

Makoto Ibusuki (Seijo University)

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Good morning. As sponsored by the grant-in-aid for scientific research on innovation areas, the research in the proposed research areas, humanities and social sciences, and Ritsumeikan Global Innovation Research Organization and the Institute of Human Science of Ritsumeikan University, we are going to start the international symposium of transparency of interrogation. We will be offering some remarks as we begin this symposium. My name is Ibusuki. I would like to express our thanks to the sponsoring organizations.

Today, we are going to talk about the innovative data recording and the analysis by human science. Starting now, we are going to have a program until 6 o'clock, and inviting the distinguished speakers from abroad as well. We are going to talk about all aspects of recording of the interrogation. I do hope you are going to enjoy the full part of the program.

This is from Sydney, the interrogation room in a place. You can see that they have a recording system. I visited there together with members of Kyoto Bar Association. This is from Manchester police interrogation recording system. This is from New Zealand when they were using the video. Today they use DVD. This is from Illinois, Chicago, United States. Together with Dr. Wakabayashi of Ritsumeikan who is secretary for this symposium was with me. This is from the prosecutors' office, the interrogation room in Korea.

Finally, this is Japan. The recording system is now being introduced in

Japan. This is the brochure from the public prosecutor's office on a pilot basis and also for internal use. In Japan, the use is already started and this month, the legislative council of the ministry of justice, the special committee on the criminal justice in new era came up with the final recommendation as to the scope of recording, video recording. The proposal will be sent to the Diet in Japan, with law, the police and the prosecutor's office, the custodial suspect which will have the lay-judge trial cases, the interrogation of the suspect will be recorded together with the special cases to be investigated by the prosecutor's office.

However, concerning noncustodial cases (slide 2), the recording of the interrogation is only voluntary and concerning witnesses and eye-witnesses, the decision is made by the discretion. So, there is no legal requirement. But at last in Japan, the recording is now going to be required by a new law. It's quite timely that we planned this symposium in the same month of July. Although this is by accident, I thought that this is quite symbolic. I showed you some pictures of interrogation rooms from different countries.

This is a schematic view of what is done in what way (slide 3). Vertically, you can see the scope of recording for each individual case. As you go higher, it means you have full coverage of recording. Horizontally, it shows you the scope of the type of the crimes to be recorded. If you go to the right, more and more cases with different types will be recorded. This is what I call the video recording map and for Japan, only for the lay-judge trial cases, or the special cases, which comes under the special investigation team of the prosecutor's office will be recorded. So Japan is at the left top. UK or New Zealand, most of the cases are to be recorded. That's why they are in the right top quadrant. Korea, Europe, the US are also mapped here. As you're aware, this May the federal investigation authority of US decided that there will be recording of all cases, that's why it's wider in the US. In

coming November, FBI is going to start recording of the interrogation.

Here, I show you two main purposes of this symposium (slide 4). As the name suggests, we have 50 or 60 researchers who are going to study the integration between law and psychology for coming 5 years. It's quite important that we can integrate the law and psychological perspective so that we can discuss deeply about the technique of investigation to be used for the recording and the possible impact and the possible way of using them effectively. As we have the distinguished speakers in the Australian session this morning and in Korean session this afternoon, we're going to have the comparative study of video recording. It's going to be a wonderful opportunity for us to have international comparison.

The discussion in jurisprudence and legal practice tend to focus on the normative aspect, but is quite important that we have finding from the empirical study because the normative discussion may not be able to cover all aspects of the reality. In all the sessions, we are going to have speakers from jurisprudence and psychology. In order to achieve both objectives of this symposium, in each of the sessions we're going to have today, I do hope that the participants will have these two purposes in their mind as we discuss the issue of video recording of interview. Now Japan is going to have a new law, so we need to think about the future perspective of video recording.

These are the three points of view (slide 5). First is about technology of recording. What will be the equipment, what will be the media to be used for recording, and what will be the duration of storage, and how the access is to be secured. These issues related to technology are quite important and challenging. Second is psychological perspective. Once the images are taken, what will be the implication of the images on the judges, on the lay

judges, isn't there any danger to generate bias? As for the interrogation technique to get voluntary confession, what will be the effective way? We need psychological perspective. We need to think of the legal perspective. How can we make sure that the confession is made on a voluntary basis, and what determines that the confession is voluntary? We relied on the official written documents, but into the future, we need to think about the admissibility of the confession using the recorded images.

There may be other ways to use the recorded information, but how much can we allow other users to make access to the recorded information? It's going to be a long day but I do hope you're going to enjoy the whole program.

Thank you very much.

**取調べの可視化**  
 ~学際的・国際的視点から考える~

Interdisciplinary/International  
 Perspective for Visual Recording of  
 Suspect Interview

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20<sup>th</sup> July, 2014  
 At Suzaku Campus, Ritsumeikan University, Kyoto

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**可視化範囲**  
 Range of the recording for  
 interrogation/interview

被疑者対象 Suspect		参考人 Witness	第三者 目撃証人 Eyewitness
身体拘束事件 Custodial suspect	非拘束事件 Non-custodial		
裁判員裁判 対象事件 Lay Judge Trial cases	裁判員対象 事件以外の 身体拘束事 件 Professional Judge Trial	在宅事件での 取調べ、任意 取調べ Voluntary interrogation	
		可視化対象 とされず	可視化対象 とされず
警察段階 Police 検察段階 Prosecutor	可視化範囲 Mandatory Recording	非可視化領域 Voluntary Recording	
		独自捜査事件 Special cases	
		Recording/P ractical Discretion based	Non recording/P ractical Discretion based

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**世界の可視化情勢**  
 World Mapping for Visual Recording

Y軸は取り調べ  
 へ中に  
 記録する部分  
 を示す

部分可視化 partial/full of recording

限定的可視化 Crime/Jurisdiction 全面的可視化

X軸は  
 録音対象事  
 件の広範性を  
 示す

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**趣旨と目的**  
 Purpose of this Symposium

- 法学と心理学の融合(学際的アプローチ)・・・法と人間科学の必要性・重要性 → 捜査・弁護実務、公判審理に対する学際的な示唆を得る
  - Implication from Inter-Disciplinary Approach by Law and Psychology to the investigation/criminal defense and criminal trial practice
- 可視化問題に対する国際的視点・・・可視化技術や尋問技法の比較 → 捜査・弁護実務、公判審理に対する国際的な示唆を得る
  - Implication from Comparative Study of Visual Recording in the Interrogation Room to the investigation/criminal defense and criminal trial practice

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**可視化の将来**  
 What' next for visual recording?

- 可視化のテクノロジー(撮影、メディア、保存保管、アクセス)
  - Technology: angle, media, preservation, accessibility
- 可視化の心理学(偏見、尋問技法)
  - Psychological perspective: bias, interrogation method
- 可視化の法律学(完全性、利用目的)
  - Legal perspective: legitimacy, purpose

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