Between crime prediction and crime prevention

Transcription of the interview with Adrian Raine[1] - Ch. 6

6. Neuroscience and criminal judges

There's a lot of ways in which neuroscience impacts the law.

Judges recognise that neuroscience is, you know, there's new advances. They want to understand what are the implications for the law. That does not mean to say that neuro, that judges are going to immediately accept neuroscience knowledge, but they want to know. They, they know they need to learn more about ... and somebody will talk about brain imaging and they will talk about the strengths and the limitations. You know, what conclusions can we draw from brain imaging or let's say lie detection and what can we not say? So, it's you know, and you know, because judges also have to make decisions on whether to allow neuroscience information into the court. The Frye Hearing, the Daubert Hearing.

"They have to learn more, and they were never trained in neuroscience. So there's certainly a lot of interest"

Did your findings change the way *you* judge people?

Yes, I think it's made me more understanding. It, it really has given me insight into why people behave as they do.

---

[1] Prof. Adrian Raine, Psychologist, Professor of Criminology, Psychiatry, and Psychology at the University of Pennsylvania.

I think it's making, has made me, over time, slowly I think, slowly a more accepting person.

My wife, for example. If she gets upset about something, I think well, well maybe today at work there are, are things that made her upset because she's not usually like this.

I think of that with my children and I recognise it's true for me too.

How could we change our criminal law system in order to put into practice the lessons from neuroscience?

I think one example that we can all get some insight from is The Netherlands.

When there is a question about whether somebody is responsible for the crime that they have committed, they get sent to an assessment centre.

I don't know for how long, it may be two, three, four weeks but they get assessed, they get very fully assessed and those assessments include neuropsychological assessments. Basically, brain functioning assessments and the scientists there, or the clinical scientists there create a five point scale of responsibility and they make assignment of this individual in terms of their degree of responsibility and that's presented to the judge. My colleagues in The Netherlands tell me the judges can't deal with five points − it's too many −, but what they do is, they compress that scale to a three point scale. "Responsible", "not responsible", something in between. But that also determines sentencing.

What I like about that system, even though it's probably not perfect, is that it's standardised. You don't have several centres throughout the country, you'll have one and you know, what I wonder is, what if Italy had that?

Then it may not be applied to every single legal case, but it might apply to more cases that it's being applied to now and could there be a trusted body of individuals who would objectively try and come to a judgement using more objective data than we do at the moment. Which could include more objective measurements and assessments.

What about those individuals whose risk assessment result is "responsible"?

I think they're placed, I think rather like in the United Kingdom, they're placed in secure hospitals.

It's like prison but it's more a rehabilitation.

I think the liberty and freedom of the individual is not taken away as much but of course, secure. Depending on the level of dangerousness.

My understanding is that the downside of this is that the person is not released until they are viewed as no longer dangerous. So that might mean they serve a longer sentence in a secure hospital than in a prison.

But the legal system can say, look, they won't serve any longer than they would have served in prison, perhaps, if it was viewed that they are less responsible, they are less blameworthy.

[*the end*]