

Free deception by the investigating officer in the investigative, interrogative, ...

[Law](#), [Criminal Justice](#)



\n[[toc title="Table of Contents"](#)]\n

\n \t

1. [Introduction](#) \n \t

2. [Conclusion](#) \n \t

3. [Works Cited](#) \n

\n[/toc]\n \n

Introduction

Deception is the act of telling a deliberate lie or giving some misleading information deliberately. It is a very common act within the society, and self-reporting researches have shown that every person tells approximately two lies per day and tells a lie once in every four, social interactions (Albrechtsen, 2010). Bearing in mind that the decisions made in the criminal justice system has severe consequences on an individual, there raises the question of whether deception is ethical within this system, and whether the end justifies the means. This paper aims at investigating deception by the investigation officers within the criminal justice system and whether it is ethical and acceptable.

The police, and courts, consider deception amongst investigating officers to be a common and natural tool of detecting crime and capturing criminals. In the real sense, this form of deception has played a very big role in fighting crime in many places. However, there are many forces against this kind of deception as it interferes with the truth and leads to unfair conviction of innocent individuals. There is still a big debate on whether deception amongst policed officers should be encouraged or not.

<https://assignbuster.com/free-deception-by-the-investigating-officer-in-the-investigative-interrogative-and-essay-sample/>

Deception within the criminal justice system is triggered by several factors and can be of different forms and occur at different stages during the judicial process. The judicial process mainly involves three stages, which are: the interrogative, the Investigation and Testimonial stages. Deception can be in all or some parts of the process. It can be from the accused/suspects. This form of deception is triggered by the mere desire of the accused to protect themselves against the cruel consequences of breaking the laws of a nation. They may lie about their whereabouts, in order to avoid being suspected. This form of deception occurs mostly during the interrogative Investigative and Testimonial stages of the judicial process. Deception can also be done by the witness, with an aim of protecting a person they may know. This is also common during all the stages of the criminal justice process. Of interest in this paper is the deception by the investigation officers during the investigation, interrogation and testimony stages of case identities (Meissner & Kassin, p. 473).

In most societies, the police officers tell lies during the criminal justice process. This is especially common during the investigative and interrogative phase of the judicial process. It is a common tool during the investigation process, in order to gather information that only the suspect/ criminal can render. Many courts have given the police sector the mandate to lie, in during the process of gathering information from a suspect or a criminal. In most cases they utilize some psychological manipulations, trickery and deceitfulness as part of law enforcement in order to encourage the suspect into confessing a crime (Althaus et al p. 450).

Deception during the interrogation phase takes different forms. In some

countries, physical torture is utilized, by the police officers in order to probe the suspect into confessing a crime. In most cases, once the officers identify/form hypotheses on the person responsible for a certain crime, it becomes almost impossible for them to change their mind on who committed the crime. Confirmation biases become the key focus throughout the system. This makes it more likely for the initial suspect to remain the emphasis of the investigation and undergo prosecution (Meissner & Kassin, p. 469) the officers utilize all the possible approaches to force the suspect into confessing that they were the ones responsible of the crime even if they were innocent. In most cases, they torture the suspect and instill fear in him/her to a point that the suspect comply with the officer's expectations rather than telling the truth and reality of things.

Deception during the interrogation phase goes up to the next phase which is the testimonial phase. In this case, after the suspect has been tricked into confessing a crime, they are then arrested and taken into the court for hearing. At the court, the investigating officers may give false information in order to ensure that there is consistency and logical flow of the information given. The suspect too continues confessing the crime in accordance to the officer's expectation, leading to unjustified conviction. Unfortunately, most systems do not have systems in place, for eliciting whether an individual is telling the truth or not.

Other nonverbal communications that the judges may use to elicit deception include the liar giving less detailed information and a poor logistic structure of the information given. This is because of lack of actual involvement in the activity. They may also use emotional clues. These include excitement, guilt

and fear. This is because lying has the capability of triggering such emotions. Excitement is triggered as the liar feels excited about being able to; deceive the other party, while a feeling of guilt is triggered by the act of deceiving others (Rosenthal, et. al p. 22). The judge has to be keen in order to identify the facial expression of such emotions.

However, due to their mastery of the art of lying, and the intense training given to the investigation officers, they somehow manage to conceal the signs of deception and are able to give false information in a relaxed manner. In case of a tortured victim, they may not be able to express their true emotions, in an attempt to comply with the officers requirements (Meissner & Kassin, p. 480).

Generally, lying is considered immoral basing on humanistic theories. This should serve as the first reason as to why deception should be opposed within the criminal justice system. This is worse especially when false evidence is produced against an innocent individual, leading them into the rough hands of law. The consequences of court conviction are too severe to be bared by innocent individuals. It is inhuman to allow innocent people to suffer in jail, simply due to false information given in the court of law.

Secondly, torture of individuals by the police officers in order to force them into accepting some wrong doing is not acceptable. It is uncivilized to torture people into accepting their wrong doing. This is the reason as to why some nations, such as the U. S banned the use of torture to obtain confession from a victim. It is conscious-shocking as well as unfair to the victim. It leads to false confession and hence unfair conviction of the victim. Moreover, it is against human rights, for the officers to torture an individual into confessing

their wrong doing. People should be left to confess their crime voluntarily (Meissner & Kassin, p. 469).

Conclusion

Deception has invaded almost all the systems in the world. This does not exclude the criminal justice system the police, and courts, consider deception amongst investigating officers to be a common and natural tool of detecting crime and capturing criminal sand the officers are even trained on deception tactics. It is mostly encouraged during the investigative phase as compared to the interrogative and testimonial phase. Despite its effectiveness in fighting crime, there are many forces against this kind of deception as it interferes with the truth and leads to unfair conviction of innocent individuals. There is still a big debate on whether deception amongst policed officers should be encouraged or not.

Works Cited

Meissner, C. A., and Kassin, S. M. (2002). :“ He’s guilty!”: investigator bias in judgments of truth and deception. *Law Hum. Behave.* 26, 469–480.

Zuckerman, M., DePaulo, B. M., and Rosenthal, R. (1981). Verbal and nonverbal communica- tion of deception. In *Advances in Experimental Social Psychology*, L. Berkowitz, Ed. Academic Press, San Diego, CA, Vol. 14, pp. 1–59.

Althaus, C., Bridgman, P. and Glyn, D. (2007). *The Australian criminal justice system Handbook*(4th ed.). Sydney: Allen & Unwin.