

Week 1:

Law



Week Assignment Affiliation: What does “reconstructing the past” have to do with investigative processes?

Reconstruction of the past in any investigation assists the investigators to determine the most probable sequence of the event that led to a crime being committed (hence unearthing the motive of the crime).

2. An investigator can strive to prove the case or uncover the truth. Is there a difference between these two orientations? Why or why not? Choose an orientation and defend it.

The two orientations are different as proving the case does not elaborately explain what really happened to lead to the crime whereas uncovering the truth provides such details. Uncovering the truth is the best investigative orientation as it helps build up the series of events that led to a crime being committed and hence explaining the true motive among other necessary details for conviction.

3. The key to conducting thorough investigations and getting them prosecuted lies in successfully articulating and packaging the facts and getting the agency and prosecutor “on-board” by making them stakeholders in the investigation. How would you ensure the integrity of the investigation when two agencies are competing for control of the same investigation?

The only way to ensure integrity in such a case is to bring in a third party that is neutral. The third party will analyze the facts and details presented by the two agencies hence ensuring that none of the agencies has favoritism which may tamper with evidence.

4. Why is assessing a human source’s motivation so important?

This is because the human source may have a hidden motive and hence may even provide false evidence or eliminate parts of the truth that are important

for the sake of protecting themselves or redeeming themselves.

5. How does criminal intelligence drive an investigation?

Criminal intelligence ensures that the truth about the crime (motive, witnesses, sequence) is unearthed. This determination to unearth the truth about a crime is what leads to an investigation and keeps the investigators busy (Department of the Army, 1985).

6. How can an investigator assess the reliability of criminal intelligence?

The reliability can be assessed by the investigator questioning details of the crime that are obvious or whose answers he or she already knows and finding out if the answers will tally. The other way is by seeking out the services of another criminal intelligence agency and comparing the results of the two. The other way is to ask intelligence similar intelligence questions in different ways and examine whether the answers will be the same (Department of the Army, 1985).

7. Can you think of any circumstances where circumstantial physical evidence would be preferred over direct physical evidence?

In cases of crimes like murder where there is DNA evidence to be established like hair or semen for example and scientific investigation has to be carried out, then circumstantial physical evidence is preferred as the DNA cannot be brought to court but the laboratory results of the DNA investigations are the ones that will be used as evidence.

8. Consider the various pieces of circumstantial and direct physical evidence in the Laci Peterson murder investigation. Which is the stronger evidence against Scott Peterson, circumstantial or direct? Why?

Since the body of Lacy was decomposing by the time it was discovered and scientific evidence had to be relied upon to determine the cause of death,

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circumstantial evidence in this case would be stronger than physical evidence which would not give the exact cause of death.

9. Why is it a good idea to keep re-checking the crime scene?

This is good because there may be evidence that had not been noted the first time or it seemed inconsequential like footprints but which may be needed once the case starts unraveling and hence the crime scene would still be needed.

10. How can the location of an interview or interrogation affect its outcome?

Provide examples.

If for example the interviewee is in a location they feel secure (like an interrogation room where there are less people), then they emotionally unload their burdens, secrets that may be helpful in the case. The interrogation room is also intimidating and hence psychologically challenging leading to the person being interrogated to cooperate just in a bid to leave the place quickly.

11. What methods can be used to document interviews and interrogations?

Elaborate on each.

One is the tape recorder which captures the sounds of the parties involved in an interview or interrogation and can be played back for voice effects and hence admissible in court. The other is the video recorder that records not only the sounds but pictures and can be used to analyze even the non-verbal communication effective to psychologists to determine whether the person was lying or not. It can also be played back hence admissible in court. The other is a written account of the happenings of an interview or interrogation which can be distorted depending on who is writing or what is exactly written (Gordon and Fleisher, 2002).

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12. Why can't polygraph examinations be used as direct evidence in court?

This is because the mechanism it uses of relying on baseline mechanisms and bodily reaction is not proof enough (without any reasonable doubt) of truth or deception. On the other hand, direct evidence heavily relies on tangible evidence and the results of the polygraph examination are not tangible.

References

Department of the Army. (1985). Law enforcement investigations.

Washington, DC: Author.

Gordon, N. J. and Fleisher, W. L. (2002). Effective interviewing and interrogation techniques. San Diego, CA: Academic Press.