

Wrongful Conviction Day, October 4, 2016

INVESTIGATOR'S ROLE IN AVOIDING WRONGFUL CONVICTIONS

Investigators and detectives play a critical role in compiling the evidence that will eventually determine the innocence or guilt of a suspect. While most investigators do their work in an objective manner, some investigators have taken ethical shortcuts, giving a “black eye” to the whole profession. Some have embraced so-called “victim-centered” approaches that disregard ethical requirements to be neutral and fair.

Ethical codes require investigators to act in an impartial and honest manner:

- International Association of Chiefs of Police: “The law enforcement officer shall be concerned equally in the prosecution of the wrong-doer and the defense of the innocent. He shall ascertain what constitutes evidence and shall present such evidence impartially and without malice.”
- Criminal Defense Investigation Training Council: “The fundamental philosophical assumption upon which all CDITC policies are predicated is that the criminal defense investigator must be an impartial and objective seeker of truth.”
- World Association of Detectives: “We will be faithful and diligent in carrying out assignments entrusted to us, and to determine the true facts and render honest, unbiased reports in reference thereto.”
- National Council of Investigation and Security Services: “A member shall observe, and adhere to the precepts of honesty, integrity, and truthfulness.”
- National Association of Legal Investigators: The investigator “Will make all reporting based upon truth and fact and will only express honest opinions based thereon”

Many innocent persons have been wrongfully convicted of heinous crimes as a result of biased investigational work:

- In the 1980s, a rash of wrongful convictions arose from the child sex abuse panic, where suggestive and coercive interviewing methods were commonplace.
- Former NYPD Detective Louis Scarcella reportedly coached witnesses, fabricated confessions, and persuaded persons to change their descriptions of perpetrators to match the prime suspect.
- The National Registry of Exonerations continues to report persons who were convicted on the basis of investigations that relied on the “believe the victim” approach.

These pointers are designed to assist investigators and detectives to do their jobs in a professional and effective manner in accordance with their ethical requirements:

Objectivity, Integrity, and Honesty:

- Approach all investigations in an unbiased manner and with an open mind.
- Remove personal biases and pre-conceived notions.
- Use an analytical approach that is methodical and logical.
- Maintain impartiality throughout the investigative process.

Information-Gathering:

- Obtain all pertinent reports related to an investigation, including first responder and dispatch reports.
- Obtain geographical crime statistical data, look for patterns.
- Review initial statements from identified accusers, witnesses, and first responders.
- Utilize all available investigative resources, including news media when appropriate.
- Conduct follow-up interviews with identified accusers, witnesses, and others pertinent to the investigation.
- Search for evidence of guilt as well as evidence of innocence.

Other:

- When necessary, work with another investigator with specific expertise.
- Demonstrate professionalism to identified accusers, witnesses, and potential violators.
- Document all information, including exculpatory evidence.
- Employ sound constitutional and due process methods.
- Request supervisory review and oversight.
- Present the case for criminal prosecution, if applicable.

And the most important tip for investigators and detectives: ALWAYS FOLLOW THE EVIDENCE. You don't want to see your name in an ethics complaint alleging investigator bias.

For more information, visit the Center for Prosecutor Integrity:

<http://www.prosecutorintegrity.org/sa/investigations/>

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