

# Criminal Justice System

Several years ago I was a GM in an adventure where crime and punishment were key elements of play. No one could agree on what procedures and rules were acceptable or how to structure the police, court and prison systems. We still had plenty of fun but it could have been better with an understanding of the inter-workings of a real life criminal justice system. I decided to research the subject by interviewing several criminal attorneys and law enforcement officers, by reading books and articles, by visiting criminal justice websites around the globe, and of course, upon reflection over the tens of thousands of hours that I've spent in watching police shows on TV. What I express here is based primarily upon the US criminal justice system with some embellishments. I've borrowed aspects of the European and Middle Eastern judicial systems and thrown in some ideals of my own, along with bits from selected shows and movies.

There are many television shows and movies that deal specifically with law enforcement, the courts and the prison systems. They can be a source of insight and information.

**TV Shows:** From the past: *Dragnet* (1952-59), *The Naked City*, *Adam 12*, *The Mod Squad*, *McCloud*, *Hunter*, *Wiseguy*, *Colombo* (1971-77), *The FBI*, *Diagnosis Murder*, *CHiPs*, *Matlock*, *Quincy M.E.*, *Remington Steele*, *The Rockford Files* (1974-80), *Peter Gunn* (1958-61), *The Thin Man* (1957-59), *Spenser For Hire*, *Honey West*, *Man Against Crime* (1949-56), *The Lineup*, *Riptide* (1984-86), *Barnaby Jones*, *Simon & Simon*, *Dark Justice* (1991), *Silk Stalkings* (1991-95), *Starsky and Hutch*, *The Streets of San Francisco*, *S.W.A.T.*, *The Untouchables* (1959-64), *The Guardian* (2001-04), *Vega\$*, *Magnum P.I.* (1980-88), *Dragnet* (1989-90), *McMillan and Wife*, *Police Story* (1973-77), *Police Woman*, *21 Jump Street*, *Prime Suspect*, *Mannix* (1967-75), *Charlie's Angels* (1976-81), *Cannon* (1971-76), *Crime Story*, *Cagney & Lacey*, *In the Heat of the Night*, *Ironside*, *The Commish* (1991), *T.J. Hooker*, *Hill Street Blues* (1981-87), *Kojak* (1973-78), *Matt Houston*, *Miami Vice* (1984-89), *Alien Nation* (1989-90); and more recently: *Wanted*, *CSI: Las Vegas*, *CSI: Miami*, *CSI: New York*, *NYPD Blues*, *Law & Order*, *Law & Order: SVU*, *Law & Order: Criminal Intent*, *Conviction*, *Blind Justice*, *Law & Order: Trial by Jury*, *Hawaii*, *Homicide: Life on the Street* (1993-99), *LAX*, *The Wire*, *LA Dragnet*, *Without a Trace*, *NYPD 24/7*, *The First 48*, *Touching Evil*, *The DA*, *The Shield*, *Third Watch*, *Cold Case Files*, *Missing*, *Forensics Files*, *American Justice*, *Crossing Jordan*, *America's Most Wanted*, *JAG*, *Navy NCIS*, *10-8: Officers on Duty*, *Kojak* (1985-89), *The District*, *The New Investigators*, *Walker Texas Ranger*, *The Closer*, *The Handler*, *Karen Sisco: US Marshal*, *Cops*, *I Detective*, *LA Dragnet* (2003), *The System*, *Line of Duty*, *The Practice*, *Boston Legal*, *Oz*, *The Investigators*, *Close to Home*, *Judging Amy*, *The Evidence*, *In Justice*, *City Cops*, *US Marshals*, *Numb3rs*, *The X-Files*, *Masterminds*, *The FBI Files*, *City Confidential*, *The Sentinel*, *The Division*, *Murder She Wrote* (1984-96), *Nash Bridges*, *Veronica Mars*, *Anatomy of a Crime* (2006-), *SWAT* (2006), *Monk* and *Criminal Minds*.

**Movies:** *The Dirty Harry* series, *Red Heat*, *Face Off*, *Shaft*, *The Firm*, *Along Came A Spider*, *The Bone Collector*, *In the Line of Duty*, *A Few Good Men*, *The Pelican Brief*, *Outland*, *To Live & Die In LA*, *I Robot*, *The Client*, *In the Heat of the Night*, *the Lethal Weapons* series, *The Negotiator*, *Murder by Numbers*, *Se7en*, *Taking Lives*, *Silence of the Lambs*, *Training Day*, *the Beverly Hills Cop* series, *Murder at 1600*, *SWAT*, *Blue Thunder*, *Run Away Jury*, *Minority Report*, *Bullitt*, *Speed*, *Untouchables*, *Donnie Brasco*, *Heat*, *The Border*, *Serpico*, *The French Connection* and *Die Hard* series.

## Jurisdiction vs. Venue

There are two primary considerations when it comes to the application of law — Jurisdiction and Venue. Jurisdiction denotes the area in which laws apply. Examples are criminal law, civil law, family law, probate law or military law. A criminal court does not deal with civil or family law. Venue denotes the geographical area in which law applies. Examples are a state, nation or planet.

There are three distinctive levels of criminal justice in Traveller: low, middle and high. Low justice involves the violation of city codes or ordinances enacted by towns, cities and metropolises which have limited sanctions (mostly fines and community service). Middle justice concerns the violation of state, national and planetary laws and treaties enacted by constitutional decree, legislative statute or executive order. Depending upon whether the violation was a misdemeanor (lesser crime) or felony (greater crime) the sanctions could vary from fines, probation and community service to imprisonment for months or years, to life in prison for the most serious crimes, or even the death penalty in extreme cases. High justice deals with the violation of Imperial edicts established by the ruling nobility (i.e., system lords and sector dukes), statutes enacted by the Imperial Senate, an Imperial ministry regulation or from the Emperor or Empress (Imperial Decrees) which carry severe penalties including a life sentence at an Imperial penal colony, or even summary execution.

Low and middle justice generally operate on an adversarial system, whereas, high justice is based upon an inquisitional system. In an adversarial system (like in the US) both sides, the prosecution and defense, argue the merits of a case before a judge or jury, and the best case wins. The defendant is afforded numerous legal protections. A judge or magistrate manages the conduct of the trial, makes legal rulings, instructs the jury, renders or accepts the verdict and determines the sentence.

In an inquisitional system, such as within the Imperium, a panel of tribunes generally determine the issues of fact and law. The defense and prosecuting attorney's are present only to make motions and inform the court of information not in evidence and the defendant generally has few, if any, legal rights. This type of system does not provide for juries and the tribunes are generally appointed by the ruling class. This often leads to judicial decisions favoring the status quo.

Another important factor is the assumption of guilt or innocence. Within the Imperium the courts are governed by the Imperial Criminal Code (similar to Napoleonic law). Under Imperial law the individual is presumed guilty, and must prove their innocence. In many cases, rumor or innuendo may be admitted as testimony and the accused may easily be convicted based upon unrelated factors or unpopular beliefs. Physical evidence can be based upon unscientific or unproven theories. The verdict is decided by a preponderance of the evidence, but tribunes can rule based upon their own beliefs and viewpoint. There's no judicial review process, although a sector duke or the Emperor or Empress can arbitrarily grant a pardon or award a parole. Keep in mind that the state has unlimited powers and tends to defend its actions without regards to justice or truth. It operates upon the rule of man, not the rule of law. It's therefore vulnerable to political influence and corruption.

Under a common law system the individual is presumed to be innocent and the state must prove their guilt beyond a reasonable doubt, or to a moral certainty, through the use of well defined rules of evidence and legal procedures. Rumor, innuendo and hearsay are generally disallowed and physical evidence must be based upon accepted scientific theory or established procedures. Judges must follow the case law and the verdict is subject to judicial review by higher courts.

## **The Primary Institutions of Justice**

The law enforcement agencies investigate crimes and catch the criminals, the prosecution prosecutes those accused, the defense attorney defends those arrested, and the judiciary manages the conduct of the trial and decides case disposition.

### **Law Enforcement Agencies**

Throughout the ages society has had to regulate the anti-social behavior of individuals and groups. Governments provide legal protections to society by defining crimes and setting-up organizations that enforce laws. There are many jurisdictional levels of law enforcement, each with its own unique geographical boundary, mission, entrance requirements, training, rank structure and procedures. Most jurisdictions (i.e., town, city, county, state, nation, planet, sub-sector, sector, quadrant or the Third Imperium) are composed of a combination of uniformed enforcers, as well as plain-clothes investigators.

Although, both the military and the police carry weapons and maintain order, their mission, equipment, training and tactics are very different. Police agencies attempt to use the minimal amount of force necessary to maintain the peace and quell disorder. The military, on the other hand, is trained to defeat the enemy using destructive weapons and tactics and is therefore unconcerned about potential collateral damage to innocent civilians or property. Military units consider police work to be a distraction from their primary goal, and when they attempt to operate as a police force, usually alienate the population that they serve. Conversely, police units function poorly in military roles.

Towns and rural farming communities are the least populated areas. They generally appoint or elect a chief of police, sheriff or marshal to maintain local law and order. These agencies may hire dozens of patrol officers to perform general police duties such as patrolling and traffic enforcement. Due of budget constraints smaller departments do not have the resources available to larger agencies, such as trained investigators, a crime laboratory or a SWAT team. Therefore, they depend upon the county or state government to provide such services as needed.

Keep in mind that the larger an agency becomes the more complex it is. Agencies have to recruit, train, supervise, promote, discipline, terminate and retire personnel over time, which requires some level of bureaucratic structure and budget. Policies, regulations, procedures and directives must be in place to do this successfully. This requires a civil service bureaucracy, irregardless of the form of government in place. The top layers of governmental offices may be elected or appointed, but the vast majority of enforcement and investigative personnel will fall under a civil service personnel system.

Listed below are the primary law enforcement agencies in my Traveller universe. They're listed in the order of size (city, county, state, nation, planet, sector and Imperium):

#### **Town Marshal**

A small city, town or village is the lowest level of law enforcement. This could include a sheriff, constable, marshal, police unit or some form of citizens' patrol or crime watch. These offices can range from a single officer to several dozen with limited funding, equipment and training. For cases involving serious crimes expertise must be requested from county or state law enforcement agencies. Officers are recruited from other police agencies or trained at the county police academy. Standard police duties include general patrol, traffic enforcement, jail operations and displaying a presence.

## **Metropolitan Police Force (MPF)**

The MPF is the primary law enforcement agency for a large city. Depending on the population size it may employ hundreds to tens of thousands of full-time uniformed patrol officers and plain-clothes detectives enforcing and investigating violations of city codes and state laws. The top leadership is either appointed by the city council or mayor, or elected by the citizenry, and therefore, often influenced by political considerations. It operates only within city limits unless it is in hot pursuit of a felon. It's organized into precincts station houses that report to a district or divisional headquarters (i.e., harbor district, metro division) who further reports to a centralized command complex (i.e., "one police plaza"). Such forces are further organized into specialized units such as aviation (helicopter or grav-craft), harbor (police boats and scuba teams), transit patrol, canine units, bomb squads, SWAT teams, internal affairs, crime scene investigation (CSI) units, detective squads and criminal intelligence units. Its' personnel are trained at the city police academy. The best examples are the New York City Police Department, Los Angeles Police Departments and the London Metropolitan Police Force.

## **County Sheriff's Department**

Counties (also sometimes referred to as parishes, boroughs or shires) are geographical, political and administrative sub-divisions of state governments receiving their budget from those coffers. Sheriffs departments operate only within the boundaries of their respective counties but provide overlapping law enforcement coverage to cities within their domain, along with unincorporated townships, rural farming and ranching communities and undeveloped wilderness areas such as county parks or nature reserves. The sheriff is generally an elected official, and therefore a politician who's often influenced by local politics. Depending upon the county's population, the department may employ hundreds to tens of thousands of full-time uniformed deputies and plain-clothes investigators enforcing and investigating violations of county codes and state laws. Its' mandate generally includes the management of the county jail system (providing jail services, not only to the county, but also to other law enforcement agencies on a fee basis), court security (the bailiff corps), judicial enforcement (county constables serving summons and confiscating property based upon a court order), crowd or riot control, civil disaster response, a mounted horse posse with dog teams which conduct manhunts for escaped convicts, perform wilderness search and rescue operations for lost hikers or missing children, as well as performing in a variety of ceremonial duties (sheriff' honor guard or posse). Its personnel are trained at either the county Sheriffs Academy or a state-run Law Enforcement Academy. Because the city police and sheriff departments have overlapping territorial boundaries, jurisdictional conflicts and even competition sometimes occurs. This can appear within the game as an on-going turf war or can become an obstruction to an investigation. The best examples are the Los Angeles County Sheriff's Department and the Dallas County Sheriff's Office.

## **State Constabulary / State Highway Patrol**

The state constabulary is the primary state police agency which employs tens to hundreds of thousands of full-time uniformed troopers and plain-clothed examiners enforcing state laws. It's organized into various departments including public safety (highway patrol and motor vehicle licensing offices), criminal investigations (state examiners), corrections (prison guard corps), fish & game (park or game wardens), and technical services (state crime lab). In frontier societies it may take the form of a horse-mounted roaming posse ('Texas Rangers' or the 'Royal Canadian Mounted Police') providing wilderness peacekeeping, along with tracking and apprehending wanted fugitives or escaped convicts. Its personnel are trained at the state's Law Enforcement Academy. The best examples include the Virginia State Police, the California Highway Patrol, the Arizona Department of Public Safety, the Texas Department of Corrections or the Georgia Bureau of Investigation.

### **National Marshal Service (NMS)**

The NMS is the primary law enforcement agency of a national government. It may employ tens of thousands to hundreds of thousands of full-time uniformed deputy marshals enforcing national laws and criminal court judgments. Marshals are primarily enforcers, not investigators. Their mandate includes the apprehension of wanted and escaped national fugitives, prisoner custody and transportation (i.e., “ConAir”), prison security, a counter-insurgency strike force (a large SWAT team) or hostage rescue teams, a national arson and explosives laboratory, judicial enforcement/asset forfeiture (court-ordered search & seizures), protection of the national courts along with its witnesses and juries, the protection of senior government officials, as well as control of national borders including customs and immigration enforcement. Its’ personnel are trained at the National Marshals Academy. The best examples are the US Marshal Service, the US Customs Service, the US Immigration & Naturalization Service (INS) (recently renamed Immigration & Customs Enforcement (ICE)), the US Parks Service, the US Bureau of Alcohol, Tobacco & Firearms (ATF), the US Border Patrol, the US Bureau of Prisons, the US Transportation Security Administration, the US Coast Guard or the Royal Canadian Mounted Police (RCMP).

### **National Investigative Agency (NIA)**

NIA is the primary investigative agency of a nation. It employs tens of thousands to hundreds of thousands of full-time plain-clothes agents charged with investigating crimes against national laws and treaties. Its primary mandate is the investigation of criminal activities by means of joint criminal taskforces including violent crimes (assassination of government officials, the murder of federal employees), narcotics (drug trafficking, narco-terrorism), computer crimes (cyber-fraud or child porn), treasury crimes (forgery or counterfeiting of federal documents or currency), organized crimes (racketeering or money laundering) and civil rights crimes (slavery, alien smuggling or laborsteering). It may operate a variety of specialized units such as covert surveillance teams, counter-intelligence teams, counter-terrorist units, legal attaché (assigned to overseas embassies and consulates), a behavioral science analysis unit, along with a national criminal forensics laboratory and federal law enforcement computer network with an extensive criminal database. Its agents are required to have a bachelor degree or higher and are trained at the NIA Academy. The best examples are the US FBI, US Secret Service and the UK New Scotland Yard.

### **Planetary Peacekeeping Force (PPF)**

The PPF employs tens to hundreds of thousands of full-time uniformed peacekeepers providing planetary defense duties as well as enforcing international laws and treaties. It has the responsibility of general peacekeeping, emergency disaster response, executive protection of government officials, counter-terrorism, inspection and monitoring of arms control agreements, conducting raids against hostile insurgence forces, as well as patrolling international borders to control smuggling. This is a large para-military force employing heavy weapons and armored vehicles. The spaceborne element may consist of a fleet of system defense boats, starfighters and orbital weapons facilities. Its personnel are trained at the Planetary Peacekeeper’s Academy with its officer corps educated at colleges, universities and military service academies. The best examples are the French Foreign Legion, the United Nations Peacekeeping Force, colonial warriors of *Battlestar Galactica* and Earth Force of *Babylon 5*.

## **International or Planetary Criminal Intelligence Directorate or Division (ICID)**

The ICID employs thousands to hundreds of thousands of full-time plain-clothes inspectors providing criminal intelligence and technical surveillance support to the international community. It also coordinates planetary law enforcement efforts regarding counter-terrorism, drug enforcement and human rights violations spanning national borders. Its personnel are required to have a bachelor degree and are referred to as inspectors. It recruits from other law enforcement agencies but operates an ICID Academy. The best examples include INTERPOL (International Police Organization) and the United Nations Humans Rights Investigative Agency.

## **Colonial Star Patrol (CSP) & Colonial Guard (CG)**

The CSP and CG are the primary enforcement arm of the Colonial Authority and employs tens of thousands to millions of uniformed personnel stationed on member worlds. They operate as a military organization stationed through out the Imperium. They're charged with patrolling, not only orbital and inter-system space, but the interstellar trade routes between member planets. They're organized into military battalions or squadrons functioning similar to a National Guard or State Militia. They enforce planet, system, subsector, sector and Imperial laws and treaties at the bequest of the Imperial Representative (IR). The CSP maintains a strike force (a battalion-sized special operations unit) for raids against the organized crime strongholds, referred to as "the Cartel", and various terrorist and insurgency groups. They operate the colonial prison system and maintain a fleet of armed system defense boats, corvettes and frigates along with a network of orbital weapons platforms and planet-based defensive weapons sites. Their mission includes the inspection of inbound merchant shipping, the prevention of piracy, curtailing of smuggling and tech-running, maintaining space navigation and communication systems, conducting safety-related vessel inspections, quelling interplanetary disputes and providing search and rescue services (in essence, they function much as a space-based "coast guard"). Its' personnel are trained at the Colonial Service Academy. The best example includes the colonial warriors of *Battlestar Galactica* or Earth Force of *Babylon 5*.

## **Colonial Police Agency (CPA)**

## **Imperial Marshal Authority (IMA)**

## **Imperial Ministry of Justice (IMoJ)**

The IMoJ is organized into several distinct branches: civil branch, criminal branch, corporate (anti-trust) branch, Echo branch, Inspectorate branch, judicial branch and the special branch. They employ millions of plain-clothes Imperial investigators called "Sentinels" operating on Imperial planets charged with enforcing Imperial laws and treaties. Special branch's primary mandate is to prevent counter-terrorism and counter-insurgency directed against the Imperium. The Inspectorate is responsible for investigating the abuses and wrong doings of the Imperial nobility by employing sentinels who are themselves high level nobles with a decree from the Emperor giving them authority to arrest nobles if evidence of their abuses or corruption comes to light. There's also a "Psi Corps", as in *Babylon 5*, which is referred to as "Echo" branch. The Imperial sentinels work closely with Imperial "Guardians" (Imperial prosecutors) in bringing criminals and terrorist to justice. Sentinels require a bachelor degree or higher and are trained at the Imperial Academy of Justice. The best examples are the US Federal Bureau of Investigation (FBI), the US Central Intelligence Agency (CIA) and the US National Security Agency (NSA).

## **The Imperial Guard**

The Imperial Guard is a unique service within the Imperium with many internal security roles (and some law enforcement ones), including the protection of the Emperor (and the Royal Family), security of the Imperial Senate, along with the rest of the Imperial government (including the various Ministries, Courts, Agencies and Prisons). They also operate a unique group of “Imperial Marshals” who work in small teams patrolling Imperial restricted worlds, Imperial research outpost and wilderness preserves. They enforce Imperial laws against illegal mining, poaching and other forms of resource plundering, track down Imperial fugitives, and during times of war, act as both planet watchers and pathfinders for the military forces. The Imperial Guard is reported to be divided into two major branches: the White Guard and the Black Guard. The White Guard is the public face providing security and performing ceremonial functions. The Black Guard, on the other hand, is a purely military force with a much more sinister role. Its’ reported million man force provides the Emperor with the ultimate hammer which he uses to defeat his military and political enemies.

## **The Colonial Authority (CA)**

The Third Imperium consists of thousands of individual planets. They’re organized into numerous subsectors, sectors and quadrants. Their management is dependent upon mutual allegiances controlled by a central power, residing in the form of the Emperor. Single planets can sometimes be easy prey to their neighbors or other interstellar threats. The Imperium provides protection to such worlds in the form of Imperial membership. They are, in essence, granted Imperial “protectorate” status. With membership each planet receives an appointment of one Imperial Senator to the Imperial Moot. This senator may find influence at the royal court, with financial and political benefits flowing back to their homeworld (or at least to its wealthiest class). The costs incurred are (1) the planet pays tribute in the form of taxes to the Imperial treasury, (2) the Emperor obtains ownership to selected land holdings on the planet which he can exchange for oaths of service and loyalty, and (3) the Emperor gets to appoint an Imperial Representative (known as the “IR”) to watch over his interest on the planet (i.e., natural resources, expanses of land, wealth, taxes).

The appointed IR is always selected from noble rank (either a baron, marquess, count or duke) which translates into social and economic status, along with a diplomatic title (i.e., counsel, counsel-general, ambassador or ambassador-general). These further translate into military, judicial and political power. If the world consists of a single planet a baron is appointed holding the diplomatic rank of consul. If the planet consists of a star system (with several populated planets) a marquess is appointed holding the rank of counsel-general. If a subsector joins the Imperium a count is appointed with the rank of ambassador. And finally, if a full sector joins the Imperium, a duke with the rank of ambassador-general is appointed. Honorary military rank is also conveyed accordingly, Major General of the Colonial Army or Rear Admiral of the Colonial Navy for a baron, Lieutenant General of the Colonial Army or Vice Admiral of the Colonial Navy for a marquess, General of the Colonial Army or Admiral of the Colonial Fleet for a count and Governor General of the Colonial Army or Fleet Admiral of the Colonial Navy for a duke. In many cases the IR holds all of these positions. Quadrants are commanded by Arch Dukes, generally a close relative of the Emperor. While some ranks are purely ceremonial in nature, some are awarded seriously, especially if the noble is a professionally trained military or naval officer, rather than just a spoiled blueblood with a Napoleonic complex.

This loose network of nobility functions as a modern version of feudalism, with the lower noble, “the vassal”, pledging allegiance, loyalty and military support to the higher noble “the lord” in exchange for grants of land and wealth. The laws of hereditary succession reinforces the class system with the heir receiving the family title upon the death of the parent. In most cases, whether being a male or female does not matter.

Along with the IR title comes a bureaucracy known as the Colonial Authority (CA). Because the IR has limited access to the Imperial treasury (requesting grants from his lords or the Emperor) this produces many beneficial results within a society. These translate into bringing law and order to a frontier culture, building a commercial starport to support trade expansion, providing critical human services to a backward quality of life or channeling Imperial credits into local businesses (or more likely, the mega-corporations).

Under ideal conditions the CA operates in the background and supports the decisions of locally established elected or appointed officials. As long as the CA maintains a low profile, and the planetary leadership and population perceives its role as non-interfering there's little likelihood of discontent and rebellion. In fact, many worlds accept the role of the IR as necessary and even beneficial. In many societies the IR is a symbol of pride and patriotism. But under emergencies, such as civil rebellion or during a state of war, the IR has the power to take over control of all planetary resources, essentially "Imperializing" the local military, law enforcement and emergency services to properly defend the planet. While the local authorities may protest the IR has the power to call in the Imperial Navy and Marines as needed. The planetary officials will generally offer the IR command to avoid it being taken.

The IR can marshal Imperial resources including: the Imperial Starport Administration which manages starports and the space traffic control system, the Imperial Corps of Engineers which builds starports and other macro-engineering projects, the Imperial Ministry of Justice, which investigates crimes against Imperial interest and prosecutes enemies of the state, the Imperial Ministry of Security and its primary agencies the Imperial Guard and Imperial Secret Service providing internal security, intelligence and surveillance services, the Imperial Judiciary which provides judicial and penal services to the convicted, and the Imperial Navy & Marines which provides overwhelming protection when needed.

The CA does have several of its own agencies including: the Colonial Guard (CG), the Colonial Star Patrol (CSP) and the Colonial Security Directorate (CSD). The Colonial Guard is the ground element equivalent to the spaceborne Colonial Star Patrol. These are separate from the planetary military forces. The CSD is the internal security, intelligence and surveillance agency for the CA. These agencies answer only to the IR.

## The Prosecution

(These positions can be renamed by the GM as needed)

Imperial Advocate General (IAGs) (Imperial Prosecutor)  
Colonial Prosecutor General (CPGs) (Colonial Prosecutor)  
Solicitor General (SGs) (Planetary Prosecutor)  
Attorney General (AGs) (State or National Prosecutor)  
District Attorney (DAs) (County Prosecutor)  
City or Municipal Attorney (CAs or MAs) (Town, City or Metroplex Prosecutor)

## The Defense

Private Practice Defense Attorney (also called Counselor / Lawyer / Barrister / Solicitor)  
(Small Law Office or Major Law Firm)  
Public Defenders' Office apart of the County, State, Nation or Planet  
Legal Aid Society (i.e., ACLU, ACLJ)

## The Courts

The courts are organized based upon jurisdictions into: low, middle and high. Judicial officials are referred to as either magistrates or judges for the lower and middle courts, and justices and tribunes for the high courts.

### **The High Courts**

High Tribunal of the Imperium (Five Tribune Panel)  
Colonial High Court (Subsector / Sector Level) (Three Tribune Panel)

### **The Middle Courts**

International, Planetary or World Court (Nine Justice Panel)  
National Supreme Court (Seven Justice Panel)  
Federal Court of Appeals (Five Justice Panel)  
Federal Circuit Court (Three Justice Panel)  
State Supreme Court (Five Judge Panel)  
State Court of Appeals (Three Judge Panel)  
County Superior Court (Single Judge)  
County Justice Court (Single Judge)

### **The Lower Courts**

There are many different lower courts: small claims, traffic, probate, tax and juvenile courts. The gamemaster may create them as needed.

Tribal, Municipal (Cities) or Justice of the Peace Courts (Towns) (Single Magistrate)  
Warrant, Magistrate or Police Courts (Single Magistrate) is generally located at police stations or police district headquarters and is charged with issuing various court orders (i.e., wiretaps, property seizures, protective custody orders, material witness orders, temporary restraining orders (TROs)) and search and arrest warrants in support of investigations.  
Arraignment or Appearance Court (Single Magistrate) is located generally at city and county jails and county and federal courthouses to screen criminal complaints insuring that 'probable cause' exists for the filing of criminal charges, appoints defense counsel to defendants as needed, accepts voluntary pleas, sets bail or bond or remands into custody and sometimes even assigns trial judges and court dates.

## The Criminal Investigation Process

### **Guilty ... Until Proven Innocent**

In a backwater society if someone turns up dead, someone must pay. If the victim was important the case must be solved even if an innocent person is charged; usually it's someone that the authorities dislike, such as a known criminal, foreigner or a political enemy. The arrest is made without formal charges; the accused is accorded little or no legal rights and assumed guilty. They have their possessions confiscated and may be beaten and tortured until they're willing to sign a confession; evidence and witnesses are falsified against them; then they are declared guilty by a politically-motivated (kangaroo) court and thrown into a filthy, freezing (or sweltering) jail cell with dozens of other predators. They may be provided with one or two meals a day of foul tasting slop seasoned with maggots; contract several nasty diseases along with insect infestations while receiving little or no medical treatment. They have little or no access to an attorney or their own embassy remaining there until the powers that be decide to either take them out and shoot them, or release them, which could be years later.

### **Or Innocent ... Until Proven Guilty**

In a "rule of law" society a crime is reported, usually via 911. The first police officers arrive on the scene and obtain information about the crime providing protection to any individuals present. They identify any immediate threats (i.e., gunman, fire, dangerous animal or explosive device). They disarm and detain any perpetrators and secure any weapons found. If an explosive device, hazardous material or a fire is present, they'll evacuate the scene and call for backup along with fire or ambulance services. They also administer emergency first aid to the injured, and identify and isolate potential witnesses to the crime. Finally, they secure the crime scene and allow entry only to authorized personnel.

### **Crime Scene Investigation (CSI)**

A Case Investigative Team (CIT) is assigned and on-site within the hour. A CIT generally consisting of two or more experienced police detectives, county investigators or national agents depending upon the jurisdiction. A Crime Scene Investigation (CSI) will also be dispatched which consists of a crime scene manager (responsible for command and control of the crime site), a forensic photographer (responsible for all photography), an evidence collection team made up several forensic specialist, sometimes referred to as criminalists (responsible for discovering and collecting all physical evidence), an exterior survey team made up of one or more forensic specialist and detectives, investigators or agents (responsible for canvassing and interviewing neighbors or by-standers and searching the area outside the premises for physical evidence), a police sketch artist (responsible for sketching the layout of the crime scene and documenting the location where all the physical evidence was found and working with witnesses to produce sketches of perpetrators) and an evidence custodian (responsible for receiving, documenting,

logging and securing all evidence recovered from the scene and insuring a proper chain of custody exists). In some instances, the prosecutor may be included in this process.

Other personnel may include uniformed police officers (responsible for securing the outer perimeter and directing traffic). A CSI Team generally has a specialized vehicle containing crime scene equipment and supplies including white protective coveralls, specialized detectors, photographic equipment, portable lighting, communications gear, a chemical toilet, an electrical generator, tools, water & food, first aid supplies, a variety of evidence storage containers, forensic kits and supplies, etc.

In order to prevent contamination of the crime scene all authorized personnel entering the premises will be required to sign in and out and wear approved lint-free white overalls, white lint-free cloth booties (over existing footwear), powder-free heavy-duty latex gloves and a white lint-free face or head mask, insuring minimal site contamination. On special occasions, a full biological-chemical containment suit with self-contained breathing apparatus may be required, especially if hazardous chemicals or biological agents are suspected. CSI personnel will also carry miniaturized sensory instrumentation such as a digital pocket dosimeter (to register levels of radiation), a miniaturized chemical spectral analyzer or sniffer (to detect drugs, explosives, toxins and other dangerous chemicals) along with a palm-sized biological sensor array (to alert for specific types of biological pathogens).

The CSI Team, along with the CIT, will perform a preliminary walk-through of the crime scene, observing, photographing, video-taping and defining the active interior search area and exterior perimeters. If a spouse or live-in roommate is available they may be asked to participate in the walk-through to determine if anything is out of place or missing. The CSI team members will look for signs of forced entry (broken windows, jimmed doors, scratch marks on door locks, etc.), indicators of a struggle (defensive wounds on the victims body, furniture over-turned, broken glass) and whether the victim was subdued or bound prior to being killed (noting binding rope, duck tape, or ligature marks on victims' wrists or ankles). They'll make detailed notes of the condition of the victim's body. Was it found fully clothed, nude, covered in a blanket; was the body mutilated, dismembered or posed in any way? They'll attempt to determine if the victim may have known their assailant (lack of forced entry or struggle, an extra wine glass on the table, coffee cup or place setting), or if the crime scene was cleaned up to throw off the investigation (total lack of fingerprints, household cleaners used, evidence that does not fit the facts). Next, the team will perform a careful fingertip-to-fingertip search of the interior premises for any overt physical evidence. Perishable or fragile evidence will be immediately addressed (i.e., burnt document fragments, hairs or other near-weightless materials that could easily be blown away, wet shoe prints or tire impressions that could rapidly melt or dry up).

All physical evidence, including the body, will be extensively photographed using a high quality 35-mm camera using a variety of lens (wide angle and macro), lighting (flash, ultraviolet, infrared and focused laser), films (color, high-definition black & white and infrared) and camera settings (different shutter speeds and f-stops) to insure the best quality photography for later evaluation and court presentation. A digital camera may also be used, but film is always the preferred media since it's not as prone to manipulation and has much higher gain quality and color characteristics. All evidence will be photographed with measurement scales. Each photo will be individually documented noting f-stop, aperture speed, distance, lighting conditions, film and lens used. The same applies with video-taping.

Once the obvious physical evidence is collected the team will look for the less-obvious. A close visual examination of the walls, doors, floors, carpet, ceiling, cabinets and furniture may reveal bullet holes, bullet fragments, biological prints, clothing fibers, blood splatter or gun powder residue. The premises will be dusted for latent fingerprints. Impressions will be taken of shoe prints or tool marks found. The team will collect any residues and stains (urine, vomit, semen,

blood, saliva, unknown chemicals, dirt, plant materials or insects) and look for any obvious blood splatter patterns. In the case that the perpetrator attempted to clean up blood stains at the crime scene a reagent called Luminol will be sprayed on various surfaces which make blood glow blue under a UV light source. A sterile evidence vacuum (with a clean link-free collection bag) will be used to vacuum the floors, carpets and other fabrics for trace evidence (hairs, fibers, soil, seeds, pollen, dust and insects). Bed linens will be collected for later examination, if the bed appeared to be used. An inspection of the commodes, bathtubs and sinks (including the drain traps) could reveal possible blood or tissue residue. The refrigerator and freezer will also be inspected for the possibility of body parts, drugs or other related items being stored within.

All telephones will be checked for incoming messages, and a record will be made of all phone numbers listed in caller ID logs. The CIT will redial the last outgoing number and note the results, then dial \*69 to determine the name and phone number of the last incoming caller. Check other devices including computers (for internet activity), cellular telephones (text messages, call directory), answering machines, fax machines and beepers for incoming or outgoing activity (a call audit can be obtained at a later time on the victims' phone and internet provider). Check recent newspapers or telephone books for notations. Also collect documents such as the victims' will or a power of attorney, along with any life insurance policies taken out on the victim (to determine policy face values and beneficiaries). Also record the names of any heirs and executors to the victim's estate. Any credit cards present will be confiscated along with recent monthly statements found (obtain credit card transaction statements from each credit card company later), any pawn or lottery tickets, samples of the victims handwriting and signature to use as exemplars (especially if forgery is suspected), secure any ransom or suicide notes, love letters or correspondence threatening the life of the victim or blackmail or extortion documents or photos. Secure any cash money present, bag any recent sales receipts or invoices, collect all home security surveillance video tapes (for later viewing and analysis and check with the security alarm company), check all telephone books for markings, note any newspaper articles marked or clipped, secure any dairies, personal journals or appointment books found, and any note pads present (whether blank or not, as someone may have written a message which could be raised by the crime lab). Check on bank accounts owned by the deceased (get the monthly statements from their banks at a later time to determine current balances, recent withdrawals or deposits, outstanding loans, the recent sale of any real property (real estate, cars and boats), any safe deposit boxes leased), obtain a listing of other properties owned or leased (cars, boats, summer home, storage locker, etc.). Collect all medications present (whether over-the-counter, prescription or illegal and any drug-related paraphernalia, and take samples of any open containers (liquor, wine, colas, water or dairy products) for testing back at the crime lab for possible poisons or drugs. Secure any evidence of pornography. If the victim owned or managed a business determine the current financial condition of the business (profit & loss statements, annual report), names of key employees, names of former employees (especially those that were fired or recently laid off) and the reasons they left and any other facts or details of interest.

Check other rooms in the residence for discovery of a safe or secret hiding place which may reveal important documentary evidence. Check the contents of any computer hard drive present (whether desktop or laptop) or PDAs (personal digital assistants) for recent correspondence, financial reports, e-mail traffic and recent web sites visited. If available, obtain blueprint of the premises to determine if any building additions or underground rooms may be present (obtain them from the city buildings department; a contractor must file plans in order to add on to any property).

Search any fields, roads and parking lots using a grid pattern. Check nearby garbage containers for evidence that may have been thrown away. Don't forget to check any swimming pools or nearby ponds and lakes. This may require a police dive unit or dragging the bottom for evidence. Check the victims' vehicles for fingerprint, blood or trace evidence along with recording the vehicle mileage. Open and inspect the trunk for evidence. Take samples of exterior soil, plants

and indoor carpet fibers along with any animal hairs (if a pet is present) which could later be used to match against materials found on a suspects clothing or in their vehicle. Many vehicles have satellite GPS systems built-in which will provide location tracking information.

If other bodies are suspected to be buried at the location the search team will need to use hand-held metal detectors, magnetometers or specialized ground penetrating radar units to locate them prior to excavation. Exterior evidence can include shoeprints, tire tracks, trash (cigarette butts, candy wrappers), trace debris left by the vehicle tires or undercarriage, fluid leaks, etc. In cases where the suspect has fled the location on foot, tracking dogs may be called in. A trained K-9 team may also be used to search for suspected drugs, explosives, and in some cases, dead bodies.

Other questions: What type of weapon was used and was it found? Was the victims' purse, wallet, watch, jewelry, car keys, credit cards, briefcase or money missing? Was any interior contents missing (stereo equipment, fur coat, firearms, prescription drugs)? Were any of the missing items insured and were their serial numbers or photos on file with the insurance carrier? Did anyone else live with or often visit the victim? Did the victim own a car or other means of transportation, and where is it? Did the victim have any pets, and if so, what kind and where are they? Were the lights found on or off? Were the windows or doors locked, unlocked or open? Was the heating or air conditioning on or off? Who has keys to the residence and where are all the copies? If the victim's keys were found what does each key open? Was there an alarm system installed and did it go off prior to or during the time of the crime? Was the home security company interviewed for previous break in? Who has the passcode? Did the victim have a weapon available to protect themselves with, and if so, where is it? Who is the next of kin and have they been notified? Who had the most to gain or lose as a result of the victim's death? Did anyone ever threatening the victim? What was the victims' personality and demeanor like during the past days and weeks? Was the victim alive at the time they were found, and if so, did they say anything to anyone? Did anyone see the attacker, and if so, could they identify him or her again? How was the initial report made (911 call, police came upon the body, neighbor called police)? Does a voice recording exist of the initial 911 call? What was the time of arrival of the first responders to the scene? Was anyone inside the premises upon arrival (suspect, wife, parent, roommate)?

### **The Case Investigative Team (CIT)**

If the case is more complex several additional detectives, investigators or agents may be assigned to the investigation. After a review of the preliminary evidence and witness interviews the CIT will attempt to develop a working theory of the crime including the most probable sequence of events or timeline, the manner and time of death and the type of weapon used, the method of entry and exit and any details of any struggle or cover-up. They'll re-interview those present at the crime scene, including eye-witnesses, spouse and other family members, roommates, hired help (maid, butler, nanny), friends and other acquaintances, neighbors and by-standers, obtaining their personal observations regarding the victims' lifestyle or recent behaviors. They'll also note any suspicious behaviors or omissions on the part of any witnesses. They'll determine if the victim had any known enemies or recent problems with anyone in specific, the last time witnesses or family members talked to or saw the victim, what the victim's mood and attitude was at that time. Where the victim hanged out or what they did in their spare time. Did they have any bad habits, business or financial problems, owe anyone money; used any legal or illegal drugs or drink excessively, any medical or mental health problems, family problems such as fights with spouse or children, problems with a specific child, infidelities, gambling problems, pending divorce, were they worried about anything specific, any recent travel or changes in their lifestyle or spending habits such as coming into money. The CIT will record or videotape witness testimony if possible, and transcribe the recordings at a later date for the case file. A digital photo of each witness will be taken, if possible. All police officers at the scene will be interviewed and their incident reports reviewed. The criminal database will be searched for other crimes with similar patterns or MOs. Confidential informants and undercover officers may be queried for

information. A national criminal background check (also known as a BCI or NCIC) will be requested on the victim, key family members, critical witnesses, along with the primary suspects. In complex cases the CIT may create a wall board display with the photos of all victims, suspects, witnesses, case similarities, patterns or signatures, crime scene photos, crime location maps and time line charts to coordinate the investigation.

### **The Medical Examiner (ME)**

The Medical Examiner (ME), or their assistant, is required at the crime scene if a body is present. The ME can also be called the coroner depending upon the jurisdiction. Once the ME arrives, he or she will inspect the entire body. After examination, sterile evidence bags will be securely placed over the victims head, feet and hands (protecting any trace evidence present, such as DNA and blood that may have been transferred from an assailant during a struggle). He or she will take the ambient temperature of the room and insert a thermometer into the corpse to obtain a core body temperature reading. This will help establish the approximate time of death if no unusual temperature fluctuations have occurred. The body will eventually be placed into a sterile body bag and secured. The ME will insure that the body is properly handled and not damaged on its way to the morgue. At the morgue, the body will be placed on an autopsy table, undressed if not already nude, and a physical surface examination will take place prior to autopsy. When a person dies under suspicious circumstances an autopsy is required by most states. The ME will attempt to determine the cause and time of death. If the death is determined to be caused by a criminal act medical evidence will be collected, analyzed and reported to the CIT or prosecutors office. Some cultures and religions may have objections or strict rules regarding autopsies and the preparation and handling of the body.

A body can sometimes be identified using one or more of the following methods: documentation present, facial recognition (by a relative or acquaintance), unique clothing or jewelry items worn, distinctive body marks (tattoos, birthmarks, scars), unique physical abnormalities or deformities, prior broken bones via the use of X-ray images, DNA analysis (if a known comparison DNA material is available), finger-, palm- or foot-prints if comparisons are available), a blood chemistry workup (for unique blood type, unusual proteins or specific medications in the system), dental records (through X-ray images of the teeth, if a comparison is available) and referencing surgical implant databases for serial numbers. Some methods are more reliable than others and they may require more time to perform or to obtain comparison data.

The ME will determine if rigor mortis (stiffening of the body) has occurred, if the victims blood has pooled in one part of the body or another (lividity) or if the body is discolored, all signs that death may have occurred several hours to several days earlier. The ME will also note any insect activity on or in the body and take insect samples for a forensic entomologist to study using the insects lifecycle to determine the time of death.

If the victim's identity is known, the next of kin will be identified and asked to verify identity. A medical history will be obtained from family members or the victim's physician and dentist. The autopsy team consists of a forensic pathologist, a pathology technician or autopsy assistant, a medical photographer (who takes photos of the body before and during the autopsy) and an exhibits specialist (responsible for collecting and logging all medical samples or any other evidence found). In some jurisdictions the ME or his or her assistant may perform all of these roles. The process starts with a cursory examination of the exterior noting any marks such as bruising, lacerations, ligature or strangulation marks, contusions, scratches, abrasions, gunshot wounds, sharp or blunt force trauma, burns (electrical, chemical, fire or radiation), frost bite, blistering, surgical stitches or scars, impressions in the skin, sunburn, skin discoloration, tattoos, moles, birth marks, piercings, mutilations, amputations, gunfire stippling marks, needle or track marks, bite marks (human, animal or insect) and skin infections or conditions. In some instances if the body is heavy damaged, burnt beyond recognition or too decomposed to obtain visual

identification the services of a forensic odontologist may be needed to compare dental records, or a forensic anthropologist to examine human bones and skull for possible body and facial reconstruction (using clay or computer modeling).

The body will be carefully examined for any evidence of foreign materials (trace evidence), insects or other loose materials clinging to the skin or within head or body hair. Anything found will be removed and secured for later analysis. Swabs will be taken of any oils, lotions (possible makeup or perfumes) and other compounds present on the skin's surface. The ME will examine and take swabs of the vaginal and rectal cavities as well as the inside of the mouth, throat, nasal cavity and ear canals. Any prosthetics, hair pieces, bandages, body jewelry, piercings, dentures and contact lens will be removed and turned over to the exhibits specialist, along with all clothing items and footwear. These items will be logged and sent to the crime lab for further examination and analysis. The autopsy technician will thoroughly wash the body with sterile water retaining the wash water for filtration of trace evidence. The pathologist will begin the autopsy by dissecting the upper torso of the body using a standardized "Y" opening. The skull cap will be removed for examination of the brain. Wounds or other trauma will be dissected and inspected as needed. A voice and video recording will be made of the autopsy proceedings.

The ME will collect and order laboratory analysis of all body fluids (i.e., blood, urine, saliva, semen, vaginal secretions, vomit, excrement, stomach contents, fluids in the lungs), samples of muscle and skin tissue and internal organs (brain, heart, lungs, stomach, uterus, pancreas, liver, kidneys, intestines) for microscopic examination. A drug or toxicological screen will be run and reviewed to rule out poisons, medications or illegal drugs in the system. In many cases a series of X-rays or MRIs are taken to examine interior body spaces and muscle mass. In the case of suicide the ME may also request a psychiatric autopsy be conducted by a Forensic Psychiatrist. The ME can also request a Coroner's Inquiry if there are still unanswered questions about the case. The ME may consult with fellow pathologist and other forensic experts if questions arise.

When all elements of the autopsy are compiled, the ME makes a final ruling as to the most likely cause of death (natural, accident, suicide or homicide) and provides a written report in the form of a Medical Examiners' Summary. A copy of the summary will be sent to the CIT. The ME's office will send any non-medical physical evidence found to the police crime laboratory for further examination and analysis. A death certificate will be issued to the family and the body will be released to the next of kin or their designated funeral home upon release by the ME. In the case of a criminal act the body may be held until all questions are answered.

### **The Police Forensics Laboratory / Crime Scene Investigations**

Physical evidence may be put through many different standardized tests including instrumental analysis using scanning electron microscopes, comparison microscopes, neutron activation analysis, X-ray diffraction, infrared spectrophotometer, gas chromatography, mass spectroscopy, electrostatic detection apparatus (ESDA) and specialized laser, infrared and ultraviolet print detection techniques. In a modern crime laboratory many different specialists (also called forensic examiners) are employed. In some cases one examiner may handle several different types of evidence. This is where the skills of science (chemistry, geology, physics and biology) become important. The specialized areas include:

Firearms & Ballistics (weapons (firearms, knives, blunt instruments) / ballistic & trajectory analysis / silencers / ammunition (bullets / pellets / slugs / cartridges / casings / gun powder residue / reloading tools and powders) / arrows or bolts / firearm serial numbers restoration / muzzle to target distance determination / weapons functioning tests);

Toolmarks & Impressions (castings of shoe prints or tire tracks / lifting impressions of textiles or other materials / wire, cord, rope or tape binding marks / toolmarks (screwdrivers, scissors, knives, pliers, wrenches, crowbar, golf clubs, baseball bat, Fireplace poker, hammers, saws, wire, chains, keys, metal, locks, safes, bolts, window or door screens, handcuffs));

Forensic Entomology (insects and their reproductive stages, life cycles and their application to forensic science / insect bite marks / parasites);

Forensic Botany (plants and their seeds, pollen, flowers or fruits / molds / woods / fibers / bark);

Forensic Chemistry (lubricants / adhesives / paints / explosives / accelerants / sealants / abrasives / gums / powders / tobacco products / makeup products / polishes / perfumes / common household chemicals products / food products / fuels / matches / gasoline / candles / water samples) (many national forensic laboratories maintain collections of different chemicals and samples including automobile paint chips, samples of papers, shoes, firearm casings and marks);

Forensic Serology / Histology (Biochemistry) (saliva / semen / hairs / blood (blood-typing / histocompatibility antigens / blood enzymes / serum proteins) / stomach contents analysis / DNA materials / vomit / urine / fungus) (bacteria or viruses — Virology / Bacteriology);

Forensic Document Analysis (papers / dyes / inks / rubber stamps / pens / fonts / handwriting analysis / typewriters letter patterns / printers-copiers / printing plates / printing chemicals / engraving / printing presses / bindery equipment / embossing / foil stamping / laminating / other specialized printing techniques) (many national forensic laboratories maintain collections of different papers, inks, printing materials, pens, etc.);

Commercial Materials Analysis (tapes / ropes / concrete / wiring / lumber / glass / tiles / plastics / leather / fabrics / ceramics / rubber / clothing / laundry marks and labels);

Geology / Mineralogy / Metallurgy (metals / alloys / ores / rocks / minerals / gemstones / and techniques used in their mining, manufacture and processing);

Zoology (Animal fur or hairs / scales / feathers / paw prints / bite marks / claw patterns / animal, Insect or reptile poisons / droppings);

Forensic Pharmacology / Toxicology (over-the-counter, prescription & illicit drugs, natural and synthetic toxins, hormones and athletic doping drugs);

Arson / Explosives (explosive compounds / chemical tags / bomb making parts / accelerants / military munitions / IEDs (improvised explosive devices), standardized booby traps);

Forensic Anthropology / Osteology (human bones & skeleton / sculptural or digital reconstruction of skeletal remains / analysis of bone fracture patterns / X-rays & MRI scan analysis);

Forensic Engineering ( investigation of materials, products, structures or components that fail or do not operate/function as intended) This includes automotive forensics / electro-mechanical analysis (mechanical failure analysis / accident reconstruction / examination of automobiles, boats or aircraft for structural failure or intentional sabotage);

Photographic-Videographic & Audio Analysis (black & white, color, infrared or ultraviolet photography / sound wave analysis / electronic signal analysis / voice pattern analysis);

Forensic Graphics (facial aging progression / photogrammetry / computer crime scene reconstruction / computer-assisted fluid splatter pattern analysis);

Computer Forensics / Forensic Programming (recovery of computer files / breaking of passwords and encryption schemes / tracking of internet activity including opening of e-mail and determining websites visited; hard drive audits, e-commerce purchases, listing of personal bookmarks and e-mail addresses, analysis of malicious computer code, hacking tools, illegal trespassing, porn activity, hate group forums, extreme religious or terrorist websites);

Latent Prints / Forensic Biometrics (fingerprints / palm prints / bare foot prints / retinal patterns / facial pattern recognition / X-Rays and MRI scans / voice pattern analysis);

Forensic Linguistics / Phonetics (psycholinguistics / voice printing / regional accent identification / educational level analysis / background noise analysis);

Forensic Psychiatry (psychiatric evaluations / psychological autopsy)

Forensic Odontology (dental comparative analysis)

Forensic Cryptography (decryption of codes and ciphers used in criminal cases / electronic traffic analysis techniques / cryptographic devices / radio direction finding techniques)

### **A Suspect's Legal Rights**

Once the investigators or detectives have a suspect the following rights and protections exist within the US criminal justice system, but may or may not be provided by another state, national, planet or the Imperium. The GM can tailor this to his or her universe accordingly.

The Miranda Warning:

*“You have the right to remain silent, if you give up that right anything you say can be used against you in a court of law; you have a right to consult with an attorney and have one present during questioning; if you cannot afford an attorney one will be appointed for you at no cost to you; Do you understand your rights? Would you like to waiver your rights and make a statement?”*

The ‘probable cause’ clause

The ‘equal protection’ clause (the 14th Amendment)

The ‘free exercise of speech, religion or political belief’ clause

The federal or state rules of evidence

The federal or state rules of criminal procedures

The rules of ‘privileged communication’

The rules of ‘immunity for testimony’

The right to be ‘informed of the nature and specifics of the charges against oneself’

The right to ‘due process under the law’ (the 14th Amendment)

The right to a ‘speedy and public trial’

The right to be ‘confronted by any witnesses against the accused and the compulsory process to obtain witnesses and evidence for one’s defense’

The right to ‘bail except in capital offenses where proof exists of the accused being known to be a public danger to themselves or others or of being an immediate flight risk’

The right to ‘competent legal representation by a professional criminal attorney’

The right to a ‘fair and impartial judge and a jury of one’s peers’

The right to ‘humane treatment while in custody’

The right ‘against self incrimination’ (the 5th Amendment)

The right ‘against unreasonable searches and seizures’

The right ‘against cruel and unusual punishment and excessive fines’

The right ‘against double jeopardy’

The right to ‘privacy in ones person, property and effects’

### **The Interrogation Process**

Back at the police station house, witnesses may be re-interviewed and asked to look through a photo database (sometimes called “mug shots” or “photo lineup”) in order to help identify possible suspects. If unsuccessful, they will be asked to describe the suspect to a police sketch artist using either hand drawings or facial composite software to create a likeness of the suspect for printing and distribution to street officers and the news media. Street-corner video surveillance cameras combined with facial recognition software and databases are present in modern societies. A suspect could be video spotted in a government building, retail store, sports arena, bank, subway, bus station, airport terminal or in any other public high-traffic area.

Within the first 24 to 72 hours the CIT will begin to consolidate information from the many different sources including witness statements, officer incident reports, 911 voice tapes, crime lab summary, medical examiner's summary, victim information (through telephone audits, computer dumps, insurance policies, bank records, etc.), current and closed case files that fit the modus operandi (MO) or pattern of the crime, and any hearsay testimony or street rumors from confidential informants (CIs) or undercover police operatives to determine who the most likely suspects may be. Once the CIT isolates the list down to a few prime individuals they then run a national criminal records check (also known as a "rap sheet" or "BCI" or "NCIC"). Also, the CIT may use non-governmental sources such as credit bureau reports, private information brokers or licensed cyber-sleuths which may have much more detailed and up-to-date data available. If warranted, a national agency check (NAC) can be made to obtain information held by every major state and federal law enforcement, military, intelligence or governmental agency.

If a serial killing is suspected a team of experts in the behavioral sciences (psychology, psychiatry, criminology) may be assembled to examine the case information and evidence. An attempt will be made to analyze past history (fire starting, cruelty to animals, sexual abuse as a child, missing or emotionally absent or cruel parent, record of progressively worsening violent behaviors, lack of life direction or blaming others for their circumstances, defiance of authority, psychiatric illness or treatment), current lifestyle (sexual dysfunctions, hatred of women or ethnic groups, chronic unemployment, social isolation, obsession with guns, molestation of children, violence towards animals), crime pattern (torture, mutilation, posing the body, humiliation, obsessions, stalking behaviors, specific rituals, taunting the police, keeping trophies) and motives (fame, sexual gratification, need to feel smarter than others, controlling a victim, enjoying inflicting pain) to develop a deductive profile. This may help define the suspect's compulsions, habits, rituals, victimology, comfort zones and specific behavior prior to, during or after a crime.

Once identified, the primary suspect (also referred to as the principle or perp) or their accomplices, co-conspirators and accessories (both before and after the fact) are asked to come in for police questioning (they may be ordered detained for questioning for a specific period, usually between 24 to 72 hours, depending on the society). If the suspect refuses to come in voluntarily, a detainment may be made, or if the evidence and testimony is strong enough, an arrest warrant can be requested and issued by a judge and an apprehension made.

If the suspects' location is unknown the police may post an all points bulletin (APB) for their arrest. In the most serious crimes wanted posters may be printed and distributed through public television broadcasts or other public domains. Patrol officers will receive flyers and briefings on the suspects wanted and a lookout placed at train and subways stations, bus and ferry terminals and airports. In cases where the suspects are known to have a vehicle, highway roadblocks and checkpoints may be set up. A team of undercover officers may stake out the suspects home or business, the residence of a friend, lover or relative or other known hangouts. Once the suspect is located and arrested, they're handcuffed, read their Miranda rights and physically searched for weapons, contraband and further evidence. Anything found during the search is secured, logged and sent to the crime lab for examination and analysis.

The suspect is then taken to the police precinct or station house for questioning. Prior to any questioning the suspect may be read or re-read their legal rights (not all societies use such protections).

The suspect may choose to remain silent and await the arrival of their legal representative. They may also waive their rights and speak to the police without an attorney present. At any time the suspect may stop cooperating with the CIT, but anything said prior to that moment can be used against them in a court of law. In most advanced societies the suspect is presumed innocent until proven guilty. Physical threats, abuse or torture is considered grounds for a judge dismissing the case and possibly filing criminal charges against the CIT. In many jurisdictions interrogations are

video-taped to insure the suspect rights were properly observed, as well as having a visual record for a judge or jury to view, especially if the suspect provides a confession.

If eye-witnesses exist, the suspect will be required to participate in a police line-up. The suspect may also be asked to produce a sample of their blood, semen, saliva, urine, hair, skin scraping or mouth swab (for DNA analysis), voiceprint, fingerprints or other body prints (lips, feet), handwriting, fingernail clippings, dental impression, swabbing their hands (testing for gun powder residue), their clothing (for trace evidence, gun powder residue and victims blood or body fluids), footwear (for shoe or boot print comparison) and a full body examination (for bruises, cuts, burns or other injuries that may have occurred during a struggle with the victim). If the suspect refuses a court ordered subpoena can be obtained if sufficient grounds exist. Any samples obtained are sent to the police crime laboratory for examination and analysis.

Other truth-bearing procedures may be performed, but some may require the suspects' permission or a court-ordered subpoena. These may include a psychiatric interview or assessment with or without psychological testing, voice stress analyzer, a polygraph examination (lie detector), an electro-encephalograph (EEG) (or brain fingerprinting), or in some societies, the use of truth drugs or a police telepath reading the suspects thoughts during questioning is allowed. The results of some test may or may not be admissible as evidence in a court but may be used to determine if the police are on the right path.

There are three major elements to any crime: means, motive and opportunity. Did the suspect know the victim? What reason did the suspect have to kill the victim? Was the murder weapon found? Did the suspect have access to it before or during the crime? Did the suspect have access to the crime scene? Where was the suspect during the time of the crime? Does he or she have an alibi witness? Was anything taken from the victim or the crime scene that was it later found on the suspect or at his residence? Were others involved in the crime and what were their roles? Repeat offenders develop a signature, which they may or may not be aware of, but the CIT may notice.

The CIT may interrogate a suspect for hours in order to break them down physically and emotionally. This effort sometimes results in new leads, or in some cases, a voluntary or forced confession. The CIT may look at a suspects body language or 'tells' to determine if they're telling the truth. In some societies the courts may allow the police to deliberately mislead or out right lie to suspects to obtain information or a confession. These techniques can sometimes provide inconclusive, misleading or out right false information. When not being interrogated the suspect will be placed in lockup, a detention cell at the station house. In some societies the police have limits placed upon interrogation methods and procedures.

## The Pre-Trial Phase

### **The Prosecutor**

Once the CIT are convinced that the suspect was more than likely involved in the crime and can provide supporting evidence, they take their case to the prosecuting attorney on call. At the city or county level this may be the city prosecutor or county district attorney (DA, for short) or at the state and national levels it could be the attorney general (AG, for short). At the subsector, sector or Imperial level, the prosecutor may be referred to as the Prosecutor General (PG, for short). In most cases the DA, AG or PG assigns cases to an Assistant DA (ADA), Deputy AG (DAG) or Vice Prosecutor General (VPG).

A criminal case can be based upon evidence that's circumstantial (hear-say or indirect witness testimony such as the suspects attitudes or behaviors while in custody), substantial (direct eye-

witness testimony and solid physical evidence) or conclusive (voluntary confession or video evidence of the crime in progress along with solid physical evidence).

The prosecutor may detain a suspect for up to 72 hours in most jurisdictions before having to release or charge them. If the decision is to prosecute, the accused is taken to Central Booking (also called prisoner intake) where they're fingerprinted, photographed, their personal property inventoried and secured and their arrest officially logged into the system. They're also physical searched for weapons and/or contraband and brought before a magistrate for an initial appearance.

Information regarding a crime can also be obtained from an accomplice or a co-conspirator who may want to plea bargain their way to a lesser sentence. The prosecution may offer to drop or reduce criminal charges against them, or even provide them with a monetary reward or immunity from prosecution if they testify, as long as they implicate the primary suspect. If the suspect threatens the life of a witness, the witness may be placed in protective custody before, during and after the trial, or be eligible for the witness protection program — thus obtaining a new identity somewhere else with the government picking up the tab.

Juries do not like to take the word of one criminal over another, thinking they may have an alterative motive in fingering the accused or they're willing to lie so they won't be prosecuted themselves. In some cases the police may have a reluctant or even hostile witness that they want testimony from. The prosecution may request a material witness warrant to compel their story or may charge them with obstruction of justice or hindering prosecution to compel their testimony.

The prosecutor may petition the court for issuance of a search warrant to inspect the suspects' home, business, vehicle, boat or storage locker. The search warrant must be specific in nature and define the exact locations to be searched, times that the warrant can be executed, and what specifically to confiscate as evidence. Items found that pertain to a different crime may not be allowed into court if it was not specifically listed on the search warrant. Anything found during the search will be sent to the crime laboratory for examination and analysis.

### **Initial Appearance**

The Initial Appearance Hearing conducted by a magistrate, has several purposes. First, the court must insure that the suspect understands the charges filed against them. Next, if the defendant does not have legal representation the court must appoint counsel at no cost to the accused. Large cities maintain a Public Defender's Office staffed with experienced, but often overworked, criminal defense attorneys. If the defendant has money or property they will most likely hire an experienced criminal attorney for a fee.

Finally, the magistrate determines if the defendant should be released on bail or bond and what the appropriate amount should be. The prosecutor may present an argument that the accused should not be released because they're a continuing threat to the safety of the community, or that the crime is of such a serious nature (i.e., capital murder) that the defendant would be a substantial flight risk due to the magnitude of the punishment if convicted. Past criminal convictions may be presented in support of this argument.

The defendant or their attorney may request that the accused be released on their own recognizance (OR) while awaiting trial. This may be very unlikely in the case of a serious felony crime. If the judge allows the defendant to bond or bail out it will most likely require that a cash bail or surety bond be posted in an amount high enough to tie up the defendant's financial assets thus insuring that they cannot easily flee the jurisdiction. The amount can vary from thousands of dollars in misdemeanor cases, up to millions in a high profile case. Having no prior criminal

record, a steady job and family responsibilities or being a prominent member of the community may be offered in support of personal recognizance or in requesting a lower bail or bond amount. If the magistrate denies bail, the accused is immediately remanded to the county jail awaiting the trial date, which could be months away. If a bail or bond is allowed the magistrate may require the defendant to turn over their passport thus preventing flight to a foreign jurisdiction. In more advanced societies' electronic monitoring systems or injected nano-transmitters may be used to track the defendant. Court injunctions may also be placed upon bank accounts or credit cards controlling a defendant's access to their wealth. Their photos may be added to airport criminal facial recognition databases and arrest information may be placed in their criminal record.

If a bail is required, the accused may pay the entire amount directly to the court clerk or arrange payment through a bondsman. A bail bond service may issue a surety bond to the court for an administrative fee of 10% of the value of the amount issued. The defendant must also pledge a major piece of real property as collateral (usually their residence or business) to insure the bond amount. Once the bond or bail is arranged, the accused is released from custody and ordered to show up on the trial date.

If the accused fails to appear on that date the bail or bond is automatically forfeited and the bail bond company will be ordered to pay the full amount to the court. The bail bond company will then obtain legal ownership of the defendant's secured property and may sale it in order to recover their losses. The court will issue an arrest warrant against the accused for "flight to avoid prosecution" or "skipping bail". The bail bond company will generally hire a professional bounty hunter, or post an open contract on a bounty hunter network, to locate and return the escapee to custody. Once the defendant is back in custody the bail bondsman receives their bail deposit back from the court, as well as being allowed to keep the proceeds from the sale of the defendant's property. The suspect will automatically be remanded to the county jail until trial date.

There are four ways a case can go: (1) it's dropped for lack of evidence; (2) the defendant accepts a guilty plea; (3) the prosecutor takes the complaint to a preliminary hearing; or (4) the prosecutor takes the case to a grand jury for an indictment.

### **The Preliminary Hearing**

A Preliminary Hearing allows a judge to hear a condensed version of the prosecutions case to determine if probable cause exists for the accused to be bound over for trial. The judge will also rule on whether the defendant received their due process; were their constitutional rights observed. If the judge feels that probable cause was not observed or that the defendant's due process protections were violated, he can either drop some, or all of the charges, or dismiss the case entirely. He may also determine if any misconduct or malicious prosecution exists, and refer such behavior to a judicial review board for possible sanctions, such as fines or disbarment. The judge will also rule on the evidence and witness testimony presented to determine if it's admissible under the rules of evidence. If the evidence was obtained in a questionable or illegal manner or was lost or mishandled at any time, the judge can order that it be excluded. And finally, the judge will rule on any pre-trial motions made by the defense or prosecution such as: a motion to reduce bail, motion for change of venue, motion to dismiss or reduce charges, motion to strike a prior conviction, motion to disclose the identity of an informant, motion to examine police personnel records (for proof of an officers' misconduct or prior abusive behaviors), motion to allow cameras in the court room, etc. Finally, on rare occasions, if the trial judge can be shown to exhibit a personal bias against the defense or prosecution, or a conflict of interest is discovered either may ask that the judge reclude himself from the case. If this happens the judge will step aside and another judge will take his place. At the end of the hearing the judge rules if a trial is to take place and when an Arraignment Hearing can be scheduled.

## **The Grand Jury**

If the prosecutor wants to secretly investigate someone they can present their case to a Grand Jury and ask for a criminal indictment based upon preliminary evidence. This process also avoids a preliminary hearing. The prosecutor has almost total control of the grand jury process and can present anything he or she wishes for jury to consider. Some prosecutors have been known to abuse this privilege. A grand jury is a body of citizens, usually 12 to 18, that's sworn in for a specific period of time, usually between three months and one year (referred to as a session) and tasked with examining evidence and hearing testimony offered. They render a verdict in the form of an indictment. Its findings are kept secret from the public until it is officially published. The target under investigation is generally not asked to testify since they can exercise their right against self-incrimination (Fifth Amendment protection). Because of the secrecy involved, the target may not know anything about the grand jury investigation until the indictment is handed down. The prosecutor may call anyone who has relevant information regarding the case (i.e., a co-defendant, parent, ex-spouse, former business partner, etc.) and anyone called is required to answer all questions asked or they may exercise their Fifth Amendment rights. There are some exceptions.

Many of the normal rules and procedures in a trial do not apply to a grand jury. An example: one cannot have legal counsel present in the grand jury hearing to protect their rights or object to a specific question, and hearsay evidence can be offered for consideration. In many cases a witness will be offered immunity from prosecution in order to testify. If they then refuse to testify they can be immediately jailed under contempt charges for the period of the grand jury's session, without access to bail. This tactic is used most often when targeting the head of a criminal organization. The grand jury eventually decides whether to "bill" (bring an indictment against the target) or "no bill" (dismiss the case).

## **Extradition**

The suspect may reside in another city, state or nation. In such a case a motion for extradition must be presented to the judge in the jurisdiction that the suspect resides. If granted, an order of extradition is issued and the CIT must travel to that location to affect the arrest, and return the accused for arraignment and trial. Some foreign countries may have treaties restricting or denying extradition. If the accused cannot be returned for trial the prosecutor may attempt to try him or her in absentia.

## **Arraignment Hearing**

Once the criminal complaint or indictment has been completed the next step is an Arraignment Hearing. The accused will be brought before a magistrate or judge to hear the formal charges and the number of counts against them. Once the defendant consults with his attorney a "not guilty" plea is generally entered. The magistrate places the case on the court docket and issues a trial date. A trial judge is generally chosen by roster assignment or picked randomly from a lottery system.

## **The Interim Between**

During the time between the arraignment hearing and actual trial the defendant and his or her defense attorney will be busy coordinating and strategizing their case. They attempt to collect all available witness testimony and evidence (a process called discovery). They'll depose all witnesses. They'll locate any supporting and alibi witnesses and consider the best way to discredit witness testimony and physical evidence damaging to the defendant. They'll prepare motions to the court limiting the disclosure of evidence. They'll also decide upon a defense strategy, referencing all case law and rehearse their court appearance.

During this time the prosecutor will obtain the official autopsy report from the medical examiner's office, the forensic reports from the police crime laboratory, the witness statements, any police incident reports and the investigators files, any photographic, video and audio recordings, any confessions, and the actual physical exhibits to be used at trial. This will be secured in the prosecutor's property room.

### **Pre-Trial Conference**

After the arrangement, the prosecutor may request a Pre-Trial Conference with the accused and his legal counsel. The judge will not be present. The prosecutor will advise the defendant of the full extent of the charges against him and the sentence he or she will be recommending for each should the trial proceed. A plea arrangement will be offered by the prosecution to avoid the time and expense of the trial. The prosecutor may propose dropping or reducing some, or even most of the charges, and/or reducing the amount of time served, and/or providing some other consideration so the defendant will accept the plea offer. If all agree, the defendant is generally required to allocate to the facts of the crime before the judge. The judge is under no obligation to honor any plea arrangement, but generally accepts the agreement if it's fair.

### **Trial Judge**

The criminal trial court consist of the following personnel: a trial judge (most judges are required to have graduated from an accredited law school and are licensed to practice law within that jurisdiction), a bailiff (often a sheriff's deputy or federal marshal providing court security), a court clerk (often referred to as the court reporter or judges secretary), sometimes a law clerk (an law school intern or attorney research assistant to the judge), and if necessary, an interpreter (only if the defendant or a witness speaks another language).

### **The Hearing Process**

If there's any question about the defendants insanity or if they are pleading diminished capacity, the judge can order a Competency Hearing. A psychiatric evaluation will be conducted by a court appointed psychiatrist to determine if the defendant is competent to stand trial. The question that must be answered by the court: is the defendant of sound mind, understands right from wrong and can aid in their own legal defense. The defense may call their psychiatrist to offer testimony. The judge makes the final decision.

The prosecution is required by law to provide the defense with all the evidence and transcripts of all witness testimony to be used at trial. If the defense feels that the prosecution has not properly complied with this process, or wants information that will not normally be presented in court but may show the defendant was innocence, the defense attorney can request a Discovery Hearing. If the defense wants to be able to build a different theory of the crime and can demonstrate that the police either didn't pursue other possible leads or withheld vital evidence that could be of an exculpatory nature the judge can order that information to be turned over.

In an Exclusionary Hearing the defense may ask the judge to throw out specific damaging evidence (such as a weapon, drugs or a confession) because the rights of the accused were violated, the search warrant was improperly executed or the chain of evidence was broken and critical evidence may have been tampered with. If a piece of evidence which was ruled by the court to be illegally obtained, it can cause other evidence obtained as a result of the original violation excluded also. This is known as the Doctrine of the Fruit of the Poisonous Tree.

If the prosecution or the defense has not readied their case by the date of the trial, either may ask for a continuance. The judge can order the trial be rescheduled for a later date. The defense may

point out that such an extension will deny the accused the right to a speedy trial and the judge may deny the continuance. On the other hand, if it's to the advantage of the accused they may accept the continuance.

The defense can also make a motion for a change of venue (moving the trial to a new location) but only if it can be demonstrated that the accused cannot receive a fair trial within the current venue due to pre-trial publicity (the crime was prominent in the media and therefore it would be hard to find an unbiased jury) or the jury pool is too small or not representative enough (in a small town everyone knows everyone else or the jury pool is predominately of one race or religion and the victim is of another). Either party can also ask for a 'gag order' preventing all parties from speaking to the media.

The judge then asks the accused if he wants a bench trial (by judge alone) or a jury trial (by a jury of their peers). If the decision is for a judge alone the trial begins. In some cases, if the accused is a nobleman the defendant may request that the jury be composed of only other nobles and that the judge also be of noble birth.

### **The Jury**

If the defendant chooses a jury trial the jury selection process (called "voir dire") begins. A group of potential jurors are randomly selected from the available jury pool (which may be based upon the community's voter registration list or property tax roster, or a public lottery held). Prospective jurors may be asked to answer questions from the defense or prosecution regarding their background, personal beliefs and prior knowledge of the case. Either side can exclude prospective jurors "for cause" (based upon prejudicial opinions or personal bias), but the judge must approve the decision to remove. Each side may be allowed a certain number of "peremptory challenges", allowing them to remove jurors without giving any reason.

In more serious cases the defense may hire the services of a jury consultant who may provide useful personal and demographic analysis about the jury pool to help weed out hostile or problematic jurors. A jury generally consists of between six and twelve people with several alternates in case of an illness or other emergency. Once the required number of jurors and alternates are selected the judge swears them in. The jurors then select a foreperson from among their rank. Once the jury is impaneled the trial begins. In high profile cases the jury may be sequestered (ordered isolated so as to have no access to the media or other sources of information preventing outside contamination of the case). When all parties are present the bailiff orders them to stand, the judge enters the courtroom and takes the bench, and then calls the trial into session. The criminal charges and counts are read aloud by the court clerk. Generally the defense stipulates to the charges avoiding their being read aloud.

# The Trial Phase

## Defense Strategy

The defendant and his or her attorney may prepare their defense based upon one of the following legal justifications: in the case of rape or sexual assault: the victim consented (she agreed to the sex); or in the case of murder: self-defense (it was kill or be killed); accidental death (no one was actually at fault); entrapment (the police setup the accused or provided false evidence); alibi (defendant was somewhere else at the time of the crime), mistaken identify (another person that looked similar to the accused actually did the crime); double jeopardy (the crime was already tried and the accused was proven not guilty); impossibility (there was no way the accused could accomplish the crime); necessity (also called justification)(the accused had to commit the crime in order to prevent causing a greater one); duress (the defendant was forced to commit the crime based upon fear of injury or death); insanity or diminished capacity (not mentally competent at the time of the crime due to mental illness or the influence of drugs or alcohol); or jury nullification (where the jury is moved to believe that enforcement of the law is politically motivated, or the specific law is simply unjust and therefore the jury chooses to ignore the criminal conduct by voting the accused innocent—judges will not allow this as a legal defense but a good defense attorney can sometimes lead a jury into this way of thinking).

Established legal principles apply to witness testimony such as privileged communications between the accused and their husband or wife (spousal privilege, although there may be some exceptions to this rule); between the client and their attorney (attorney-client privilege); between the client and a psychologist, psychiatrist or other recognized counseling professional (counselor-client privilege); between the client and a physician (doctor-patient privilege, but only regarding medical information); and between the client and clergy (clergy-petitioner privilege). In some societies reporters may exercise their first amendment right to protect a news source and not testify (shield privilege), but this is not always recognized and the court may declare the reporter in contempt and sent to jail unless he or she is willing to reveal their source. No privilege exists between parent and child or boyfriend and girlfriend.

If at any time during the trial misconduct occurs from the actions of either the jury, the prosecution or the defense, the judge can admonish the parties involved (by ordering a contempt citation) and execute fines, or in a serious incident, declare a mistrial, thus requiring the case be retried at a later date with a new judge and jury.

## The Trial

Both sides will present their opening statements to the court and jury—the prosecution generally goes first. This can be a simple introduction or a lengthy presentation. Once the defense offers their opening statement, the prosecution then presents their main case through the introduction of physical and documentary evidence (lettered exhibits), any confession made by the accused and any direct testimony by police officers (responding police officers, case detectives or undercover operatives), eye-witnesses, circumstantial witnesses and / or expert witnesses (explaining scientific evidence). Witness testimony can be in the form of direct, or first-hand statements, or hearsay, or second-hand statements. Hearsay, rumors and opinions are generally not allowed by the court, but exceptions can be made under specific circumstances. The defense may then cross-examine any prosecution or expert witness and question the relevance or source of any evidence presented. The prosecution may then redirect the testimony of any witness. Once the prosecution presents all of its witnesses and evidence they will rest their case.

The defense then calls its own alibi, rebuttal or expert witnesses and offer an alternative theory of the crime, or a defense to it. The prosecution may, in turn, cross-examine any of the defense witnesses, including the accused, but only if he or she actually testifies on their own behalf. The accused cannot be forced to testify against themselves (a violation of the Fifth Amendment right against self-incrimination; a right not available in all societies). The defense may then re-direct any testimony before resting its case. The prosecution may then offer rebuttal witnesses to discredit the defenses' evidence or witnesses.

At any time the attorney's may make motions, or ask the judge for a sidebar or request chambers (retreat into the judges office) to discuss important issues affecting the progress or conduct of the trial, such as attorney or juror misbehavior, newly discovered evidence, or problems with a witness or evidence. In this way the jury does not hear about testimony or evidence that the judge disallows. If misconduct occurs the defense may request a mistrial. Also, either side may request a private conference with the other side, without the judge present, to make or accept a plea offer prior to the verdict being rendered. The prosecution and the defense present their closing arguments or summations.

### **Jury Deliberation**

The judge will instruct and charge the jury and they retire to the jury room to consider all the evidence and testimony presented. They are the trier of facts. The jury must decide if the accused is guilty beyond a reasonable doubt or to a moral certainty. The burden of proof is upon the prosecution and not the defense. The jury must address each charge separately, and if they find the defendant guilty, they may have the option of defining the degree of the crime. An example would be if the defendant is charged with first degree murder, the jury may decide that the circumstance warrants finding the defendant guilty of second degree murder, or voluntary manslaughter, or involuntary manslaughter or even negligent homicide.

Depending upon the court, a verdict may require a simple majority to convict, or if the prosecution is asking for the death penalty or life without parole, a unanimous verdict may be required. In some states the jury may also be called upon to render the sentence, but this is the exception and not the rule.

### **The Verdict**

Once the jury reaches a verdict they re-enter the courtroom and the judge calls the trial back in session and asks the foreperson to read the verdict aloud. The verdict will be either guilty or not guilty.

If found 'not guilty' the accused is immediately released and can never be retried again on that specific charge within that jurisdiction (double jeopardy attaches). Double jeopardy does not apply if another jurisdiction is willing to charge the suspect with the same offense.

If found 'guilty' the defendant is immediately returned to jail and a date is set for sentencing. In rare cases, if the judge feels that the jury disobeyed his instructions he can set aside the verdict and release the defendant, which also evokes the double jeopardy protection. If the jury was unable to reach a verdict (known as a hung jury) the judge will declare a mistrial. In such cases the prosecution is permitted to retry the accused at a later time with a new judge and jury.

# The Penalty Phase

## **Sentence Hearing**

Sentencing will generally occur within 30 days of a guilty verdict. The judge may allow victim impact statements to be read aloud or entered into the record by victim(s) and their family and friends, as to what effect the crime had on their lives. The defense may present character witnesses and point out any favorable factors on behalf of the convicted person. The prisoner may make a personal statement and offer remorse, an apology to the victim(s) or may request leniency from the court. The judge considers all issues and announces the punishment. If incarceration is mandated the arrangements are made to transport the prisoner to an assigned jail or prison facility. If other punishments are given such as probation, community service or fines, the prisoner will make payment or arrangements with the court clerk to fulfill the conditions of the sentence and will be released.

## **Socially Acceptable Forms of Punishments**

Imprisonment (for one day or a lifetime), waiver or suspension of sentence, probation with time served, community service, house arrest (home confinement with an electronic monitoring or surveillance device present), mandated attendance at a self-help group (Alcoholics Anonymous, Gamblers Anonymous, mental health support group), forced medication (methadone for addicts, anti-psionic drugs for criminal telepaths, anti-testosterone treatments (chemical castration) for sexual predators, surgical tubal ligation for women who abused their children), mandated individual or group counseling (anger management, psychotherapy), temporary or permanent removal of children, impressments into the military (generally for minor crimes), mandated education or training (vocational training, high school completion), censorship (mail, phone, internet, preventing an inmate from publishing articles or books about their crime), monetary fines, confiscation of criminal proceeds and/or personal or real property, monetary restitution to a victim or their family, suspension or revocation of privilege(s), right(s) or even citizenship, public shunning, relocation, deportation or banishment to another city, nation or planet, public humiliation or condemnation by means of public displays or mass media circulation, constant or periodic police surveillance, registration (such as a sex offender), public caning or flogging, and finally, personality wipes (where the anti-social personality, attitudes and/or memories are destroyed and new, more positive ones created, or deprogramming, reprogramming and relocation) and death penalty (execution by toxin or venom (lethal injection), nerve or poison gas (gas chamber), electricity (electric chair), strangled, suffocated or hanged (gallows), firing squad, beheading (guillotine or axe execution), public stoning (for adultery or prostitution).

## **Cruel & Unusual Forms of Punishments**

Severing of a body part (the penis for rapist, an eye for a peeping tom, a hand for a thief, a tongue for a liar, breaking bones in the feet or cutting off the toes for escaping from custody, etc.), involuntary servitude (slavery), torture (using cigarettes, hot pokers, acid, electro-shock, unsedated surgery (cutting into nerves, drilling into joints, extracting teeth without sedatives or pain killers, etc.), administering psychotropic drugs (like LSD), physical beatings, keelhauling (dragging a person under the keel of a ship while it's underway (where barnacles cuts the skin to pieces or even triggers a shark attack), neurosurgery (frontal lobotomy), burning at the stake (for witches and heretics), honor killing (where family members kill another member for their dishonorable conduct, which is generally sanctioned by the community), disfiguring or permanently branding or tattooing of the face or forehead with a symbol of public dishonor or shame ("scarlet letter"), dunking, drowning or walking the plank (while hands and legs tied together), involuntary organ donation, draw & quartering (dismemberment), disembowelment (cutting open the abdomen exposing the stomach, intestines and other organs while the person

slowly bleeds to death), being staked out on the ground and introducing ants or rats to ingest the person alive, death by boiling water or oil, being buried alive, killed by wild predatory animals (large cats, bears, alligators, wolves, carnivorous birds, etc.), death by starvation or dehydration, death while undergoing painful medical experimentation, ritual human sacrifice to primitive beliefs or gods, trial by ordeal or combat (death matches, wagered manhunts or gladiatorial contests), and finally, a writ of death (a decree ordering the death of entire families or villages including women and children (i.e., the killing of entire noble families during French Revolution or the Nazi killing Jews during World War II).

### **Sentencing Requirements**

In some societies the judge may be bound by specific sentencing requirements built into the law (called mandatory sentencing). If the convicted is a career or habitual criminal (convicted on two previous felony crimes) he or she may be sentenced to life in prison without parole (the “three strikes” provision). The defense will automatically file a motion of appeal asking that the next higher court review the trial transcripts to decide if judicial misconduct or a reversible error occurred at anytime during the trial. This can sometimes result in a hearing which orders a retrial. Appeals can continue to be filed all the way up to the highest criminal court of the land. Appeals can take several months to several years to rule.