USA, psychology expert’s recommendations are essential in waiver to criminal court. Waiver in juvenile justice is process by which some youth who are viewed by juvenile courts judge inappropriate for juvenile system are transferred to adult court.

¹²<http://www.nigeria-law.prg/Egbe%20NkanuV.%20The%20State.htm> (Nkanu V the State) 24/08/2017, 13:03

¹³<http://www.lawpavilionpersonal.com/nwefullreport.jsp?suite=olabisi@9thfloor&pk=SC.9/1979&apk=12275£12275> 24/08/2017, 13:43

Psychological experts are often commissioned to prepare risk assessment reports in the following situations:

- Sentencing defendants.
- Appeals against conviction, length of sentence or type of sentence, e.g. imprisonment for public protection.
- Matters relating to imprisonment.
- Parole¹⁴ applications, decisions or appeals.
- Licence conditions (made by prison governors at the point of release back into the community.¹⁵

5. Duties and Qualities of Psychological Expert Witness

The psychological expert that either conducted psychological autopsy or reconstruct crime scene, through which he discovered evidence that would be used to prove or disprove a fact before a court of law, should possess some certain qualities that should qualify him and the evidence acquired to be accepted by the court. The expert's attributes and attitudes, and the quality of the evidence adduced determine both the acceptability of the evidence and the probative value given to it by the judge.

Hence, expert evidence should be seen to be independent, objective and unbiased in relation to the matter within his expertise. The expert witness has duty to the court to be upright, reliable and logical in contents and context of his testimony. The expert witness has to discharge his duties to court diligently, thus:

- An expert witness has a duty to the court to state the fact or assumption on which the opinion is based.
- An expert witness should make clear when a particular question or issue falls outside his expertise.
- If an expert's opinion is not properly researched because he considers that insufficient data is available, then this must be stated with indication that the opinion is not more than provisional one. That is in cases where an expert witness who has prepared a report could not assert that the report contained the truth and nothing but the truth without some qualification, that qualification should be stated in the report.
- The expert witness should communicate without delay to the court through legal representative any change of view point of the report after presenting to the court.¹⁶

¹⁴ Parole is early release of prisoner who is subject to continued monitoring as well as compliance with certain terms and conditions before complete of the maximum sentence period.

¹⁵<http://www.jspubs.com/experts/bae/sample.cfm?id=37> 10/08/2017, 10:50

6. Avoidance of Conflict of Interest

Expert witnesses also have a duty to the court to avoid any conflict of interest in respect of their testimony because judges may, in the exercise of their discretion, reject altogether evidence tendered by experts whom they know to have or suspect of having given out of bias, influence or in conflict of interest. In the case of *Toth v. Jarman*,¹⁷ the Court of Appeal has given guidance on how expert witnesses should handle potential conflicts of interest. The Court of Appeal said that a conflict of interest does not automatically disqualify an expert from giving evidence. The key is whether the expert's opinion is independent of the parties and the pressures of the litigators. A party that wishes to call an expert with a potential conflict of interest should disclose details of that conflict at early stage in the proceedings so that the other party and the court can properly assess the conflict of interest.

Similarly, expert witness should have the following qualities:

- A sound knowledge of the subject matter in dispute and usually, practical experience of it.
- The powers of analytical reasoning required to fulfil his assignment.
- The ability to communicate findings and opinions clearly, concisely and in terms adapted to the tribunal before which evidence is being given.
- The flexibility of mind to modify opinions in the light of fresh evidence or counter-arguments.
- The ability to 'think on one's feet', so necessary in coping with cross-examination, and
- A demeanour that is likely to inspire confidence, particularly in court appearances.¹⁸

These qualities assist the judge in deciding the admissibility of the evidence of an expert as well as in making the final decision.

7. Who is an Expert?

According to the Merriam-Webster Dictionary, an expert is defined as 'to having, involving, or displaying special skill or knowledge derived from training or experience'.¹⁹ The Evidence Act also described an expert as persons so specially skilled in particular field.²⁰ Furthermore, in the case *Seismograph Service Ltd v. Onopasa*,²¹ Obaseki (JSC) while describing an

¹⁶ Jerry Amadi: (2012) Contemporary Law of Evidence in Nigeria (with comprehensive commentaries on the Evidence Act 2011 vol. I p. 624-625

¹⁷ *Toth v- Jarman*(2006) 4 All ER 1276 CA (EWCA Civ1028).

¹⁸ <http://ukregisterofexpertwitnesses.co.uk/AboutExpertWitnesses.cfm> 15/08/2017, 13:17

¹⁹ <https://www.merriam-webster.com/dictionary/expert> 23/8/2017 15:12

²⁰ Evidence Act 2011 section 68 (1)and (2)

²¹ (1972) 7 NSCC 231

expert, held that “...witness who is specially skilled in their field of science who come within the definition of experts in section 56, sub section (1) and (2) of the Evidence Act“ (section 68 (1) and (2) in 2011 Evidence Act).

8. The Responsibility of a Judge in Every Suit or Proceeding Involving Adducing of an Expert Evidence

Nigeria’s legal system is an adversary system. The investigative role of courts is therefore limited. The role of judge is constrained to being impartial arbiter ensuring the observance of trial rules. The judge is presumed to be an umpire, watching strictly the game is played according to the rules. The evidence Act guides all the parties including the judge in the proceeding. The judge records all relevant evidence which is admissible in favour or against parties.²² The judge come to a just decision with the evidence of the witnesses called in support of claim and the charge. This is an area where a judge knowledge, skills, and fairness are called into question or test.

According to the Hon. Justice A.O. Faji quoting the senior Judge who summed up the role of judge in proceedings as follows:

The Judge’s part...is to hearken the evidence, only himself asking questions of witnesses when it is necessary to clear up any point that has been overlooked or left obscured, to see that advocates behave themselves seemly and keep to rules laid down by law, to exclude irrelevancies and discourage repetition; to make sure by wise intervention that he follows the points that the advocates are making and can assess their worth; and at the end to make up his mind where the true lies.²³

9. Admissibility of Forensic Expert Evidence

Free Legal Dictionary²⁴ defined admissibility as ‘a concept in the law of evidence that determine whether or not evidence can be received by the court.’ The rules of admissibility of evidence provide a framework in order to preserve the integrity of the evidence. There are a number of rules that determine what evidence may be admitted and under what conditions. The two basic rules of admissibility are:

- i. Relevance and
- ii. Competence.

²² Hon. Justice O.Olatawura:(2001) Recording of evidence, Judgement Writing, Executing of Judgement and Sentencing. 2001 Induction course for Newly Appointed Judges Kadis in Nigeria. P.16

²³Hon.JusticeA.O.Faji(2016) Accountability and Transparency in the Judicial Process understanding Judicial Ethics and Code of Conduct for Judicial Officers in Nigeria. Paper presented at 2016 Conference of All Nigeria Judges of the Lower Courts.

²⁴ <http://legal-dictionary.thefreedictionary.com/admissibility>. 20/8/2017, 11:52

9.1 Relevance

The Evidence Act did not give any definition of the word ‘relevance’. But the word relevance is derived from relevant. Black’s Law Dictionary²⁵ defined relevant as: “Logically, connected and tended to prove or disprove matter in issue; having appreciable probative value that is rationally tended to persuade people or probability or possibility of some alleged fact.” Relevance simply means "Evidence having the tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence."²⁶ In other word, relevant means any two facts to which if it is applied are so related to each other that according to the common course of events one either taken by itself or in connection with other facts, proves or renders probable the past, present, or future existence or non-existence of the other.²⁷

Evidence Act clearly stated that only relevant evidence should be considered and accepted by court in any course of proceeding. It declared that “Evidence may be given in any suit or proceeding of the existence or non-existence of every fact in issue and of such other facts as are hereafter declared to be relevant...”²⁸

The case of *Abubakar v. Chuks*²⁹ explained further the relevancy of any evidence as a condition for its admissibility in the course of any proceeding, the Supreme Court held that:

Admissibility is a rule of evidence and is based on relevancy.... in determining the admissibility of evidence, the court will not consider how it was obtained; rather the court will take into consideration whether what is admitted is relevant to the issues being tried.

Forensic evidence is mostly adduced to the court in form of opinion, otherwise known as opinion of an expert. The evidence Act considered opinion of an expert as exceptional to the rules of inadmissibility of any opinion. Section 67 of the Evidence Act 2011 stated that “The opinion of any person as to existence or non-existence of a fact in issue or relevant to the fact in issue is inadmissible except as provided in section 68 to 76 of this Act.”

Section 71 of the Evidence Act 2011, obviously, cleared a way for admissibility of an expert opinion where it said: “Facts not otherwise relevant are relevant if they support or are inconsistent with the opinion of experts, when such opinions are admissible.” Thus, a

²⁵ 9th edition

²⁶ Rule 401 of the Federal Rules of Evidence of the United States of America.

²⁷ Sir James Fitzjames Stephen, Digest of the Law of Evidence (Macmillan, 12th ed, 1936) 4, art I.

ALR_

²⁸ Evidence Act 2011 section 1

²⁹ (2007) 8 NWLR pt 1066 386 SC

psychological expert opinion would be admissible in court if and only if it is relevant to the fact in issue.

9.2 Competency

Competency is the second basic rule of admissibility of evidence beside relevance. Competence of evidence is a collection of rules and constraints that evidence must pass in order to be admissible. One of the important rules of competence that affect forensic evidence is the reliability rule. Evidence must be reliable if the court is to be able to use it in reaching a just decision.³⁰

10. What is Reliability?

The word ‘reliability’ is derived from the word ‘reliable’. Cambridge Dictionary³¹ defined reliable as ‘someone or something that can be trusted or believed because he, she or it works or behaves well in the way you expect’. Therefore, we can deduce that reliable expert evidence is what can be trusted or believed. There are many ingredients that determine the reliability of expert evidence; these include:

- i. Ground of an expert opinion. Expert evidence must be based on ground or grounds before the evidence should be admissible. It should be direct evidence of the person who holds that opinion, the law said that “....oral evidence must, in all cases whatever, be direct if it refers to an opinion or to grounds on which that opinion is held, it must be evidence of person who holds that opinion on grounds”³²

In the case of *Ogiale v. S.P.D.C. (Nig) Ltd*,³³ Justice Akintan, JCA affirmed that:

The duty of the experts is to furnish the Judge or Jury with the necessary scientific criteria for testing the accuracy of their conclusions so as to enable the Judge or Jury to form their own independent judgment by the application of these criteria to the facts proved in evidence.

- ii. Stating an expert qualification. Merriam Dictionary defined a qualification as ‘a quality or skill that fits a person (as for an office)’. The expert is expected to state his qualification i.e. his certificate related to field of his expertise, plus the experiences he acquired in his practise. The court held in the case of *Seismograph Service Ltd* supra that “an expert must state his qualification before proceeding to give his opinion”.

³⁰ <http://www.admissibility+and++standard+proof+of+forensic+evidence+in+wild+crime+in+kenya> 10/8/2017, 12:03

³¹ <http://dictionary.cambridge/english/reliable> 24/8/2017, 15:21

³² Evidence Act 2011 section 126 (d) of

³³ (1997) 1 NWLR (pt 480) 148 CA

Some other elements that determine the reliability of expert evidence were outlined in the case of in *Daubert v Merrell Dow Pharmaceuticals, Jnc*,³⁴ the court from the previous related cases and laws, sagaciously outlined a number of criteria to aid judges in their evaluation of expert scientific testimony. They are as follow:

- i. whether the theory or technique can be (and has been) tested;
- ii. whether the theory or technique has been subjected to peer review and publication;
- iii. in the case of a particular scientific technique, what is the known or potential rate of error;
- iv. the existence and maintenance of standards controlling the technique's operations; and
- v. to what extent is the theory or technique accepted within the relevant scientific community?

The Court in *Daubert*, in its foresight and elastic mind, further shed light on the outlined principles as follow:

None of these considerations is either necessary or sufficient to determine admissibility, nor is the list deemed to be exhaustive. Rather, these factors are to be part of a flexible enquiry into the scientific validity of the principles and methodology that underlie the proposed expert testimony.”³⁵

11. Observations

It was observed that forensic experts are few in the entire Country; hence, the forensic services are lacking in many deserving cases. Forensic laboratories are also few across the Country, and the necessary equipment are also not provided for the job. Many key actors in the administration of justice are reluctant to learn the subject related to forensic due to its abstractness and complication. It was also observed that almost none of the higher institutions of learning in the Country offer forensic science as a programme, it is only taught as a subsidiary course.

12. Recommendations

There is need to include having basic knowledge of forensic science as requirement to be judicial officer, certified investigator and prosecutor in Nigeria. National universities in the Country should start offering forensic science as a programme. Modern and equipped laboratories need to be built across all the states for easy accessibility. There is also need for training and retraining of our domestic specialists in forensic science. Our laws should be developed and expanded to accommodate forensic science and related matters.

³⁴ 113 s Ct 2786 (1993), the Supreme Court of United States of America (USA)

³⁵Daubert Supra,

13. Conclusion

Psychology was from the ancient time integral component of judicial trial court, for every witness who appears to testify before the court, the trial judge monitors the mode and behaviour of the witness throughout the time taken informing the court his/her knowledge about the fact of the case, especially during cross examination. Among the chronological courts, a case passes to Apex Court, only trial court has access to demeanour of the witness, therefore, the trial court comments about the witness psychological behaviour that is vital for the determination of the case.

Psychology is currently developed extensively as a field of study in form of forensic psycho-legal, that is applied in other aspects of trial as means of extracting evidence through psychological autopsy and crime scene reconstruction as was illustrated in the paper. Forensic psychologists also educate the court about new mechanism or way of processing and treating severe offenders that would allow potential change in their behaviour. The field further assists in waiver in juvenile trial, parole application, child custody etc. Forensic psychology also extends its contribution to legislation making for law makers to understand the psychic of the citizens toward the new law they want to legislate. Sometimes, insurance companies also demand the service of forensic psychologist to conduct psychological autopsies to settle cases in which the manner of death is undetermined.

However, one of the challenges facing psycho-legal experts is assessing people with mental retardation to determine whether they will be competent to act as witnesses especially in a situation when the person with mental retardation is the victim of sexual abuse, and is the sole witness against the accused. The criminal justice system has for so long regarded people with mental retardation as unreliable witnesses. At this situation, forensic psychologist may need legislation to be guiding principles for both the court and the expert psychologists to provide a framework for accepting the testimony of mentally retarded person who is a victim of sexual abuse, if the victim is a sole witness against the accused.