

International Conference on **Forensic Research & Technology**

October 15-17, 2012 DoubleTree by Hilton Chicago-Northshore, USA

Beyond the binder; current issue about criminal responsibility under the status of drunkenness in the court in Japan

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In Japan forensic psychiatrist has traditionally used Binder's criterion, for criminal responsibility with drunken offenders, which in most country does not use. We investigated 50 judgment documents of distinct court and picked up the Binder's criterion and other factors correlated to criminal responsibility. Only 20 documents mentioned Binder's criterion. Not only Binder's criterion but also some factors around the crime were highly related to diminished responsibility with statistical significance. It seems that Japanese distinct court does not always adhere to the Binder's criterion at the degrees which Japanese forensic psychiatrists consider, and they determine criminal responsibility also with common sense standards.

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