

## **THE NEED OF CRIMINAL EDUCATION ACCORDING TO STUDENTS OF LAW, PROSECUTING ATTORNEYS, JUDGES, POLICEMEN AND FORENSIC DOCTORS**

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*There is no perfect crime; there are only imperfect investigating officers.*

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### **S u m m a r y**

The idea of writing this report did not arise *ad hoc*. At many Polish universities crime detection became an optional subject, which in practice means a free choice. Despite comprehensiveness, the level of difficulty (especially the expertise and its course), it is still willingly chosen by students. A lot of them come to the lectures, classes, though they have not chosen this subject. Crime detection draws their interest.

Representatives of penal prosecution agency best of all notice the need of education in this field; not only do the policemen take part in training connected with it but also the prosecutors. The opinion of forensic doctors on the topic is also well known and without it it is hard to imagine contemporary criminal proceedings.

Bearing the above in mind, as well as mistakes which occur more often in practice (from the criminalistic point of view of course), we decided to analyze the problem closer.

We enquired the fourth and fifth year students of law, prosecuting attorneys, judges, policemen and forensic doctors about the need of criminalistic education. The aim of this research was to obtain reliable, objective results on basis of which it would be possible to prepare constructive conclusions.

Thus in the first group there were fourth and fifth year students of law (27 students). All the respondents attended crime detection classes and they successfully passed the exam. Many of the respondents are going to start judicial or prosecuting attorney's legal training after graduation.

The respondents were asked the following questions:

1. Should crime detection be the compulsory subject of law studies?
2. Is the criminalistic knowledge necessary for each lawyer?

3. Is the form of crime detection classes and number of hours sufficient for presentation of the key issues?

The students had an opportunity to give broader answers; the research was not limited to the poll questionnaire with closed answers. The research was anonymous.

Here are the results of the research:

**Question one:** Should crime detection be the compulsory subject during law studies?

Out of 27 respondents 20 gave positive answers which means that most of the polled claims that education in the scope of crime detection is necessary and desirable. Moreover the respondents indicated measurable advantages resulting from it mentioning among other things:

- knowledge of rules at locus delicti;
- knowledge of the research capabilities of crime detection;
- knowledge of investigation proceedings (tactics);
- others.

**Question two:** Is crime detection knowledge necessary for every lawyer?

This question was the most difficult (in our opinion) for the students as they showed one professional group which (according to the respondents) does not need this knowledge. Out of 27 respondents, 16 indicated counsellors-at-law as the group for which the knowledge of crime detection in principle is not necessary. Nevertheless they emphasized that although this knowledge is not used in the counsellors-at-law practice there are no contraindications for those who are interested in it to acquire it.

**Question three:** Is the form of crime detection classes and number of hours sufficient for presentation of key issues?

Analyzing the results of research it was not difficult to see unanimous answers. The respondents unanimously stated that the number of hours and their form was sufficient for the presentation of the key issues. However there were 9 answers stating that some issues should be presented broader (considering the scope of research, for example toolmark examination science, fingerprinting, postmortem examination of unknown corpse or degree of difficulty – difficult issues).

The second group of respondents consisted of 6 prosecuting attorneys. The respondents were asked three questions (as the students of law), however they were modified to some extent:

1. Should the candidates for prosecuting attorneys legal training pass an exam in crime detection?
2. Is the crime detection knowledge necessary in practice of a prosecuting attorney?
3. Should training in crime detection be limited to the period of prosecuting attorney legal training or should it be continued later on?

The analysis of the results obtained in this group are presented below.

**Question one:** Should the candidates for prosecuting attorneys legal training pass an exam in crime detection?

Out of six respondents, two of them saw such a necessity however four of them had an opposite opinion. This means that the crime detection knowledge acquired during studies is not necessary when being a candidate for prosecuting attorney legal training. The respondents claimed that the necessary knowledge for the future prosecuting attorney the legal intern acquires during the legal training period.

**Question two:** Is the crime detection knowledge necessary in the prosecuting attorney practice?

All respondents unanimously claimed that such knowledge is necessary in prosecutor practice. The answers were limited exclusively to this statement.

**Question three:** Should the trainings in crime detection be limited only to the application stage or should they be also carried out in the later period?

Also in this case respondents unanimously emphasized that trainings should be permanent because crime-detection as science is still developing so not only there is a need but also necessity of getting to know the latest research in this scope that are used in penal proceedings.

The next group which was questioned about the need of criminalistic research was a group of judges amounting to only four persons.

The respondents were asked three questions as mentioned below:

1. Should judges have broader criminalistic knowledge than the one they already have?
2. Does the knowledge of crime-detection of a judge have a significant meaning for penal proceedings?
3. Do the judges notice lack of criminalistic knowledge of penal agency representatives?

Those polled responded to the above questions in the following way:

**Question one:** three respondents claimed that, in practice, broader criminalistic knowledge is recommended, whereas one person did not see such a need.

**Question two:** all respondents unanimously agreed that the knowledge of crime detection of a judge has a significant meaning for penal proceedings.

**Question three:** two out of four respondents see the lack of criminalistic knowledge of penal prosecution agency representatives, whereas two do not.

Criminalistic knowledge is necessary (according to us) for every lawyer; it is impossible for police officers not to know it, that is why we justifiably assumed it was necessary to carry out the research in that group.

While in the previous group we did not make divisions, we decided it was necessary to do it in this case, as it results not only from the peculiarity of tasks in particular departments, but also from the practical point of view.

That is why the research was carried out among 34 policemen, out of which:

- 14 police officers serve in prevention sector
- 10 police officers serve in road traffic sector
- 6 police officers serve in a criminal sector (investigative and inquisitorial sector)
- 4 police officers serve in criminal sector (action and cognisance sector).

The respondents were asked the following questions:

1. Should every policeman be trained in the scope of crime-detection?
2. How necessary is the criminalistic knowledge in service?
3. Is it necessary and justifiable to carry out supplementary / additional trainings in the scope of crime-detection?

For the sake of order, we present the results obtained according to the previously made division.

**Policemen (prevention sector):**

**Question one:** 11 out of 14 respondents claimed that every police officer ought to take part in a training in the scope of crime-detection; the remaining three ones did not see such a need.

**Question two:** 7 respondents think the criminalistic knowledge is necessary in service; the remaining 7 respondents claim the opposite;

**Question three:** 4 out of 14 claim that supplementary trainings in the scope of crime-detection are necessary; the remaining ten do not see such a need.

**Policemen (road traffic sector):**

**Question one:** all respondents unanimously claimed that all policemen should take part in the basic training in the scope of crime-detection (10 respondents);

**Question two:** 8 out of 10 respondents think that knowledge of the subject is useful in service;

**Question three:** all respondents see the need of additional trainings

**Policemen (criminal sector: investigation and inquisitorial department)**

**Question one:** six respondents unanimously claim that every policeman should have knowledge of crime-detection;

**Question two:** five respondents claim that such knowledge is useful in service; one respondent emphasizes that it depends on the type of proceedings that are being carried out

**Question three:** all respondents unanimously claim that such trainings would be valuable and beneficial but there is not enough time for it.

**Policemen (criminal sector: action and cognisance department):**

There were four police officers in this group; they answered the polls in the following way:

**Question one:** all respondents unanimously claimed that such training was necessary and essential;

**Question two:** policemen from this group emphasized that the knowledge in the scope of criminalistic tactics was particularly necessary;

**Question three:** three respondents think it is necessary to carry out such supplementary trainings and one person has no opinion on that topic.

The last group asked about the need of training in the scope of crime-detection was the one representing medical circle. It consisted of six doctors – specialists in the field of forensic medicine.

The respondents were asked the following questions:

1. Should the representatives of prosecution agency (mainly policemen and prosecutors) have at least good knowledge of crime-detection?

2. Is such knowledge necessary in practice of prosecution agency and administration of justice?
3. What level of knowledge in the scope of forensic medicine do the graduates of faculty of medicine of medical academies achieve?

The respondents answered in the following way:

**Question one:** all respondents (six persons) unanimously claimed that policemen and prosecutors should have at least good knowledge of crime-detection;

**Question two:** also in this case there was unanimity of answers – the respondents claimed that crime-detection knowledge was necessary in practice of prosecution agency and administration of justice;

**Question three:** only two out of six respondents claimed that the level of knowledge in the scope of forensic medicine was satisfactory (it concerns graduates of faculty of medicine at medical academies); The remaining four claimed it was unsatisfactory.

### **Conclusions:**

Compiling the above research results one fundamental and leading conclusion arises – there is a need of criminalistic education not only during university studies but also during prosecutor legal training and service in prosecution agency. Such need is seen not only by practitioners, prosecution agency representatives and administration of justice representatives but also by the students of law. Also forensic medicine representatives notice such a need and without their participation it is hard to imagine contemporary penal proceedings (especially in murder cases, rape cases, battery cases of other events in which a man suffered bodily harm or was killed).

This research, though carried out not on a very numerous group, prove that crime-detection is an important branch of knowledge and without the knowledge of crime-detection rules, criminalistic expertises, it is impossible to carry out many actions in connection with legal proceedings (as well as the ones not connected with legal proceedings).

Introducing a new education model within law studies may have advantages but choosing crime-detection as an optional subject does not seem to be a good move. Though the subject is not easy (especially from a student's perspective), it is often chosen; it enjoys huge popularity.

Perhaps our conclusions include some type of mistakes (in assessment), because we both represent crime-detection not only in theory, but also in practice. We think that without the knowledge of this branch, one cannot say that actions in connection with legal proceedings, which mostly have characteristics, are carried out well.

We have often met gross mistakes in practice that were unable to be fixed. These mistakes caused negative results, irreversible for proceedings.

We hope that our dissertation will result in considering the necessity of broader criminalistic education not only on law faculties but also within representatives of prosecution agency and administration of justice.

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*Authors*

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*Teisės studentų, prokurorų, teisėjų, policijos pareigūnų ir teismo medikų nuomonė apie būtinybę studijuoti kriminalistiką*

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*Pagrindinės sąvokos: nusikaltimų tyrimas, teismo medikas, policija.*

Šio straipsnio idėja gimė *ad hoc*. Kai kuriose Lenkijos aukštosiose mokyklose kriminalistika tapo fakultatyviu dalyku. Praktikoje tai reiškia laisvą pasirinkimą. Kriminalistiką, nepaisydami didelės apimties (ypač nagrinėjant teismo ekspertizės esmę bei jos atlikimą), renkasi labai daug studentų. Daug studentų, nors oficialiai ir nepasirinkusių kriminalistikos, ateina į paskaitas ir pratybas. Kriminalistika kelia susidomėjimą.

Labiausiai kriminalistiką vertina baudžiamojo persekiojimo institucijų pareigūnai – tiek policijos atstovai, tiek ir prokurorai. Žinomas ir teismo medikų, be kurių šiuolaikinis baudžiamasis procesas sunkiai suvokiamas, teigiamas požiūris į kriminalistikos studijavimo problemą.

Minėtos problemos ir vis dažniau praktinėje veikloje pasitaikančios (kriminalistinė prasme) klaidos mus ir paskatino panagrinėti šiuos klausimus.

Atlikome teisės studijų programos studentų (4–5 kursų), prokurorų, teisėjų, policijos pareigūnų ir teismo medikų apklausą apie kriminalistikos studijavimo būtinumą. Šitos apklausos tikslas – patikimi, objektyvūs duomenys, kuriais remiantis būtų galima rengti konstruktyvius išvadas.

