

Covert observation and court proceeding essay sample



**ASSIGN
BUSTER**

Using covert observations can both be useful but also unethical. As the judicial system is quite particular in what is in the public domain, and what is not, covert observation could be a great method to use to get an idea of what really goes on. Even though most court activity is open to the public, some is kept out of the public eye and takes place in closed settings. This means that no other method would gain data as much as a covert observer, meaning that this may be the only method for accessing certain aspects of the judicial process that is hidden. However, it still is not possible for the court observer to access all the settings, such as the discussions that take place in the judge's chambers, or asking why the judge's have come to the decision that they have made. Although, this can be addressed and followed-up by looking for documentation such as media reports.

As lawyers lead a very professional life, they may not want to be researched due to their power and status and may refuse to take any questionnaires or be interviewed. However, covert observation makes it possible to observe lawyers, without their knowledge and gain valid data of their 'closed' profession. Positivists would argue that data collected by covert observations aren't valid at all but are merely biased, subjective impressions of the observer as the observer will only pick out information they believe to be useful and are worthy of recording, which are more than likely to fit in with their values and prejudices. To avoid this, triangulation (using more than one method) could be used to increase the level of validity but the methods would have to be chosen carefully in order to not raise any suspicion as a questionnaire would raise questions about why they are giving them out.