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Courts, Law, and Justice,
ed. W.J. Chambliss,
SAGE, Los Angeles 2011, pp. 317

Published in the Key Issues in the Crime and Punishment series, the volume consists of an Introduction and 20 relatively brief essays on highly varied subjects, primarily related to law and criminal and forensic sciences. As the editor of the volume says: “although the topics of this volume are quite varied, the authors all provide detailed overviews of the development of the justice system and give consideration to the contrasting leading opinions that support or denounce the laws and policies used during the investigative, prosecutorial, and sentencing processes” (p. XV). The persistent highlighting of segments that contain arguments for and against the concepts discussed in every chapter is an editorial practice certainly worth noting.

The chapters on “DNA Evidence”, “Expert Witnesses and Hired Guns”, “Eyewitness Testimony and Accuracy” and “Polygraphs” are most relevant to readers interested in forensic sciences.

“DNA Evidence” is a simple introduction to the issues of genetic identification tests. The main question discussed in the article is the existence and development of databases using genetic material samples from the entire population, i.e. all citizens of a given state. Champions of building databases in such a format point to the benefits stemming from the practice: the equal treatment of all people, a deterrent to committing crime, the possibility of running tests and

validations at any stage of the procedure, etc. Suggestions include collecting biological material from new-born children. Opponents of developing such databases suggest that their existence constitutes a major threat to privacy and individual rights, especially to the principle of presumed innocence.

The chapter entitled “Expert Witnesses and Hired Guns” is at a level below basic. Although its subtitles indicate coverage of “Psychiatric/Psychological Evaluation”, “Physical Evidence Evaluation”, and “Documentary and Computer Evidence Evaluation” in the chapter, there is actually not a word on the essence of the methods mentioned above or an assessment of results obtained from such procedures. In turn, we are informed that, e.g. to obtain the qualifications necessary to practise as an expert investigating material evidence, you need to complete a few-week-long course in a specialised police school. The “Hired Guns” mentioned in the title refer to experts who are ready – in return for exorbitant rewards – to challenge officially appointed experts, while the conclusion presented to the reader boils down to lamenting the very limited (for very financial reasons) availability of these hirelings to accused persons not willing to subscribe to the point of view of official experts. The chapter ends in a surprising discussion, namely as to whether to use experts at all, as “the use of expert witnesses entails certain social costs, which include delay and financial costs. However, not using expert witnesses increases the chances of innocent people being convicted of crimes they did not commit” (p. 100). Following that line of reasoning, it is easy to note that an absolute liquidation of the judiciary would solve the problem “of innocent people being convicted of crimes they did not commit” once and for all, not unlike many other problems.

Far more interesting is the following chapter, namely “Eyewitness Testimony and Accuracy”. Its author, Lisa E. Hasel, describes problems related to eyewitness identification carefully and competently, for – contrary to what the title suggests – this is what the chapter is about. Within we find highly valuable comments concerning the psychological grounds for an investigation, the circumstances behind tactical actions and an analysis of the variables influencing identification effectiveness. Moreover, the author also looks at the results of new research on line-ups, and considers the sequential line-up, making the important observation: “If the ultimate goal is to have as few mistaken identifications as possible, then a sequential line-up should be used; but if the ultimate goal is to have as many correct identifications as possible, then a simultaneous line-up should be used” (p. 112). The chapter ends with a comment whose theoretical and methodological significance would be difficult to overestimate: “If legal practitioners treat eyewitness testimony as

trace evidence and take the same precautions with eyewitnesses as they do with other pieces of evidence, then it has the potential to be very accurate” (p. 112). Bravo!

As far as the last chapter discussed here is concerned, one must admit that its title alone raises eyebrows, as the term “Polygraphs” seems more appropriate for a commercial offer or a section on an exhibition of equipment used for investigation purposes.

Apart from a number of obvious inaccuracies, e.g. reducing the role of L. Keeler in the establishment and development of the method, the use of dated terminology (e.g. the article speaks of the “control” and not the “comparison” question technique), the entire text is a fairly well balanced essay on polygraph examinations. Unfortunately, the criticism of certain aspects being not up-to-date concerns not only petty terminological matters. One has the impression that the author’s knowledge on polygraph examinations does not extend beyond 2003: the date of publishing of the famous Polygraph and Lie Detection report of the National Academy of Science, repeatedly referred to in the essay. It is true that the weak points of examinations emphasised in the report were (partly) justified, yet it was that very document that provided inspiration for a leap in the development of the theory and practice of examinations in successive years, which unfortunately was absolutely glossed over in the chapter. This, one could presume, is caused by the too limited bibliographical basis for the text. It would be hard to find references to authorities of the magnitude of C. R. Honts, F. Horvath, D. J. Krapohl, J. A. Matte, D. C. Raskin and many others in the literature referred to. Moreover, the bibliography fails to perceive the several decades of publication of the world’s most important journal devoted to examinations, namely *Polygraph* quarterly. Possibly, this is why “Polygraphs” is not one of the book’s fortes.

In general terms, *Courts, Law, and Justice* provides an introduction to selected questions related primarily to penology. However, it seems that to be fully satisfied with its content a reader needs to operate beyond these sciences, and possibly be a beginner student of law.

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