

Slide 1 Title: the role of the Public Prosecutor in crime scene investigations

Slide 2 According to the Italian code of Criminal Procedure the accused is declared responsible for the crime by the judge only if responsibility is proven beyond any reasonable doubt

Slide 3 Conviction/acquittal must be motivated by the judge according to evidence that must be “strong”, “specific” and “concordant”

Slide 4 Evidence can be deemed as scientific, if it responds to generally agreed methodological criteria

Slide 5 In the Italian legal system evidence is formed and evaluated by the judge during the court proceeding through an “adversarial” procedure (weight of the evidence is presented and discussed by the public prosecutor, defense attorney and an attorney representing the victim, directly and thorough experts appointed by each of them)

Slides 6-8 Crime scene investigation (CSI) is a crucial phase in investigations, through which all information and material that will be later useful to create evidence (through standard or scientific procedures) is documented and described. A good CSI should help to give an answer to several questions: what happened (is it a crime or not?) and where? Who is the victim? If this is a crime, when did it happen? How did it happen (e.g. cause of death, to be investigated more in detail in the following post-mortem examination)? Why was the crime committed?

Slide 9 Preliminary CSI should be performed without modification of the scene. After that, the scene can be modified (by collection of objects, stains, etc). Modification of the scene needs to be documented drawing up a list of activities performed and objects collected. Beginning and ending of CSI need to be recorded.

Slide 10 Often the crime scene is a such as a “Russian doll”, each scene contains several scenes, e.g. that where the crime was committed (primary), that where the body of the victim was transferred after the murder (secondary). Investigators should be able to immediately identify primary and secondary scenes and consider them as separate scene avoiding cross-contamination.

Slide 11 and following... From now on our guest describes investigations and court proceedings of the Perugia murder, as anticipated in the introductory message to this lesson, the case is outlined in detail in a paper you can find in your supplementary material. Just a few comments to some of the following slides is given here.

Slide 31-37 Evidence collection should be fully documented including detailed description of CSI activity, of objects removed from the crime scene, and how were they packed, transferred and stored. These creates the so-called “chain of custody” of the crime evidence, by which each passage from collection to laboratory analysis output can be traced back. Interruption or incompleteness of the chain of custody can nullify the evidentiary value of an item or even of the whole investigation.

Slide 41 In order to have evidentiary value, collection of evidence needs not only to be documented (chain of custody) but to respond to internationally agreed best practice standards.

Slide 42-43 Evidence can be considered as “scientific” when: the expert that produced it can prove that she/he is qualified; the method use is internationally accepted by the scientific community; the results are accompanied by a measure of the uncertainty inherent to the method applied (in the case of forensic genetics, the RMP or LR)

Slide 44 The evidentiary value of a DNA match must be considered in the context of other available evidence (singular pieces of evidence must be strong, specific, and concordant). For instance, finding the suspect’s DNA on the victim’s clothes is neither strong nor specific, if victim and suspect were partners and lived together. An opposite example is that of another Italian high-profile case, the Brembate case, consisting in the murder of a girl who was found dead in a field several weeks after her disappearance. On the girl’s body the DNA of a man, later identified through a large mass

screening, was detected. When such a direct match is found and no possible alternative explanation comes from the defendant, then DNA becomes a strong and specific evidence that, if supported by concordant elements (e.g., in the Brembate case, the fact that the suspect did not have an alibi for the day on which the girl disappeared, that his car was seen in the area the day of disappearance, etc...), will lead to conviction.