



NATIONAL OPEN UNIVERSITY OF NIGERIA

SCHOOL OF ARTS AND SOCIAL SCIENCES

COURSE CODE: POS 214

**COURSE TITLE: BASIC ELEMENTS OF CRIMINAL
INVESTIGATION**

COURSE GUIDE

POS 214 BASIC ELEMENTS OF CRIMINAL INVESTIGATION

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CONTENTS	PAGE
Introduction.....	iv
What you will Learn in this Course.....	iv
Course Aims.....	v
Course Objectives.....	v
Course Requirement.....	v
Course Materials.....	vi
Study Units.....	vi
Textbooks and References.....	vii
Assignment Files.....	vii
Assessment.....	viii
Tutor –Marked Assignment.....	viii
Final Examination and Grading.....	viii
Course Marking Scheme.....	ix
Course Overview.....	ix
Strategies for Studying the Course.....	x
Tutors and Tutorials.....	x
Summary.....	xi

INTRODUCTION

Welcome to POS 214: Basic Elements of Criminal Investigation. Basic Elements of Criminal Investigation is a first semester course of three-credit units and is available for second year students of the police science programme. The course examines the general procedures and principles of criminal investigation applicable to police system and the role of police interrogations in generating confessions, besides its relevance to a legal system.

Basic Elements of Criminal Investigation consists of 21-study units. The course guide introduces you to what the course is all about, course materials you will require, and information on how you can work your way through the material. It also highlights assignments (tutor- marked assignment) as part of the requirement for the course.

WHAT YOU WILL LEARN IN THIS COURSE

The study of basic elements of criminal investigation will enable you to have insight to the police crime interrogations and confessions. It combines the knowledge and techniques of criminal investigation, as well as analysis of physical evidence obtainable in a typical crime scene. You will also study and commit to memory definitions of crime and criminal investigation as well as theories of crime. In addition, you will acquaint yourself with the techniques of crime scene investigation.

You will know the role of police interrogations in generating confessions, and the three types of false confessions. You will study the nature, scope and extent, as well as the limits of statutory powers.

You will also learn the fundamentals of investigation as well as the essence of the complaining party. The victim, searches, collection, preservation and presentation of exhibits in a crime scene are also discussed for your understanding. The use of scientific aids in analysing and record-keeping is also highlighted.

You will study the treatment of information, Judges' Rules, observation and interviews.

Finally, you will discover through your reading and assignments, ways and methods of testing information, how to follow-up actions, generation of case files and report-writing.

COURSE AIMS

This course encourages you to:

- study ways and procedures that directly or indirectly deal with criminal investigation
- study the techniques of criminal investigation
- know the nature and scope of criminal investigation
- discuss the goals and fundamentals of investigation
- assess the crime scene in investigation
- study the principles of preservation and presentation of exhibits in a crime scene
- know the role of police in interrogations and confessions
- learn the techniques of interrogation and use of scientific aids
- discover the importance of observation and interviews in the treatment and testing of information during investigation
- know the methods of generating case files and report-writing.

COURSE OBJECTIVES

At the end of this course, you should be able to:

- define the terms crime and criminal investigation
- state the nature and scope of criminal investigation
- explain statutory power and its application in criminal investigation
- state the fundamentals of investigation
- analyse information in a crime scene
- describe how to search, collect and preserve exhibits in a crime scene
- prepare case files and report-writing
- describe the techniques of interrogation
- state the use of observation and interviews in interrogation
- organise, treat and test information in a crime scene
- arrange follow-up actions in investigation
- employ the use of scientific aids and records in storing information
- explain the application of Judges' Rules in criminal investigation.

COURSE REQUIREMENTS

To complete this course you are required to read the study units, read suggested books and other materials that will help you achieve the objectives. Each unit contains self- assessment to test your knowledge. There will be final examination at the end of the course. The course

should take you a total of about 20 weeks to complete. Listed below are the major components of the course.

COURSE MATERIALS

Course guide Study units
Recommended textbooks
Assignment file

STUDY UNITS

There are 21 study units in this course. Each unit should take you about two hours to work through. The units are divided into five modules; each module contains four units.

These are arranged as follows:

Modules1 Criminal Investigation

- Unit 1 Meaning of Crime and Criminal Investigation
- Unit 2 Statutory Powers and Judges' Rules in Criminal Investigation
- Unit 3 Techniques of Criminal Investigation
- Unit 4 Qualities and Duties of a Criminal Investigator

Module 2 Fundamentals of Investigation

- Unit 1 Meaning and Scope of Investigation
- Unit 2 The investigative Process
- Unit 3 Methods of Investigation
- Unit 4 Applying Investigative Strategies

Module 3 The Crime Scene

- Unit 1 Scene of Crime
- Unit 2 Techniques of Crime Scene Investigation
- Unit 3 Electronic Crime Scene Investigation
- Unit 4 Types of Crime Scene and Powers of a Crime Scene Investigator

Module 4 Interrogation and Confessions

- Unit 1 Interrogations
- Unit 2 Confessions/Written Statements
- Unit 3 Informants
- Unit 4 Interviews

Module 5 Report-Writing and Management of Criminal Information

Unit 1	Meaning of Criminal Information
Unit 2	Managing Crime/Criminal Information
Unit 3	Case File
Unit 4	Report-Writing and Note-Taking

Each unit contains a table of contents, introduction, specific objectives, recommended textbooks and summaries of key issues and ideas. In every unit, you will be provided with a number of exercises or self-assessment questions. These are to help you test yourself on the materials you have just covered or to apply them in some way. The value of these self-test is to help you assess your progress and to reinforce your understanding of the material. At least one tutor-marked assignment will be provided at the end of each unit. The exercise and the tutor-marked assignment will help you in achieving the stated learning objectives of the individual unit and of the course.

TEXTBOOKS AND REFERENCES

- Iwara, I. & Christopher, E. (2008). *A Practical Guide to Criminal Investigation and Prosecution*. Calabar: Esstah & Press Services.
- Member, C. F. L. (1990). *Police and Law Enforcement*. Ibadan: Intech Printers Ltd.
- Nweke, S. A. N. (2002). *Principles of Crime Prevention and Detection in Nigeria*. Ebenezer Production. Nig Ltd.
- Onashile, Y. (2004). *Scientific Criminal Investigation, Detection and Prosecution*. Ibadan: Malijoe Soft-Print.
- Swanson, C. R. (2003). *Criminal Investigation*. (8th ed.). Boston: McGraw-Hill Press.
- Sennewald, A. C. (1981). *The Process of Investigation: Concepts and Strategies for the Security Professional*. Washington: Butterworth Heinemann.

ASSIGNMENT FILE

All the details of the assignment you are to submit to your tutor for marking will be found in this file. You must get a passing grade in these assignments in order to pass this course. In the assignment file itself and

in the section on assessment within this course guide, additional information will be found.

There are 15 assignments in this course.

ASSESSMENT

Assessment in this course is divided into two.
These are:

- tutor-marked assignment
- final examination.

For you to do the assignments very well, it is expected of you to apply information, knowledge and techniques obtained from the course. You must endeavour to submit the assignments to your tutor for marking before the deadlines given in the assignment file.

The assignments will count for 30% of the course mark, while the final examination at the end of the course will count for 70% of your total course mark. The examination will be for three hours.

TUTOR – MARKED ASSIGNMENT

This course consists of 20 tutor–marked assignments. The best three assignments with the highest marks will be selected. You are encouraged to submit all your assignments. Each assignment counts 10% towards your total course work.

In the assignment file, you will find all the assignment questions for all units. To demonstrate your understanding of the course, do not depend only on information obtained from the units to answer the question. Go to the library, read and research very well to obtain more information on the course.

After completing each assignment, send it to your tutor. Try your best to get each assignment across to your tutor on or before the dates given in the assignment file. However, if it becomes impossible for you to submit any of these assignments on time, please let your tutor know before the due date. After due consideration, you might be given an extension.

FINAL EXAMINATION AND GRADING

To prepare for this examination, revise all the areas covered in this course. Revision of all the exercises and the tutor-marked assignments before the examination will also be of help to you. The revision should

start after you have finished studying the last unit. This final examination will be for three hours. It has a value of 70% of the total course grade.

COURSE MARKING SCHEME

This table shows the actual course marking scheme.

Assessment	Marks
Assignments	Five assignments, best three marks of the five counts for 30% of course marks.
Final Examination	70% of overall course marks.
Total	100% of course marks.

COURSE OVERVIEW

The units, the number of weeks it would take you to complete them and the assignments that follows them are outlined in the table below.

Unit/Module	Title of Work	Duration (Weeks)	Assignment
Module 1	Course Guide	1	
Unit 1	Definition of crime and criminal investigation	1	1
2	Techniques of criminal investigation	1	2
3	Theories of crime	1	3
Module 2			
1	Meaning and scope of investigation	1	4
2	The investigative process	1	5
3	Methods of criminal investigation	1	6
Modules 3			
1	The crime scene	1	7
2	Crime scene investigation	1	8
3	Applying investigation strategies	1	9
4	Processing the scene	1	10
5	Completing and recording the crime scene investigation	1	11

Module 4			
1	Meaning of interrogations and confessions	1	12
2	Interrogation procedures	1	13
3	The use of informants in interrogations	1	14
Module 5			
1	Report-writing	1	15
2	Note-taking		

STRATEGIES FOR STUDYING THE COURSE

In the National Open University of Nigeria, where open and distance learning system is fundamental in the development of course materials, the study units replaces the university lecturer. Thus you can read the course materials at your own pace, at anytime and anywhere. Exercises to test your understanding of the materials are provided in each unit. There is a common format for all the units. The first item is the introduction which shows you how a particular unit is related to other units and to the course as a whole.

After the introduction, you will see the objectives. The objectives indicate what you are expected to achieve after studying the unit. So you should keep it handy so as to constantly check or monitor yourself in terms of achieving those objectives.

The main body of the unit guides you through the required readings from other sources. Exercises, as was mentioned before are provided at intervals throughout the materials. Don't try to skip any of the exercises while reading. This will help to do your tutor-marked assignments and also to prepare you for examinations.

The following is a practical strategy for studying the reading materials if you encounter any problem, contact your tutor and he/she will be available to help you. Read this course guide thoroughly, provide a time table for yourself and take note of the time you are required to spend on each unit and always stick to the time table.

TUTORS AND TUTORIALS

There are 10 hours tutorials (eight hours) provided to support this course. The dates, time and locations of these tutorials will be made available to you, together with the name and address of your tutor.

Your tutor will mark the assignments. Take note of the comments he might make and remember to send your assignments before deadlines. In case you will not meet the deadline; make sure you notify your tutor. The tutor will return your assignment to you after he must have marked them.

Try your best not to skip any of the tutorials. This is because that is the only chance you have of meeting your tutor and your fellow students. And your tutor will more easily solve problems encountered while reading the course materials.

SUMMARY

POS 214: Basic Elements of Criminal Investigation intends to introduce you to the fundamentals of investigation and also to the ways and techniques of crime scene investigation. By the time you complete this course, you would have known the basic rudiments of criminal investigation and the role of the police in interrogation and confessions. Therefore, the successful completion of this course will aid you to answer the following questions without much difficulty:

- 1) What is criminal investigation?
- 2) How is the general knowledge of investigation helpful in criminal investigation?
- 3) How are police investigations and confessions conducted?
- 4) What is the difference between crime and criminalities?
- 5) How can you apply the general principles of investigation in a crime scene?
- 6) How can you apply scientific aids as interrogation tools?
- 7) What are the methods of investigation?
- 8) How would you apply investigative strategies in a typical crime scene?
- 9) What is the importance of preserving physical exhibits in a crime scene?

We wish you success in the course and hope that you will find it both rewarding and interesting.

MAIN COURSE

CONTENTS		PAGE
Modules1	Criminal Investigation.....	1
Unit 1	Meaning of Crime and Criminal Investigation.....	1
Unit 2	Statutory Powers and Judges' Rules in Criminal Investigation.....	18
Unit 3	Techniques of Criminal Investigation.....	33
Unit 4	Qualities and Duties of a Criminal Investigator.....	50
Module 2	Fundamentals of Investigation.....	71
Unit 1	Meaning and Scope of Investigation.....	71
Unit 2	The investigative Process.....	86
Unit 3	Methods of Investigation.....	101
Unit 4	Applying Investigative Strategies.....	115
Module 3	The Crime Scene.....	131
Unit 1	Scene of Crime.....	131
Unit 2	Techniques of Crime Scene Investigation	150
Unit 3	Electronic Crime Scene Investigation.....	164
Unit 4	Types of Crime Scene and Powers of a Crime Scene Investigator.....	182
Module 4	Interrogation and Confessions.....	199
Unit 1	Interrogations.....	199
Unit 2	Confessions/Written Statements.....	217
Unit 3	Informants.....	230
Unit 4	Interviews.....	244
Module 5	Report-Writing and Management of Criminal Information.....	259
Unit 1	Meaning of Criminal Information.....	259
Unit 2	Managing Crime/Criminal Information.....	273
Unit 3	Case File.....	285
Unit 4	Report-Writing and Note-Taking.....	300

MODULE 1 CRIMINAL INVESTIGATION

Unit1	Meaning of Crime and Criminal Investigation
Unit 2	Statutory Powers and Judges' Rules in Criminal Investigation
Unit 3	Techniques of Criminal Investigation
Unit 4	Qualities and Duties of a Criminal Investigator

UNIT 1 MEANING OF CRIME AND CRIMINAL INVESTIGATION**CONTENTS**

1.0	Introduction
2.0	Objectives
3.0	Main Content
3.1	Definition of Crime
3.2	Types of Crime
3.3	Meaning of Criminal Investigation
3.4	Kinds of Criminal Investigation
3.5	Principles of Basic Criminal Investigations
4.0	Conclusion
5.0	Summary
6.0	Tutor-Marked Assignment
7.0	References/Further Reading

1.0 INTRODUCTION

What is all about criminal investigation? And who is an investigator?

Criminal investigation is the use of scientific methods to help identify suspects, gather evidence and collect information, all of which are done in an effort to convict offenders. On the other hand, an investigator is someone who gathers documents, and evaluates evidences and pieces of information about a particular incidence of crime committed or about to be committed. Basically, an investigator must adopt the rules and laid down principles to solve the riddles associated with crime. Besides, the investigator must also learn to construct hypotheses and draw valid conclusions relating to the problem of when and how the crime was committed. The various issues that will be examined in this unit that will introduce you to criminal investigation include definition of crime, types of crime, definition of criminal investigation, types of criminal investigation and basic principles of criminal investigation.

2.0 OBJECTIVES

At the end of this unit, you should be able to:

- define the concept “crime”
- define criminal investigation
- mention types of investigation
- enumerate kinds of criminal investigation
- describe the principles of basic criminal investigation
- state the objectives of criminal investigations.

3.0 MAIN CONTENT

3.1 Definition of Crime

A crime is an intended action that is against the rules of law for a community. In most communities, sexual assault, physical assault, murder, theft, property damage and vandalism are all crimes. If a crime is committed, investigators will work to determine what happened and who is responsible. If the perpetrator is found, he/she may be brought to court and prosecuted.

Crime is also the breach of rules or laws for which some governing authority (viz mechanisms such as legal system) can ultimately prescribe a conviction. Individual human societies define crime and crimes differently. While every crime violates the law, not every violation of the law counts as a crime, for example breaches of contract and of other civil law may rank as “infractions”.

When informal relationships and sanctions prove insufficient to establish and maintain a desired social order, government or a sovereign state may impose more formalised or stricter systems of social control. With institutional and legal machinery at their disposal, agents of the state can compel population to conform to codes and can opt to punish or to attempt to reform those who do not conform. Authorities employ various mechanisms to regulate (encouraging or discouraging) behaviours in general. Governing or administering agencies may for example codify rules into laws, police citizens and visitors to ensure that they comply with those laws and implement other policies and practices designed to prevent crime. In addition, authorities provide remedies and sanctions and collectively these constitute a criminal justice system. Legal sanctions vary widely in their severity; they may include incarceration of temporary character aimed at reforming the convict. Some jurisdictions have penal codes written to inflict permanent harsh punishment, legal mutilation, capital punishment or life without parole.

The label “crime” and the accompanying social stigma normally confine their scope to those activities seen as injurious to the general population or to the state including some that cause serious loss or damage to individuals. Those who apply the labels of “criminal” intend to assert the hegemony of a dominant population or to reflect a consensus of condemnation for the identified behaviour and to justify any punishments prescribed by the state (in the event that standard processing tries and convicts an accused person of a crime). Often a natural person perpetrates a crime, but legal persons may also commit crimes.

A normative definition views crime as deviant behaviour that violates prevailing norms- cultural standards prescribing how humans ought to behave normally. This approach considers the complex realities surrounding the concept of crime and seeks to understand how changing social, political psychological and economic conditions may affect changing definitions of crime and the form of the legal, law enforcement, and penal response made by society.

These structural realities remain fluid and often contentious. For example, as cultures change and the political environment shifts, societies may criminalise or decriminalise certain behaviours, which will directly affect the statistical crime rates, influence the allocation of resources for the enforcement of laws and (re-) influence the general public opinion.

Similarly, changes in the collection and or calculation of data on crime may affect the public perceptions of the extent of any given “crime problem”. All such adjustments to crime statistics, allied with the experience of people in their everyday lives shape attitudes on the extent to which the state should use law or social engineering to enforce /encourage any particular social norm. One can control/influence behaviour in the criminal justice system.

Indeed, in those cases where no clear consensus exist on a given norm, the drafting of criminal law by the group in power to prohibit the behaviour of another group may seem to some observers an improper limitation of the second group’s freedom, and the ordinary members of society have less respect for the laws or laws in general-whether the authorities actually enforce the disputed law or not.

Legislatures can pass laws (called *mala prohibita*) that define crimes which violate social norm. These laws vary from time to time and from place to place. Examples are: variations in gambling laws and the prohibition or encouragement of duelling in history. Other crime called

mala in se, count as outlawed in almost all societies e.g. murder, theft and rape.

SELF-ASSESSMENT EXERCISE

What is mala prohibita and mala in se with reference to crime? State and discuss one definition of crime.

3.2 Types of Crime

Having attempted to define crime and explain the various definitions of crime, the next issue to deal with is the various types of crime prevalent in the society.

Religion and crime

Different religious traditions may promote distinct norms of behaviours, and these in turn may clash or harmonise with the perceived interest of a state. Socially accepted or imposed religious morality has influenced secular jurisdictions on issues that may otherwise concern only an individual's conscience. Activities sometime criminalised on religious grounds include (for example) alcohol consumption (prohibition), abortion and stem-cell research. In various historical and present-day societies institutionalised religions have established system of earthly justice which punishes crimes against the divine will and against specific devotional, organisation and other rules under specific codes, such as Islamic Sharia or Roman Catholic Canon law.

Military jurisdictions and states of emergency

In the military sphere authorities can prosecute both regular crimes and specific acts (such as mutiny or desertion) under martial law codes that either supplant or extend civil codes in times of (example) war.

Many constitutions contain provisions to curtail freedoms and criminalise otherwise tolerated behaviours under a state of emergency in the event of war, natural disaster or civil unrest. Undesired activities at such times may include assembly in the streets, violation of curfew, or possession of firearms.

Employee crime

Two common types of employee crime exist, embezzlement and sabotage. The complexity and anonymity of computer systems may help criminal employees camouflage their operations. The victims of the

most costly scams include banks, brokerage house, insurance companies, and other large financial institutions.

Most people guilty of embezzlement do not have criminal histories. Embezzlers tend to have a gripe against their employer, have financial problems, or simply an inability to resist the temptation of a loophole they have found.

Screening and background checks on prospective employees can help in prevention, however, many laws make some types of screening difficult or even illegal. Fired or disgruntled employees sometimes sabotage their company's system as a form of "pay back" this sabotage may take the form of a logic bomb, a computer virus or creating general havoc.

Some places of employment have developed measures in an attempt to combat and prevent employee crime. Place of employment sometimes implement security measure such as cameras, fingerprint records of employees and background checks. Although privacy-advocates have questioned such methods, they appear to serve the interests of the organisations using them. Not only do these methods help prevent employee crime, but they protect the company from punishment and/or lawsuit for negligent hiring.

SELF-ASSESSMENT EXERCISE

List the various types of crime you know, describe one of them.

3.3. Meaning of Criminal Investigation

What is a criminal investigation? And why do I need a criminal investigation?

One important aspect of police activities which help to boost morale of both the general public as well as the police force consists in successes achieved in bringing offenders to account for their wrong doings. These successes also have salutary effect of strengthening the confidence of the public in the police force.

The arrest and successful prosecution of offenders undoubtedly depends on police investigation. It is therefore no gain saying that a badly investigated case can never stand the test of judicial evidence and examination, and stands to ruin the reputation of a police force generally spotlighting its inefficiency, the need for good and thorough investigation can never, therefore, be over-emphasised.

What is criminal investigation?

A criminal investigator looks for clues and evidence to determine whether a crime has taken place. If a crime has been committed, a criminal investigator may look into the background of the accused and may try to uncover who committed the crime. Police agencies and law enforcement are committed to criminal investigations of every kind, but a growing number of individuals are choosing to launch their own criminal investigations with the help of professional investigators.

A criminal investigator is an official effort to uncover information about a crime. There are generally three ways that a person can be brought to justice for a criminal act. First and probably the least likely, the individual will be driven by his conscience to immediately confess. Second, an officer of the law can catch him in the act. Thirdly, and most common, a criminal investigation can identify him as suspect, after which he may confess or be convicted by trial.

In most cases, when a crime is committed, officials have two primary concerns they want to know who committed the crime, and what the motive was. The reason why a person breaks a law is called the motive. The motive does not always come after indentifying the perpetration in a criminal investigation. Sometime the motives are suspected or know and used to catch the criminal. This is often true with crimes such as kidnappings and murders. Notes or other forms of evidence may be left that reveal why the crime has been committed.

Criminal investigations are usually conducted by police. There are other officials that have the authority to investigate and launch criminal charges. In Nigeria, these include criminal investigation department (CID), while in the United State, it is the Federal Bureau of investigation (FBI) and the Internal Revenue Service (IRS).

Police and other officials may use a variety of methods to conduct criminal investigations; sometimes they work with their canine co-workers. They may also use various scientific techniques such as fingerprint and ballistics analysis.

A controversial investigation sometimes employed in Nigeria is the use of informants. Many people disagree with this practice because these individuals are generally criminals who are looking to get out of trouble or to reduce their punishments. It is therefore argued that they can be influenced to say or do whatever will please those investigating the case.

There are some parts of criminal investigations that police may not be able to handle. Some cases require investigation techniques that demand

specialised knowledge or training that the investigators or their colleagues may not have. This is especially true with deoxyribonucleic acid (DNA) testing, although this technique is popular, it is often performed by third parties.

A criminal investigation does not always yield results. Sometimes suspects are accused only for it to be determined later that they are not guilty. At other times an extensive criminal investigation may not produce any suspects. This can mean that no one will be punished for the crime that was committed.

Why do I need a criminal investigation?

Although in the past many people have allowed law enforcement agents to conduct criminal investigation, but today, a growing awareness of the problems with this method has pushed many people to seek independent investigations. Most police forces are so overwhelmed with crime and so understaffed that not all criminal investigation get the resources they need. Police will often hunt for a criminal for a while and then designate a case closed. A private investigator is not only exclusively dedicated to solving a case, but he or she often does not have the limitations of resources and jurisdiction that a law enforcement agency must contend with.

Criminal investigations are conducted primarily for the prevention of crimes when crime occur, law enforcement is responsible to the community it serves and must discharge its duty by immediately investigating such incidents. Ideally the investigations will cause the violator to appear before a court so as to answer for his/her behaviour. Ultimately and probably most important is the investigation, detection and apprehension of the criminal, effectively serves to curtail recidivisms thereby reducing overall crime.

There are several basic types of investigations that law enforcement personnel may undertake in the routine discharged of their duties.

- 1) Investigations of incidents which are violations of laws and/or ordinances that include criminal acts (robbery, assaults larceny, burglary, murder, illegal weapons, etc) and traffic accident investigations (serious injuries, death and property damage).
- 2) Personal investigations into the background, character and suitability, of persons in an effort to determine their eligibility for positions of public trust.
- 3) Investigations of illegal conditions or circumstance, which if left unchecked would cause an increase in traditional crimes. These conditions may include the following: Narcotics sales, illegal

weapons, trafficking, vice-type crimes (prostitution, gambling), street gang activity, organised crime, terrorist fraud activities, frauds and con games, identity theft and computer crimes. Although many of these conditions would dictate self-initiated investigations based upon intelligence rather than reacting to a citizen crime complaint, there are however, times that investigations will in fact result from such individual crime complaints.

How reliable are criminal investigators?

Criminal investigators are highly trained and have the resources to a wide variety of tools including forensics investigations, crime scene investigations, networks of investigators, surveillance, records checks and other sources that can help them solve crimes. Since investigators take cues from you, they will generally continue to investigate until you are satisfied so that the chances that you will get the answer you seek are quite high.

Basically, the objectives of criminal investigation process are:

- i. To establish that a crime was actually committed
- ii. To identify and apprehend the suspect(s)
- iii. To recover stolen and damaged property as the case may be
- iv. To recover items used in the commission of the crime
- v. To assist in the prosecution of the person(s) charged with the crime.

SELF-ASSESSMENT EXERCISE

Explain the meaning of criminal investigation and its objectives.

3.4 Kind of Criminal Investigations

What are the various kinds of criminal investigations? There are many kinds of criminal investigations, including fraud investigations, rape investigations, and sexual crime investigations, theft investigations, kidnapping investigations, assault investigations, homicide investigations, and many others. There are specific investigation techniques for almost every crime you could imagine.

1) Fraud investigations

What is a fraud investigation? Fraud is considered to involve misrepresentation with intent to deceive. If a company makes specific promise about a product, for example, in order to sell that product, they

may be guilty of fraud if they are aware that the product does not work as advertised. Fraud is a very real and costly problem in today's world, and it causes not only loss of money but also loss of life and serious injuries.

A fraud investigator tries to determine whether fraud has taken place and tries to detect evidence if fraud has occurred.

Fraud costs the economy many billions of Naira a year. If you are the victims of fraud, you may lose significant amount of money and in some cases your good names. Stopping fraud is in everyone's best interest.

Just as there are different types of fraud and fraud-related crimes, there are different types of fraud investigations. Insurance fraud investigations, for example try to overcome those who make false claims to get insurance money. In some cases, these types of investigations also uncover insurance companies who refuse to honour legitimate claims.

Workers compensation investigations, on the other hand, uncover employees who try to unrightfully claim compensation for injuries they do not have. They also uncover companies who do not pay legitimately injured employees. Co-operation investigations often try to uncover fraud in companies while financial investigations and accounting investigations often try to determine whether any financial fraud has been committed. Identity theft investigations try to determine whether some ones identity has been stolen and used to perpetrate fraud. General fraud investigation covers all other areas of fraud. Fraud investigations are particularly difficult because the perpetrators tend to be professional criminals and/or insiders who possess intimate knowledge of their organisation.

There is however the difference between fraud and lying. Fraud usually involves lying for a specific gain that causes someone loss. While lying does not always hurt, if for example, you take your car to an unscrupulous mechanic, he may tell you that he makes one hundred thousand naira a month. If this is a lie, it does not hurt you. However, if your car does not need repairs but the mechanic convince you that your car needs ₦50, 000 in body work, the mechanic has committed fraud because he has twisted the truth in a way that means financial loss for you.

What happens in fraud investigations?

Most fraud investigations begin with a meeting between the investigator and the client. The person launching the investigation explains to their investigators why that suspected fraud has taken place and hand over

any evidence they have to the investigator. A good fraud investigator will use the initial information to find more evidence and more facts. A fraud investigator may use surveillance, asset searches, backgrounds, and other type of methods to get to the bottom of a case.

In most cases, fraud investigations are investigations of white collar crime, which involves surveillance and careful consideration of complicated financial records.

What is most important in a fraud investigation?

Fraud investigation can be complicated and difficult for certain reasons. First, criminals take great care to cover their tracks and escape prosecution. Secondly, in order for an investigation to be useful in a legal case, an investigator must be able to prove that fraud was intended. Only a qualified investigator can successfully complete these facets of fraud investigation.

2) Rape investigation

Rape investigation is the procedure to gather facts about a suspected rape, including forensic identification of a perpetrator, type of rape and other details. The vast majority of rapes are committed by persons known to the victim, with only two percent of assault being perpetrated by a stranger, according to one survey of victims. Therefore, the initiation and process of a rape investigation depends much on the victims' willingness and ability to report and describe a rape.

Biological evidence such as semen, blood, vaginal secretions, saliva, vaginal epithelial cells may be identified and genetically type by a crime laboratory. The information derived from the analysis can often help determine whether sexual contract occurred, provide information regarding the circumstances of the incident, and be compared to reference samples collected from victims and suspects.

Medical personnel collect evidence for potential rape case by using rape kits through the following methods – perpetrator identification, DNA profiling etc.

A primary method used by crime labs for testing biological evidence is DNA profiling. The most common form of DNA profiling used in crime labs for identification is called polymerase chain reaction (PCR). PCR allows the analysis of evidence samples of limited and quality by making millions of copies of very small amount of DNA. Using an advanced form of PCR testing called short tender in repeats (STR), the laboratory is able to generate a DNA profile, which can be compared to

DNA from a suspect or a crime scene. Blood, buccal (linear cheek) swabbing, or saliva should also be collected from victims for DNA analysis to distinguish their DNA from that of suspects.

The value of DNA evidence has to be seen in light of the potential of criminals to plant fake DNA samples at crime scene. In one case, a criminal even planted fake DNA evidence in his own body. Dr. John Schneeberger rape one of his sedated patients and left semen on her underwear. Police drew what they believed to be Schneeberger's blood and compared its DNA against the crime scene semen DNA on three occasions, never showing a match. It turned out that he had surgically inserted a Penrose drain into his arm and filled it with foreign blood and anticoagulants.

Circumstances and type of rape

Abrasions bruise and lacerations on the victim help in elucidating how a rape was done. 8 to 45% of victims show evidence of external trauma.

The most common sites of extragenital trauma are the mouth, throat, wrist, arms, breasts and thighs. According to an American study, trauma to these sites comprise approximately two thirds of the injuries, while trauma to the vaginal and perineum, account for approximately 20% of the injuries.

A recent coitus can be determined by performing a vaginal wet-mouth microscopy examination (or oral/and if indicated) for detection of motile sperm. Motile sperm are seen on the slide if less than three hours after ejaculation. However, absence of sperm does not exclude the possibility of coitus because only one-third of sexual assault results in ejaculation into a body orifice. Furthermore the illegal assistance may have had a vasectomy or have experienced sexual dysfunction roughly 50% of assistants suffer from impotence or ejaculation dysfunction in addition, acid phosphate levels in high concentrations is a good indicator of recent coitus. Acid phosphate is found in prostatic secretions, and activity decreases with time and is usually absent after 24 hours. If undetermined amount of time has elapsed since the rape or if seminal fluid is scarce, prostate-specific antigen (PSA) may still be detected within a 48-hour period. The seminal fluid of vasectomised men also contains a significant PSA level. Non-motile sperm may be demonstrated even beyond 72 hour after intercourse, depending on staining techniques.

3) Sexual assault investigation

What is it all about? Rape, next to cold-blooded murder, is the most heinous of crimes. It is a vicious, brutal attack on woman that leaves irreparable psychological scars long after the devastating experience. And unfortunately, it is one of the most common crimes committed today, possibly numbering more than the offense of robbery. The investigation of sex-crime case is extremely difficult and demanding, requiring not only technical expertise and experience, but also sensitivity towards the victim. The detective or prosecutor assigned to investigate should always remain cognizant of the fact that the entire criminal justice process, beginning with the initial police interview right through adjudication, poses an additional ordeal for the sex crime victim and her family and loved ones.

The trauma of sexual attack leaves the victim at once hurt-physically and emotionally angry, anxious, fearful, vengeful, confused, hate-filled and distrustful. In many cases, the victim blames herself for the act, thinking she contributed to the crime. If she was returning home late from a party, she may tell herself she deserved what she got because of her carelessness late at night or early in the morning. The investigating officer(s) must reassure her that she did nothing wrong. The rapist or sex offender is the one who committed the crime and the one deserving punishment to the fullest extent of the law.

In, some cases, the investigators will find the victim to be uncooperative, even hostile at the preliminary stages of the interview / preliminary report. Sensitivity and understanding of the psychology of rape and sexual assault are prerequisites in a successful sex crime investigation.

The clothing worn by the victim at the time of the sex crime may offer a wealth of evidence and should be secured as soon as possible without embarrassing the victim. This clothing must be sent to the crime lab immediately in order to prevent tainting through a number of mishaps. You would be surprised at how much evidence is lost or loses its value because of laxity on the part of the officer(s) transporting the evidence to the lab. The technicians will examine the clothing for blood, seminal stains, as well as hair and fibers that may lead to the identification of the rapist or confirm the victim's allegation against someone she knew prior to the crime.

The DNA identification process works best with seminal evidence, because of the abundance of nucleic acid carry of several complex acids found in all living cells. Rape and sexual assault are ugly, demeaning crimes that have little regard for any social boundaries.

4) Kidnapping investigation

In law, kidnapping is the taking away of person(s) by force, threat or deceit, with intent to cause him to be detained against his will. Kidnapping may be done for ransom or for political or other purposes. A parent whose rights to custody of a child have been revoked can be guilty of the crime for taking the child. Consent of a kidnapped person is a defence, unless given by one legally incompetent at the time (e.g. minor or a mentally ill person). The crime differs from abduction, in that the intent of sexual intercourse is not required and false imprisonment in which there is no attempt to abduct.

Under common law, kidnapping was only a misdemeanour, but in most states of the United States it is now punishable by death or life imprisonment if there are extenuating circumstances. The kidnapping and murder of the son of Charles A. Lindbergh in 1932 led to a Federal Statute prescribing several penalties for transporting the victims of kidnapping across state or national boundaries. The practice of kidnapping in the wider and not strictly legal scene has been known since the beginning of history. It was a common method for processing slaves and it has also been employed by brigands and revolutionaries to obtain money through ransom or to hold hostages whose safe release was dependent on the freeing of political prisoners.

Undoubtedly one of the most traumatic experiences a family can face is kidnapping. It also severely challenges the law enforcement agency ability to successfully resolve the situation. In such difficult circumstances, however, agencies can turn to an effective aid-crises negotiation teams. These teams fill a unique and effective role that ultimately benefits the one-scene commander, investigative personnel and the victim family. The true value of a crises negotiation team's assistance however, often does not become apparent until the kidnapping ends.

One of the crises negotiation team's primary responsibility in any critical situation is to support the overall investigative effort. In the case of a kidnapping, the crises negotiation team works closely with the victim family members. The team establishes a negotiation operation centre, makes assessment of family members, and guides and supports them through what is likely their darkest hour. The team, using its negotiation training, develops strategies to reduce the subject's expectations to respond to threats and demands and, most important, to seek the safe return of the victim.

The family members of a kidnap victim often become overwhelmed with a wider range of emotions. Some family members may feel the

need to “do something” while other are sad, angry, confused or distraught. The fundamental aspect of the crises negotiator’s craft is active listening. The team’s skill in indentifying and labelling these wide-rouging emotions serves to comfort the family, demonstrates empathy and establishes and builds rapport. From the growing and developing relationship, the victim family becomes more at ease and cooperative and most important, increasingly confident in the ability of law enforcement to secure a successful outcome.

5) Theft investigation

This keeps employees theft and other misconduct from eroding profitability. Employee’s theft accounts for roughly 42% of all retail inventory shrinkage losses. It is estimated that 20 to 25% of employees engage in some form of theft. That is one reason reliable, trustworthy employees are a major factor in the success and profitability of any business.

SELF-ASSESSMENT EXERCISE

List 3 kinds of criminal investigation and discuss one of them.

3.5 Principles of Basic Criminal Investigations

What are the guiding principles of a crime investigator? Crime scene processing can be viewed as the “science” of investigative processes, whereas criminal investigation can be viewed as the “art”. The following are some of the steps the investigator must know in carrying out a criminal investigation case.

Sources of information

Sources of information can generally be either documentary or human in nature. Documentary sources of information include any sort of paper or electronic sources, such as criminal and DMV histories, financial documents, old case files, court files, court testimony, transcripts, mail cover, trash pulls, medical or psychological records, licenses, cooperate indices, telephone or utility records or other archival information.

Human source are by far among the most valuable sources of information available to investigators. Human sources are known by many different terms- informants, assets and cooperating witnesses. Whatever their label, all human sources voluntarily provide specific information of value for a particular case.

This information provides the initial background information. The most important consideration with regards to human sources is reliability. If a source is unreliable, then everything he or she says does become questionable and suspect, especially in court. Many cases have been lost in court due to unreliability. One method of testing a source's reliability is to ask the source questions to which the investigator already knows the answer or by verifying the veracity of the source's information through prior knowledge.

Human sources can be open or confidential. The investigator should strive to protect the identity of all confidential human sources. This not only protects the integrity of the investigation, but it provides safety to the source as well. In most cases, numbers or pseudonyms are used in place of the source's true name in on reports and audio recordings, and these identifiers are catalogued and kept confidential by only those who have a need to know.

Introduction to physical evidence

The "evidence" coin consists of two sides. One side is physical evidence and the other side is testimonial evidence. Physical evidence is important because, unlike testimonial evidence, it alone can establish the guilt of a person in a court of law. For example, a person cannot unusually be convicted on the basis of an uncorroborated confession, as there must be either direct or circumstantial evidence that raises an inference of the essential facts of the confession; conversely, a person can be convicted of crime without testimonial evidence as long as the physical evidence is strong enough. There are two classifications of physical evidence: direct and circumstantial. Direct evidence is evidence that stand on its own in proving or refuting the facts at issue. Circumstantial evidence is evidence that indirectly proves facts from inference. Most forensic crime scene evidence can be useful in many ways. Tool mark evidence may link a person who uses a certain tool with the crime scene, for example, a tool mark from a crime scene can be compared with a tool mark found on the property of a suspect. Laundry marks may be left behind in violent crime scenes. Example include laundry marks turn from a suspect's clothing and left at the crime scene or a victim being indentified through laundry marks found on the streets soils, rocks and minerals from the crime scene are valuable as sample comparisons when compared with like sample on the suspect's clothes.

Processing and collecting evidence

The following general rules apply to processing and collecting evidence:

- i. Give first priority to fragile evidence that can be altered by time or the element.
- ii. Collect items that could impede the search of the scene.
- iii. Have the investigator's initial and the date and time of discovery on each piece of evidence or container of evidence.
- iv. Example, photography, sketch, record, and collect major evidence in the order that is most logical.
- v. In death scene, process the evidence between the point of entry to the scene and the body. Then make detailed search of the body and remove it.
- vi. After processing major evidence, search for and collect trace evidence.
- vii. Make elimination prints of investigators and others who had access to the crime scene.
- viii. Respond to notification (record times, date, and location, identify persons related to incident, learn who, what, when, where, how and why of incident).
- ix. Take initial actions on arrival at scene (weather, security, decide search method).
- x. Scan the scene (view central items and their location, check for injured person's not fragile evidence).

4.0 CONCLUSION

We have defined crime as an intended action that is against the rules of law for a community e.g. sexual assault, physical assault, murder, theft, property damage and vandalism; while criminal investigation is the use of scientific methods to help identify suspects, gather evidence and collect information, all of which are done in an effort to convict criminal offenders. We also defined an investigator as someone who gathers documents, and evaluates evidences and pieces of information about a particular incidence of crime committed or about to be committed.

Types of criminal investigations discussed include: fraud investigations, rape investigations, sexual crime investigations, theft investigations, kidnapping investigations, assault investigations and homicide investigations.

5.0 SUMMARY

In this unit, we have dealt with the definition of criminal investigation. In addition, we examined who a criminal investigator is. We went further

to enumerate and discussed the types of criminal investigations and finally highlighted the principle of criminal investigation.

6.0 TUTOR-MARKED ASSIGNMENT

- i. What is a crime? List two types of crime you know.
- ii. What is criminal investigation?
- iii. List four types of criminal investigations and explain two of them.

7.0 REFERENCES /FURTHER READING

Abbey, A.B., Clinton, R. & Mc Auslan, R. (2004). "Similarities and Differences in Wormern Sexual Assault Experiences Based on Traffic Used by the Perpetrator," *Psychology of Women Quarterly*. vol 18, Pp323-332.

Department of the Army (1985). *Law Enforcement Investigations*. Washington DC.

Fisher, B. A. (2004). *Techniques of Crime Scene Investigation*. Boca, Florida: CRC Press.

Holmes, W. D. (2002). *Criminal Interrogation. A Modern Format for Interrogating Criminal Suspects Based on the Intellectual Approach*. Illionas: Thomass publishers.

Iwara, I. & Effiong, C. (2008). *A Pratical Guide to Criminal Invetaigation and Prosecution*. Calabar: Essttah Books & Pree.

Lymann, M. D. (2008). *Criminal Investigation. The Art and Science*. Upper Sadde River New Jersey: Prentice Hall Press.

Mine, R. & Bull, R. (1999). *Investigative Interviewing. Psychology and Practice*. West English: John Wiley & Sons.

UNIT 2 STATUTORY POWERS AND JUDGES' RULES IN CRIMINAL INVESTIGATION

CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
 - 3.1 Meaning of Statutory Powers
 - 3.2 Statutory Powers of Arrest: Extent and Limits
 - 3.3 The Use of Statutory Powers In Investigations
 - 3.4 Judges' Rules: Interrogation, Statements and Reports
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-Marked Assignment
- 7.0 References/Further Reading

1.0 INTRODUCTION

What is the significance of police statutory powers?

One important aspect of police activities which help to boost moral of both the general public as well as the police force, consists in successes achieved in bringing offenders to account for their wrong doings. These successes also have salutary effect of strengthening the confidence of the public in the police force.

Police have extensive powers of investigation. Some investigators may not always consider it necessary to use statutory powers and may seek to obtain the information voluntarily.

The arrest and successful prosecution of offenders undoubtedly depends on police investigation. It is therefore no gain saying that a badly investigated case can never stand the test of judicial evidence and examination, and stands to ruin the reputation of the police force generally, spotlighting its inefficiency. The need for good and thorough investigation can never, therefore, be over-emphasised. A badly investigated case is dead before it gets to the prosecutor, who at that stage, had to work miracles in order to prosecute the case successfully. Bad investigation therefore, usually constitutes the greatest source of embarrassment, not only to the prosecutor but the whole police force as well as the justice ministry and sometime the magistrate or judge. Imagine a situation in which a person known to have committed some serious crime for which adequate punishment ought to have been imposed, is discharged and acquitted by a judge or magistrate, much against his conscience. For these reasons, it is absolutely necessary that

every case reported should be thoroughly investigated by a criminal investigator.

In summary, this unit will introduce you to the meaning of statutory powers, statutory powers of arrest, extend and limits of statutory powers, use of statutory powers of investigation; investigation and Judges' Rules; statement and reports.

2.0 OBJECTIVES

At the end of this unit, you should be able to:

- define the concept statutory powers
- state Judges' Rules both former and new rules
- explain judges' power of arrest in criminal investigation
- discuss powers of arrest
- discuss the extent and limits of statutory powers
- explain the use of statutory powers in investigations.

3.0 MAIN CONTENT

3.1 Meaning of Statutory Powers

Statutory powers are powers enshrined in the state or country's statute. This statutory power empowers investigative or law enforcement officers to carry out certain functions. Example is the power of the police officers to carry out arrest or search without warrant of arrest.

Also a statutory power of attorney is a power attorney that copies the language in a state statute. The provisions of the statutory power of attorney are provided by the laws of the particular state or country. It also includes an example of a form that may be use. For example, a durable power of attorney may also be a statutory power of attorney if it copies the language in the state durable power of attorney statute.

State laws vary, but the states that have adopted a statutory form of power of attorney allow for other language to be used as long as it complies with the state law.

SELF-ASSESSMENT EXERCISE

Define the term statutory powers.

3.2 Statutory Powers of Arrest

Extent and limits

Having explained the meaning of statutory powers, we will now discuss statutory powers of arrest which comes under sections 110, 111 and schedule 7 of the serious organised crime and police act 2005 that have completely reshaped the basis of arrest power both for the police and ordinary citizens.

The previous arrest framework

Prior to section 110 of the serious organised crime and police act 2005 coming into force, police arrest powers (and those relating to ordinary citizens) were based largely on the concept of arrestable (and serious arrestable) offences under section 24 and schedule 1A of PACE. The police also had power of arrest under section 25 of PACE known as 'general arrest conditions'. These enable them to make an arrest for virtually any offence if certain conditions were present. A number of police powers of arrest also stemmed from other statutory such as the public order act 1986, the criminal justice and public order act 1994 and the criminal justice and police act 2001, to name but a few. In addition to statutory powers of arrest, there was (and still is), the common law power to arrest on order to prevent or deal with a breach of the peace. As far as ordinary citizens were concerned, they too could, and may still, rely on this common law power as well as the police. Ordinary citizens were also able to make a citizens arrest if an offence was categorised as arrestable under PACE, but more restricted circumstances than the police. Also, there were a few statutes that conferred a power of arrest on any 'person' which applied to both the police and ordinary citizens.

The definition of arrestable offences under section 24 and schedule 1A of PACE was very complex. First any offence for which the sentence was fixed by law was classed as an arrestable offence (in practice this now only applied to murder). Secondly, any offence that could bring a term of imprisonment for 5 years or more was also automatically arrestable. Thirdly, there were a large number of offences listed under schedule 1A of PACE which were also arrestable, even though they fell short of the five years imprisonment criteria. In addition to arrestable offence, there were also a number of serious arrestable offences that were defined under section 116 and schedule 5 of PACE. These included some of the most serious crimes such as manslaughter, robbery, hostage-taking, torture, drug trafficking, and rape as well as a host of other serious sexual offences.

The new arrest framework under socap

The Serious Organised Crime and Police Act 2005 (SOCAP) has, among other things, made very significant changes to the structure of other police power. Also in entry and search powers in relation to premises are among those affected by SOCAP, as well as powers of arrest. The earlier concept of arrestable (and serious arrestable) offences under PACE, which was used as the main criteria in the exercise of many police powers, has now been abolished by SOCAP. The new criteria are now almost entirely based on whether an offence is indicated. This legal term could be misunderstood as some may interpret it as meaning offences that are triable only on indictment. These offences are among the most serious crimes that can only be tried before a jury in the crown court. However, the term 'indictment' within the context of SOCAP not only means the most serious offences but also includes offences that may be tried on indictment in the crown court. This refers to crimes that are triable either way, meaning that they may be tried either summarily before magistrate courts or on indictment in the crown court. The term indictable offence therefore means any of these categories of offences. SOCAP has also restructured section 24 PACE and created a more streamlined basis under which the police may make arrests. It has also repealed nearly all the other statutory sources of police powers of arrest, although the common law power to arrest to prevent or deal with a breach of the peace has been preserved. Under the new section 24, the police may make an arrest for any offence provided certain conditions exist. With regard to ordinary citizens, a new section (24A) has been inserted under PACE. This enable a citizen's arrest to be made provided the offence is indictable, as well as other conditions that have to be met.

Limits

The 2005 act has limited these statutory powers of arrest to indictable offences which significantly reduced the scope for making a citizen's arrest.

Statutory power to arrest without warrant

Section 24 of the police and criminal evidence act 1984 (amended by section 110 of the serious organised crime and police act 2005) stipulates the following powers:

1. A constable may arrest without a warrant anyone:
 - who is about to commit an offence
 - is in the act of committing an offence

- whom he has reasonable grounds for suspecting to be about to commit an offence.
- 2. If a constable has reasonable grounds for suspecting that an offence has been committed, he may arrest without a warrant anyone whom he has reasonable grounds to suspect of being guilty of it.
- 3. If an offence has been committed, a constable may arrest without a warrant:
 - anyone who is guilty of the offence
 - anyone whom he has reasonable grounds for suspecting to be guilty of it.

Limits

But the powers of summary arrest conferred by subsection (1), (2) or (3) is exercisable only if the constable has reasonable grounds for believing that for any of the reasons mentioned in subsection (5) it is necessary to arrest the person in question

These reasons are:

- a) To enable the name of the person in question to be ascertained (in the case where the constable does not know, and cannot really ascertain, the person's name, or has reasonable grounds for doubting whether a name given by the person as his name is his real name).
- b) To ascertain the person's address.
- c) To prevent the persons in question from:
 - causing physical injury to himself or any other person
 - suffering physical injury
 - causing loss or damage to property
 - committing an offence against public decency (subject to subsection) (6) or
 - causing an unlawful obstruction of the highway.
- d) To protect a child or other vulnerable person from the person in question.
- e) For allow the prompt and effective investigation of the offence or of the conduct of the person in question.
- f) To prevent any prosecution for the offence from being hindered by the disappearance of the person in question.

Subsection (5) (c) (iv) applies only where members of the public going about their normal business cannot reasonably be expected to avoid the person in question.

Ordinary citizens' power of arrest without warrant

Section 24A of the police and criminal evidence act 1984 (inserted by section 110 of the serious organised crime and police act 2005) stipulates the following conditions:

- (1) A person other than a constable may arrest without a warrant:
 - anyone who is in the act of committing an indictable offence
 - anyone whom he has reasonable ground for suspecting to be committing an indictable offence.
- (2) Where an indictable offence has been committed, a person other than a constable may arrest without a warrant:
 - anyone who is guilty of the offence
 - anyone whom he has reasonable grounds for suspecting to be guilty of it.

Limits

But the power of summary arrest conferred by subsection (1) or (2) is exercisable only if:

- a) The person making the arrest has reasonable grounds for believing that for any of the reasons mentioned in subsection (4) it is necessary to arrest the person in question
- b) It appears to the persons making the arrest that it is not practicable for a constable to make it instead.

The reasons for such arrest are to prevent the person in question from:

- a) Causing physical injury to himself or any other person
- b) Causing loss of damage to property
- c) Taking off before a constable can assume responsibility for his arrest.

The term 'indictable offence' means an offence which is triable only on indictment or an offence which may be tried on indictment (triable either way).

There are several hundred indictable offences (see Blackstone's criminal practice and Archbold's criminal pleading, evidence and practice. However, many of them rarely come to light, if ever. Some examples of the more well known indictable offences are listed below beginning with indictable offence only followed by offences that are triable either way.

Triable only on indictment

Murder, manslaughter, robbery, assault with intent to rob, rape, kidnapping, riot, blackmail, hostage-taking, aggravated burglary, wounding or causing grievous bodily harm with intent, administering poison, aggravated criminal damage, aggravated arson, possession of firearm with intent to endanger life or property, possession of firearm or imitation firearm with intent to cause fear of violence, use of firearm or imitation firearm to resist arrest, carrying firearm or imitation firearm with intent to commit indictable offence, causing explosion likely to endanger life or property, causing death by dangerous driving, causing death by careless driving when under the influence of drink or drugs, perjury in a judicial proceeding, perverting the course of justice.

Triable either way

Theft, violent disorder, affray or provocation of violence when racially aggravated, intentionally causing harassment, alarm or distress when racially or religiously aggravated, assault, dangerous intent to resist or prevent arrest, dangerous driving, assault occasioning actual bodily harm wounding or inflicting grievous bodily harm, handling stolen goods making off without payment, false accounting forgery, obtaining property by deception, obtaining services by deception, burglary (most forms), going equipped for stealing, money laundering offences, simple criminal damage, simple arson, possession of an article to destroy or damage property, and the vast majority of drug offences (this include their unlawful possession, supply, possession with intent to supply, and manufacture, as well as cultivating the cannabis plant, and allowing certain drug activities on premises).

Limits

Section 25 of PACE (general arrest conditions case to exist or have effect, the powers has now been subsumed under the new section 24 of PACE). This means that arrest will now be subject to codes of practice.

Code of practice for the statutory power of arrest by police officers

The introduction of code G on 1st January 2006 constitute the first occasion when codes of practice were published regarding arrest.

Limits of statutory power of arrest

The right to liberty is a key principle of the Human Right Act 1998. The exercise of the power of arrest represents an obvious and significant interference with that right.

The use of the power must be fully justified and officers exercising the power should consider if the necessary objectives can be met by other, less intrusive means. Arrest must never be used simply because it can be used. Absence of justification for exercising the power of arrest may lead to challenges should the case proceed to court. When the power of arrest is exercised it is essential that it is exercised in the non-discriminatory and proportionate manner.

Also it should be noted that a lawful arrest requires two elements: a person's involvement in the commission of a criminal offence and reasonable grounds for believing that the person's arrest is necessary. Arresting officers are required to inform the person arrested that they have been arrested, even if this fact is obvious, and of the relevant circumstances of the arrest in relation to both elements and to inform the officer of these on arrival at the police station.

The power of arrest is only exercisable if the constable has reasonable grounds for believing that it is necessary to arrest the person. Extending the power of arrest to all offences provides a constable with the ability to use that power to deal with any situation. However, applying the necessary criteria requires the constable to examine and justify the reason or reasons why a person needs to be taken to a police station for the custody officer to decide whether the person should be placed in police detention.

The stated criteria under 5.110 of the serious organised crime and police act 2005 that justify arrest are as follows: To allow the prompt and effective investigation of the offence or of the conduct of the person in question. This may include cases such as:

1. Where there are reasonable grounds to believe that the person:
 - i. Has made statement
 - ii. Has made statement which cannot be readily verified
 - iii. Has presented false evidence
 - iv. May make contact with co-suspects or conspirators
 - v. May intimidate or threaten or make contact with witnesses
 - vi. Where is necessary to obtain evidence by questioning.
2. When considering arrest in connection with an indictable offence, there is need to enter, search any occupied or controlled by a person:

- i. Search the person
- ii. Prevent contact with others.
- iii. Take fingerprints, footwear impressions, samples or photographs of the suspect.

SELF-ASSESSMENT EXERCISE

State the statutory powers of arrest without warrant. What are the limits to these powers?

3.3 The Use of Statutory Powers in Criminal Investigations

Having discussed statutory powers of arrest and its limitations, the next issues to deal with is the use of these powers in criminal investigations.

We have extensive powers of investigation, including power to require the production of documents and to require certain persons to attend interviews, we say that investigators may not always consider it necessary to use statutory powers and may seek to obtain the information voluntarily.

The standard practice is generally to use statutory powers to require the production of document or the answering of questions in interview. This is for reasons of fairness, transparency and efficiency. It will sometimes be appropriate to depart from this standard practice, for example; for suspect or possible suspects in criminal or market abuse investigations we may prefer to question that person on a case, the interviewee does not have to answer but if he does, those answers may be used against him in subsequent proceedings, including criminal or market abuse proceedings.

In the case of third party with no professional connection with the financial service industry, such as the victims of an illegal fraud or misconduct we will usually seek information voluntarily.

The exercise of statutory power does not mean that we necessarily consider a person unco-operative or suspected of something. The exercise of such power is standard practice, even against those who are merely witnesses.

Interviews

The type of interviews is a decision of the investigating officer. A person required to attend an interview by the use of statutory power cannot insist that the interview takes place voluntarily. If someone does not attend an interview required under the Financial Service and

Markets Act 2000 (the Act) then he can be dealt with by the court as if he were in contempt (where the penalty can be a fine, imprisonment or both). Similarly, a person asked to attend an interview on a purely voluntary basis cannot insist on being compelled.

If someone chooses not to attend a voluntary interview, or refuses to answer any question at such an interview, then this will not expose the person to any kind of penalty however, if the interviewee chose to provide answer to question at such an interview then this may mean that he get credit for co-operation should he be convicted ultimately of a criminal offences or be found to have committed market abuse or other misconduct.

However, the use of those statutory powers requires sufficient justification and appropriate authority.

SELF-ASSESSMENT EXERCISE

Discuss the use of statutory powers in criminal investigations.

3.4 Judges' Rules: Interrogation, Statements and Reports

What are judges' rules in criminal investigations and interrogation?

Judges' rules are set of rules laid down by judges of the Queen's Bench Division of the high court of England. They are also applicable in Nigeria for the guidance of police officer in their investigations and general conduct in criminal cases. The judges' rules were nine in number originally but have been compressed to five in their amended form. Both the old rules and the amended form are as follows:

1. When a police officer is endeavouring to discover the author of a crime, there is no objection whatsoever to his putting questions in respect thereof to any person or persons whether suspected or not from whom he thinks useful information can be obtained.
2. Whenever a police officer has made up his mind to charge a person with a crime, he should first caution such person before asking any questions or further questions as the case may be.
3. Persons in custody should be questioned without the usual caution being first administered.
4. If the prisoner wishes to volunteer any statement (evidence) the caution should be administered.
5. The statement of caution reads: Do you wish to say anything in answer to the charge: you are not obliged to say anything unless you wish to do so, but whatever you say will be taken down in writing and may be given in evidence.

6. A statement made by a prisoner before there was time to caution him is not rendered inadmissible in evidence merely by reason of no caution having been administered, but in such case he should be cautioned as soon as possible.
7. A prisoner making a voluntary statement must not be cross-examined and no question should be put to him about it except for the purpose of removing ambiguity in what he has actually said.
8. When two or more persons are charged with the same offence and statements are taken separately from the persons charged, but each of such persons should be served by the police with copies of such statements and nothing should be said or done by the police to invite a reply, provided that when the person charged is an illiterate, the statement may be read over or interpreted to him apart by some person other than the policeman. Anything said to the reader by the person charged when the statement is read shall not be admissible in evidence against him, but if after the statement has been read, he shall be desirous of making a statement to the police in reply, such statement shall be taken only after the used caution had been administered. Copies of such statement should be served on other accomplices only when the other party or parties have implicated then in their statements implicating one another. (2 WACA 118N).
9. Any statement made in accordance with the above rule should, whenever possible be taken down in writing and signed by the person making it after he has been invited to make any connections he may wish.

New Rules

- i. The new rules which come into force in England on 27th January 1964, state that when a police officer is trying to discover whether or by whom offence has been committed, he is entitled or not, from whom he thinks that useful information may be obtained. This is so whether or not the person in question has been taken into custody, so long as he had not been charged with the offence or informed that he may be prosecuted for it.
- ii. As soon as a police officer has evidence which would afford reasonable grounds for suspecting that a person has committed an offence, he shall caution that person or cause him to be cautioned before putting to him any question or further questions, relating to that offence.

The caution shall be in the following terms:

‘You are not obliged to say anything unless you wish to do so, but what you say may be put into writing and given in evidence.’

When after having been cautioned, a person is being questioned or elects to make a statement, a record shall be kept of the time and place at which any such questioning or statement began and ended and of the persons present.

- iii. (a) Where a person is charged with or informed that he may be prosecuted for an offence, he shall be cautioned in the following terms:
‘Do you wish to say anything? You are not obliged to say anything unless you wish to do so, but whatever you say will be taken down in writing and may be given in evidence.
- (b) It is only in exceptional cases that questions relating to the offence should be put to the accused person after he has been charged or informed that he may be prosecuted. Such questions may be put where they are necessary for the purpose of preventing or minimising harm or loss to some other person or to the public or for clearing up an ambiguity in a previous answer or statement.
Before any such questions are put, the accused should be cautioned in these terms ‘I wish to put some questions to you about the offence with you have been charged (or about the offence for which you may be prosecuted). You are not obliged to answer any of these questions, but if you do so, the question and answers will be taken down in writing and may be given in evidence.
Any question put and answers given relating to the offence must be contemporaneously recorded in full and the record signed by interrogating officer.
- (c) If when such a person is being questioned he or she elects to make a statement, a record should be kept of the time and place at which any questioning or statement began and ended and of persons present.
- iv. All written statements made after caution must be taken in the following manner:
 - (a) If a person says that he wants to make a statement, he must be told that it is intended to make a written record of what he says. He must always be asked whether he wishes to write down himself what he wants to say; if he says that he cannot write or that he would like someone to write it for

him, a police officer may offer to write the statement for him. If he accepts the offer the police officer must before starting, ask the person making the statement to sign, or make his mark to the following:

‘I wish to make a statement. I want someone to write down what I say and have been told that I need not say anything unless I wish to do so and that whatever I say, may be given in evidence.

- (b) Any person writing his own statement should be allowed to do so without any prompting as distinct from indicating to him what matters are considered material.
- (c) The person making the statement, if he is going to write himself, must be asked to write to say, the following:
‘I make this statement out of my own freewill, I have been told that I need not say anything unless I wish to do so and that whatever I say may be given in evidence.
- (d) whenever a police officer writes the statement he must take down the exact words spoken by the person making the statement, without putting any questions other than such as may be needed to make the statement coherent, intelligible and relevant to the material matters; he shall not prompt him.
- (e) When the writing of a statement by a police officer is finished the persons giving the statement must be asked to read it and to make any corrections, alterations or additions he wishes. When he has finished reading it, he must write and sign his name certificate at the end of the statement:
‘I have read the above statement and I have been told that I can correct, alter or add anything I wish. This statement is true. I have made it of my own freewill’.
- (f) If the person who has made a statement refuses to read it or to write the above mentioned certificate at the end or to sign it, the senior police officer present will record on the statement itself and in the presence of the person making it what happened. If the person making the statement cannot read, or refuse to read, the officer who has taken it down must read it over to him and ask him whether he would like to correct, alter or add anything and to put his signature or make his mark at the end. The officer must certify on the statement what he has done.
- (g) If at anytime after a person has been charged with, or has been informed that he may be prosecuted for an offence, a police officer wishes to bring to the notice by another person, any written statement made by another person, who in respect of the same offence, has also been charged

or informed that he may be prosecuted he must hand to that person a true copy of such written statement, but nothing should be said or done to invite any reply or comment. If that person says that he would like to make a statement in reply, or start to say anything, he must at once be cautioned or further cautioned as prescribed by rule (111).

The above new rules are recommended for use by crime investigators. In addition to the following laid down rules, the officer must present a good report. The purpose of writing a report on any incident which has occurred during an officer's duty or in the course of his investigations is to convey to the superior officers all the facts which had been collected during the inquiry.

This is the main reason why every effort must be made to write the report in such a way that all relevant facts are contained in it. Having stated all the facts as they are known, the officer should respectfully give opinion and recommendations or suggestions, taking into consideration the overall circumstance and the facts.

Contents of a good report

1. The report should bear the police station where the officer writing is serving on the top right corner.
2. On the top left corner of the sheet should appear the name or designation of the officer to whom the report is being addressed.
3. The title of the report and the subject matter or heading of the report should be in the centre of the sheet (the paper). The introduction to the report should come next; and then the body of the report containing all the facts.
4. Recommendations or suggestion of the officer reporting follows and then the closing address or salutation, and finally, the signature and name with number (if applicable) of the officer reporting at the bottom right corner.

SELF-ASSESSMENT EXERCISE

State both the old and new Judges' Rules. How can you apply them in investigations?

4.0 CONCLUSION

We have discussed statutory powers and Judges' Rules as applicable in criminal investigations. And we went further to state and explain the former Judges' Rules and the new forms of Judges' Rules. We also note

that there are limitations in applying the statutory powers of arrest, search etc by police officers carrying out investigations on a criminal matter.

Ways of writing statements, reports and interrogations when conducting investigation were also discussed and finally the use of statutory power in criminal investigation was analysed with its attendant limitation.

5.0 SUMMARY

In this unit, we have discussed the concept of statutory powers, specifically statutory powers of arrest, its extent and limitations. Also the use of these statutory powers in investigations and its meaning were considered.

We also discussed Judges' Rules, both the former and new set of criminal investigations. And finally a format of writing statements, reports and carrying out interrogations during criminal investigation were exhaustively discussed.

6.0 TUTOR-MARKED ASSIGNMENT

- i. Explain the meaning of statutory powers.
- ii. Discuss two limitations of these statutory powers.
- iii. State the new modifications of Judges' Rules. How can you apply them in criminal investigations?

7.0 REFERENCES/FURTHER READING

Justice Fakayode, E. O. (1985). *The Nigerian Criminal Code Companion*. Nigeria: Ethiopia Publishing Corporation.

Law of Federation of Nigeria (1990). *Criminal Code Act- CAP, 77*.

Law of Federation of Nigeria (1990). *Criminal Procedure Act-CAP, 80*.

Member, C F. L. (1990). *Police and Law Enforcement*. Ibadan: Intec Printer's Limited.

Swanson, C.R. (2003). *Criminal Investigations. (8th ed.)*. Boston: Mc Graw-Hill.

UNIT 3 TECHNIQUES OF CRIMINAL INVESTIGATION

CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
 - 3.1 Meaning of Profiling: Criminal Profiling
 - 3.2 Hypnosis in Criminal Investigations
 - 3.3 Psychological Autopsies in Criminal Investigations
 - 3.4 The Polygraph Technique or Lie Detector in Criminal Investigations
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-Marked Assignment
- 7.0 References/Further Reading

1.0 INTRODUCTION

How are criminal investigations conducted? And what is a criminal investigation?

In order to effectively conduct or perform criminal investigative functions, one must understand the basic definition of investigation and investigate. An investigation is an examination, a study, a survey and a research of facts and or circumstances, situations, incidents and sceneries, either related or not, for the purpose of rendering a conclusion of proof. When one investigates, he/she makes a systematic inquiry, closely analyses and inspects while dissecting and scrutinising information. An investigation, therefore, is based upon a complete and whole evaluation and not conjecture, speculation or supposition. Criminal investigations are conducted primarily for the prevention of crimes. When crimes occur, law enforcement is responsible to the community it serves and must discharge its duty by immediately investigating such incidents. Ideally the investigation will cause the violator to appear before a court so as to answer for his/her behaviour. Ultimately and probably most important, is that the investigation, detection and apprehension of the criminal effectually serves to curtail recidivism thereby reducing overall crime.

The criminal investigator must remain objective and open to different perspectives when conducting an investigation. He/she must always look beyond the obvious and seek the truth. Meanwhile, the various issues that will be examined in this unit that will introduce you to techniques of criminal investigations include: meaning of profiling as well as criminal

profiling, hypnosis on criminal investigation, psychological autopsies and lie detection in criminal investigation.

2.0 OBJECTIVES

At the end of this unit, you should be able to:

- explain the meaning of profiling and criminal profiling
- mention three techniques applicable in criminal investigation
- analyse the methodology of psychological autopsy
- describe various methods of lie detection
- explain hypnosis, memory and behaviour in criminal investigation
- state the importance of criminal profiling in investigations.

3.0 MAIN CONTENT

3.1 Meaning of Profiling and Criminal Profiling

This section introduces you to profiling and criminal profiling as a basis of identification and investigation.

What is a profile?

A profile is a set of characteristics for an individual or group of individuals that share some traits. For criminal identification, a profile establishes the likely age, appearance, psychology or activities of unknown suspect. “Racial profiling” refers to specifying a likely perpetrator by race or ethnic background which may be a stereotype or over generalisation. This is often criticised as illegal or unfair, even where the available data would support such a profile.

Nowadays profiling rests uneasily between law enforcement and psychology. As a science, it is still a relative new field with few set boundaries or definitions.

The term “profiling” has caught on among the general public, largely due to movie like “the silence of the lamb” and TV shows like “profiler”. Despite the different names, all of these tactics share a common goal: to help investigators examine evidence from crime scenes and victim and witness reports to develop an offender description. The description can include psychological variable such as personality traits, psychopathologies and behaviour patterns, as well as demographic variable such as age, race or geographic location. Investigation might use profiling to narrow down a field of suspects or figure out to interrogate a suspect already in custody.

Criminal Profiling

- i. You may want to ask yourself, why develop criminal profiles?
- ii. What do we mean by a criminal profile?
- iii. Crime is always a concern worldwide next to crime prevention; crime detection is of the highest priority.

Some profilers emphasis the personality and motivations of the offender, including characteristics ways of committing crimes and treating their victims. But certainly physical characteristics are important – the criminal's age, gender, race, height, and weight. Whether the perpetrator is left-handed is sometimes easily determined from an analysis of the criminal act. Because these qualities plus other demographic data (e.g. occupation, education are sought in addition to a personality sketch of the criminal).

What then is criminal profiling?

The origins of criminal profiling are unclear, but for centuries, elements of society have tried to pinpoint those physical or psychological qualities linked to criminal or deviant behaviour (Pinizzotto, 1984). Criminal profiling has been described as an educated attempt to provide specific information about certain type of suspect, and as a biographical sketch of behavioural patterns, trends, and tendencies (Geberth 1981).

The basic premises of criminal profiling is that the way a person thinks directs the person's behaviour, it is important to recognise that profiling does not provide the specific identity of the offender, similarly, not all types of crimes are susceptible to successful criminal profiling. Holmes & Holmes, (1996) concluded that such crimes as check forgery, bank robbery and kidnapping are not good candidates for profiling.

Criminal profiling consists of analysing a crime scene and using the information to determine the identity of the perpetrators.

While this doesn't directly give you the perpetrators' name, it is very helpful in narrowing down suspects. For example, profile based on the crime scene provides information that may include the perpetrator's personality, sex, age ethnic background, and possible physical features such as disfigurement or height and weight. This information can then be used to identify possible suspects depending on who fits the profile.

Personality is one of the most important parts of a criminal profile.

How does criminal profile works?

Personality profiles of criminal are based on the way in which a crime is committed, also known as the "method of operation". The method of

operation includes the identity of the victims, what the victim(s) (in this case of a serial offender) have in common, the weapon(s) used, the degree of hostility, the existence (or lack) of any torture and or sexual molestation and so on. Analysing these aspects of the crime scene, an investigator (usually a trained forensic psychologist) can determine the motives of the perpetrator, which leads to a description of the perpetrator's personality or the personality profile.

It may seem so far that criminal profiling depends on a lot speculation on the parts of the forensic psychologist. While some speculation is required personality profiling is actually the result of many years of research.

Also criminal profiling is the act of developing a psychological profile of an offender based on the state of the crime scene. Profiling is most often done by a forensic psychologist – someone who has studied the criminal mind. The profile can then be used by police departments, to assist in apprehending the criminal.

A profile is a psychological sketch of an offender. Criminal profiling is often used to help investigation catch psychopaths and serial killers that may otherwise go free. It can also be used to help catch other types of offender, such as arsonists and rapists. In criminal profiling, a crime scene helps to label the perpetrators as organised, disorganised or mixed. An organised offender, such as arsonists and rapists plan ahead, picking out the victim ahead of time. Any tools needed are bought by the offender. He is meticulous with details, and it is clear that the crime was well thought out ahead of time.

Organised offenders tend to be high in the birth order of their family, usually and oldest child. They are very intelligent, and usually have their lives together, but a series of stressful situations caused them to act out. Most of them have a live in partner, are socially adept, and will follow the coverage of their crimes in the media very carefully.

A spontaneous offence is often the work of a disorganised offender will often depersonalised the victim, make the crime less real and allowing course of the crime. There is very little conversation, if any between the offender and victim, and the crime scene random and sloppy feel to it.

Criminal profiling makes it possible to draw a lot of conclusion about this offender too. Disorganised offenders are often of average or slightly below average intelligence. They are younger children live alone, and not as socially mature as an organized offender. They often live or work near the scene of the crime, and have poor work history.

A mixed offender is harder to use criminal profiling for, but it is still possible. The crime scene combines characteristics of both organised and disorganised offenders, for example, the offender may have provided his own tools, but picked a victim randomly.

The profile of a mixed offender may not be as accurate as other profiles, giving police less to go on. Criminal profiling is used not only to find potential offenders, but also to narrow down a list of offenders, that has already been compiled by the police. Although it doesn't work in every case, criminal profiling has helped investigators to apprehend hundreds of criminals. By assessing the pattern and motives of previous criminals, profiling allows investigators to fairly accurately predict the characteristics of current and future offenders, allowing killers and other perpetrators to be caught before they can continue on other crimes.

Phases of profiling

How many phases of profiling do we have?

According to Gregg O. McCrery, the basic premise is that behaviour reflects personality. In a homicide case for example crime profilers try to collect the personality of the offender through questions about his or her behaviour at four phases.

1. **Antecedent:** what fantasy or plan, or both did the murdered have in plan before the act? What triggered the murderer to act some days and not others?
2. **Method and manner:** what type of victim or victim did the murderer select? What was the method and manner of murder? Shooting, stabling, strangulation or something else.
3. **Body disposal:** did the murder and body disposal take place all at one scene, or multiple scenes.
4. **Post- offense behaviour:** is the murderer trying to inject himself into the investigation by reacting to media report or contacting investigations?

The criminal profile generating process

What procedures are followed in generating a criminal profile?

Investigators used criminal profiles infrequently until 1978, when FBI established a psychological profiling programme within its behavioural science unit. Since then investigators at this facility have developed a criminal profile generation process with five main stages. Apprehension of a suspect is the goal and the final step in the process. This criminal profile generating process involves the following steps:

- a comprehensive study of the nature of the past
- a detailed analysis of the crime scene
- an in depth examination of the background and activities of the victim or victims
- a formulation of the possible motivating factors for all parties involved
- the development of a description of the perpetrator based on overt characteristics from the crime scene and past criminal behaviour.

Initial information gathered in the crime investigation stage include evidence from the crime scene, knowledge of the victim and specific forensic evidence about the crime (cause of death, nature of wounds, autopsy report etc). Photographs of the victim and crime scene are included. Efforts are made to understand why this person in particular, was the victim. Information about possible suspects is not included, so as not to subconsciously prejudice the profilers.

The second stage emphasises decision making, by organising and arranging inputs into meaningful patterns. Classification are established, for example, the crime may be a mass murder (defined as anything more than three victims in one location and within one event). Two other classifications are the spree murder (knowing at two or more location with no motioned cooling-off period between homicides) and the serial murder, involving three or more separate events with a cooling-off period between the homicides.

The next step is to reconstruct the sequence of event and the behaviour of both the perpetrators and the victim. One important distinction is that between organised (or non social) and disorganised) or social criminals. Plan their murders, target that control at the crime scene by leaving few clues, and possibly act out a violent fantasy against the victim, including dismemberment or torture. The disorganised murderer is “less apt to plan his crime in detail or obtains victims by chance and behaves haphazardly during “the crime”,

In summary, organised offenders are most apt to:

- plan
- use restraints
- commit sexual acts with love victims
- emphasise control over the victim by using manipulative or threatening techniques
- use car or truck.

On the other hand, disorganised offenders are more likely to:

- have a weapon at the crime scene
- reposition the dead body
- perform sexual acts to the dead body
- keep the dead body
- try to depersonalise the body
- avoid use of vehicle.

The final step usually is to generate a profile that follows a standard format, including hypotheses about the perpetrators age, race, educational level, mental status, habits, family characteristics and type of vehicle, plus indications of psychopathology.

SELF-ASSESSMENT EXERCISE

Differentiate between profiling and criminal profiling. Discuss the importance of conducting criminal profile on a suspected offender.

3.2 Hypnosis in Criminal Investigations

The use of hypnosis by law enforcement officers grew rapidly during 1970's partly facilitated by the rules in most states at that time, which permitted wide admissibility of hypnotically induced memories. Actually, hypnosis has been used by the legal system for more than 100 years, though shrouded with contours.

Even today, experts disagree about whether hypnosis is effective in recovering memories and whether it is unduly suggestive.

Guidelines for the use of hypnosis

Given the concerns about the accuracy of hypnotically assisted memory, a prime function of a forensic psychologist is to offer and encourage guidelines for the use of hypnosis. For example, if memories produced by hypnosis should not be used as evidence in court, can the police seek them during the early stages of a crime investigation?

The following guidelines are suggested:

1. Qualifications of the person using hypnosis- Traditionally, law enforcement officers have conducted the hypnosis of witnesses, but the society for clinical and experimental hypnosis has proposed that only trained psychiatrists or psychology independent of the police department should conduct a forensic

- hypnosis and questioning. One benefit of the approach is a possible reduction in the use of leading or suggestive questions.
2. Pre-hypnosis Records- It is important to keep separate what the waitress knew before the hypnosis and what he or she remembered as a result of it.
 3. Electronic recording of hypnosis session- All the interactions between the examiner and the subject should be recorded electronically, preferably on videotaped, If the latter is used, focus should be on both the subject and the hypnosis to deter any subtle influence in the interaction,
 4. Measurement of hypnotisability- One guideline suggested by Spiegel and Spiegel (1987) that proscribe limits, is that the level of hypnotisability of the subjects should be determine by use of one of the standardised hypnotisability scales in order to document the subject's degree of responsitivity, if any. These scales include the hypnotic induction profile.
 5. Pre- hypnosis briefing- The hypnotist should not give the subject any indication that the subject will receive new information or the memory of the relevant experience will be any clearer an effort should be made to determine exactly what memories were held, before hypnosis.
 6. Management of the hypnotic session- The person conducting the section should provide a setting in which the subject can remember new facts if there are any but in none is introduced in the questioning. The person should be allowed to review the events as they occurred, with little prompting, prompting is best done through no leading questions, such as "And, then what happens"
 7. Selective use- Forensic hypnosis should never be used as a substitute for routine investigative procedures.

Recall that these are guidelines for the use of hypnosis during the crime investigation stage. The inherent dangers in hypnotically assisted memories mean that if law enforcement officers choose to hypnotise a victim at this early stage, the authorities should exert great caution in allowing this same person to testify at the trial, because of the suggestibility involved in the procedure and the risk of producing false memories.

SELF-ASSESSMENT EXERCISE

List the steps involved when using hypnosis as a technique during criminal investigation.

3.3 Psychological Autopsy in Criminal Investigations

You may want to ask yourself, what is psychological autopsies and why the need for it?

Whereas a medical autopsy is essentially a physical examination of the deceased, a psychological autopsy (P.A.) is essentially a mental state examination of the decrease.

There are a number of reasons why it might be appropriate to undertake a psychological autopsy. However, the most common is to assist in determining nature of deaths. Estimates suggest that up to 20% of cases presented to a medical examiner/coroner, the precise mode of death is unclear. A psychological autopsy can help address this ambiguity and establish whether death was as a result of natural causes, suicide, accident or murder.

Quite often, the cause of a person's death is a matter of forensic concern even if no criminal act is assumed to be involved. Even when the cause of death is certain, issues related to the mental state of the person prior to his or her death lead to the application of a psychological analysis. Golf & Otto (1993) suggest several types of situations.

The need to determine whether the person was competent to draw up a will (called the decedent's testamentary capacity).

In workers' compensation cases, claims may be made that stressful working conditions contributed to the person's premature death.

In a criminal case, the defendant on trial for murder may claim that the victim was a violent person who installed such fear in the defendant that the act was truly one of defense.

The term psychological autopsy refers to the investigative method used by psychologists or other social scientists to help determine the mode of death. In equivocal cases, it is estimated that between 5% and 20% of all deaths that need to be certified are equivocal deaths. The beginnings of psychological autopsies grew out of the frustration of the then Los Angeles county chief medical examiner and coroner. Dr Carpal in 1958 was faced with a number of drug- related deaths for which the mode of death (how the death occurred) was uncertain.

The psychological autopsy technique is currently used to answer three dishonour questions. Why did the individual do it? How and when did the individual die (that is why at that particular time)? And what might be the most probable mode of death?

Section (1987) concludes that the most common inquiry in a psychological autopsy concerns whether the death was an accident or a suicide. A basic job of medical examiners is to certify whether a death could reliably be classified as natural, accidental, suicide etc.

Psychological autopsy methodology

Within the context of a forensic investigation a psychological autopsy is employed as a data collection tool. The most common source being interview data obtained from the family and friends of the deceased. Obtaining the medical history of the deceased is also a central component of the psychological autopsy. Interviewing the doctor of the deceased and/or examining medical records is, therefore another important data collection source.

The nature of the information collected would usually include the following:

demographical information (age, marital status, occupation)
personal information (relationships, lifestyle, alcohol/drug use, sources of stress) secondary information (family history, police records, diaries). It is important to note that as with most data collection protocols conducted within a psychological framework, different methodological approaches exist. A useful way to think of this is in terms of means to an end. The end is by and large the same i.e. it is hoped that collectively, information obtained will describe result in a positive analysis yielding an opinion giving a logical understanding of the relationship between the deceased and the events and behaviours that preceded the death.

SELF-ASSESSMENT EXERCISE

Of what importance is psychological autopsy to a deceased?

3.4 Lie Detector in Criminal Investigation

A significant aspect of law enforcement expertise is lie detection, and perhaps the best known method of deception detection is the polygraph technique, often inaccurately referred to as "Lie detector test". Two typical uses of the polygraph are to assess the honesty of exculpatory statements given by criminal suspects and to review periodically the status of employees whose work involves international security.

History of the polygraph technique

Lombroso, the founding father of criminology in 1895, was the first to experiment with a machine measuring blood pressure and pulse to

record the honesty of criminals. He called it a hydrosphygmograph. A similar device was used by Harvard psychologist William Marston during world war1 in espionage cases, who brought the technique into American court systems. In 1921, John Larson added the items of respiration rate, and by 1939, Leonard Iceeler, one of the founding fathers of forensic science, added skin conductance and an amplifier, thus signalling the birth of the “polygraph” as we know it today.

The polygraph is a sound and reliable technique for detecting deception. The vast majority of studies into the reliability of polygraph testing estimate it at about 90% or higher. Numerous research findings and works in the field of medicine, have justified the connection between involuntary (sympathetic nervous system) physiological change telling and deception. Unfortunately, mostly through historical accident, polygraph exams are not legally admissible unless there is a stimulated agreement prior to trial. There is also some questionable validity (if something measures what it purports to measure) in the use of polygraph for non-criminal purposes, such as pre-employment screening, drug testing, and so forth. Ironically, polygraphs are commonly found in these non-criminal, civil law areas. Police departments, for example, make extensive uses of them in their personal policies, and they are also common with sensitive security jobs in government and business.

Uses of the polygraph in interrogation

When suspects are questioned by the police, they may be also asked to complete a polygraph examination if they maintain their innocence. Polygraph examiners assume that changes in physiological reactions in response to incriminating questions are indications that the suspect is lying (Bull, 1988). Police believes in the accuracy of the polygraph. Unfortunately, the scientific conclusions about the polygraph do not encourage its use. The British psychological society, the leading organisation of research and applied psychologists in that country, authorised a study of available research literature, it concluded that the evidence supporting the use of the polygraph test was “very slender”, its reliability and validity were in doubt, and a need existed for more research on the topic, since much of the existing research were inadequate.

More specifically, the report criticised the typical polygraph procedure on the following grounds:

- a. It involved the use of non-standardised procedure.
- b. Examiner often misled subjects about how accurate the test was.
- c. Sometime efforts were made to create anxiety in subjects, in order to encourage confessions.

- d. The subject's privacy could be violated. Very personal questions about subjects such as sexual, political, or religious preferences may be asked.

Polygraph procedure

In evaluating the polygraph procedure, two potential sources of inaccuracy emerge. First, physiological measures do not directly measure lying, their changes only reflect shift in emotional reactivity. Thus any conclusion about lying is an inference, it is essential that responses to the critical questions (e.g. "Did you steal the car?") be compared to responses to some other type of questions.

Two types of polygraph testing are normally used.

1. The control question technique(CQT) - Typically consist of about 10 questions. Relevant questions deal with the issue at hand while control questions deal with possible past behaviours that might generate emotion on the subject's part. An example, "Before the age 24 did you ever try to hurt someone to get revenge?"

Note the crucial assumption: if the subject is guilty or is not telling the truth, the questions on the issue at hand will generate more emotional reactivity than will the control questions. The control questions provide a baseline measure for that person's level of reactivity. Those control questions must be chosen with care and pre-tested with the individual subject, it is essential that those questions chosen for the actual examination will elicit lying by the subject and hence a physiological response. The rationale behind the control question technique is that an innocent person will respond as much to the control questions as to the crime-related ones (or will react even more to the control questions), in contrast, the guilty person will show more physiological response to the crime-related questions than to the control questions. Any score that emerges from this procedure is thus a difference score.

2. The relevant – irrelevant test - This was the first widely used polygraph test of deception. Here, the relevant questions are similar in form and content to the relevant questions in the control question procedure, but the irrelevant questions reflect a different type. They are questions which are essentially innocuous: "Are you sitting down"? or "Is your birthday in April?" the basic assumption of the relevant- irrelevant test is that a person who is deceptive in answering the relevant questions will be concerned about being discovered, which will cause involuntary autonomic reaction to occur with greatest strength in response to questions that one answered deceptively. Thus guilty

individuals are expected to show their strongest reactions to relevant questions; whereas truthful subjects are expected to show deference in their reaction to relevant and natural questions. Therefore, the polygraph examiner looks for heightened reactivity to the relevant questions, and the presence of such patterns of reactions leads to the conclusion that the subject was practicing deception on the relevant issues. If no difference on reactions to relevant and neutral questions is observed, the examiner concludes that the subject was truthful in answering the relevant questions.

Most polygraph examiners have discarded this procedure, recognising that “even an innocent person is much more likely to display more physiological activity when responding to the relevant question than to the irrelevant ones? That is why the preferred method, the control question technique, employs as its unrelated questions those that will generate emotion and lead to a response that denies culpability. A second problem of polygraph examination deals with the task of translating the physiological response (as operationalised by sweeping waves of recordings) into qualified measures. The goal is to classify the subject’s set of responses as “truthful” “deceptive”, a label of “inconclusive” is reserved for case of uncertainty.

Lie detection

Lie detection is the art and science of trying to uncover instances of deception in behaviour or speech. There are a wide range of methods used to detect lies, although none are fool-proof and many have well known techniques for being overcome. However, deception detectors still have a variety of uses throughout the investigation industry and are still widely practiced services in the legal realm today.

Methods of lie detection

Deception detectors are devices or methods which can sense the anatomical subtle lies often associated with telling an untrue story. Most often applied modalities include:

- i. Polygraph testing
- ii. Electroencephalogram testing
- iii. FMRI scans
- iv. Voice stress analysis
- v. Drugs, such as sodium pentathol, scopolamine, and temazepam
- vi. TARA scans.

Obviously, virtually all methods of deception detection require the subject to willingly submit to the study. Accurate testing may be impossible; since there are well publicised ways to cheat almost every known method of popular lie detector test in use today. Deception testing is rarely admissible in open court, but is sometimes included as anecdotal evidence or ordered by a judge for the purposes of monitoring a person's behaviour, especially in the case of sex offenders, drug offenders and repeat criminals.

Expert deception detectors provide value in the services they provide, but also in the way that the tests are administered. An expert tester will know how to prevent many instances of cheating and will use psychology to distract and confuse subjects they feel are purposely trying to alter their anatomical reactions to invalidate the test results.

How lie detection works

Lie detection methods have been used for years by police interrogators. Physiologically, when a suspect lies about their involvement in crime, it's fairly easy to notice a flushed face, throbbing of the carotid artery, dryness of the mouth, and sundry other clues. Psychologically, verbally, and nonverbally, there are clues and cues. The assumption behind all lie detection methods is that there's a natural interaction between mind and body, and certain mental, emotional, and physical defence mechanisms that are dependent upon the amount of stress they are under or what danger they perceive themselves to be in. Now, that's a big assumption, and the phrase "defence mechanisms" might be better called the psychological set to rule out any idea that the technique is psychoanalytically grounded, which is not polygraph examinations that are believed to offer individual, rather than class evidence because through the years, a person develops set ways of reacting to stressful or threatening situations. During a polygraph, an examiner is always paying attention to these fundamental clues and cues, developmentally, a sense of the suspect's values, beliefs, motives, and attitudes.

The machine part of a polygraph examination is designed to pay attention to the actions of the nervous system, particularly the autonomic nervous system, and then certain sympathetic members of the autonomic system which alert the body to stress or threatening situations. The machine has components that measure the following:

1. Respiration (Anemograph-pneumatic tubes, assisted by bands, chains are fastened around the chest and abdomen of the person electrodermal skin response (galvanometer-on two electrodes are affixed to two fingers on the same hand, and an imperceptible amount of electricity is run through them).

2. Blood volume and pulse rate (cardiosphy mogarph - a blood pressure cuff, of the type used by physicians, is fastened around the upper arm).

The machine is not just operated. The examiner should be a person of ability, experience, education, intelligence, and integrity who uses the machine in a predetermined manner.

There are three phases of the test procedure:

1. A Pretest Interview
2. Chart Recording, and
3. Diagnosis.

Before hand, the examiner is provided with all relevant information regarding the case, such as the criminal charges against the person and the statement of facts. They then spend some time alone preparing a pool of test questions that are neither too broad nor too specific. Anything calling for an opinion or belief that can change with time or motivation is ruled out as a possible text questions, as is anything vague. The pool of questions should focus on a single incident, the facts, and narrowly defined issues of disputed action, not intention.

During the pretest interview, the examiner will condition the subject by clarifying the purpose of the test, reassuring them about its objectivity, and /or defining terms that will be used. Also, A control question is unrelated to any legal issue, but it addressees a related behaviour. For example, with a crime of violence, a control question might be "Have you ever lost your question or done thing you regreted?" Relevant questions are those that have a direct bearing on the case, and irrelevant questions have no bearing whatsoever, but can only be answered truthfully.

Generally, a series of nine to ten prepared questions are asked, allowing about ten seconds following an irrelevant question and 15-20 seconds following a relevant or control questions. It is also a standard practise to go through all questions a minimum of three times before a diagnosis is attempted.

Diagnosis is made by verifying other clues and cues with the chart. A truthful subject's chart will show that emotional attention was paid toward the control questions and deflected away from the relevant questions. A deceptive subject's chart will show emotional attentions directed toward relevant questions and away from control questions .The following illustrations might be helpful.

Insert diagram (1)

The top line is respiration and the second line blood pressure. Questions H4 and H7 were irrelevant, and show the most reaction.

Insert diagram (2)

Question H4 was irrelevant and questions 6 was a control question, the later showing the most reaction. The relevant questions, H3 and H5, show emotional attention in their most common form, a steady increases or decrease in the baseline.

Insert diagram (3)

In case where the suspect is trying to “breath” the polygraph or confuse the examiner in some way, you need to also look at the third and fourth lines, skin conductance and cardiovascular change. The relevant question were H4 and H6, which show a response, but there’s lack of response to control questions H5 and H7.

Insert diagram (4)

In case where the suspect is trying to mislead the examiner because they are trying to feign amnesia, mental illness or other mental block indicative of confusion, the pattern results are as above, with high-ranging plates. It is rare to get this kind of pattern from a truthful subject.

SELF-ASSESSMENT EXERCISE

How would you apply polygraph technique in criminal investigation?
What are the limitations of this technique?

4.0 CONCLUSION

We have discussed the various technique of criminal investigation, and went further to emphasis that a criminal investigation looks for clues and evidence to determine whether a crime has taken place. We also note that criminal profiling consist of analysing a crime scene and using the information to track down the perpetrator. The importance of hypnosis and psychological autopsy in criminal investigation were also discussed. The limitation of polygraph or lie detector technique was also treated.

5.0 SUMMARY

In this unit, we have dealt with the techniques of criminal investigation by looking at the meaning of profiling and criminal profiling, hypnosis and psychological autopsy as techniques employed by criminal investigators. Also the polygraph technique on lie detection and the various methods of lie detection like polygraph testing, electroencephalogram testing, FMRI scans among others were also discussed.

6.0 TUTOR-MARKED ASSIGNMENT

- i. Define the term profiling and discuss the various phases of profiling in criminal investigations.
- ii. List two techniques used in criminal investigation and explain their applications in investigations.

7.0 REFERENCES/ FURTHER READING

- Bennett, W. & Karen, M. (2000). *Criminal Investigation*. (6th ed.). Belmont: CA Wadsworth.
- Knee, K. B. (1994). *Practical Investigation Techniques*. Boca Raton: FL. CRC.
- Mac Donald, J. (1995). "Truth Serum". *Journal of Criminal Law & Criminology*. 46. Pp. 259-69.
- Matte, J. (1996). *Forensic Psychophysiology Using the Polygraph*. NY: JAM Publications.
- Nardini, W. (1987). "The Polygraph Technique: An overview." *Journal of Police Science and Administration*, 15 pp 239-49.
- Orne, M. (1984). "Hypnotically Induced Testimony." In: E. Loftus (Ed.). *Eyewitness testimony*. NY: Free.
- Tanner, D. & Tanner, M. (2004). *Forensic Aspects of Speech Patterns*. NY: Lawyers and Judges Publishing Co.
- Vrij, A. (2000). *Detecting Lies and Deceit*. NY: Wiley Publications.
- Zulawski, D. F. & Wiklander, D. F. (1991). *Practical Aspects of Interview and Interrogation*. Boca Raton: FL CRC.

UNIT 4 QUALITIES AND DUTIES OF A CRIMINAL INVESTIGATOR

CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
 - 3.1 Who should be a Criminal Investigator?
 - 3.2 Duties of a Criminal Investigator
 - 3.3 Qualities and Characteristics of a Criminal Investigator
 - 3.4 Criminal Investigation of Commonly Reported Cases
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-Marked Assignment
- 7.0 References/Further Reading

1.0 INTRODUCTION

What are the qualities of a good criminal investigator?

Nweke Esg (2007) in his principle of crime prevention and detection in Nigeria lists the qualities of a good investigator as: intelligence, mental and physical fitness, integrity, honesty, patience, courage, initiative, good sense of observation and adaptability. Similarly, Swason *et al* (2003) in their eight edition of criminal investigation, state that some investigators have a reputation for being lucky, meaning that good fortunes sometimes play a role in solving a case. But to them, a lucky investigator is someone with strong professional training and solid experience, who by carefully completing every appropriate step in an investigation leaves nothing to chance. A successful investigator has a strong degree of self-discipline, which is, getting things done without the presence of a superior, use legally approved methods and is highly ethical, includes in his final report all evidence that may point to the innocence of the suspect, no matter how unsavory his or her character is. Perseverance is the one overriding human trait or characteristic among the many deemed necessary, or at least highly desirable, for investigative work. What is the other?

One authority, Donald Schultz, lists 15 “desirable attributes of an investigator”. Charles O’ brings it down to three: character, judgment, and the ability to deal with people. The various issues that will be examined in this unit that will introduce you to qualities and duties of a criminal investigator include who should be a criminal investigator, qualities of the investigator and criminal investigation of commonly reported cases.

2.0 OBJECTIVES

At the end of this unit, you should be able to:

- list the qualities of a criminal investigator
- enumerate the qualities and characteristics of the investigator
- describe the duties of a criminal investigator
- analyse the procedures of investigating commonly reported cases
- mention some hindrances to a successful investigation.

3.0 MAIN CONTENT

3.1 Who should be a Criminal Investigator?

This section introduces you to the salient qualities of an investigator. Crimes are not solved by ingenious and clever superlatives only but by hard working men and women who universally share one common denominator: perseverance. In the words of Samuel Johnson, great works are performed, not by strength, but by perseverance. This investigative virtue is defined as “holding to a course of action, belief, or purpose without giving up; steadfastness, continuing strength or patience in dealing with something arduous. It particularly implies standing difficulty or resistance in striving for a goal.

Suitability infers that the person so appointed or to be appointed to do crime investigation shall not only be mentally and physically fit to face the enormity of the task of crime investigation, but must also be intellectually developed and capable. The pursuit of criminal investigation demands not only physical exertion, but requires courage and determination in order to overcome the arduous task involved in pursuing a criminal, resulting in eventual arrest. An investigator must therefore have abundant energy. Sometimes life is threatened while in pursuit of a criminal.

Courage is therefore a necessary quality of a criminal investigator. This is important if intimidation and physical resistance or obstruction is to be overcome. Fearful and nervous people could never be good investigators.

Patience is another important attribute of a crime investigator. An officer who cannot exercise patience may never be a successful investigator. Clues may elude him but with determination and patience, the end must be aimed at, efforts must be sustained and in a protracted inquiry, success can only be achieved if the officer is patient in following up every clue, dropping off any that has not proved fruitful, while picking up new ones reasonably believed to be useful and relevant. For this, an

investigator must have good judgment to discern what are likely to be useful factors and discretion to decide what to discard and when to do so. This instinct is usually inborn in some but with others it could be acquired and developed through training and experience. This second category of investigators must apply themselves to their job with tenacity and determination, totally committed to their work.

A successful investigator must be one who has natural flare for crime detection. The satisfaction the officer enjoys, when a crime has been thoroughly investigated is an added incentive which makes up for the time and energy expended as well as the pleasure denied or inconveniences suffered in pursuing a protracted investigation.

The most important factor to consider again is initiative. Officers who have no initiative of their own should never be given responsibility of investigating criminal cases because due to the very nature of the assignment, it is impossible to fully supervise an investigator closely. All that can be done, given a most favourable condition, is to give a general directives and supervision, probably on points of law and on major policy decisions about actions required to be taken, e.g. the stage at which a formal arrest should be made or when and under what conditions a suspect may be released. A crime investigator is on his own most of the time and the situation therefore necessarily demands that the officers concerned must be honest, reliable and dedicated.

Observation is another important factor to reckon with in crime detection. With keen sense of observation, an investigator will be able to note motor tracks, footmarks and prints, a recently disturbed scene—e.g. grass, lawns, haystack, displaced or upset table covers, bedspreads, chair seats and their covers, marks or injuries on tree trunks, pieces of papers thrown about should be observed, picked up and examined, observe broken glass, windows and doors open or shut in suspicious or unusual manner. With such observation an investigator can easily pick up clues of crimes committed, which if developed could eventually provide answers to problems posed in his investigation. Follow up action could then be decided upon easily.

Power of observation is however, acquired and developed more through training, practice and experience. This can never be achieved in any case if the investigator is not keen or interested in his job. Devotion and dedication again are additional attributes. Every object, no matter how insignificant must be examined as if this may eventually lead to the cracking of a seemingly difficult, complicated and protracted but sensational case that may spotlight the officer as an ace investigator. Observing people closely could be rewarding. Investigators should observe people closely and note their descriptions.

The facial structure, their manner of walking, their heights, manner of speech, hair style, colour of eyes, teeth formation, mode of dressing and colour preferred, all will help at an opportune moment to connect a crime with someone never thought about at all. Observation is closely linked with vigilance.

A vigilant police officer or law enforcement officer will obviously make a good investigator. Being vigilant invariably leads to curiosity. A good crime investigator must necessarily be curious or 'nosey', listening to every chanced conversation that comes his way. It pays off eventually to listen to everything said; vigilance may lead to the observation of people's movements and their actions which may arouse suspicion. Nothing should be neglected as unimportant.

Local knowledge is a vital asset to every law enforcement officer particularly, any crime investigator. He must know the people in the locality and their mode of living. This knowledge facilitates the identification of strange persons, travelling criminals and locally resident delinquents, and may connect them with any matter which is a subject of police inquiry.

Tact is another attribute which an investigator must have. An investigating officer who wants to get to the 'bottom' of a case must employ both direct and indirect approach. The proper instance to apply any one of the two is left to the officers' judgment and discretion. The investigator must know the most opportune moment to employ subtle and tactful approach which should be more persuasive than being coercive. In crime investigation, tact is indispensable. A good investigator must be discrete and very tactful in his approach to the case. A good knowledge of behaviour and reaction of the different persons- man or woman- under different circumstances is very vital and should serve as an asset in the officer's career as crime investigator, because even from the biggest fool, one can always learn something.

Finally, an investigator must devote himself completely and continually to his task, working with every determination and might and where it becomes necessary never pausing for rest.

In addition to experience, capability, zeal and readiness, the possession of instinct is an indispensable asset to crime investigation. A man or woman who has a penetrating mind will readily become a successful investigator.

Knowledge of the elements of the offence

In conducting investigation of any reported case, it is important that the police investigator should have a good understanding and knowledge of the elements constituting the crime. This will give the officer a proper attitude and approach to any type of investigation. Without good knowledge of the elements that constitute the crime, the officer will not know what points to look for in order to ascertain and conclude whether an offence has been committed or not. It is also necessary for a police investigator or law enforcement officer to know the procedure required in the conduct of any type of investigation. These again, will be acquired by studying the laws as well. The criminal Procedure Code and Act, the Evidence Act, the Police Act and the Criminal Code itself, all have provisions to guide police officers concerned with criminal investigations.

SELF-ASSESSMENT EXERCISE

Who should be an investigator? And why is it necessary for an investigator to have knowledge of the offence committed.

3.2 Duties of a Criminal Investigator

The investigator whose work is half done has accomplished nothing. He has either to solve the problem and crack the nut of the case or nothing has been achieved. The main duty of a crime investigator is to discover who committed the crime and this should be achieved without noise or sensational publicity. The first aim of the investigator is determination to produce results that will lead to the proof of the case. It is a common thing to hear of investigators say “it is not possible to go further”. This is a defeatist attitude. There could always be another step further, and several further steps could follow.

Preconceived opinion, theories or ideas

Is dangerous and misleading to have preconceived opinion or formulate theories as to how a crime had been committed. This is a wrong attitude and approach to the investigation of crimes. It must be avoided. An investigator must keep an open mind and check on all possibilities. While interrogating witnesses or suspects, it will be a rewarding practice to make notes; particularly while visiting scenes of crime. An investigator should make both mental as well as written notes (where practicable) of his experience as to what was seen, as to the state of things at the scene, persons who were there, persons who were spoken to and who should be interviewed. Anything the investigator came across in the course of his inquiry must be noted.

Knowledge about people: An aid to investigation

A witness or suspect can make false and misleading statements to an inexperienced and incompetent investigator and get away with it, while that same witness will make a truthful and accurate statement to another investigator who is experienced and knows how to handle people or human beings. If a person becomes aware that the person he is dealing with knows him well, that person is less likely to tell lies. One of the most effective aids to be a successful investigator is to have a good knowledge of the criminal records of all persons who often commit offences within the community, particularly their *modus operandi*. Criminals are prone to using the same method in their operation most, if not all of the time, they plead the same alibi-putting the same or similar excuses or defence. It must be borne in mind that, even with the same style and defence, the old habitual criminal has acquired more experience and has become cunning and cautious in defending himself. The investigating officer must therefore be skilful in his handling of such an accused in order to be able to get the truth out of such person.

The best approach should be to first study the records of previous convictions and criminal activities of the suspect before interrogating him. Armed with such background knowledge of the accused person's criminal life and more particularly the facts of the case under investigation and the suspect's involvement, the investigator could, more often than not, get the truth out of the suspect or witness. When an accused person is so confronted, and he becomes aware that so much is known of him, he will in most cases be completely disarmed and will most likely breakdown and speak the truth. This method usually throws the accused person off-guard and disarms him of his preconceived alibis.

Caring for details

A good investigator must pay attention to details. Habit of making notes should be cultivated, writing clearly and legibly everything said by the suspects and witnesses, recording accurately everything that is noted or experimented, in the course of the inquiry. Case files must be properly completed, taking pains to complete all the relevant columns, making sure they are properly filled. Diary of actions taken or case diaries should be meticulously and truthfully written, showing all actions on the inquiry carried out. An investigator has to ensure that exhibits are promptly registered and secured in proper custody, clearly marked and labelled. Exhibits must never be left lying about but stored in the exhibits store and left in the custody of the exhibits' keeper.

Any property, instrument or weapon found at the scene, or any person alleged to have been seen at the scene of crime must be properly

identified and such identification recorded as required by laid-down procedure. Any person mentioned by a complainant, accused person or other witnesses should be sorted out, interviewed/interrogated and detailed statement obtained from such person or persons. Scene of crime visit is a most important aspect of crime investigation. Observations made of the state of things at the crime scene, should be carefully noted and accurately recorded, leaving nothing to chance.

Careless or casual remarks or words uttered during chance conversations should be carefully noted. It could lead to making a break-through in the investigation. The contents of a case file must provide the answers to such questions as: who, with what, with whom, how, where, when and why?

Interrogation (questioning) of witnesses and accused persons

The purpose or objective of interrogation is to elicit from a witness or an accused, through accurate and complete facts of the case under investigation, to the extent of having a mastery of the circumstances and situation as if the investigator was personally present at the scene of the incident and actually witnessed or experienced the incident or event. Witnesses and accused persons mentioned above must be thoroughly interrogated extensively before written statements are obtained from them where necessary, bearing in mind that every person mixed up either remotely or immediately in an affair is necessarily and naturally connected with it, whether directly or indirectly, actively or passively.

In a case of suspected armed robbery charge, police arrested a suspect with the aid of some public spirited men who acted as vigilante squad. No member of the squad was invited to make a statement or give evidence. The accused was discharged and acquitted. One of the grounds of his acquittal was that none of the men involved in the arrest gave evidence and the conflict in evidence of arrest ended in oath against oath between the investigating police officer and the suspect. The case was resolved in favour of the accused.

The duties of an investigator in connection with the examining of witnesses fall under two main needs:

- i. He must ensure that all the important points of facts of the case are investigated.
- ii. He must also, whenever possible, make sure that the truth is elicited from the witnesses.

In order to achieve these two objectives, the witnesses should be interviewed or interrogated privately and separately one from the other.

As soon as any witness makes a confession or disclosure incriminating anyone, this should be recorded in writing. Confront the parties with each other in respect of the incriminating statements. When the suspect realises that the facts are known, particularly at a point when he has been implicated, the suspect is most likely to speak the truth.

The statement and evidence of a witness is strictly confined to what he has actually seen, heard directly or experienced in connection with the case under inquiry. The drawing of inferences from circumstances should be left to the investigator. A witness should hardly be required to give an opinion, except if the witness is a competent person to give such opinion for purposes of guiding the investigator in arriving at the right conclusion. Opinions are however best left to the court to call for. In collecting facts of evidence from a witness, care must be taken, bearing in mind however, that the witness may have been agitated or even excited and overwhelmed with fear at the moment of observing an incident. He may still be in that same state of mind when narrating the story. The witness's ability to note exactly what happened and the exact description of the suspects could be greatly impaired due to the facts that his vision may have been distorted at the time he observed or noticed the suspect. If witness is still agitated or excited at the time of narrating the incidents or events, he is most likely to exaggerate the story on one hand or on the other extreme, be unable to remember exactly what happened. It is therefore the duty of an investigator to calm down the witness and help witness to cast his mind back to the scene and gradually recalled all what happened. An investigator should not hurriedly obtain statements from witnesses or suspects without first interviewing or properly interrogating them. There should be no objection to an investigator questioning a witness just as he would be an accused or suspect.

Written statement

Having thoroughly interrogated the suspect or witness, the next step is to obtain a written statement from her or him. A statement is the story of how a particular incident occurred and all the circumstances surrounding it. Statements are obtained for the following purposes:

- i. To elicit all the facts from the suspect or witness.
- ii. To convey all necessary information to the authorities such as the court, the superior officers or prosecutors to help in determining what action to take in respect of the particular case and what charge or charges to prefer.
- iii. To facilitate the examination of witnesses or accused persons in court and
- iv. To justify police action.
- v. And to record all the facts in permanent form.

Taking statements from suspects

The statement of an accused or suspect is slightly different from that of the witnesses. The witnesses statement will not contain any words of caution, whereas the accused statement is written after the cautionary words have been written down and signed by him/her.

The principles governing this could be found in the judge's Rules No 112. Before taking down a statement of a suspect the cautionary statement must be written first and should be read over and explained to the suspect who should be made to sign the caution. After this has been done, the actual statement may then commence in the suspects own language or in the language of the interpreter, if the suspect cannot speak English language and the investigating officer does not understand the language of the suspect.

Taking statements from a witness

Have fully interrogated a witness, the investigating officer can then proceed to take a statement from him/her. The statement of witness should not be taken under caution. This should be so even when the officer suspects the witness to be an accomplice in the case. Until facts have been collected and evidence adduced to show that the 'so-called' witness had actually taken part in the commission of the crime, he/she should not be cautioned for two reasons.

- i. As soon as the witness is cautioned he/she may likely become conscious of possible implication and may likely withhold certain facts and information which would otherwise have been revealed or disclosed.
- ii. If eventually the person is not charged, having found later that he/she did not take part in the crime, it will then be difficult to use such person as an unbiased witness.

Confessional statements

Confessional statements are statements made by suspects or accused persons, confessing or admitting the commission of the offence alleged. Confessional statements are usually always admissible in evidence provided they were not obtained by threat, fraud, force or inducement. If obtained by any of these means, it will not be admissible in evidence. Confession must be free and voluntary.

A confessional statement alone may not convict the accused person in court and other independent witnesses and evidence must be sought to corroborate or support such evidence as contained in the confession.

SELF-ASSESSMENT EXERCISE

Outline the duties of criminal investigator. Discuss two of them.

3.3 Qualities of a Criminal Investigator

What are the qualities or characteristics that are necessary for an effective investigator?

He must be:

- observant
- resourceful
- patient
- people-oriented
- knowledgeable about human behaviour
- knowledgeable about legal implications of the work
- a skilled communication
- receptive
- possessed of a sense of well-being
- dedicated to work
- a self-starter
- skeptical
- intuitive
- energetic
- a good actor
- capable of sound judgment
- logical
- intelligent
- creatively imaginative
- of good character
- professional.

Invariable a successful investigator, man or woman, will possess, in varying degrees, each of these traits, either as innate or learned qualities.

Powers of observation

Skill in observation does not come naturally. It must be learned, and it must be practiced. It requires seeing as opposed to merely looking, and after seeing, the ability to draw intelligent conclusions. An underlying characteristic of a good observer is curiosity. If you are curious about a person, the power of observation can reveal a great deal.

Resourcefulness

The resourceful person is one who, when one path or strategy is blocked or comes to a dead end, finds another. He thinks in terms of alternatives: if this does not work, something else will. If the information is not available at one source, he will turn to another. The person who lacks resourcefulness has a tendency to give up when the initial plan or strategy fails.

Patience

The quality of patience is not only a virtue in investigative work, it is essential, particularly in surveillance assignments. It is not uncommon in surveillance assignments for investigators to have to sit in a parked automobile day after day, week after week. The average man would give up, but patience pays off for the investigator.

Interaction with people

The criminal investigator must be people-oriented. He must be comfortable around and with people. Our two key sources of information are observation and people. People communicate, and there is a direct relationship between the amount of rapport between two people and the amount of communication. The individual who likes and enjoys others acts like a human magnet, he attracts people. Those who are uncomfortable around others subconsciously avoid or shun them - and that is perceived.

The investigator who enjoys people is usually very adaptable in adjusting to a wide spectrum of different types of people. He is comfortable with the dock worker as well as an executive, with a person or welfare or resident of a main street flophouse as well as a political or government official.

There is also something to be said for kindness and respect for others. It pays off when the criminal investigator is seeking assistance and information.

Understanding human behaviour

In addition to the human understanding involved in being people oriented by nature, there is another aspect of understanding human behaviour that is important for the investigator. It belongs in the area of practical psychology; the investigator has to have a fine sense for what makes most people "tick".

Understanding the legal implications

The investigator in the public sector today is very sensitive to the legal implications of his actions. This is not always equally true in the private sector. The investigator must therefore be sensitive to the gray areas of the law, as well as clearly defined legal limitations on his actions.

Effective communication skills

Because report writing is such an integral part of criminal investigative process, the investigator must have the ability to articulate his case effectively, be it oral presentation of the status or findings of a case to management or testifying in an administrative or judicial hearing. Cases are lost and won by the manner in which witness reports, especially verbally. Good delivery, in terms of enunciation, clarity, conviction and choice of words, adds credibility to the facts of the case. Conversely, mumbled, hesitant or hard-to-understand oral presentations, and presentations filled with slang or other poor choices of words, tend to discredit an otherwise good case.

Receptivity

Receptiveness means being open-minded. That includes an interest and willingness to listen to other opinions, and even to ask for them. Furthermore, it includes the willingness not only to listen but to consider, weighing the merits of other ideas, suggestions and opinions and, when appropriate, accept them.

The unreceptive person who rejects external sources, who has strong tendencies to pursue an investigation in his or her own way, tends to work in a trench, becoming blind to alternatives. The effective criminal investigator must remain open for fresh inputs.

Sense of well-being

An investigator must feel good about himself, his skill, his ability to perform the task at hand, and no matter how complex or difficult. This includes experiencing the rewards of a job well done.

The sense of well-being also includes personal and professional security.

Dedication to work

A dedicated criminal investigator does not wear a watch to know when to go home. He wears a watch to record in his notebook the time of an event, interview, and receipt of information or action.

Self-initiative

The demands of the criminal investigative process require an individual with initiative, a self-starter working within the guidelines established by the organisation; he or she accepts assignments and pursues them in a uniquely unstructured fashion. The criminal investigator must be able to act alone. The work should never require official or managerial prodding or supervision.

Healthy scepticism

A healthy scepticism in criminal investigation means taking everything in with “a pinch of salt”, not fully accepting anything with blind faith, yet not necessarily rejecting anything because of the source. Everything is listened to, everything is look at, nothing is sacred, and nothing is a fact until it is proven or measures up to known and acceptable standards. Healthy skepticism keeps investigator sharp and accurate.

Intuition

To be intuitive is no more or less than the familiar “gut feeling”. It is the sense of knowing something without the use of rational process or evidence provided by the pure physical sense. Intuition is commonly manifested in the area of attempted deception.

Energy and stamina

Investigators are always on the move - looking, prosing, digging, asking, comparing. Their work requires a person with a high energy level. It demands impact on the mental as well as the physical reservoirs of strength and stamina.

Acting skills

The criminal investigator must be able to assume a wide variety of roles, and he must be able to change roles quickly and fittingly.

Good judgment

Good judgment simply means the ability to make the right decision at the time. There are two elements involved in sound judgment. The first is the willingness to make decisions and second the willing to implement the decisions.

The exercise of logic

A logical person is one capable of consistency in reasoning. In investigative work, logic is necessary in drawing reasonable conclusions based upon earlier events. A logical mind is able to see relationship between events - past, present and future.

Intelligence

A criminal investigator must have higher-than-average intelligence. One aspect of intelligence essential to the investigator is mental recall, or memory. The ability to recall, remember small details, even those seemingly unrelated to the present case, can help make logical connections that aid in resolving the case at hand.

Creative imagination

The creative imagination is capable of transcending the reality of the present or apparent.

Sense of professionalism

An investigator, in particular a criminal investigator is always “on stage” on or off the job, what we do, how we do it, what we say and how we say it reflects on the image of the profession. Like other professionals, the investigator must maintain high standard of conduct.

SELF-ASSESSMENT EXERCISE

State the characteristics of a criminal investigator. Explain in details, five of the named characteristics.

**3.4 Criminal investigation of commonly reported cases.
Assault, robbery, homicide and stealing/breach of
thrust****Case 1- Assault**

Offence of assault is common these days. This crime refers to the striking, touching or moving or otherwise the application of force, of any kind to the person of another, either directly or indirectly, without his consent or with his consent if the consent is obtained by fraud, or who by any bodily act or gesture attempts or threatens to apply force of any kind to the person of another without his consent in such circumstances that the person making the attempt or threat has actually or apparently a present ability to effect the purpose. A glance through

the criminal code in section 252 and 264 of the penal code gives an investigating officer an insight into three vital elements in assault viz:

- i. Force
- ii. Movement
- iii. Alarm.

Force constitutes the application of head, light electrical force, gas, odour or any substance of a thing that if applied in such a degree, is capable of causing injury, apprehension or personal discomfort.

The element of movement is traceable to physical contact, whereas alarm constitutes in the expression of dislike or discontentment by the victim of assault.

The facts to be proved in this case are:

- a. That the act was done without the consent of the victim.
- b. That the act was unlawful due to lack of legal authority.

Though there are various kinds of assault like common assault, assault with intent to commit unnatural offence, indecent assault on males, assault on person protecting wrecks, assault occasioning harm, serious assault, indecent assault on females, assault with intent to compel action and assault with intent to steal. The investigating officer should confirm the relevant sections in the criminal code.

Investigation of assault cases

Upon the commencement of investigation on any assault related case, the investigating officer should bear in mind that the caption and entry of the case referred from the charge room may not reveal the entire matter as it was. He needs to be very natural and meticulous so as to carry out a discreet investigation to establish:

- i. Whether an offence was actually committed.
- ii. Who committed the offence?
- iii. What offence, what instrument and what were the consequences?
- iv. Why was the offence committed? Was he provoked?
- v. Against who was the offence committed?
- vi. How was the offence committed?

An investigator worth his salt will be able to make important revelations from his investigation and record statements from the assault victim immediately. If the consequence of the assault is such that occasions harm or is life threatening, give priority to life by rushing victim to hospital for treatment and thereafter, obtain medical report. Establish if

the accused acted in retaliation to an unprovoked assault. Could two or more of them have fought in a public place to constitute affray?

Cause the complainant to identify the suspect for possible arrest. Take suspect's statements under caution and jurat (endorse) each statement sheet upon conclusion. Contact and record statements from witnesses mentioned in the case by both parties. Do not fail to visit the scene of crime in company of both parties to ascertain alleged facts. Take charge of exhibits found or brought, and register same with the exhibit keeper. A copy of the medical report should be served the accused or his defense counsel before case goes to court.

Tidy up your case and put up a comprehensive investigation report making your recommendation based on your findings. Note that findings may conform or vary with the caption of case referred for investigations. If findings reveal serious assault instead of common assault as referred in the entry, please go ahead and recommend the serious assault and state your reasons. Conclude your report with your signature and name.

Case 2 - Stealing/criminal breach of trust/criminal misappropriation

This refers to the fraudulent taking away or fraudulent conversion of anything capable of being stolen by any person for his own use or for the use of any other person, without bonafide claim of right made in good faith, but with intent to permanently deprive the owner of such thing.

Fraudulent intention in stealing is revealed in any of the following circumstances:

- a. An intention to permanently deprive the owner of his thing.
- b. An intention to permanently deprive any person who has any special property in the thing of such property.
- c. An intention to use the thing as a pledge or security.
- d. An intention to part with it on a condition as to return, which the person taking or converting it may be unable to perform.
- e. An intention to deal with it in such a manner that it cannot be returned in the condition in which it was at the time of the taking or conversion.
- f. In case of money, an intention to use it at the will of the person who takes or converts it, although he may intend afterwards, to repay the same amounts to the owner.

Fraudulent conversion

An officer investigating a case of stealing should note that the taking or conversion of a thing may be fraudulent although it is affected without secrecy or attempt at concealment. In conversion, it is immaterial whether the thing converted is taken for the purpose of conversion, or whether it is in the possession of the person who converts it as at the time of conversion. Equally, immaterial is that the person who converts the property is in the disposition of it, or is otherwise authorised to dispose off the property.

When a thing converted has been lost by the owner and found by the person who converts it, the conversion is not deemed to be fraudulent especially if at the time of the conversion, the person taking or converting the thing does not know who is the owner, and believes on reasonable grounds that the owner cannot be discovered.

Also, it should be noted that a person shall not be deemed to take a thing unless he moves the thing or causes it to move.

There are certain requirements to establish stealing. So an officer investigating an offence of stealing must look for the following:

- a. That the thing stolen has both usage and monetary value.
- b. That the thing is the property of another person.
- c. That the means of taking and conversion was not in good faith hence fraudulent.
- d. That there was intent to deprive the owner permanently of this property.
- e. That there was taking and carrying away- exportation.

Investigation of a case of stealing

A legal maxim postulates that a person in whose possession a stolen item is found is deemed to be the thief or receiver. An officer investigating this case should be able to discern between actual possession and constructive possession while endeavouring to establish ownership of the thing.

Record statement from the complainant and cause him to specifically give the description and identity of the thing stolen, from where stolen, cost price and identity of suspect if known.

Demand to see purchase receipt where practicable to avoid bogus estimate of cost of the item stolen.

Cause the complainant to identify the suspect, then mobilise men and go for arrest. Do not delay in obtaining a signed warrant to search for house and premises of the suspect for the recovery of the stolen item and or, any item(s) that must have been previously stolen or unlawfully obtained.

Proceed with your team to search, usually in company of both parties and get the search warrant endorsed after the successful search, by itemising property recovered for the parties and other witnesses to sign the information endorsed. The endorsement could be in the following term todayat.....time, search warrant executed in the house and premises of(suspects name and address). During the search, the following items were found named removed (1), (2), (3)..... During the search nothing was damaged. (If nothing incriminating was found, you state that nothing was removed). You then cause the witnesses including yourself to append signatures and date. This document shall portray a serious evidential value in due course, either for prosecution or against a petition. Note that section 7 and 8 of the criminal procedure Act empowers you to break into a building where entry to arrest or search is denied you or to break out if you are locked in. In event where stolen items such as car, electronic, etc are not found, raise a saving-gram and circulate to nearby police areas so that if such items are found, the could link you to collect the items even with the suspect if arrested.

CASE 3 - Breaking offences

The breaking and entering into the dwelling house of another by day time, with intent to commit felony therein, or breaking out after committing felony, amounts to house breaking, a felony with 14 years jail term. When the same act is done in a dwelling house at night, it is known as burglary: a felony punishable with life imprisonment.

When one breaks and enters a building other than a dwelling house e.g. shop, store, office, super market, warehouse etc, whether at night or day time the term burglary is not used. Breaking into a building or office breaking, store breaking etc and the time of the offence does not affect the term of imprisonment as this offence is always lit years jail term. However, any attempt of this offence attracts seven years imprisonment. Breaking in any part of the building constitute an opening, unlocking, pulling, pushing, and lifting or by any other means giving passage from one part of the building to another. It could be physical displacement of any part of the building or constructive breaking. Investigating officers should equally note that an offence of entering a building could suffice without breaking as in event when any part of the suspect's body or any part of instrument used by him is within the building. Therefore,

anybody who enters into the dwelling house of another with intent to commit felony therein is guilty of a felony and is liable to imprisonment of seven years.

Investigation of breaking offences

The investigation officer in any breaking offence should be patient and painstaking because in this case, offensive weapons or instruments are involved. Proper record of statement from the victim noting time of incident and items stolen is required.

Go to the scene of the crime with a photographer. Thoroughly examine the breaking pattern, observing the possible inlet and outlet. Establish whether the breaking is actual or constructive. An area investigating officer who is conversant with the modus operandi of known burglars in his jurisdiction is likely to link a criminal breaking pattern of corpus delicti at the crime scene with a notorious syndicate. Effort should be made to discover finger prints at the scene as these could be lifted for analysis and their results could corroborate existing evidence.

Any suspect arrested in this case should be vigorously interrogated, as he is not likely to succumb to the truth easily. His person and premises should thoroughly search. Like stealing investigation, a signed search warrant is needed for prompt execution. Most investigating officers normally jump into conclusion that all burglary case has stealing intent. But the law creating the offence looks for intent to commit felony and not only stealing. Where more than one suspect are involved, the investigating officer should endeavour to establish the element of common-motive conspiracy. Where conspiracy is established, a warrant of arrest is required for prosecution. It is immaterial that the warrant was not available as at the time of arrest. You are advised to effect the arrest but to get warrant for the arrest as quickly as possible.

Because of the gravity of punishment in burglary offence, investigating officers should tactfully and expertly build up the case files because such files are likely to be forwarded to the Directorate of Public Prosecution (DPP) for further prosecution in the High Court.

CASE 4 - Robbery

Any person who steals anything and at or immediately before or immediately after the time of stealing uses or threatens to use actual violence to any person or property in order to obtain or retain the thing stolen or prevent or overcome resistance to its being stolen or retained, is said to be guilty of robbery. But if the offender is armed with any offensive weapon or instrument, or is in company of one or more

persons or if at or immediately after the time of robbery he wounds or uses any other personal violence on any person, shall upon conviction, be sentenced to death according to the nature of act.

Evidence in robbery case

An officer investigating a robbery incident should note that evidence required is always with corroboration and in doing so, the following points must be proved:

- i. That there was really a robbery incident.
- ii. That the offender was armed with fire arms or offensive weapon or accompanied person(s) so armed.
- iii. That the thing stolen has value and is capable of being stolen.
- iv. That a person was wounded, killed or his life was threatened immediately before or after the commission of the offence.

Robbery

- a) That the accused took possession of the property.
- b) That the accused instilled fear by threatening to use or actually used violence on any person or property.
- c) That the property was taken away against the owner's consent.
- d) That there was intent to steal the property.

SELF-ASSESSMENT EXERCISE

What is assault? How would you investigate it?

4.0 CONCLUSION

We have discussed criminal investigation of commonly reported cases. We also went further to explain the meaning of assault, stealing, conversion, robbery and breaking offences.

We also discussed the various ways to investigate this criminal case and bring culprit to book.

5.0 SUMMARY

In this unit, we have dealt with the qualities and duties of a criminal investigator, by looking at who should be a criminal investigator, qualities and characteristics of criminal investigators.

We also discussed the criminal investigation of commonly reported cases like assault, stealing, criminal breach of trust, misappropriation and fraudulent conversion. We also discussed procedures on how to investigate these cases.

6.0 TUTOR-MARKED ASSIGNMENT

- i. What are the qualities of a criminal investigator.
- ii. Discuss the duties performed by criminal investigator.
- iii. What constitutes robbery? How would you investigate it?

7.0 REFERENCES/FUTHER READING

Iwara, I. & Effiong, C. (2008). *A Practical Guide to Criminal Investigation and Prosecution*. Calabar: Esshah Books and Press Services.

Police and Law Enforcement (1990). Ibadan: Tee Printers Ltd.

Nweke, S.A.N. (2007). *Principles of Crime Pretention and Detection in Nigeria*. Ebanger Production Nig Ltd.

Robbery and Firearms (2004). *Special Provisions Act Cap*. R11.

Sennewald, C. A. (1981). *The Process of Investigation: Concepts and Strategies for the Security Professional*. U.S.A: Butterworth Heinemann.

Swanson, C.R. (2003). *Criminal investigation. (8th ed.)*. Boston: Mc Graw-Hitl Higher Education.

MODULE 2 FUNDAMENTALS OF INVESTIGATION

Unit 1	Meaning and Scope of Investigation
Unit 2	The Investigative Process
Unit 3	Methods of Investigation
Unit 4	Applying Investigative Strategies

UNIT 1 MEANING AND SCOPE OF INVESTIGATION

CONTENTS

1.0	Introduction
2.0	Objectives
3.0	Main Content
3.1	Meaning of Investigation
3.2	Stages and Types of Investigation
3.3	Managing the Investigative Function
3.4	Essential Characteristics of a Good Investigator
4.0	Conclusion
5.0	Summary
6.0	Tutor – Market Assignment
7.0	References\Further Reading

1.0 INTRODUCTION

What is an investigation? And who is an investigator? In order to effectively conduct or perform investigative function, one must understand the basic definition of investigation and investigate. An investigation is an examination, a study, a survey and a research of facts and / or circumstances, situation, incidents and scenarios, either related or not for the purpose of reaching a conclusion of proof. When one investigate, he/she makes a systematic inquiry, closely analyses and inspects while dissecting and scrutinising information. Investigations therefore are based upon a complete and whole evaluation and not on conjecture, speculation nor supposition. The various issues that will be examined in the unit that will introduce you to the meaning and scope of investigation include: meaning of investigation, stages and types of investigation, managing the investigative function and essential characteristics of a good investigator.

2.0 OBJECTIVES

At the end of this unit, you should be able to:

- define the term investigation
- outline the stages of an investigative process
- discuss the various type of investigation
- state the qualities of a good investigator
- mention the goals of an investigation unit in an organisation.

1.0 MAIN CONTENT

3.1 Meaning of Investigation

This section introduces you to what investigation is all about and who is an investigator?

For you to effectively conduct investigative function, you must understand the basic definition of investigation. An investigation is the examination, study, searching, tracking and gathering of factual information that answers question or solves problem. It is more of an art than a science. When one investigates, he/she makes a systematic inquiry, closely analyses and inspects while dissecting and scrutinising information. An investigation therefore is based upon a complete and whole evaluation and not conjecture, speculation or supposition.

Is it really that simple for the investigator? Is it so clearly defined or black and white? Law enforcement is the entity charged with the responsibility to accurately close the gap between fact and fiction; detect and prevent criminal acts. And in doing so, are mandated to function within strict administrative and legal parameters. For example crime detection and investigation is an art and a science, a collaboration of common sense, judgement, intellect, experience and an innate intuitiveness along with a grasp of relative technical knowledge. The investigator must continually apply those skills acquired through study and experience, to the examination of essential social and physical environments.

When the most basic of law enforcement functions: the preservation of life, the protection of property and the maintenance of peace are not substantially realised the investigative process must then be undertaken. The aim of this process is twofold. First, the investigator will attempt to identify and safely apprehend the violator and secondly, to produce him/her before a proper court of law. Of course, there is much going on behind the scenes, so to speak, while attempting to achieve these difficult objectives of identification, apprehension and prosecution.

Investigations generally are conducted primarily for the prevention of crimes. When crimes occur law enforcement is responsible to the community it serves and must discharge its duty by immediately investigating such incident. Ideally the investigator will cause the violator to appear before a court so as to answer for his/her behaviour. Ultimately and probably most important, is that the investigation, detection and apprehension of a criminal effectively serve to curtail recidivism thereby reducing overall crime.

There are several types of investigation that law enforcement personnel may undertake in the routine discharge of their duties.

1. Investigations of incidents, which are violations of laws and /or ordinances that include criminal acts (robbery, assaults, larceny, burglary, murder, illegal weapons etc.)
2. Traffic accident investigations (serious injuries, manslaughter, property damage).
3. Personal investigations into the background, character and suitability of persons in an effort to determine their eligibility for position of public trust.
4. Investigations of illegal conditions or circumstances, which if left unchecked would cause an increase in traditional crimes. These conditions may include the following: narcotics sales, illegal weapons trafficking, vice type crimes (prostitution, gambling) street gang activity, organised crime, terrorist front activities, fraud and con games, identity theft and computer crimes.

Although many of these conditions would dictate self-initiated investigations base upon intelligence rather than reacting to a citizen crime complain, there are however, sometimes that investigations will in fact result from such individual crime complains.

What does the investigator attempt to obtain during his/her investigation? The answer is information. What does the investigator hope to develop as a result of obtaining or gathering this information? The answer is evidence. All investigations regardless of purpose, involve the task of gathering and evaluating information.

The investigative process should be viewed in terms of gathering information rather than attempting to obtain evidence. This is not to say that an investigator should overlook obvious items of evidence or items that can potentially become evidentiary in nature. The process should be conducted with the mindset that from information comes evidence. It is important to point out that the information that forms the basis of evidence that is ultimately presented during court proceedings represents only a small fraction of the total information gathered during the

investigative process. The information gathered is subjected to intense scrutiny before it ever reaches a courtroom via examination, evaluation and screening. This scrutiny entails review at the law enforcement stage, usually by assigning supervisory ranks within the investigative infrastructure and depending upon the seriousness or news worthiness of the incident. This is in addition to the prosecution stage which includes the initial writing of the complaint, the arraignment process through grand jury proceeding and pre-trial hearings up to and during the actual trial. Much of the evidence gathered by some law enforcement investigators is not acceptable for presentation in court due to the rules of evidence.

This however does not preclude these pieces of information from assisting the investigator in guiding him/her towards what will be acceptable evidence.

There are two primary sources of information: people and things. These are so different that the process of gathering and evaluating each type requires specific knowledge and skills. Basically, the investigator engages the human element. The crime scene technician / investigator or the laboratory based scientist deals with inanimate objects that are unable to mislead, lie or fight. The tasks of the investigator and the technician are closely related and somewhat dependent upon one another in so far as the participant must have a fundamental appreciation of one another's duties and responsibilities. Nevertheless, they are different from each other and thereby necessitate the capability of discreet skills, disciplines and techniques.

The investigator must be cognizant of the limitation and capabilities of the crime lab and its technicians, as well as accepted protocols problem, in order to properly process potential evidence. The investigator while submitting physical things to the crime lab for examination does not forfeit the responsibility and duty of attaching an expertise in the recognition, collection and preservation of physical evidence. The extent and value of information obtained from the ability of the investigator at a particular scene to recognise potential evidentiary matter. It should be note that when comparing the value of information obtained from physical items versus information derived from people, the courts have historically established that information obtained from physical items usually reflect a higher evidentiary value. The investigator should always remember that physical evidentiary cannot lie, it is not affected by emotions and it cannot be impeached.

The investigator must be aware of the "Theory of Transfer": when two objects meet, some effect of that meeting can be established and verified at a later time. An awareness and understanding of the theory will help

the investigator navigate the sometimes complex investigative process and hopefully curtail and/or prevent the inadvertent destruction or the failure to recognise and preserve evidentiary material. This contact between object includes people, things, or a combination of such. For instance, consider the following basic examples as a result of an automobile collision and the transfer of paint, broken glass, metallic or plastic particles, or rubber, to another automobile and a pedestrian or vehicle passenger, as a result of assault, a weapon that makes physical contact with a person transferring blood, hair, skin or clothing fibres to the weapon and/or the perpetrator, or the shape (impression) or the instrument used as a weapon, left on an object or person struck, the possibilities are potentially endless and can be a simple crime scene. When an object or person, an investigator, a victim, a perpetrator or a witness enters a crime scene, something is brought into the scene and something is removed or taken away from the scene. Since investigation is the process by which one seeks and ultimately finds answer to the questions; when, where, who, what, how, and why, knowing that information is the key that unlocks those answers, it is incumbent upon the investigator to recognise, develop and maintain current productive source of information. The investigator must know where to locate information that is needed to successfully conduct his/her investigation. One of the most crucial and obvious sources of vital information is the crime scene. One must understand that not all investigations involve or include an actual crime scene. Although most criminal acts begins and end at some point and some where, a crime scene in the traditional investigative sense, does not exist or is not practical or material to locate, identify, preserve and process in certain criminal circumstances.

The investigator must remain objective and open to different perspectives when conducting an investigation. He/she should follow the facts wherever the facts may lead them and not to fix certain facts towards a predetermined conclusion. One must always look beyond the obvious and seek the truth.

SELF-ASSESSMENT EXERCISE

Define the term investigation and explain the importance of information in an investigation process.

3.2 Stages and Types of Investigation

What are the various stages and types of investigation?

The investigation of any crime scene may be divided into three stages.

1. A preliminary investigation or analysis.

The preliminary investigation is the first investigation in any case or criminal case. The investigating officer, who in most cases is the respondents to the call for assistance, usually initiates this part of the investigation. The preliminary investigation begins the moment an investigating officer (or first responding officer) arrives at the scene.

Each department has procedures to follow during the preliminary investigation, there may be subtle differences, and however the errors that can occur during the start of an investigation can have far-reaching effects as well as the future follow-up investigation and can have a negative effect on prosecution.

Errors in preliminary investigation:

- i. Investigators not having solid description of a suspect and patrolling officers have no way of looking for such suspect. This can happen if the investigator puts out a description before getting enough of the facts.
- ii. Not interviewing all witnesses and not taking all the statement. Information considered insignificant by an investigator might turn out to be the key bit of information needed to solve the case.
- iii. Rushing to make arrest for the crime. If more than one person is arrested for a crime puts the prosecution into jeopardy because the defence can sometimes bring all the wrongly accused people in front of a jury.
- iv. Not getting the names and information of all witnesses. A follow-up interview is easier when able to find the witness.
- v. Loss of witness statement in the preliminary investigation. All witness statements are needed so that much of the “full picture” of the crime can be seen by investigators.
- vi. Not securing the crime scene in a timely manner. Securing the scene as quick as possible can protect a lot of the evidence from being lost.
- vii. Not turning over the investigation to the correct department in a timely manner. If the officer who handled the preliminary investigation gives the wrong division in the case, that case could be lost. In addition, if the officer does not file his report in a timely manner that case will be looked at when the case is near cold.
- viii. Being rude to the witnesses will shut down communication fast.

2. Follow – up investigation

Errors do not belong to the preliminary investigator alone. Often the preliminary and the follow – up investigator would be the same person. Errors made in the follow-up investigation can be connected with errors made in the preliminary investigation or ones made all on their own.

- i. Not reading all witness statements before moving forward in the investigation. By reading the statements, an investigator can detect whether one of the witness was more than just a witness, but somehow involved. Did his or her statement match the majority of the other statements? This could mean this person is the only one telling the truth. So, investigator needs to proceed with caution and not jump to conclusion about the person's statement not matching others.
- ii. Jumping to conclusions about what happened at a scene, suspecting something and acting on it are two different things. An investigator should never assume something is true without probing it.
- iii. Bias in investigation. Investigators should never believe one witness over another just because they are familiar with one witness more than the other. Racial bias also should not be allowed to make an investigator believe one person over the other.
- iv. Not working with other investigators in a respectful way. If the follow-up investigator does not treat the preliminary investigators with a fair amount of respect, communication will break down. The defence can use this to show communication breakdown in information and get his client off prosecution.

It is human to commit errors, but in the criminal justice system, they can mean the difference between a conviction and dismissal of the charges. Investigation when done correctly can almost eliminate all errors, but recognising errors early can be very vital to correcting the errors before they become a huge problem.

The next stage is a preliminary study of the important facts, corresponding to the preliminary survey of the scene or event being investigated which maps out its course but does not attempt to cover all the details. It should be possible at the conclusion of the stage to form a final judgement as to the scene or event.

Finally comes a detailed investigation of the scene of event, and of numerous other factors with a view to making certain that no hidden weakness exists.

Types of investigation

There are various types of investigations these are:

- 1) Background investigations - These investigations include data gathering and record searches from various public and private sources including courthouse records, and on-line databases. These investigations are for the purpose of:
 - i. Tenant applications for commercial or residential property
 - ii. Employment application for pre-employment and internal employment problems
 - iii. Locating missing persons, witnesses and relatives.
- 2) Civil and criminal investigations: These investigations include obtaining statements from witnesses, scene investigations, evidence gathering, securing, analysis and expert examination. The purpose can be for:
 - i. Fire investigation
 - ii. Low velocity impact investigation (LVT)
 - iii. Accident investigations and reconstruction
 - iv. Criminal investigations including fraud, theft
 - v. Insurance claim investigations
 - vi. Trail preparation
 - vii. Liability and subrogation investigation
 - viii. Death claim investigations.
- 3) Assets and financial status investigations. These include the following:
 - a. Locating real property and tangible assets
 - b. Assist in the recovery of debt, child support, and judgements
 - c. Information for civil litigation matters.
- 4) Video surveillances.
 - i. Workers compensation claims
 - ii. Disability investigations
 - iii. Activity and neighbourhood checks.

SELF-ASSESSMENT EXERCISE

Discuss the various stages of an investigative process.

3.3 Managing the Investigative Function

There is a school of thought which support the concepts that a good manager needs not possess the technical skills of those being managed. Where that approach may be valid in some or even many areas of management, the concept proves invalid when it comes to managing or, more precisely supervising investigators. The reason is that the very

nature of the work demands far more freedom of movement, more alternatives and more creativity on the part of the investigator.

The manager of an investigation unit performs five different roles, each of which requires investigative experience. Such a manager functions as:

- a) An investigative counsellor
- b) An investigative trainer
- c) An investigative controller
- d) An investigative motivator
- e) An investigative evaluator

The Manager as a counsellor

The manager acts as an investigative counsellor because the investigative process is not a pure science, the investigator on assignment-including the experienced investigator - needs the active counsel of a knowledgeable person about where he/ she has been in the case, where he is now and where he should go next. This counselling activity is an in-depth and open exchange of ideas. It is exploratory, creative and thought-provoking. It involves bouncing ideas off one another and “off the wall”. It means bringing together totality of yesterday’s experiences that should throw light on the direction of today’s investigation.

This counselling role should not be misconstrued as one in which the manager sits as the oracle of wisdom. He functions, rather, as a participant in the discussion, one who can make significant contribution by virtue of his investigation skills and experience.

The key to effective counselling is the process itself. It should be a process that creates a climate that could materially contribute to the successful conclusion of a given case. The following exchange exemplifies this kind of dialogue.

Investigator: “The guy has simply dropped out of sight. He’s not been seen or heard for over a year”.

Supervisor: “What about the last known resident? No request for forwarding mail or information about a moving or storage van?” “No he was in a cheap hotel, lived out of a suitcase.”

“Check for address changes at the department of motor vehicles?”
“Yes nothing.”

Is he an ex-GI?

“Yes.”

“Did you check with the veteran administrator to see if he carried national service insurance code and if the premium payment could give a lead?”

“I checked that. He does have an old \$ 5,000 life policy with them but no payments have been received since last year.”

“Could he be locked up somewhere?”

“Checked that too I know for a fact he’s not incarcerated in a federal institution or in any of the neighbouring states.”

“How about a monastery, like that Trappist place in Lagos”?

“I didn’t check that but I really doubt it. He was too much of a party guy and boozier. Yes, that gives me an idea. He drank big. He could be in a state mental institution. Never thought of that before.....”

In the exchange the manager is not giving advice in the strict sense of the term. He is stimulating the investigator with question that, in this example, led the investigator to discover a logical step he had not taken. In some circumstances the counselling process may be advisory in nature. This is simply another dimension of the process. The investigator who has doubts about the wisdom of interviewing a giving witness, for example, can have the benefit of his manager’s feeling. The essence of the process is dialogue, involving the exchange of ideas and agreement on strategy.

The manager as a trainer

You cannot teach a student the art of calligraphy, how to fly an airplane, or how to wrestle until you the teacher, have first mastered those skills. The same is true in teaching investigative skills. In his role as trainer the manager has a number of options and contributions of options. Ideally, a combination of all available options would be use, including the job training with an experience investigator.

Direct involvement -The manager may personally conduct an investigation from beginning to end, with the trainee working alongside. As the case unfolds, step by step, the manager explains the why’s and wherefore’s and answers question. The student thus learns the logic or rational of the investigative process, and with the manager as teacher, he or she learns the business the right way from the start.

On – the – job training with others- A second training option is to assign the novice to work with an experienced investigator for so-called “on–the-job training. Although this is the most popular method of training, it does have its drawbacks.

Classroom experience - Another form of training is the formalised or structured classroom experience. Here, there is a wide variation of possibilities from instructions given by the manager to instructions by a number of seasoned investigators, each teaching in areas where they have peculiar expertise, and even utilising an outside training consultant.

The manager as a controller

In the manager’s role as a controller there are four areas of concern; organization and span of control, record expenses and equipment.

The manager as a motivator

Because most individuals in investigative work are or should be highly motivated, managerial expertise in this area will best be demonstrated by what he should not be -a de-motivator. What can cause a motivated employee to lose dedication and enthusiasm? To a great extent, such demotivation is the result of managerial style or practices that restrict the investigator’s decision-making opportunities, emphasis criticism rather than praise, take credit when that credit rightfully belongs to the investigator and restrict the investigator’s freedom of movement.

The manager as an evaluator

There are two common managerial errors found in performance evaluations in investigation function. The first is the attitude or belief that evaluation should be an annual event, usually preparatory to salary reviews. The second is the error of rating the person rather than that person’s performance. The effective manager recognises that evaluation of each investigator’s performance is an ongoing process based on case after case, and one that should be reviewed at least monthly. Objectivity in evaluation is essential. The manager cannot afford to rate investigators as personalities. Each must be rated on the basis of what he does or fails to do - on performance.

SELF-ASSESSMENT EXERCISE

Describe the attributes of an investigative manager.

3.4 Essential Characteristics of a Good Investigator

An investigator is someone who gathers, documents, and evaluates evidence and pieces of information about a particular incidence or crime committed or about to be committed.

Basically, an investigator must adopt the rules and laid down principles to solve the riddles associated with crime. Besides, the investigator must also learn to construct hypothesis and draw valid confusions relatives to the problem of when and how the crime was committed.

However, the investigator carrying out an investigation about a particular event must know the following facts:

- i. That the confession of the suspect is not sufficient to prove his guilt beyond all reasonable doubt.
- ii. That he must prove the suspect's guilt or involvement in the crime beyond all reasonable doubt.
- iii. That statements proved to have been recorded under duress are enough to throw away the case and discredit the law enforcement officers.
- iv. That unless an offence is shown to exist, there is little or no basis for carrying out the investigation.
- v. That the final test of investigation is in the presentation of evidence in courts.
- vi. That the suspect or accused person remains innocent until he is proved guilty by a competent court. In other words, the abundant facts gathered in the course of investigation are not enough to conclude that the suspect is guilty.
- vii. That investigation is not all about effecting arrest beating and deforming the suspect.
- viii. That if a criminal charge is sustained, the person may suffer any of the penalties authorised by law. This means that investigators must evaluate information accurately and use sound judgement in making decision to avoid an innocent person suffering.
- ix. That a plea of alibi does not deter the investigator from investigating further he must necessary cross-check it to a logical conclusion.
- x. That feedback to the vetting officer or actions taken or about to be taken is an essential factor in carrying out a successful investigation.

The characteristics of a good investigator according to Nweke (2007) include intelligence, mental and physical fitness, integrity, honesty, patience, courage, initiative, good sense of observation and adaptability. However Swanson (2003) states that some investigators have a

reputation for being lucky; meaning that good fortunes sometimes play a role in solving a case. But to them, a lucky investigator is someone with strong professional training and solid experience, who by carefully completing every appropriate step in an investigation leaves nothing to chance.

A successful investigator should have the following characteristics:

- i. Has a strong degree of self discipline that is getting things done even without the presence of a supervisor.
- ii. A user of legally approved methods and is highly ethical.
- iii. Has the ability to win the confidence of people he interacts with. These include the parties, the vetting officer, other investigators and any other person connected with the matter under investigation.
- iv. Does not act out of malice or bias.
- v. Learns something from every person with whom they come into contact, knowing that the wider their understanding of different life styles, occupations, vocabularies, views and other factors, the more effective he will be.
- vi. Includes in his final report, all evidence that may point to the innocence of the suspect, no matter how unsavoury his or her character is.
- vii. Realises that successful investigation is not always achieved in application of the appropriate steps and therefore complement the investigation procedure with his initiative and resourcefulness.
- viii. Knows that investigation is a systematic method of inquiry that is more science than art.
- ix. Has wide range of contacts across many occupations.
- x. Is not reluctant to contact or consult experts from many different fields to help move the investigation forward.
- xi. Uses both inductive and deductive reasoning to his advantage still knowing that they may sometimes be distorted by unattainable inferences, logical fallacies, and failure to consider all alternatives and biases.
- xii. Has the sensitivity and compassion to do his job without causing unnecessary anguish e.g. when interviewing a victim of rape.
- xiii. Avoids becoming callous and cynical from his constant contact with criminals, keeping in mind that the criminal element does not represent everyone.

SELF-ASSESSMENT EXERCISE

Explain the characteristics that a good investigator must possess.

4.0 CONCLUSION

We have defined and explain the meaning of investigation, and also looked at the scope. The various stage of investigation are also discussed. Errors normally made in preliminary investigation were also highlighted.

The various types of investigations are mentioned as background investigations, civil and criminal investigations, assets and financial status investigations as well as video surveillances. How to managing the investigative function within an enterprise was also discussed. Finally the various characteristics an investigator should possess were also listed and discussed.

5.0 SUMMARY

In this unit, we have dealt with the meaning and scope of investigation by looking at the following aspects: meaning of investigation, stages and types of investigation, managing the investigative function and the essential characteristics of a good investigator.

6.0 TUTOR-MARKED ASSIGNMENT

- i. Define the concept of investigation.
- ii. Discuss the errors normally made by investigators in both preliminary and follow-up investigations.
- iii. Outline the characteristics of an efficient investigator carrying out an investigation.

7.0 REFERENCES/FURTHER READING

- Alofano, C.M. (2006). *Fundamentals of Criminal Investigation*. NY: Worldwide Law Enforcement Consulting Group.
- Iwara, I. & Christopher, E. (2008). *A Practical Guide to Criminal Investigation and Prosecution*. Calabar: Esltah Books and Press Service.
- Nweke, S.N. (2002). *Principles of Crime Prevention and Detection in Nigeria*. Ebenezer Production Nig. Ltd.

Sennewald, C. A. (1981). *The Process of Investigation: Concepts and Strategies for the Security Professional*. USA: Butterworth-Heinemann.

Swanson, C.R. (2003). *Criminal Investigation*. (8th ed.). Boston: McGraw-Hill Higher Education.

UNIT 2 THE INVESTIGATIVE PROCESS

CONTENTS

- 1.0 Introduction
- 2.0 Objectives.
- 3.0 Main Content
 - 3.1 Meaning and Objective of Investigation Process
 - 3.2 Stages in Investigative Process
 - 3.3 Investigative Process in the Private and Public Sectors
 - 3.4 Importance of Investigative Process in Selected Establishments
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-Market Assignment
- 7.0 References/Further Reading

1.0 INTRODUCTION

What is an investigative process? As earlier stated, an investigation is an examination, a study, a survey and a research of facts, circumstances, situations, incidents and scenarios, either related or not for the purpose of rendering a conclusion of proof. When one investigates, he/she makes a systematic inquiry, closely analyses and inspects while dissecting and scrutinising information. An investigation therefore, is based upon a complete and whole evaluation of events or scenarios.

As it pertains to any set up, the investigative process is organisationally oriented as opposed to being community oriented. Its objective is to seek answer to the basic questions - what, who, where, when, how and why - regarding any condition, incident or action deemed organisational objectives. Internal dishonesty, for example is an organisationally unacceptable activity. The background investigation of a prospective new employee would meet one organisational objective.

Most of the investigative processes involve the collection of information. This information gathering is based on interaction and observation. The answers to the six basic investigation questions will develop communication. That is, the written or spoken word or by observation i.e. physical evidence that can be observed (whether by human eye or microscope), touched or in any way quantitatively measured.

The various issues that will be examined in this unit and introduce you to the investigative process include: meaning and objective of

investigative process, investigative stages in the investigative process and importance of investigative process in selected establishments.

2.0 OBJECTIVES

At the end of this unit, you should be able to:

- outline the structure of the investigative process
- explain elements involved in the investigation process
- differentiate between investigation in the public and private sectors
- state the objectives of investigation in some named organisations
- mention the importance of investigation in some named organisations
- describe the categories of investigations.

3.0 MAIN CONTENT

3.1 Meaning and Objective of the Investigative Process

What are the objectives of investigation?

An investigation is the examination, study, searching, tracking and gathering of factual information that answer question or solves problems. It is more of an art than a science. Although the person engaged in investigation is a gatherer of facts, he or she must develop hypotheses and draw conclusion based on available information. An investigative process is a comprehensive activity involving information collection, application of logic and exercise of sound reasoning.

The end result of an investigation is the factual explanation of what transpired, if the incident or issue is history, or what is occurring, if the issue is of the present.

The investigative process is not limited to the criminal justice and security fields, it is an activity found in virtually all areas of human endeavour. Academics are investigators, supervisors faced with disciplinary problems are investigators and medical doctors are investigators, just to name a few. Sherlock items with deerstalker hat and magnifying glass may be the arts most familiar image, but investigation does not belong exclusively to the realm of cops and robbers.

Just as the art of investigation belongs to no one province, so no one has all the answers as to precisely how any investigation can lead to the desired solution. Too many facts are involved in the process of

information collection, application of logic and sound reasoning. Some of such facts include initiation luck, mistakes and often touted “gut feeling”. No single textbook of formulas is possible, no single book (or another) can stand alone as the ultimate authority. Our purpose then is an overview of investigative concepts, strategies, suggestion, guidelines, hints and examples that can be useful to any investigator.

There are two categories of investigation - constructive and reconstructive. Constructive investigations are covert in nature, performed in secrecy. This type of inquiry occurs while the suspected activity is taking place or anticipated. An example might be an investigation into a complaint that a member of middle management solicits sexual favours. The purpose of the constructive investigation is to determine if the objectionable activity is on-going.

Reconstructive investigations are necessary when an event has taken place and investigations must recreate what happened after the fact. This type of investigation is usually overt in nature, carried out in the open.

There are certain flaws that usually accompany poor investigation-either the investigator plans his investigation in a hurry or haphazardly. These flaws are:

- i. The investigator does not know how to record statements from the parties to a case.
- ii. The investigator does not know what to do at a crime scene.
- iii. The investigator is deficient on how, when and where to collect and keep exhibits in a case.
- iv. The investigator is not conversant with the necessary forms to use in the course of investigation e.g. coroner forms and summons.
- v. The investigator is not familiar with the requirement of the law over certain case. For instance, that the offender cannot be arrested without warrant.
- vi. The investigator lacks the courage and boldness to give evidence in court in the case he has investigated.

However, there are no normative criteria for judging the success or failure of an investigation on that matter, nor does a conviction of the accused person necessary means that the investigation was conducted in an intelligent manner.

The basic objectives of investigation process are:

- i. To identify and apprehend the suspect (s)
- ii. To recover stolen and damaged property as the case may be
- iii. To establish that a crime was actually committed

- iv. To recover items used in the commission of the crime
- v. To assist in the prosecution of the person(s) charged with the crime.

SELF-ASSESSMENT EXERCISE

As an investigator, what factors will guide you to have a successful investigation. Also outline the objectives of an investigative process.

3.2 Stages in Investigative Process

1. **Communication:** Communication includes information received from informants, information developed through interview process, and information obtained in intermigrations.

Consider a simple example. A home owner hearing the glass of his front window breaking runs to the room and commences an immediate inspection to determine the cause. He observes a baseball lying among the piece of broken glass. Sticking his head out of the broken window, ball in hand, he shouts to a silent group of youngsters in the street “Okay, you boys, which one of you did it?” As he asks the question, simultaneously he observes that a boy named John is holding a baseball bat. Based on the facts so far gathered he forms a hypothesis that John struck the ball with the bat, causing the ball to enter the home owner’s living room through the window.

Up to the point the home owner, in a natural investigative role as a victim has had only the benefit of his own powers of observation in forming his hypothesis. But now a couple of the boys in unison say, “John did it”. The investigative process has advanced through communication from informants “did you do it, John?” asks the home owner “yes, sir” answer John, dropping his head. The question and its answer are two other basic elements of communication-interrogation and admission.

Ideally, as in this example, the investigation work is simplified if given some direction by an informants, if witnesses are available and willing to cooperate, or if a suspect is known and can be interrogated. Such simplification is not to suggest that all is easy in the communication aspects of investigation. Quite the contrary, developing informants, or developing a climate in which employees or non-employees will voluntarily confide in you, is not easy, it takes talent. The ability to extract painlessly all the information a witness may have requires training and experience. Only a skilful interviewer can get the specialist to explain the workflow of the finance unit so it is comprehensible and

understandable. Finally the ability to interrogate, to obtain voluntary admissions and confessions requires a high level of skill.

The point to be drawn is that, communication, although not necessary easy to manage is often extremely helpful to the investigative process. Unfortunately, it is not always available. In such circumstances the investigator must rely totally on observation, at least during the initial phase of his inquiry, as he seeks to know the what, who, where, how and why of a situation.

2. **Observation:** Scientific technology, in such areas as fingerprinting, infrared photography, motion picture photography, videotape and document analysis, to name but a few, plays a vital role in the observatory process of modern investigation. Though sometimes, too much emphasis are placed on technology and too little on man's power of observation.

This is not to suggest that because new cars are too complicated, we should return to the horse and buggy. It is to emphasise that the common denominator of both the buggy and the car is to take one from point A to point B. Total reliance on the car could lead to immobility if it break down or gas supplies run short. In an investigation we want to get from point A to point B, and we should be able to work, ride a horse, drive a buggy, ride a bicycle or use any other means of transportation available to us.

A far wider range of important information is available to us through our own power of observation than through the use of a laboratory. To see, to touch, to smell and to hear are all forms of observation. Did you ever touch the hood of an automobile to determine if it had recently been driven as evidence by its warmth? Did you ever mark the label on a bottle of liquor to determine later if someone was taking unauthorised sips? Such uses of the power of observation are as natural and common place as eating and breathing. Consider the example of a woman shopper who returns to her new car, parked in a shopping centre's lot, only to find a scratch, dent or ding in her car door. It is predictable (natural a common place) that this unskilled woman will promptly inspect the adjacent automobile to determine if any part of that car reveals, at a height corresponding to the damage to her, any evidence of paint fragments that would prove culpability-colouration of victimised vehicle on suspect vehicle, or vice versa.

If, in fact, the power of observation is natural and commonplace in investigative answer and solving problems, why is it that those who are professionally charge with conducting investigations fail to understand, fully appreciate and maximise such power? The answer perhaps can be

found in modern technologies, which militate against our need to fine-tune our own faculties.

Just a few decades ago people had to rely on their own resources. We hardly tap our capabilities because we do not have to. In our advanced and sophisticated society, there is relatively little need to be observant. Take the weather as an example. Today we have televised reports on tomorrow weather based on the sophisticated use of satellite photography. Whatever the weather service predicts, we accept. Yes, even now, there are men and woman who can predict the weather with remarkable accuracy by observing nature in the raw-by observing cloud formation, density, colouration, direction, temperature fluctuations, etc. divers and fishermen will tell you that on a calm day when all the seagulls sit in the water, bad weather is coming fast-and their predictions are at least as accurate as official forecasts. In terms of his observatory skill, man is only as resourceful as his needs.

Consider life and death. “Natural birth” is currently out of vogue. In the not too distance past, most births were “natural”. As for death, how can the urban man or woman know the natural phenomenon when we live in society where loved ones usually die in a medical facility and is wheeled away while the grieving survivors are ushered out, and the “remains” are not seen again until present for lying –in –state?

A historical example.

To illustrate the point that the power of observation is indeed powerful and natural to man, as well as to engage in a preliminary investigation exercise, lets us look back at an incident occurring a century ago during the settlement of the American west. The careful inspection of a scene of devastation left by marauding Indians would reveal evidence as to the tribe or nation of the attackers, the approximate time of attack, the escape route and much other valuable information. Through observation, and observation alone, plausible answers might be obtained to the six basic questions that make up the ageless formula or strategy of an investigator’s quest to recreate or reconstruct the incident in question.

The accompanying map tells us part of the story (figure 1-1). Examine it carefully. The incident is reconstructed through the answers to the six basic questions.

1. What happened? Two struggling wagons with a party of three men, two women and five children were attacked by Indians. All were killed with the exception of a female child about ten years old. She was taken by the attackers. Death for the others was caused by gunshot, arrow and lance wounds. Two horses, all five

arms, and as unknown quantity of foodstuffs were taken only one POW was taken.

2. Who did it? An Indian party of not more than 20 braves, as evidence by the hoof tracks of their powers. Arrows found at the scene were distinctively Sioux in terms of shaft and fin construction.
3. Where did it happen? On the Oregon Trail. Two days by horseback east of fort Laramie.
4. When did it happen? Around daybreak on August 28, 2007.

Discovery of the massacre was made just before noon by six riders from the wagon train returning to check on the strategies. In one fire pit a few small, hot coals were found at the centre and bottom of the pit. A full kettle of water sat near the fire pit, as though about to be placed over the fire.

All nine bodies evidenced post mortem liveli (blood in the dead body all flows, by the force of gravity, to the lowest part of the body causing permanent dark discoloration there). Rigor mortis had set in, detectable in the jaws and neck of one woman and one child (Rigor Mortis Commences on the average of three – to – six hours after death. In the uppermost part of the body and continues long down to the feet. The upper half of the body is usually rigid within twelve hours and the whole body within about eighteen hours. The rigidity leaves in the same way it commences- in the neck and jaws- and completely disappears some thirty six hours after the onset).

The adults were all dressed. The four boys were half-clothed. Fresh coffee grounds were strewn about the ground between one wagon and the fire pit. The oxen had not been hitched. The quantity, location and age of horse chips found, along with the presence of two saddles, indicated that two horses belonging to the emigrants had either run off or more likely been taken. The discovery of a doll and a small girls soiled clothing, and the absence of a female child's body indicated that the girl was carried away by the Sioux. An examination of articles left behind verified that everyone else in the emigrant party was accounted for nine dead and one missing.

Spent cartridges confirmed that some defensive shots were fired, but there was no evidence that an attacker was hit, at least seriously enough to bleed in any quantity. The disarray of food containers and the absence of any defensive weapons suggested to the observers that the attackers quickly searched for food, weapons and munitions, seized the two horses and the girl, and left at a gallop, as though frightened away. Failure of the attackers to slaughter the oxen or torch the wagons remains a mystery. All these occurred at around 6.00 am.

How did it happen? The marauding party moving in an easterly direction parallel to the Oregon Trail happened upon the stragglers sometime around midday the previous day. In all probability the Indians had watched the main wagon train and opted not to attack because of its apparent strength. They rode east, parallel to the trail, apparently looking for more vulnerable potential victims. Upon sighting the stragglers, they reversed direction and rode parallel to the two wagons, unseen, some 800 yards north of the main trail.

At nightfall the Indians slept in a ravine no fire was made. Before dawn the Sioux at fish in a troop, walked their ponies to within 299 yards of the wagons. The attackers then spread out, mounted and formed a single line. The early morning fire silhouetting the unwary travelers must have encouraged the Indians to attack. They rode hard down on their hapless victims, veering into a clockwise encirclement and killed the obviously unskilled emigrants with the exception of the girl who was carried away. The actions of the Indians prior to and during the attack could be determined by following their own sign. The tracks left by the galloping ponies leading away from the scene bisected the tracks of a corresponding party running parallel to the main trail but eastbound trail were crested on the surface with some monster indents, suggesting they were about twenty-four hours old. Following the eastbound tracks led camped during the night, as evidenced by ground disturbances showing the bunching of the ponies, where man had urinated and absence of what should normally have been observable is also informative. At this camp site there was no fire, nor food scraps, the latter detail suggests one possible explanation for the attacks.

Why did it happen? Certainly a contributing factor to the attack was the apparent need for food. What happened to the party's normally source of food could not be determined other factors such as the treatment of the Indians by some settlers and the military, the issue of territorial intrusion, and the question of ethnic antipathy – all this was orchestrated together to bring out this small party of Sioux on a mission that was to end in the dead of nine settlers and captivity for one.

The creativity process in investigation.

The foregoing experience may appear to involve a considerable amount of creative imagination. That does not make it inappropriate just the opposite. Be it reconstructive or constructive, the development of information by communication or by observation, the entire investigative process is as creative in nature as is it scientific.

Investigation is an imaginative process. Despite all of the modern technological assistance available to the investigator and regardless of what marvellous things machines and computers can do, for the

successful investigator there is no substitute for the God-giving gift of imagination and creativity.

SELF-ASSESSMENT EXERCISE

Differentiate between reconstructive and constructive investigation.

3.3 Investigative Processes in the Private and Public Sector

What is the major fundamental different between the investigative processes in the private and public sector?

The fundamental difference between the investigative process in the public and in the private sector is the objective. The primary objective of investigations in the public sector is to serve the interest of society. If those interest are bests served by removing or otherwise punishing those who commit offences against the public good, then the reconstructive method of investigation is used when the purpose of investigation is not inhibit and suppress criminal activity-prostitution and gambling are two examples- then constructive, covert techniques are employed.

The primary objective of the investigative process in the private sector is to serve the interest of the organisation, not the society as a whole. If that interest is best serve by removing or otherwise punishing those who criminally attack the organisation, or whose performance in any way defeats or impedes organisational goals, the reconstructive strategy is used where the conduct is a matter of history. Where the conduct or activity is ongoing, constructive, covert techniques must be applied.

It is interesting to note that what serves the best interest of the society may not necessary serve the best interest of the organisation, and vice versa. For example, the society's interests are protected when an embezzler is prosecuted and sentence to prison. There are occasions, however when the embezzler, having banked all his loots would be happy to return the stolen funds in order to avoid prosecution. Such an agreement would be unacceptable in the public sector. A seasoned private sector investigator, on the other hand, is not primarily concerned with prosecution and sentencing. Recovery of the loot might be a more important achievement, better serving the interest of the private organisation.

More often than not, investigations in the private sector that deal with criminal behaviour result in serving the public sector's objective as well as the organisation's despite the fact that there is a fundamental difference in the perception of the crime. Where in lies that perceptual difference? It comes from differing view of the victim. The public

investigator sees society as the victim; whereas the corporate investigator sees the organisation as the victim.

More specifically, forgery detectives in a metropolitan police force consider forgers to be a general menace to the community. Investigators of a banking institution or credit-granting company regard the forger whose target is their organisation as a very real, immediate threat to the financial stability of the organisation. From the viewpoint of the private investigator, forger must be stopped not because he is breaking the law, but because he is damaging or victimising the organisation.

Different perceptions and different objectives have a direct impact upon the strategies and the character of the investigative process in the two sectors. Public investigators are usually armed, while private investigators are unarmed. Other interesting differences that invite compassion require more examination.

Source of authority and funding: The public investigator represents the sovereignty of government, whose authority is vested in constitutional and statutory law. Its efforts are financed by public funds, replenished through taxation. The private investigator represents management, with some authority derived from statutory and case laws. The same authority is offered to any citizen such as the power to make arrest under certain conditions, although that power and authority are unknown to most private citizens. In addition, it may be delegated authority from company management.

Source of information: In the public sector, there are relatively few limitations to such information as criminal records, government records and files at municipal, county, state and federal levels. On the other hand, there are accelerated limitations to private access to public records.

Job security: Most investigators in the public sector are in the civil service system with clearly defined job security, and a growing number joining the ranks of organised labour as well. The private investigator has reasonable job security (as opposed to the unreasonableness of some civil service and labour contracts) provided by the organisation's person policies normally, part of a labour bargaining entity.

Scope of unit: Public investigators tend to specialised in specific areas of concentration, depending on the agency, department or assignment. They are burglary detective, forgery detectives, chemical detectives, state or federal narcotic investigator, immigration investigators etc.

Private investigators tend to be “generalists” although some specialise in such areas as forgery or fraud when employed by finance and credit companies. They are generalist not only in the sense of working across broad spectrum of business and commercial interest, but also in the attendant need for wide ranging information and intelligence.

Image: Public investigators can command immediate respect and attention based on the colour of authority, generally supported by impressive credentials, such as badges. Although inherited, such authority must continue to be earned to maintain that favourable image. Although many in private outfits have attempted to copy their public cousin’s credential, an ever-growing number recognise that respect and attention are rightfully based on demonstrated intelligence, effective interpersonal skills, and a genuine concern and respect for others.

Civil liability: Public investigators are relatively free from civil actions that result from day-in and day-out activities. Civil action filings, if they occur at all, usually follow only extremely aggravated incidents. In this respect government agencies are not as tempting a target as, for example utility company.

In the private sector, investigators are relatively vulnerable to civil actions as a result of exposure in their daily work, irrespective of culpability. An investigator who interrogates an employee on documented evidence of dishonesty can easily expose the company to an unfairly labour practise suit slander or libel suit, or to charges of false imprisonment or malicious prosecution.

Once on the job, the public investigator attends publicly funded schools, classes, or academics, saucily or high quality, from basic in-service traversing to advanced and specialised courses, depending on the area of specialisation. Just a few short years ago, investigators in the private sector invariably came from governmental agencies. The public sector was the training ground. College curriculums rarely included courses in investigation. This situation has been changing of rapidly.

Technical resources: Officials in the public sector are able to call upon an extensive arsenal of such technical resources as questioned document examiners, company laboratory facilities and fingerprint classification specialists, to name jus a few. Within the private sector, the investigator has limited access, if any at all, to such publicly supported resources. He must seek out and assume the cost for any such services. The fractional effect of this difference is that the private investigator simply cannot assess the same resources freely.

Professionalism: such agencies as the Criminal Investigation Department, the Federal Bureau of Investigation have attained a high level of professionalism, both in fact and in profile, by virtue of their reputation, known standard and visibility through the media (both in fractional entertainment and news reporting). To a lesser extent this is true of other law enforcement agencies at the state and local level. Perhaps the epitome of investigative professionalism is the homicide detective in a modern metropolitan police force. In general, the premises that criminal investigators in the public sector are indeed professional, in every sense of the words, goes relatively unchanged- and rightfully so.

The same is not as universally true in the private sector. Investigators in the area are too often thought of in terms of private eyes and commercially available detectives who handle skip- tracing cases or develop evidences for divorce hearings. The general public and, for that matter, many investigators in the public sector have little awareness of appreciation for the corporate investigator.

Career path; In the public sector investigative agency- the FBI, for example- the entry level position would certainly include pure investigatively responsibilities. In a generalised agency, such as a police department, the position of investigator is a promotional and relatively low in organisation structure, at the rank equivalent to sergeant; from detective or investigator then to a management level position. This means as an investigation officer there is room for promotion. In the private sector, there is a more pronounced trend towards moving talent up into the investigative position as a part of the individual development and growth. The goal is usually administrative as opposed to investigative, although some individuals may choose to make a career of investigative work consequently, high-ranking position in the private sector are normally filled by men and women with investigative experience. In contrast, high ranking positions in a police department are often filled by men and women who have never worked exclusively as an investigator.

Assistances: Few investigators, public or private, develop a vacuum. The very nature of the investigative process involved calling others for information or assistance.

In the public sector, irrespective of departmental and jurisdictional rivalries (which do not exist), the exchange and flow of information is really, if ever denied the investigator. It is an unwritten rule that one investigator will share information and assist another if such assistance is sought.

With regards to the assistance provided by informants, it has often been said that success of any detective in large measure rests upon him or her sources of information. Tips are provided by those seeking favour or tolerance – prostitutes and drug addicts, for example – by spurred or jealous lovers seeking revenge, and by a lot of other sources, anonymous and otherwise, acting from a variety of motives, all desirous of seeing a culprit caught. To a lesser extent, monetary rewards also generate information.

The use of informants in the private sector is another matter. It is unusual for employees to inform on their fellow workers. Few people wish to become involved. More often than not, a customer shopping in a store who witnesses a theft will not report that theft, the typical reaction is to look the other way. Nor does the private investigator have the same “leverage” that a police officer can use to encourage informants to talk. Personal achievement: Without question, all investigators experience a real sense of achievement when a criminal is taken into custody at the successful resolution of a case, especially if the investigation has been lengthy and difficult bearing in mind however that the real objective of criminal prosecution in the public sector is the successful prosecution of the offender. It must be recognised that there is high (and rising) level of frustration for investigators in this area.

The work of the investigator can bring little lasting satisfaction when, as happens all too frequently in the present climate, trial court decision are reversed in the appellate courts. And if the appellate reversals based on liberal interpretations of the law do not bring frustration, wrist slapping sentences handed down by the court will do it. The reward of satisfaction for the professional investigators must be found in the investigative process being the means and not the end. To bring a case to a conclusion, identifying the suspect and causing his incarceration- even if only temporally brings a sense of personal achievement (and helps to preserve sanity), even if the final result fails to accomplished the ultimate objective.

Because the stated objective of the investigator in the private sector lies in the protection and general welfare of the organisation, such down-the-line possibilities as unsuccessful prosecution, light sentencing, appellate reversals or even failure to indict, although certainly disappointment to some degree, do not bring anything like the level of frustration commonly experienced in the public sector why the mere exposure and eradication of a gang counterfeiting corporate instruments, for example and the destruction or seizure of their means of continuing production, genuinely satisfy their goals.

SELF-ASSESSMENT EXERCISE

Discuss the differences between private and public sector investigative process.

3.4 Importance of Investigative Process in Selected Establishment

Investigative process plays a major role in the comprehensive survey of assets. In today's competitive business world, both individual and commercial entities are faced with variety of challenges or difficulties. For instance, research on the competitors in your industry can help you out-performing the competition and makes a correct and advantageous decision.

Investigative process helps in background checks. Background checks is one of the most important steps to take, it is suitable for inquiring about the status of an individual or commercial entity. It is usually needed when hiring senior employees or better understanding the background of a prospective partner, a thorough and targeted check can definitely assist you in making important strategic arrangements.

Investigative process helps in intellectual property rights protection. Counterfeiting problem is becoming rampant and there is a huge demand for intellectual properly rights protection around the world. Infringement of copyright, patents and trademarks not only causes significant material loss to the corporation also badly damage the corporation's reputation. The damage is dramatic and immeasurable.

SELF-ASSESSMENT EXERCISE

Mention the importance of the investigative process.

4.0 CONCLUSION

We have discussed the meaning and objectives of the investigative process, as well as its definition. We went further to describe the various stages of the investigative process and it implications.

Differences in the investigation process in both private and public sectors were also mentioned. Finally the importance or relevance of investigations in some establishment was also highlighted.

5.0 SUMMARY

In this unit, we have discussed the meaning and objectives of investigative process, stages in the investigation process, as well as investigation in the private and public sectors. The importance of investigative process was also outlined.

6.0 TUTOR-MARKED ASSIGNMENT

- i. What is an investigation process?
- ii. Discuss the stages of an investigative process.
- iii. Outlined the differences between public and private sector investigative process.

7.0 REFERENCES\FURTHER READING

Brandstatter, A. F. & Allen, A. (2000). *Fundamentals of Law enforcement*.

Gene, B. (1990). *The Private Investigator*. Los Angeles: Security World Publishing Co. Inc.

James, G. O. (1980). *Criminal Investigator*. Ohio: Merrill Publishing Co.

Kinee, K.B. (1994). *Practical Investigation Techniques*. Florida: CRC Publishers.

Moenssens, A. J. & Strarrs, C. (1995). *Scientific Evidence in Civil and Criminal Investigation*. Westbury. N.Y.: Foundation Press.

Sennewell, C .A. (1998). *Effective Security Management*. Los Angeles: Security World Publishing Co. Inc.

UNIT 3 METHODS OF INVESTIGATION

CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
 - 3.1 Undercover Investigation
 - 3.2 Surveillance Investigation
 - 3.3 Background Investigation
 - 3.4 Discovering Covert Crimes Method of Investigation
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor- Marked Assignment
- 7.0 References/Further Reading

1.0 INTRODUCTION

What are the various methods of carrying out an investigation? There are several methods of gathering information and usually all or a combination of the methods is used. An investigation therefore is based upon a complete and whole evaluation of event or scenarios. These investigative skills and method are essential to a potential investigator.

The various issues that will be dealt with in this unit, so as to introduce you to the various method of investigation are the undercover method of investigation, surveillance method, background method and discovering covert crimes method.

2.0 OBJECTIVES

At the end of this unit, you should be able to:

- list the various methods of carrying out investigation
- explain the methods of investigation
- enumerate the importance of surveillance in investigation
- differentiate between the various methods of investigation
- apply various techniques of investigation within a crime case.

3.0 MAIN CONTENT

3.1 Undercover Method of Investigation

What are undercover investigations?

Undercover investigations are essentially intelligence or “spy” operation within any given area or unit of a corporation. As such, the investigation is definitely covert in its nature and operation. Effectively, no one should know an investigation is in progress other than those directly responsible. The obvious advantage of an undercover operation is that it gives management an accurate picture of what is happening in detail on a day-to-day basis in the organisation. As a rule, management does not really know what is going on in line units. It relies on supervision to keep superior officers apprised. Obviously, dishonest supervisors will not report on themselves or their subordinates.

Another invaluable aspect of this covert activity is that the undercover investigator is in the position not only to observe dishonesty but also to participate in it, along with all other employees who have chosen to become involved.

Undercover investigations may be conducted on a random basis or they may be undertaken with specific targets. Example is when there is information or suspicion of dishonesty in a given area like in a shipping company. Random assignments are simply tests of work areas. If dishonesty exists in that area, it will be discovered.

The objectives of constructive or undercover investigations in the private sector are:

- a. To discover internal dishonesty.
 - b. To identify all parties involved in the dishonesty activity.
 - c. To identify the organisational, operational or physical failure that contributed to or permitted the dishonesty to occur.
 - d. To purge the organisation of all guilty employees.
- It should be clear that undercover investigations in the private sector focus on internal operations involving employee's conduct and performance.

Techniques and methods

1. Penetrating for job placement: A very important aspect of the undercover operation is the need for the investigator, agent or operative to assume a false identity in the work force. To all

- intents and purposes, the agent is an impostor, posing as a janitor, assembler, stock man, etc.
2. Reporting: An undercover investigation should submit a handwritten report for each shift worked. Typewritten reports are not satisfactory and handwriting provides some protection against forged, altered or fictitiously prepared reports. Each report should be signed and dated.
 3. Concluding the case: The duration of a typical undercover investigation is usually measured in terms of weeks, and the undercover agent's effectiveness at a successful conclusion of the case.
 4. The issue of entrapment: Undercover investigations and entrapment are two processes closely intertwined in the minds of most people, so linked that separation is quite difficult, if not impossible, for some to perceive. But entrapment is easy to understand when one reflects on the process of planting seeds in a garden. Entrapment is the process where one person plants the seed of an idea to do wrong in another person's mind. For example, two warehouse dock employees Charlie and Roy are working on a Saturday with their supervisor, Mr. Morgan. Charlie is an undercover investigator. The facility is normally closed on Saturday. This is an overtime assignment for the three; all the other employees are off duty. At which time Morgan decides that he would like fried chicken and French fries. He asks the others if they would take the same and volunteers to go get their hunches from a nearby fast-food franchise. Charlie and Roy agree. Rather than walk through the building and leave by the authorised door, Morgan decides to take a shortcut to the parking lot. He jumps off the dock, unlocks the gate that is part of security enclosure around the receiving area, and leaves that gate open for his return.

Charlie watches Morgan's car disappear down the street, he then jumps and approaches Roy and says, "Morgan won't be back for another twenty minutes. Why don't you pull your van over here and we'll both get ourselves a colour TV set no one will ever know the difference?" Roy thinks the idea is a good one and the theft of two TV set occurs.

Here Roy was the victim of entrapment. Charlie the undercover agent planted the seed of crime in Roy's mind by suggesting the idea. Roy's "garden" or mind was devoid of the idea of stealing.

SELF –ASSESSMENT EXERCISE

Explain the principle behind undercover investigation.

3.2 Surveillance Method of Investigation

Surveillance is an integral part of the investigative process. It is the visual monitoring of a location or individual to determine what activities or conduct are occurring. This visual monitoring is accompanied by a log or a diary –record of what is occurring within the surveillance picture. The log provides a documented chronology of what was observed.

The surveillance may be stationary, moving or a combination of both. It may also be covert or overt, with an objective of detecting the commission of a crime or serious policy violation, gathering intelligence, preventing a crime, or all three. And surveillances may be conducted by the human eye or by means of electronic and mechanical hardware.

Covert vs overt surveillance

There is a useful rule of thumb in determining the difference between covert and overt surveillance. Covert surveillances are normally detection-oriented whereas overt surveillances are usually prevention.

Surveillance by human eye

Wherever practicable and possible, surveillance should be conducted by the human eye, without the use of any device or hardware save binoculars. There is no substitute for the total comprehension afforded for observer-in terms of detail, clarity and dimension (depth of field) – when he or she personally view the scene of an unfolding event. In addition, there is the interpretative value of the human mind where the observers directly witness an act or event. Most surveillance films cannot stand alone. They require some interpretation.

Visual surveillance devices

Despite their limitations, surveillance cameras, in particular video cameras with time-lapse recorder are unaffordable in a number of situations, not the least those kinds of cases where it is impossible to conceal an investigator to conduct the surveillance. Another advantage of cameras is that they allow a multi-location coverage with one operator monitoring all locations, either simultaneously or in any sequencing pattern of switching from one location to another.

The camera's eye is effective in providing general information – who is entering a given door, who is receiving, goods through a dock door, who is within a security – controlled work area etc. For very specific or

detailed information the camera has short coming. In one investigation of thefts from a payment processing unit in which employees opened customer's envelopes containing statement heads and payments (not always in the form of bank checks), the camera was unable to detect the actual theft. It did however; indicate to the investigator which employee was stealing by showing her suspicious behaviour and funny movement, which eventually led to her capture. The camera's deficiency in recalling specific details, in this particular case included such puzzle as this: Did the subject put a customer's white envelope into the pocket of her work smock, or was that a white handkerchief or a note.

The surveillance log

The recording of what a surveillance observes can be by voice on a tape recorder or handwritten. If it is taped, the notes must be transcribed at a later date. One advantage of the handwritten notes is that they are immediately available. There is nothing fanciful or special about the log, its purpose is no more than to record briefly what is observed and when.

The stationary surveillance

Stationary surveillance position may be fixed on permanent short term, or very temporary.

Fixed surveillance- Fixed or permanent surveillance positions are design or constructed into a building or any structure, allowing for the visual monitoring of a given location within that building according to need. Example, fixed positions over the back office of a cash counting room. The fixed positions themselves may be designed or so unconstructed that only very alert or trained eye would defect them, or they may be conspicuously obvious.

Short term surveillance- Short term surveillance is for specific problems-solving situation. Position selected might include rented houses, apartments or rooms affording a view of targeted position.

Very temporary surveillance-Very temporary surveillances can last anywhere from one half -hour to two weeks (at the outside), depending on the circumstances. They must be conducted, for example, from adjacent building rooftops or office windows, with the owner's knowledge and permission, often on the basis of reciprocity should the need arise.

Hardware used in stationary surveillance

Hardware that can assist in stationary surveillance work includes: telephones specifically installed for the case, two way radios, 35mm cameras with telephoto lenses, 8mm or 16mm motion picture cameras, video cameras with record (regular speed time-lapses) binoculars, tripod-mounted telephones, and “Jeri rigs” or improvised device limited only by the imagination.

Improvisation can be an important part of the investigation’s art, as two examples may suggest one is a trigger device activated by a string attached to the sliding door of a boxcar. When the boxcar is entered at right, the string is pulled, turning on a small, unobstructive light. The thieves are unable to see that light, which signals that a crime is in progress.

The moving surveillance

Moving surveillance are by far the most difficult to achieve and the most vulnerable to discover. The objective of a moving surveillance is usually that of determining an unknown location-where the subject lives, works, plays, conduct affairs, disposes of stolen goods, meets others, etc. Once the location is known, then, other strategies, including stationary surveillance can be used to get other details connected with that location.

Moving surveillance can be accomplished on foot (especially in crowded urban areas) or by means of bicycle, motor bike, motorcycle, automobile, public transportation. Any means that is available and practicable can be used, as long as it enables the investigators to follow the subject to a location the knowledge of which is germane to the investigation.

There is risk in the moving surveillance, as in any covert surveillance - its discovery by the person or persons being followed. Such discovery called “burning” can have disastrous consequences for the investigation. It may cause the subject to destroy or otherwise dispose of evidence, to discontinue criminal activities before the case can be fully developed, or to suspend those activities temporarily only to resume them with a whole new set of strategies. The trick then is to avoid discovery. The following are some suggestions to minimise the risk:

- i. On foot surveillance, keep several people between yourself and the subject being watched. Watch the subject from the waist down, especially the legs and feet.

- ii. With public conveyance surveillance, never sit directly behind the subject. Sit several seats ahead of the subject, on the same side of the vehicle, as long as there is no way for him to exit behind you unobserved. Absolutely avoid eye contact with the subject.
- iii. In auto surveillance, whenever possible, have two or more vehicles involved in the surveillance, with voice (radio contact capability).
- iv. Use female investigators as drivers as well as riders.
- v. Follow as far back as distance, traffic, road design and express way existing in a less reactive manner.
- vi. Do not follow in the same lane in which a subject is driving, that lane tend to be more “blind”. With multiple vehicle surveillance, a decoy vehicle can follow the target relatively closely. When the subject make a change on direction, turning left or right, the decoy should continue straight ahead. The intent of this manoeuvre is to cause the subject, if he is at all suspicious of a tail, to enjoy a false sense of confidence that he is not being followed.

Moving and stationary surveillance

When the decision is made to place an individual or group under combined moving and stationary surveillance, such a determination obviously indicates the need for a very intensive and comprehensive investigation during which every move of the subject must be recorded. This in turn suggests 24-hours-a-day surveillance, the jargon for which is “put ‘em to bed and get ‘em up”.

Those recommendations made for moving and stationary surveillance separately apply as well when the two methods are used concurrently. Different personnel however should be assigned to each type of surveillance.

SELF- ASSESSMENT EXERCISE

Describe the various techniques used in surveillance method of investigation.

3.3 Background Method of Investigation

Why is it necessary to have background investigations in many establishments?

No investigative function serves the best interest of any corporate organisation more than the employee screening process- the background

investigation. Cases demanding investigative expertise come and go day in and day out. But despite the importance or magnitude of any given case, the humble background investigation remains pre-eminent in its overall importance.

Screening applicants through the pre-hire investigation, and new employees by means of post-hire investigation, is loss prevention in the purest sense. Loss prevention begins internally with the subject.

Pre-hire investigations: Ideally all background investigations should be conducted prior to the project in question, example job offer. As a practical reality, however, there are a number of conditions that militate against the ideal. A prompt or timely job offer many times captures highly desirable candidates (those who appear on the surface, at least, to be highly desirable)

The heart of an effective pre-hire investigative procedure would be creation, maintenance of and referral to a master alpha indices (index) file. This is a negative base reference source, containing the names of dishonest or otherwise undesirable individual known to the organisation conducting the investigation. Past experience verification is major component of pre-hire investigations, which is the screening process.

A primary component of the entire screening process is the verification of past experiences for example employment profile. Key questions that must be answered are the following:

- a) Was the applicant in fact employed by the organisation claimed?
- b) If so, was the applicant employed for the period of time claimed?
- c) Was the applicant employed in the capacity claimed? For example, if the applicant claims supervisory responsibilities, was he indeed a supervisor?
- d) Did the applicant leave the organisation for the reason stated?
- e) Is the applicant eligible for re-hire? If not, why?
- f) Were the applicant's earnings as claimed?

In pre-hire investigations, the above questions can usually be answered by a telephone conversation with a responsible official of the past employer, such as a personnel representative. If the applicant is known to the organisation – that is, not in the negative indices file – previous employment has been verified, and the applicant has been recommended as eligible for re-hire, the chances are that the applicant is not a high risk.

Other areas that can usefully be explored in the pre-hire (or post-hire) investigation include, but are not limited to the following:

- a. Does the applicant have a criminal record?
- b. Does the applicant have the skill or education claimed?
- c. Is the applicant financially responsible?
- d. Does the applicant have a general reputation for honestly and good moral behaviour?
- e. Does the applicant have good health, or the health that he or she claims?

The expanded dialogue or discussion would include such questions as:

- i. What was the original criminal charge?
- ii. Was the offence involving moral turpitude?
- iii. Does the crime have any relations to, or in any way impact on the position being sought by the applicant?
- iv. The ultimate hiring decision would be based on the merits and circumstances of the individual case.

The neighbourhood check

Neighbours and landlords often know a great deal more about a person that might be suspected. They are familiar with an individual's comings and goings, his sensitivity to others, his predilection for noisy parties, his drinking habits, his morality, his standards of home maintenance, care for the yard or for automobile, and so on.

How does the investigator overcome this kind of problem? By giving the interviewee away is to provide an option. The investigator should avoid boxing the person in by requiring for example, a "yes" or "no" answer to question. "Would you recommend John for a position with our firm?" instead the question should provide option. The investigator might say "we are considering John for one of two positions. One is highly sensitive, with a great deal of responsibility which of the two would you recommend John for"? This gives the interviewee a palatable way, of saying that John is not a good candidate or he is a good candidate.

Post-hiring screening

Once the applicant is an employee, the post-hire screening activities must be finalised as quickly as possible within the organisation's probationary period. Irrespective of how thorough the pre-hire investigation have been, two important steps are still required. The first is the careful inspection of the bond or bonding form for content. The second and most productive is the comparison of the bond form to the application form.

SELF – ASSESSMENT EXERCISE

State the importance of background investigations to an organisation.

3.4 Discovering covert crimes method of investigation

You may want to ask yourself what are covert crimes in investigations? Criminal conduct, in most cases, is all too apparent. The corporate victim, like the individual who is attacked is usually aware of the crime and its consequences.

The list of overt crimes is endless, common among them are burglary of a warehouse, an extortion attempt involving threats of life, a fire purposefully set in the workplace, the rape of an employee departing late in the parking facility, the robbery of a cashier etc. Even when accomplished in stealth, such crimes are quickly known. They call for a reconstructive investigation as a response to an historical event. There are also a great many criminal act, most of a larcenous nature, and other forms of unacceptable behaviour that are so subtle and surreptitious in nature that the crime or offense often goes undetected, and its consequences are not immediately apparent. Some, in fact are never known with any degree of certainty.

Such covert crimes have a number of characteristics that set them apart from overt crimes against the organisation. Those characteristics are:

- a. They are committed by persons considered trustworthy.
- b. The acts tend to be ongoing in nature as opposed to a single, spectacular incident.
- c. Some of the acts tend to be shrouded in uncertainty i.e. was it intentional or was it an error? This last characteristic is one of the chief problems with covert crimes. For example, consider the case of a retailer who buys 100 bottles of perfume. After an inventory he determines that he has ten bottles left in the stock. Sales records however show that he sold eighty-five bottles. Five cannot be accounted for, were they stolen? Did a crime occur? What happened to the missing bottles?

There are a number of possible explanations for this single common place situation.

- i. The shipment was short in the first place.
- ii. Sales people opened some bottles as samples for customers to smell.
- iii. Someone broke bottles in an accident but was afraid to report the loss.

- i. The bottles were shoplifted by customers.
- ii. They were stolen by employees.
- iii. They were overlooked in a multiple item as sold.
- iv. They were given away by sales persons as commission who was trying to please known customers in the hope of after sales. They were intentionally given by sales persons to friends or relatives.

When this range of possibilities is extended over the activity of the entire organisation, it becomes clear that the problem of exposing and properly identifying covert crimes is enormously complex. Obviously, a number of investigative strategies must be practiced in order to surface covert activity. Because of the range and diversity of activities in the private sector, it is impossible for any list of strategies to be all-inclusive or even notably comprehensive. The strategies discussed should serve as a sound basic list. They may also serve as stimulant to the more enterprising investigator, prompting his adaptations and creative variations. These fundamental strategies include the following:

- a) Deployment of undercover agents in the work force.
- b) Taking physical inventories
- c) Refund letter circulation programme
- d) Daily audit of sales registers
- e) Checking continuity of register transaction numbers
- f) Integrity testing
- g) Bank cheque reconciliation programme
- h) Cash counts
- i) Exit interviewing
- j) Cheeking for “ghost” employees
- k) Vendor verification
- l) Intelligence surveillance
- m) Physical inspections
- n) Use of suggestion box or award programme
- o) Odometer checks
- p) Shoplifting surveillance.

Deployment of undercover agents: Undercover investigation by covert agents can always be done through internal intelligence-especially through undercover investigation.

Physical inventories: There are essentially three types of inventories; the first is the annual or semi-annual inventory, which should be a normal operating practice in any organisation. It involves taking stock of supplies, materials, equipment or goods on hand. The second type is physical inventory of goods, such as narcotics in a health service or hospital environment. Any variation, shortage or overage should arouse suspicion. The third kind of inventory is clandestine, where specific

items are secretly counted and, after a designated period of time, again subjected to a secret verifying count.

Refund letter circularisation programme: In those organisations where customers are given refunds, a document must be generated by an employee that reflects the amount, date, reason for the refund, and full name and address of the person receiving the refund. A letter circularisation programme is an ongoing strategy designed to verify refunds.

Daily audit of cash registers: Among other things, a cash register is an adding machine that totals the day's receipt-all receipts both cash and charge. Unless registers are audited daily, thefts may go undetected. The proper audit process requires that the cash be counted by someone other than the person working. Independent auditor adds the charges and compares this to the total sales. The sum of the charges and the independently counted cash receipts should be equal to the register tape total.

Cheeking register transaction numbers: Most cash registers are designed to imprint transaction numbers chronologically, usually in terms of up to 4 digits. In other words, the register tape imprints the number of the transaction each time the register is activated, 1 to 9,999 in sequence. Missing numbers will immediately suggest manipulation and dishonesty.

Integrity testing: The most common and hard-to-detect method of theft from the cash register is for the dishonest employee simply to accept money from customers and fail to record it on the register. One way to detect this type of theft is integrity testing, commonly known as "shopping". Investigators hired for this purpose pose as regular customers making normal purchases. At the same time they are able to observe cash register practices.

Cash counts: There are three types of cash counts, all of which are necessary parts of an effective accountability procedure. The first and most commonly used count is one in which the responsible party is obliged to count regularly and record the amounts of funds under his control. The second is the surprise count, usually an internal audit type of activity. The last and the one that interests us most is the secret count.

Exit interviews: The right kind of exit interview may surface dishonesty or other conditions unknown to the organisation. What is referred to here is not the customary final interview usually conducted by a personnel employee, but rather a multiple page form that asks a number of questions about supervision, working conditions, treatment

on the job, what needs correcting etc. such an interview has the potential of identifying such problems as favouritism, time-clock violations, spurious accidents, safety hazards, even dishonesty. The trick is to get the departing employee to be frank.

Checking for “ghost” employees: Ghost employee is simply a non-existing employee for whom payroll checks are issued and cashed. A number of ghosts can haunt an organisation. One might be a fictitious name and identity.

There are two ways to check for this type of fraud. One is to have an independent person, such as an internal auditor accompanied by someone from security, intercept the checks at the point of generation. The auditor then distributes the checks to each employee in person, perhaps even requiring signatures of the recipients.

Physical inspectors: Physical inspections constitute a potential gold mine of investigation. The power of observation for the investigative process can reveal discrepancies that are criminal in nature.

Suggestion box and award systems: Suggestion box and award programmes can be a valuable source of information for the potential investigator. Employees generally know a great deal about what is going on within the organisation including illicit activity. A variety of such programmes have proved effective in exposing dishonesty by providing a structured vertical communication system. Such programmes should provide assurance of confidentiality or, if necessary anonymity for the informant.

Shoplifting surveillance: As shoplifting is a covert crime, the action of the sneak thief, so is its detection a covert strategy. It is a very difficult strategy to learn and practice. Good shoplifting investigators, more commonly referred to as either detectives or operatives are hard to find.

In shoplifting surveillance, knowledge of techniques used by the shoplifters is as important as the detective’s own strategies. Some detection strategies are as follows:

- i. During the continuous surveillance of a suspect, the detective must see the selection of the item to be stolen.
- ii. After the shoplifted item has been selected, the detective must know exactly where it is.
- iii. The investigator must ensure that the stolen article is not disposed off before an arrest can be made. This is the most difficult post of the detective’s job.

- iv. Covert pursuit and surveillance must continue without interruption.

SELF-ASSESSMENT EXERCISE

What are covert crimes? How can they be investigated?

4.0 CONCLUSION

We have dealt with methods of investigation. The various investigative methods have been listed and discussed as undercover investigations, surveillance investigations, and background investigations.

We went further to discuss the various techniques in this method and their applications in discovering crimes. Finally some covert crimes were listed and discussed.

5.0 SUMMARY

In this unit, we have discussed what investigative methods are, undercover investigations, surveillance investigation, background investigation and covert crimes investigation. Their various investigative techniques were also highlighted.

6.0 TUTOR-MARKED ASSIGNMENT

- i. Mention four investigative methods.
- ii. Discuss two investigative methods of detecting crimes,
- iii. Outline some covert crimes prevalent in the society.

7.0 REFERENCES/FURTHER READING

Alifano, C.M. (2006). *Fundamentals of Criminal Investigation*. NY: Worldwide Law Enforcement Consulting Group. Inc.

Nweke, S.N. (2002). *Principles of Crime Prevention and Detection in Nigeria*. Ebenezer Production Nig. Ltd.

Kiinee, K. B. (1994). *Practical Investigation Techniques*. Boca Roton, Florida: CRC Publishers.

Swanson, C. R. (2003). *Criminal Investigation*. (8th ed.). Boston: McGraw-Hill Higher Education.

UNIT 4 APPLYING INVESTIGATIVE STRATEGIES

CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
 - 3.1 Identifying Suspects: The “Who” Of Investigation
 - 3.2 Finding Information: The:”Where” of Investigation
 - 3.3 The Time Factor: The “When” of Investigation
 - 3.4 Crime and Solution: The “How” of Investigation
 - 3.5 Establishing Motive: The “Why” of Investigation
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-Marked Assignment
- 7.0 References/Further Reading

1.0 INTRODUCTION

One important aspect of police activities which helps to boost morale of both the general public as well as law enforcement agents is success achieved in bringing offenders to account for their wrong doings through the application of various investigative strategies.

The arrest and successful prosecution of offenders undoubtedly depend on thorough investigations. Therefore, the need for good and thorough investigation cannot be over-emphasised. A badly investigation case is “dead” before it get to the prosecutor, who at that stage, had to work miracle in order to prosecute the case to a successful conclusion.

The various issues that will be examined in this unit will introduce you to the application of investigative strategies. These include the “who” of investigation, the “where” of investigation, the “when” of investigation, the “how” of investigation and finally the “why” of investigation.

2.0 OBJECTIVES

At the end of this unit, you should be able to:

- define investigation strategies
- outline various types of investigative strategies known to you
- explain the, who ,where, how, when and why of investigation
- apply investigative strategies in finding information and identifying suspects
- mention the importance of investigative interview.

3.0 MAIN CONTENT

3.1 Identifying Suspects: The Who of Investigation

How do you start an investigation?

This section introduces you to the “who” of investigation. Investigation is a very inexact science which we must nonetheless approach as a science.

The first of the basic questions in investigation is directed at establishing who is responsible for a given act. It should be understood that there are many other questions of identification that might be asked in any investigation.

Who can be trusted to keep the inquiry secret if confidentiality is need? Who can provide technical information or assistance? Whom should the investigation be assigned to? Who might know who did it and be willing to inform? Considering the type of investigation, who might be the most effective interrogator after the responsible party is caught?

But the most important and popular question asks, who is the responsible person, or culprit? After determining what happened, which is usually (though not always) apparent, all minds immediately commence the speculative process designed to discover who could have done it. In identifying suspects through the who investigation, the following process are followed:

- i. The process of elimination - If it is a murder case, the first step is designed to eliminate who did it. This process of elimination is applied until only a few of suspects- or preferably one- is left.
- ii. Reading the physical evidence- In some cases, either through chance or circumstance, the elimination process is not necessary. A proper reading of the physical evidence will point the investigation toward the offender.
- iii. Finding the physical is always the first part of the investigator’s challenge. He must also be able to interpret the significance of what he finds.
- iv. The investigative interview - Often the available physical evidence alone is insufficient to point to the “whom” of an incident. In such case, the investigator track down every possible detail that might be relevant. One of his tools is the careful and thorough questioning of any person or persons affected, whether victim or witness, as the following case illustrate.

A case of kidnap and rape

Late one evening investigator x received a call from a house mother, the resident manager of one of the girls dormitories at Government College. When the investigator arrived, there was a campus police unit as well as a local city police unit in front of the dormitory. Both units advised x that a campus unit had been requested and the city unit had acted as a backup. When they reached the scene, they were informed by the house mother that a girl had been raped, but the manager had refused their admittance into the dormitory.

One inside the building had a brief conversation with the reported victim about what had happened. Although she seemed to be in a state of shock or near-hysteria, he told me that she had gone to the basement of the building where one washer and dryer were located to do one load of washing. When she pushed through the double swinging doors of the washroom, she was startled to see a young man standing there brandishing a knife.

According to the girl's story, the attacker forced her to crawl out of the basement through an open transom window. He followed her out. After climbing over the wall that surrounding the area of the dormitory, she was forced into the back seat of a four-door bus. There she was trussed up, lying on her stomach while wrists and ankle were bound behind her back. With the girl helpless on the floor of the car, the man drove up to a nearby mountain, there he raped her.

After the attack, he drove back to town, releasing the girl at the intersection closest to the dormitory. She could not get in because it was past lockout time.

Immediately after this initial interview, x had the girl transported to the hospital for:

- i. A vaginal smear for evidence of semen
- ii. A medical douche
- iii. Medication to calm her.

Before she left x told her that they would meet again in the morning with the local police to talk more.

After the girl left, investigator x examined the scene of the alleged attack, carefully inspecting the basement area, flying on the floor just inside the double swinging doors we a box of detergent, some of which had spilled on the floor, two quarters, and a few items of intimate apparel. Nearby was an open transom window, beneath it was a bench.

While standing on the bench, x was peeped outside and saw footprints on the flower bed.

At the hospital the following morning, a representative of the police and x sat with the girl to get more details about her experience, the report of the doctor had confirmed that there was a seminal deposit. The girl described her attacker. During the course of the questioning a number of details were gone over carefully. She had been wearing a “baby doll” nightgown when she went to the basement, a sheer, loose, short-sleeve pullover top with matching briefs. She did not attempt to run, even though she was out of the building first through the transom, because she was afraid. She scaled a six-foot wall although she probably could not do it again. She had no idea what kind of car was involved. She did not fight or resist the man because he threatened her. While up in the mountains, the attacker at first had tied her wrists to separate trees, her arms stretched out in a spread-eagle position. Later he had untied her, and she admitted that during the drive back to town, he had left her untied and sitting up on the front seat of the car.

It became apparent that the police representative was sceptical of her story. He became aggressive in his questioning. To my question she admitted that she was not a virgin. On my part I continued the interview with the belief that she was telling the truth. In interviewing a victim or witness, it is important to get every detail possible. In searching question about the suspected rapist, x asked the girl to recall everything she remembers. When the investigator left the girl at last he had a considerable amount of information about the “who” of the case.

The search in this case was complicated by the fact that the police were of the opinion that no crime had in fact been committed. They believe that the girl had been out having fun and was caught by the dormitory’s lockout policy. So, to protect herself against any disciplinary action, she contrived the kidnap and rape story.

Later, on continuous investigation, John was picked out of a police line up as the assailant by the victim of his attack. Before the day was out, John admitted the abduction and rape of the girl. He was convicted for his crimes and sentenced accordingly.

In seeking to identify the “who” of a case, remember to:

- (1) Eliminate those who could not have played a part in the incident.
- (2) Collect and analyse all available evidence.
- (3) Look for relationships between evidence and possible suspects
- (4) Where possible, obtain the assistance of law enforcement.
- (5) Make full use of available information sources.

- (6) Do not jump to conclusion or pre-judge the case
- (7) Make full use of the investigative interview
- (8) Persist, persist, and persist.

SELF- ASSESSMENT EXERCISE

Outline the steps to be taken in order to identify the “who” of an incident.

3.2 Finding Information: The “Where” of Investigation

In attempting to determine who was involved in a crime or incident under investigation, the emphasis is on the search for identity. When attention turns to the question of “where” in an investigation, the emphasis is one of discovery. The question of “who” is people-oriented. The question of “where” is location-oriented.

As with the first question, there can be a number of location questions that might be relevant to a given case. Where is the offender? Where is the evidence? Where are the fruits of the crime? And where can information be found that will assist in the investigative process?

Locating individuals, physical evidence or stolen goods, when they cannot be discovered through the routine of physical search is often a matter of knowing where to look for the right information.

The investigator knows where to find information he needs, just as an effective lawyer knows where to search for case law. Sources of information are all around us, some may be so conspicuous and familiar that their potentials are not realised.

Sources of information in the private sector investigation

There are various sources of information in the private sector investigation.

In seeking to discover the “where” of an investigation, the investigator will familiarise himself with the wealth of files and records in non-governmental sources containing information pertaining to persons and companies. Personal records are equally accessible, but a great deal of information is available.

1. Banks: Saving account can provide information regarding the balance in the account dates of deposits, whether deposits were made in cash or by check, and amount of deposits. Amount and dates of withdrawals are also on record. Checking account

contains the same information regarding deposit plus check activity, including the number of checks written during a given period, to whom and for what amounts.

2. Loan companies: Loan application reflect employment data, primary income and other sources of income, property owned and its location , state of indebtedness in terms of amount and to whom owned, and variety of personal and family data.
3. Other utility companies: Application for water, power and gas services will reveal some personal information on subscribers, as well as where they had previous services, when services commenced and a history of usage. Most utility companies maintain records by address, so occupants of a given address can be identified except for rental property where the landlord pays the utility bills.
4. Real estate offices: The records of realtors will include the asking and selling prices of a given property, names of seller and purchasers, amount paid, name of the mortgage company holding the first real trust and description of the property.
5. Hospital: Hospital records contain patient information, including their treatment and medical histories with that particular facility as well as insurances data and other personal information.
6. Schools: Schools records include the name and address of every student, with date of birth and place of birth, personal data on each student will include name and address of each parent, the parent's occupation and place of employment, whom to call in the event of emergency, family doctor's name and number.
7. Colleges and universities: In addition to personal data found in schools, college and university records may provide such information as extracurricular or off-campus affiliations and activities, academic objectives, grade points average, major field of study, financial status of the student, work history while attending school and yearbook with student photographs.
8. Information sources in local government: Government agencies at every level often seem to be in the business of collecting and maintaining files and record of every description. While privacy limitation may restrict access to some personal information, most matter of public record are available to anyone. Municipal and records useful to the investigator include the following sources: tax collector, building department country recording welfare department etc.
9. Information source in state government: Various state departments maintain voluminous files on individuals and corporations. Many are either open to inquiries by ordinary citizens or will provide information for a small fee. In addition to the specific officers and department noted here, most states have

a regulatory relationship over vocations such as doctor, dentists, athletes, pharmacists, barbers, optometrists, veterinarians, chiropractors, embalmers and nurses. Personal data would be available in these and other vocational files.

Other department that may supply information include secretary of state, controller, department of agriculture, motor vehicle, etc.

SELF-ASSESSMENT EXERCISE

- i. Why is information necessary to an investigator?
- ii. Enumerate sources of information an investigator can use.

3.3 The Time Factor: The “When” of Investigation

The “when” of investigation process is obviously time-oriented. The question seeks to isolate and identify a significant time factor, be it a time before or after known event, a span of time between known events, or specific time.

Known time can eliminate possibilities e.g. a bus could not make it from the east side of town to the west side in ten minutes. It can also eliminate suspect e.g., when the fire started Joseph was on his day off. Furthermore, the determination of when an offence occurred or is occurring gives direction to the detection strategy. If money is being pilfered from a given location regularly, for example it simplifies the investigation to determine that the pilferage must be occurring between 5.00 a.m and 7.30 a.m.

With regard to criminal offenses, the entire issues of the statute of limitations revolved around the time factor. The perpetrators of the time be identified and moved against within one year after the commission of the offence (the general rule for petty or misdemeanour offence) or within three years (the general rule for major or felony offences). Consequently, if the discovery of crime takes place months or years after its commission, the task is to prove that the offense occurred within the period specified under the statute of limitation.

In citing examples and case histories, both actual and hypothetical, there have been number of references to the time factor. In many of these examples, the times determined are only approximate.

1	Placing the hand on the hood of a car	Reveals the car has recently been driven if hood is still warm.
2	Horse chips	The degree of hardness tells when horses passed this way.
3	Coals in centre of fire	Reveals when the fire was last fed.
4	Post mortem lividity	Reveals time of death.
5	Rigor mortis	Helps determined time of death.
6	Sap in tree	Suggest when the branch was broken.
7	Damp side of stone	Shows when stone was disturbed.
8	Dry clothing of suspect when is raining	Reveals amount of time suspect has been inside the store.
9	Cash register "plot chart"	Established when employees could not have committed thefts, based on the time factor.

Just as much energy and imagination may be expended to determine the significant time factor in an investigation same also are devoted to determining who did it. And again, as in other aspects of the investigative process, much can be achieved through the application of common sense and the power of observation.

Methods of establishing time

1. Self- evident time: Perhaps a classic example of establishing the precise point in time when an incident occurred is the case of the smashed watch on the wrist of the dead driver of a vehicle which careened off a mountain road, an accident unobserved. More often than not there is no way to determine the precise time. Surprisingly, there are what might be called self-evident time indicators. The evidence speaks for itself.
2. Significant time variations: Relevant considerations of time can frequently be determined by noting a variation in an established process or pattern of activity. Theft of money is a typical problem in the work environment, whether the victim is the company, an employee or just a client or customer. Usually, the discovering of a loss requires an immediate assessment of when the theft could have occurred. Determining the factor is usually a key to identifying possible suspects.
3. Determining time by incidental documents: The time determined by an examination of incidental documents.

4. Determining time by events: Many events play an important role in our lives. These events tend to be time benchmarks. They may be daily events, if the focus is on recent time, or they may be an annual nature, such as Christmas or one's birthday. The effective investigator is able to use event to help establish the time factor when it is relevant.
5. How to pre-establish time: A number of steps can be taken prior to the occurrence of any incident that will help to establish the time factor when something does take place that requires investigation.
6. In any alarm receiving hardware, or in any access control programme, add or modify the system so as to receive hard copies showing the time of breaks or passages.
7. Use sealing devices to secure objects like envelopes, packages, entry ways, vehicle compartments or storage areas. Inspector of the seal when the items is sent and again when it is received should show the seal intact. If it is damage you know the damage occurred enroute.

SELF- ASSESSMENT EXERCISE

Why is time factor necessary in investigator?

3.4 Crime and Solution: The “How” of Investigation

There are two primary questions of “how” in the investigative process: how was the crime or act accomplished and how can the crime be solved or the culprit be caught? Both questions deal with strategy; the strategy of commission on the part of the criminal and the strategy of solution or correction adopted by the investigator.

To some extent, the detection strategy is often dependent on the strategy of commission, that is to say, you cannot catch an embezzler until you know how the embezzler is diverting funds. It does not automatically follow, conversely, that once you know how the crime was committed you will know how to solve it. The crime and solution remain separate issues, despite the fact that one must follow the other.

How was it accomplished? (commission strategy)

The investigative effort to determine how some act was achieved is either exploratory in nature, such as exploration by trial and error, seeking to physically re-create the crime or action, or it is inspectional in nature. The latter approach may involve an examination of all steps or

processes, looking for loopholes that could logically explain or prove how the deed was accomplished.

In general, the investigative effort at this stage is reconstructive. However, it may be necessary to use convert or construction means. Developing the “how” by exploratory means just what the word suggests: systematically searching, probing, looking, tracking down every piece of evidence and following up every lead to see where it takes you. It means trying to put yourself in the criminal’s shoes—literally following in his footsteps.

The case of the locked house

A fellow employee and executive of the company, though not connected with security organisation was the victim of a residential burglary. Over the weekend his home had been entered and quantities of his personal property were removed. There was no evidence of forcible entry, police came to the house, examined the premises and make their official report. Along with victim, the police theorised that one of the two doors to the house must have been inadvertently left unlocked. Two weeks later the executive, who lived alone, returned to his house after spending the night with friends, only to find that the place had been burgled again. This time more property had been stolen. Again, there was no evidence of forcible entry.

Since there was question about a door being left unlocked after the first experience official theory this time was that the burglar must have let himself in with a key. Considerable time and effort was expended in tracking former residents of the house, two single girls, and it was discovered that they had lent the key to the house to one or more boyfriends. While this possibility was being investigated, the executive called in a locksmith and had both door locks changed, shortly thereafter, the house was burgled once more, this time while the owner was out of town on a business trip.

By now the executive was alarmed. He began to suspect that close friends might be making imprints of his keys in wax, clay or even on paper and knowing his schedule, were letting themselves into the house with a newly cut key made from the impression. He was becoming that desperate. The issue, of course was more into the home than who was doing it.

Although the matter was under police jurisdiction, I wanted to help a company executive if I could. The problem was affecting his work; I wanted to see if I could get in by slipping the locks, by climbing a tree

and entering an attic vent, or in any other way gaining entrance, other than force or causing visible damage.

I started at the front door, attempting to slip a pliable plastic card between the edge of the door and the strike plate to push on the edge of the door, thus disengaging the lock. I could not slip the lock. The door's hinge pins were on the inside and not exposed. Had they been accessible, I would have looked for evidence of their removal, which would have allowed the door to be opened from its hinged side.

I worked my way counter-clockwise around the house I noted dirt smudges on the stucco siding below the kitchen window. The only logical explanation for dirt to be ground into the stucco was that someone had his shoes against the side of the house. The kitchen window was of the louvered kind, horizontal slates of glass that fit into metal sleeves. The panes or slats can be rotated outward to a horizontal plane to allow ventilation, or closed to a near-vertical plane. Close examination of the glass louvers revealed fingerprint smudges on every one.

I removed the slats from the sleeves of the frames and by placing my foot on the exterior of the house, at the same height as the dirt smudge I had seen; I was able to hoist myself up and through the window. Satisfied, I left the house the same way I had entered. I replaced each slat and rotated or pressed them down to the original closed or vertical position.

I told my amazed associate, "That is how our burglar friend comes and goes." He said he had wondered why, following one of the burglaries, a house plant next to the kitchen sink and the louvered window had been tipped over; now we know how the crime was being committed. That knowledge offered direction for the next step, which could have been to stake out the home from the inside in order to apprehend the burglar or to correct the weakness in the physical barrier of the home.

Developing the "how" by inspectional means

In attempting to discover how a crime was committed, it is often possible to use inspectional analysis. The investigator must examine internal procedures and practices of the company's operations, examining them for any weakness that the criminal might have taken advantage.

How can the crime be solved? (Solution strategy)

In many cases the strategy of commission suggests the strategy of solution. There is this concept of allowing the strategy of the crime's commission to suggest the strategy of solution. In assessing these and the various other possible strategies that would apply to a given case, the investigator should consider the following factors:

- i. If a given solution strategy fails, would it expose the investigative efforts?
- ii. Which solution strategy would put the suspect at the greatest disadvantage once caught?
- iii. Which strategy is the simplest in terms of manpower requirements, technology, and the need for solicited equipment?
- iv. Which strategy would take the least time to implement?
- v. Which would be the least expensive?

The question of "how" in its twin aspects-the strategies of commission and solution-obviously plays an important role in the investigative process. The way an investigator answers this fundamental questions will be a direct reflection of his overall performance and investigative skills.

SELF-ASSESSMENT EXERCISE

Discuss the strategy of commission and solution in solving a crime situation.

3.5 Establishing Motive: The "Why" of Investigation

In dealing with the question of "why" in the investigative process, we find ourselves in the intriguing as well as controversial area of motive. Motive is the logic or reasoning which constitutes the very cause of a criminal act or misconduct. Investigator must have better than average sight into human behaviour and motivation. However, there is a point beyond which the investigator should not attempt to tread. As an example, one easily understood motive is the narcotic addict's need for money to support his or her habits, resulting in the theft of company funds. That is an apparent or implied motive. Why the person uses narcotics to begin with, involves a much deeper examination of motivation by psychologist or psychiatrist than the investigator.

Another dimension to the consideration of motive can also be troublesome. That is the ultimate value of motive to the investigation.

In *Fundamentals of Law Enforcement*, Brandstatter and Hyman state, “It is almost always necessary to determine the motive for a crime for a successful prosecution. In addition, determining the motive can be an effective first step in discovering the identity of the criminal or innocence of a suspect”

The emphasis on motive is particularly questionable as it pertains to the crime of theft. We have talked to hundreds of people who have committed theft, including trusted personnel and almost all of them have offered a satisfactory explanation of why they did it. Too much weight can be attributed to motive. It is desirable to know why an employee stole property. It can make the whole investigation more comprehensible, perhaps it could very well be helpful in preventing similar thefts in the future – but it is not essential.

Determining the motive can be an effective first step in discovering the identity of the culprit. Answers to “why” can lead to ‘who’. Brandstatter and Hyman also state, “Motives are often uncovered by determining who benefited from the crime”. That is to say, “who” can lead to “why”. Again, there can be both interest and importance for the investigator to know the motive. We have some troubles with the degree of importance attached to know why when we already know who, particularly in the private sector where there is administrative bottleneck as well as judicial. It is nice, even helpful to know why, but better to know who.

Motivation and detection strategy

There is a clear and important value to the investigator in the private sector in understanding motive as well as knowing who committed a crime when the motive can be used in the detection or apprehension strategy.

Motives for theft

Psychologist cites three factors that commonly motivate individuals to become dishonest: need or desire, rationalisation and opportunity.

1. Need or desire as motive: Motivation that come under the category of a perceived need or desire may originate in a problem the individual sees as unshakeable or unsolvable. The problem may be financial, stemming from gambling indebtedness, a drug dependency, living beyond one’s means or an extraordinary expense for the family such as cancer treatment. It may be a personal problem such as an extra-marital affair, an unwanted pregnancy or alcoholism.

The need may be more purely psychological, prompted by such problems as kleptomaniac or menopause disorientation. Some thieves steal from a need to appear successful, or even out of worthy motives with no desire for personal gain, such as a need to help others. The desire finally may simply be the result of a calculated choice to take rather than to earn.

2. Rationalised motives: The thief who rationalises his actions manages to convince himself that stealing is not really wrong. Common rationalisation includes the following:
 - i. It's all right to steal because what he takes was going to be thrown away.
 - ii. It's all right because he is only borrowing what he takes.
 - iii. It's all right because he is underpaid and deserves what he is stealing.
 - iv. It's all right because others are doing it successfully and it would be stupid not to engage in the same thing.
 - v. It's all right because the owner (organisation) is so big that what is taken will never be missed.
 - vi. It's all right because the boss steals-and if he can do it then so can the little man.

There is, of course no real limit to the number of excuses that can be found to justify an action, however wrong.

3. Opportunity as motive: opportunity does not of and by itself constitute a motive to be dishonest, or to steal. Many people have countless opportunities but never steal. Rather, opportunity is a necessary element in theft and must exist in conjunction with one or more of the impulses categorised here under need or desire or rationalisation.

Hidden motives

The real motivation for an incident can be different from what appears to be the obvious. The terrorist's desire for publicity may mean more than the need to cause damage or reap monetary gain. Even an action that appears to be an open-and-shut case of robbery may result from more obscure and complex motives.

Motive and response

Sometimes the "why" of an incident can help the company or organisation or individual targeted to react or response more effectively. Bomb threat, an all too common hazard faced by states and institutions

today, are a good example. The extent of the response to the threat bears a direct correction to the perception of the motive for it.

The process of investigation essentially involves information collection and, through the application of sound reasoning, analysing that information to answer questions or solve problems that bring loss to the organisation.

Through such basic techniques as undercover investigation, surveillance, background and the variety of internal strategy that may expose covert crimes, the investigation focuses on specific acts or individuals. Additional procedures are used to build a case, including interviewing suspects and witnesses, the analysis of physical evidence, obtaining statements of confessions and information gained from clandestine sources such as informants.

All these efforts are directed toward answering the fundamental investigation questions - the who, where, when, how and why of a crime or incident. The investigator will ferret out and follow up every conceivable piece of information that might be useful in identifying who was responsible for an incident. To do that successfully he must know where to look-where to find information. He will seek to narrow the scope of his inquiries by limiting and defining the time factor. In solving a crime, his investigative strategy is often dependent on finding out how the crime was committed. Again quite often learning who was responsible for a given action requires an understanding of human motivation, determining why the crime was committed.

In accomplishing this, the investigator must be imaginative and resourceful. He must be tireless and determined. He must understand people, and he must be able to apply logical reasoning. The work is time-consuming and frequently tedious-but it is also a challenging work of deep personal satisfaction to those rare men and women who bring to it the resources of skill, effort and character that make a successful investigator.

SELF-ASSESSMENT EXERCISE

Enumerate some motives behind a criminal act. Discuss two of them.

4.0 CONCLUSION

We have dealt with the application of investigative strategies or investigative skills. We also discussed and answered the fundamental investigative question as the “who” “where”, “when”, “how” and “why” of a crime or incident. The investigator will follow-up every conceivable piece of information that might be useful in identifying who was

responsible an incident. To do this successfully, he must know where to look-where to find information. He will narrow the scope of his inquiries by limiting and defining the time factor. Quite often, looking for who was responsible for a given action requires an understanding of human motivation - determining why the crime was committed.

5.0 SUMMARY

In this unit, we have discussed the application of investigative strategies by looking at the following aspects, identifying suspects i.e. the ‘who’ of investigation, finding information, i.e. the “where” of investigation, the time factor, i.e. the “when” of investigation, also crime and solution, i.e. the “how” of investigation and finally establishing motive, i.e. the “Why” of investigation.

6.0 TUTOR-MARKED ASSIGNMENT

- i. Explain the following terms in relation to conduct of an investigation:
 - The “what”
 - The “who”
 - The “why”
 - The “where”
 - The “when”
 - The “how”

What is the importance of an investigative interview? Illustrate with a given case.

7.0 REFERENCES/FURTHER READING

Charles, E. O. (2001). *Fundamentals of Criminal Investigation*. U.S.A: Springfield Thomas Publisher.

Donald, O.S. (1999). *Criminal Investigation Techniques*. UK: Gulf Publishing Co.

Ewong, U. R. (2000). *Introduction to Criminal Investigation*. Port Harcourt: Minson Publishers.

Iwara & Christopher, E. (2008). *A Practical Guide to Criminal Investigation and Prosecution*. Calabar: Esstah Books and Press Services.

MODULE 3 THE CRIME SCENE

Unit 1	Scene of Crime
Unit 2	Techniques of Crime Scene Investigation
Unit 3	Electronic Crime Scene Investigation
Unit 4	Types of Crime Scene and Powers of a Crime Scene Investigator

UNIT 1 SCENE OF CRIME

CONTENTS

1.0	Introduction
2.0	Objectives
3.0	Main Content
3.1	Meaning of Crime in Relation to the Scene
3.2	Component of Criminal Investigation Activities in the Crime Scene
3.3	The Scene of Crime
3.4	Crime Scene Photography
4.0	Conclusion
5.0	Summary
6.0	Tutor-Marked Assignment
7.0	References/Further Reading

1.0 INTRODUCTION

What activities surround the scene of crime?

Scene of crime is about the first place a crime investigator would visit on the receipt of a report of the commission of crime. Evidence is always present at the scene of any crime or offence. Whether or not the evidence is found is another matter entirely.

If the evidence is not found, that may be due to poor investigation, ignorance, careless or inadequate search, faulty or improper protection of the scene.

One of the most important aspects of securing the crime scene is to preserve the scene with minimal contamination and disturbance of physical evidence. The initial response to an incident shall be expeditious and methodical. Upon arrival, the officers(s) shall assess the scene and treat the incident a crime scene. The initial responding officer(s) shall promptly, yet cautiously, approach and enter crime scene, very vigilant of any persons, vehicles, event, potential evidence

and environmental condition. The initial responding officer(s) should note or log dispatch information (e.g. address/location, time, date, type of call, parties involved.)

The various issues that will be examined in this unit that will introduce you to crime scene includes the meaning of crime in relation to the scene, components of criminal investigation activities, crime scene photography and the scene of crime.

2.0 OBJECTIVES

At the end of this unit, you should be able to:

- define a crime scene
- explain the activities surrounding a crime scene
- describe the principles of crime scene photography
- explain the components of criminal activities in a crime scene
- state the duties of a crime investigator at a crime scene
- outline the characteristics of a good crime scene
- state the importance of note-taking at the crime scene.

3.0 MAIN CONTENT

3.1 Meaning of Crime in Relation to the Scene

This section introduces you to the meaning of crime in relation to the scene, as well as what constitutes a crime.

When mention is made of the term “crime” what really comes to mind is an ill or wrong within the society. It could be an act of commission or an omission. However, different authors render different definition of what crime is. A notable scholar in Nigeria defines crime as a wrong which affects the interest of the community as a whole, and for which the offender is punished.

Crimes consist of the commission of act which is forbidden by law, or an omission of an act where the law prescribes a duty. Chamelin and Evans (1987), defines crime as a public wrong. They further define it as “an act or omission forbidden by law for which the state prescribes a punishment in its own name.”

As indicated in the forgoing definitions, a crime could be committed by an individual or group of individuals, but the society is at loss with crime, the state finds it obligatory to prescribe punishment against such acts or omission that is considered as crime. For an act to constitute a crime, there must be an element of independent decision or voluntary

action and intention. This brings us to the next definition of crime. Pursley (1977), defines crime as “a voluntary and intentional violation by a legally competent person of a legal duty that commands or prohibits an act for the protection of society. Point to note in this definition is “voluntary” and “intentional” violation of a forbidden act, for the welfare of society and the person concerned. Not everybody has the capacity to commit crime. For a person to be qualified to commit a crime, he or she must be competent: at least he must be within the limit of law. For example, boy of five years cannot be said to be competent.

Furthermore the Dictionary defines crime as “offence which is punishable by law”. And the question may be asked: what is an offence? Offence is defined by the criminal code as any act or omission which renders the person doing the act or making the omission liable to punishment under the criminal code (law).

In conclusion, we may sum up our definition of crime in relation to the scene of crime, as a wrong which by its own nature affects the interest of the state, of which the state being aware of this prescribes punitive measures against it. Such wrong that constitutes a crime could be in the form of acts of omission or utterances that is likely to injure another.

Crime is the major subject that attracts the attention of everybody in this chain or segment of criminal investigations process. Crime provides relief as well as pains. To the criminal, it provides relief, because through it he or she actualised the dream of doing something or possessing an object of interest.

To the victim, it is painful, for through it, he or she is deprived or injured and to the police or investigator, it provides a source of duty because after a crime the police go about looking for its actors and why or how they did it.

SELF- ASSESSMENT EXERCISE

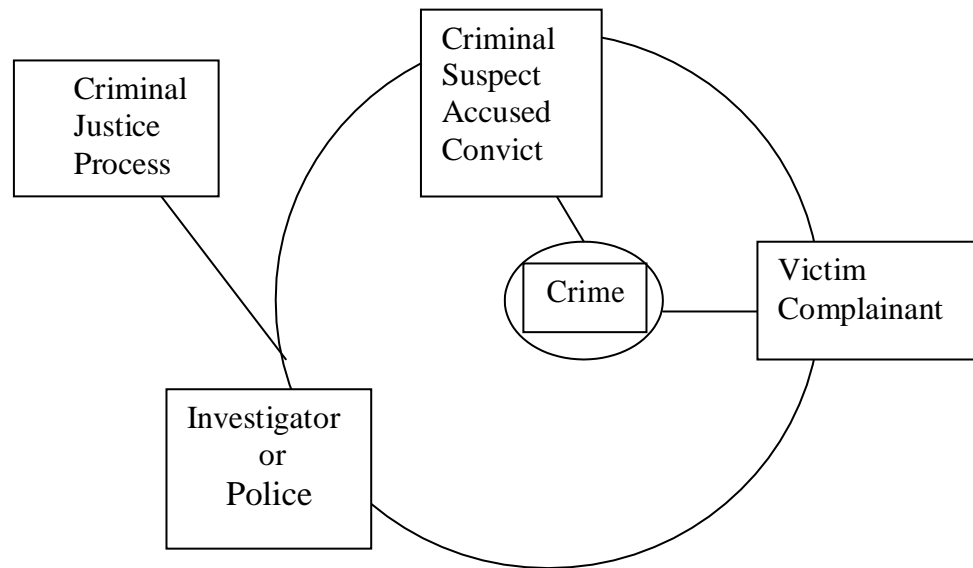
Define “crime” in relation to the scene of crime.

3.2 Components of Criminal Investigation at the Crime Scene

The main factor at the scene of a crime is the crime itself. It is the main factor that attracts all others. The remaining three segments revolve around it. It has a direct relationship with each segment of the process. First, it has full and direct bearing with criminal because he or she initiates it. Secondly it reaches the complainant or victim as pain and disasters, so that through it the criminal relates with the victims and the

victim with the police or investigator. This is so because there must be a crime before people go to the police. And still, the police linked with the criminal through the crime being the initiator and executor of any crime. The police are always out there to look for criminals. When arrested, they are dealt with as stipulated by the law, so that through the police or investigators, crime, its initiators/executors and its victim are linked to the judicial process for justice.

A careful and detailed analysis is as follows.



The criminal

Behind every crime, there is a human being and that human being is the criminal. A criminal is the person who is guilty of having committed a crime. It is the criminal who invites the crime, in terms of thinking out ideas, and initiating actions aimed at executing the crime. The act of the criminal brings injury into the complainant who promptly goes to the police. Discovering who the criminal is, where he is, and how he carried out his nefarious act is the object of criminal investigation, otherwise known here as crime scene investigation. There are some terms that have to do (relates) with the crime scene. These are suspect accused and convict.

- a) **Suspect:** A criminal could be a suspect if facts concerning his or her involvement in a crime are not certain or not yet available. Therefore a suspect is a person who is thought to be guilty of a crime. A suspect could be the criminal or may turn out to be innocent of the crime. It is the duty of investigator to establish which is applicable. The very moment the certainty of a suspect's involvement in a crime has been established, he become the

- criminal, and where it is not established, he is deemed innocent, and so discharged.
- b) **Accused:** An accused is a person who is charged with a crime. A suspect faces a charged the very moment police or investigators are able to established facts linking him or her with the crime. However, a suspect or an accused person is presumed innocent until proved guilty of the crime in a court of law. The distinction rest on the simple fact that a suspect is accosted with the allegation of the crime, but facts or evidences that he did it is or are not certain. On the other hand, the accused person already has the burden of the crime. He has been charge with the crime. Before one is placed on charge, there must be reasonable clues that suggest that the suspect committed the offence.
 - c) **Convict:** A convict is a person who has been found guilty of a crime by a court of competent jurisdiction and so sentenced to a term of imprisonment. In other words, a convict is an accused whom the police or any law enforcement agent has been able to prove guilty of the crime. By this, the punishment prescribed by the law establishing the crime is therefore invoked, so that he/ she is punish for the wrong he committed against the state or society.
 - d) **The complainant:** This is the victim of the crime. The crime was perpetuated against him or her so that the pain or effect of the wrong is borne by him or her. The state acted by looking for and, where possible prosecuting and punishing the criminal to protect him against future experience of such or similar pains. While the criminal directly and negatively relates to complainant, the complainant or victim himself relates positively to the investigation he or she brings the knowledge of the existences of the crime to the law enforcers.
 - e) **The investigator/police:** The police is a legally recognised body responsible for the protection of life and property, and the enforcement of law and order in the society. As provided the police act, the duties of the police in Nigeria, includes among others, the prevention and detection of crime, preservation of law and order, etc, by the provisions of the same law, the police are also the legally recognised crime investigators.

This is so because, having detected the crime, evidence must be gathered and preserved before prosecution is initiated. Because of these functions, the laws confers on the police the power to arrest (with or without a warrant) any person found or suspected to have committed a crime. Also to assist in the effective performance of their duties especially with respect to detection and investigation of crime, the law also grant them, (the police) power to search and seize where necessary, stolen or ill-gotten properties. The relationship between the police and the other segments of the criminal investigation process is that the police link

victim with the criminal. The victim/ complainant experienced the crime and ran to the police who by virtue of their duties traced the criminal (if known) and get him or her arrested for possible prosecution. So, it is the police that link the other segments to the criminal justice system.

SELF-ASSESSMENT EXERCISE

Explain the meaning of the following terms in the crime scene:

- (i) Complainant
- (ii) Accused
- (iii) Convict and Suspect.

3.3 The Scene of Crime

Scene of crime is about the first place a crime investigator would visit on the receipt of a report of the commission of crime.

Evidence is always present at the scene of any crime or offence. Whether or not the evidence is found is another matter entirely. If the evidence is not found, that may be due to poor investigation, ignorance, careless or inadequate search, faulty or improper protection of the scene. It is important that all police officers or investigating officers should acquaint themselves with, and learn about how to preserve scenes in crime investigations in order to know what to do. This is because it is the general duties officer who arrives first at the scene of crime or incident before the criminal investigation department officer. It is therefore the responsibility of the earliest officer at the scene to provide protection and keep the scene intact and this may determine to a large extent the outcome of subsequent investigation.

It has been claimed that hardly is there any criminal who does not leave loop-holes, clues and traces of his action after committing a crime. No person should therefore be allowed to wander about the scene before it has been:

- (1) Photographed or sketched
- (2) Searched

A good scene of crime could vividly tell what really occurred there and should give the investigator a guide for a good start on his assignment. It is necessary that only one person should be in charge of a scene of crime, to direct its protection and preservation. The officer in charge of the scene must ensure that, until the arrival of the investigating officer, nothing is touched, picked or moved. It is always necessary to photograph the scene or to sketch particularly horrified cases, cases of

rape, burglary or house breaking. Bottles, receptacles, drugs and food remnant must be preserved, removed and analysed, in all cases of suicide or suspected suicide, murder etc. At all crime scenes fingerprint impressions are also factors to be searched for and picked.

A good investigator must have the ability to note the state of a crime scene immediately on arriving there and should be able to describe it properly and in detail thereafter. It is therefore important that there should be no delay whatsoever in visiting the scene of crime immediately a case is reported, in order to pick up clues and gather evidence before the scene is disturbed. This is because the actual solution to the inquiry is invariably at the scene of the crime.

Spent bullets cannot be found anywhere else other than at the scene of the shooting. In cases of motor accidents, fatal or serious, the scene tells more of the story to the investigator than probably even the drivers. Broken windscreens, light shades, mud and sand thrown from the vehicles, pieces of broken glass, all tell more vividly the exact point of impact. Skid marks and tyre impressions could indicate the rate, speed and the side of the road the vehicle was travelling.

It is therefore very important that an investigator should arrive at the scene early, before it is disturbed. More important is the ability of the investigating officer to search the scene diligently and be able to identify clues and pick them up. There lies, once again the solution to a case under investigation.

On arrival at a scene of crime, an investigating officer should maintain absolute calmness and orderliness and endeavour to examine the scene systematically and thoroughly. He should not set to work aimlessly but should take pains in identifying the witnesses who should be questioned only when necessary. Useless, unnecessary, irrelevant and indiscriminate questioning should not be carried out.

It is absolutely necessary for investigator to make a mental picture of the outline of the case before setting out to the scene of crime. Sorting out fact, seek and identify persons best able to give true and accurate account or information regarding the incidences. Such witness(es) should therefore be questioned to elicit the facts from them while their experience of the incident is still fresh in their memory. An investigating police officer must proceed in his inquiry step by step, noting all facts and points that came his way, forgetting nothing of importance. Suggestions and inferences or suppositions from witnesses and complainants should not be mistaken for the actual facts as they really are. These should be sifted and separated from the real facts of the case.

An investigator must never allow himself to be misdirected or misled by such suggestions or opinions given by sometimes prejudiced individuals and witnesses. An example of such misdirected suggestions is a case in which a caretaker of a premises in Warri, Delta State was burnt to death by unknown assailants. Two men, who were also night guards on the premises, heard the shout of the deceased for help as he ran out from a nearby bush. They carried him to hospital where he later died. They had earlier taken him to the landlord who was their employer. Suggestions were made to the investigator to the effect that these men were responsible for the death of the man. It was suggested that the deceased was held down, soaked with petrol and set ablaze. Substances found at a burnt-out spot were suggested to be the burnt skin of the deceased. The two night guards were arrested and charged with murder. The deceased's body was not viewed to confirm the condition of his skin, if indeed it was burnt off. The substance was not subjected to pathological examination to ascertain what it actually was. The hands of the suspects were not burnt by fire and which suggested otherwise that the man may not have been held down while he was burning, even if the suspects were really responsible for the act. The investigator should have considered other factors attendant to the case to confirm or rebut the suggestions made by the witnesses and complainant.

At the scene of crime or incident, nothing should be taken for granted. There was another case in which an investigator arrived at the scene and found a corpse and concluded the posture at which the corpse was found was the original posture and position, consequently he drew a very impressive sketch, took photographs and allowed himself to be so misdirected in his report it was later known that the corpse had been moved and turned over several times before his arrival. Hasty conclusions are very dangerous and frustrate investigation. In yet another case, a coat was found on a fatal road accident victim, it was concluded to be connected with the death of the deceased. This (exhibit) was later identified to have been donated by a Good Samaritan to cover the crushed skull of the accident victim. An intelligent and careful questioning of reliable witness immediately after an incident would help to eliminate irrelevant and misleading facts. This will help to paint a true picture of the case. All necessary prudence should be employed to establish what should not and does not form part of the subject matter of the case.

The scene and all the exhibits (if any) must be properly preserved and described. The golden rule is: never alter the position of, pick up, or even touch any object before it has been minutely described in an official personal notebook, and a photograph taken. At the early stage of investigation, nothing should be considered too trivial. A small

fingerprint or footprint, a little splash of dust or stain on an object, must all be meticulously noted as they may turn out to be vital.

The accurate note-taking at the scene will provide material for a good report subsequently.

Injured person on the scene

if an injured person is on the scene of crime, no matter what is on the importance of the clues sought, consideration must first be given to the saving of life. The officer protecting the scene must discard all rules and render or provide first- aid to the injured person, no matter what clues may be unavoidably destroyed in the process.

The officer must however make a quick mental note of the position and condition of the victim in relation to the scene and should be able describe or sketch it later.

When medical aid arrives, the officer should be able to advise and direct them how to get onto the scene without unnecessarily disturbing it or destroying evidence. Anything moved in the process before the arrival of the investigation officer should be noted.

Dead person on the scene

If there is a dead person on the crime scene, it is important that the body must not be touched or moved before the arrival of an investigating officer and a photograph is taken or the scene sketched. In case of sudden and unnatural death (S.U.D), the coroner must be sent for and the body viewed in addition to the photographing and sketching, before moving the corpse.

Suspect on the scene of crime

This usually poses a serious problem to the police officer who first arrives at the scene. Sometimes the suspect is not noticed or detected immediately. Occasionally, he or she is pointed out by witnesses and on other times the police notice him or her by chance or intuition, or by interrogating persons found at the scene. In any case, it is usually a problem as to what to do with such suspect.

The best action is to quickly put a few questions and note what he or she says. The police officer must use his or her own judgment to do the most important thing first under the circumstance. Nevertheless, the suspect must be removed from the scene quickly for two main reasons:

- (a) To prevent him or her from creating more clues or destroying existing ones, in order to divert and distract police investigations.
- (b) To secure the arrest of the suspect who could escape while the attention of the police officer is directed to protect and preserving the scene and providing aid to the injured.

Action of police at scene of crime

In summary, the police officer who was the first to arrive on the scene should do the following while waiting for the arrival of the investigating officer:

- i. Question or interview people around and establish the basic facts. This will assist the investigator. Lengthy or detailed interrogation is not advisable. He should leave that to the investigating police officer (I.P.O).
- ii. Write down names and addresses of witnesses and other persons who are at the scene.
- iii. Keep suspects and witnesses separated, if possible.
- iv. Instruct witnesses not to discuss the incident with other persons until the I.P.O has seen them. Do not discuss the crime with bystanders or reporters, but listen attentively to whatever is being said.
- v. Endeavour to protect evidence available from being destroyed.

Fingerprints in crime scene

Fingerprints impressions are often one of the things to be looked for at scenes of crime, the identification of which is often of great assistance in crime detection. The identification of casual finger imprints left at scene of crimes are undoubtedly of great importance and value, and should not be neglected in all criminal investigation. These imprints are often left on smooth and non-absorbent surfaces such as electric light bulbs, mirrors, smooth polished woods and furniture, window glass, silverware celluloid substances and products, polished leather, papers and cheques, bottles, safes, car bodies and glass screens.

SELF-ASSESSMENT EXERCISE

Describe the activities of the investigator at the crime scene.

3.4 Crime Scene Photography

What is crime scene photograph?

In detective movies or television shows like “CSI” photographers swarm in and take countless pictures of a crime scene. They twist and turn their cameras haphazardly as agents discuss leads over the background hum of the photographs’ flash explosions. But how does crime scene photography really go down? Since its purpose is to record evidence that will be admissible in court, it is hardly a haphazard operation.

Crime scene photography also called forensic photography has been around almost as long as the camera itself. Criminology quickly realised that such technology could freeze time- creating a supposedly incontestable record of a crime scene. The 19th century French photographer Alphonse Bertillon was the first to approach a crime scene with the systematic methods of an investigator. He’d capture images at various distances and take both ground level and overhead shots.

Today, forensic photographs are essential for investigating and prosecuting a crime. This is because most evidence is transitory. Fingerprints must be lifted, bodies must be taken away. Photographs help preserve not only the most fleeting evidence examined. Homes or businesses must be returned to normal- like the shape of a blood stain that will soon be mopped up- but also the placement of items in a room and the relation of evidence to other aspects. Such images can prove vital to investigators long after the crime scene is gone.

The first pieces of evidence viewed by jurors are oftentimes the photographs taken by the crime scene investigators. Professional and accurate photographic documentation is critical for creating lasting first impressions in the minds of a jury. Advanced crime scene photography assists investigators in creating photographic evidence that is engaging, interesting and informative, giving them greater credibility when testifying in court.

Types of crime scene photos

Crime scene photographers must be methodical in their work. They can’t afford to leave out an important piece of evidence or produce photographs that could be considered misleading in court. But they also have the pressure of the entire operation behind them. Before other crime scene investigators (CSIS) can touch, or move any of the evidence and even before the medical examiner can remove the body, the forensic or crime scene photographer must document the scene.

There are three classifications of forensic or crime scene photos—overviews, mid-range and close-ups.

If the crime took place inside a building, its entrance and exit as well as images that place the building in relation to its surroundings and photos of spectators at the scene can later help locate witness or suspect. Overviews also include images of all rooms, taken from overhead and from each corner.

The forensic photograph then hones in on the key pieces of evidence and captures images of them in the context. These mid-range photos might picture a piece of evidence, like a knife to show its relation to furniture, a blood stain or the rest of the rooms. Mid-range images establish the distance of object from surrounding objects.

Finally, the photographer thoroughly documents evidence with close-up images. Close-ups include indentifying marks like scars on a corpse or serial numbers on a bloodied piece of electronic equipment. A photographer will often include a ruler in the shot to establish scale but always takes a duplicate image without the measuring device. In court, the defense would claim the device covered something important.

And of course, pictures are of no value unless they're in context. A forensic or crime scene photographer keeps a photo log that includes every relevant detail, the photo number, any filters applied, the time and date and the location and a description of the object. The advent of digital photography has helped to make some aspects of recording the time and date simpler and more verifiable.

Crime scene photography equipment

Early detectives used to sketch the scene of a crime. Photography introduced a way to produce images that were more true-to-life and credible than drawings. And while an honest and technically sound photograph can record the original state of a crime scene, it's simple enough to manipulate a photograph or record an image that's drastically different from reality.

A good photograph of a crime scene must meet certain technical specifications: correct exposure, sharp focus and maximum depth of field, the portion of the photograph that appears sharp. The image must also be free from distortion. Such technical standards produce photos that will actually aid agents in their investigation of a crime.

But there are additional qualities that make a photo admissible in court. The image pictured cannot alter the scene or evidence say through

strategic blocking with a measuring device or an intentionally shallow depth of field. The image must also be relevant to the case and should be taken with technical precision in mind, not emotional appeal.

Photographers might vary their kit based on personal preferences or the type of crime scene but must carry certain basics: a camera, perhaps multiple cameras, filters electronic flashes, various lenses for wide-angle, mid-range, and close-ups shots, a tripod, a measuring device, a gray card, which when combined with a light metre helps produce correctly exposed photographs, and a way to protect equipment from rain or extreme heat or cold.

Crime scene photographers usually use colour images although black and white can be useful when documenting evidence that relies more on texture than colour like latent fingerprints.

Purpose of crime scene photography

- i. To record the original scene and related areas.
- ii. To record the initial appearance of physical evidence.
- iii. To provide investigators and others with permanent visual record of the scene for later use.
- iv. Photographs are also used in court trials and hearings.

Admissibility of photographic evidence

There are three major points of qualification of a photograph in court.

- i. Object pictured must be material or relevant to the issue in court.
- ii. The photograph must appeal to the emotions or tend to prejudice the court or jury.
- iii. The photograph must be free from distortion and not misrepresent the scene or the object it purports to reproduce.

You do not need to be an expert in photography to take crime scene photographs or testify about them.

It should be noted that Photographs are just one way to record a crime scene. Other means are:

- i. Field notes
- ii. Photographs
- iii. Sketches.

The following are steps in recording crime scene:

- i. Secure the scene
- ii. Take preliminary notes
- iii. Take overview photographs
- iv. Make a basic sketch
- v. Record each item of evidence.

Other things to note in crime scene photography are stated below:

- a) **Taking overview photographs**
 - i. To show the scene exactly as it was when you first saw it.
 - ii. If something was moved before you arrived, don't try to reconstruct the scene as it was.
 - iii. The photographs should show the scene as you found it.
- a) **Major crime photography**
 - i. First discuss the crime evidence and photographs needed with other investigators at the scene.
 - ii. Be careful not to destroy any evidence while taking the photographs.
- b) **Outside the Scene.**
 - i. Exterior of the building where the crime occurred and in some cases the whole location.
 - ii. Aerial photographs of the scene and the surrounding area can be useful in some types of cases.
 - iii. Original series of photographs should also show all doors, windows and other means of entrance or exit.
- c) **Inside the scene**
 - i. A view of the entrance.
 - ii. Then photograph the scene as it appears when you first step into the room.
 - iii. Next, move around the room to get photographs of all the walls.
 - iv. These photographs should also show the positions of any potential items of evidence.
 - v. Include photographs of other room connected with the actual case scene.
- d) **Using video to record the case scene**
 - i. Record valuable to show an overview of the scene.
 - ii. Photographs to record items of evidence.
 - iii. One should be an orientation (midrange) shot to show how the item is related to surrounding items.
 - iv. The second photograph should be a close-up to bring out the details of the object inside.

- e) **Measuring and marking devices**
 - i. Take two photographs if a marking or measuring device is used.
 - ii. One photograph without the device, the other with the device.
 - iii. So that the defence can't claim that the scene was altered or that the device was concealing anything important.
- f) **Photographing specific crime scenes**

Note; each of the crime scene has unique characteristics and the type of photographs needed will be determined at the scene by the investigation familiar with the crime.

Homicide

- i. Use colour film.
- ii. photographs (example: homicide inside a residence):
 - a. Exterior of the building
 - b. Evidence outside the building
 - c. Entrance into the scene
 - d. Room in which the body was found
 - e. Close-up of body wounds
 - f. Weapons
 - g. Trace evidence
 - h. Sign of acting prior to the homicide
 - i. Evidence of a struggle
 - j. View from positions witnesses stood at time of the crime
 - k. Uses a normal lens
 - l. Autopsy.

Suicide

If there is any doubt photograph the scene as a homicide.

Burglaries

Photographs (residential or commercial burglaries):

- a. Exterior of building
- b. point of entry
- c. Entrance into scene
- d. Interior views
- e. Area from which valuable articles were removed
- f. Damage to locks, safe, doors, tool marks
- g. Articles or tools left at the scene by the suspect
- h. Trace evidence
- I. Other physical evidence.

Assault, injuries:

1. Photograph adjoining rooms, hallways, stairwells
2. Photograph injuries:
 - i. Face of victim
 - ii. Bruises
 - iii. Bite marks
3. Photograph body from five:
 - i. Orientation shot
 - ii. Close-up at 90° angle to avoid distortion
 - iii. Ruler in same plane as bite mark
 - iv. Focus exposures
 - v. Bracket exposures.
 - vi. Equipment
 - (a) Always use colour film and no filter.
 - (b) Use colour chart and rulers.
 - (c) Flash unit with diffused lighting.

Traffic accidents and hit and run cases:

- (a) Where the vehicles came to rest and what portion. Photograph should show the relationship of each other.
 - (b) Damage to vehicles
 - (1) Technical photographs of damage to a vehicle.
 - (a) Do not take any oblique or corner photographs to show damage for reconstruction purposes because they are not aligned with the axles of the vehicle. They tend to concern the amount and direction of the damage.
 - (b) Take six photographs. Two from each side in line with the axles. Take one of each of the vehicle, straight on. If possible take one more overhead.
 - (c) Use electronic flash to fill in shadows within the damage.
 - (d) Debris or marks on the reading.
 - (e) View each driver had approaching the key point of the accident.
 - (f) View from the point a witness observed.
 - (g) Evidence to identify hit and run vehicles.
- Fingerprint

When to photograph fingerprints

- (a) Before lifting on major case or if the latent may be destroyed when lifting.
 - (b) 35 cameras with macro or close-up lens attachments.
 - (c) Gray card available light exposures.
- Impression

1. Footprint and tire tracks
 - (a) Procedure
 - (b) Take orientation photography to show where in the scene the impression is located.
2. Take a close-up for detail
 - (a) Use a scale on the same plane as the impression
 - (b) Keep the film plane parallel to the plane of the impression
 - (c) Block out ambient light and use a strong light source at different angle to find the light angle, which shows the best detail in the impression then at that angle for the photograph.

Bloodstain

1. Use colour film
2. Orientation photograph to show locations of bloodstain evidence at the scene
3. Close-up photograph to show detail
 - i. Use a scale of the same plane as the bloodstain
 - ii. Keep the film parallel to the plane of the bloodstain
 - iii. Use a low oblique light angle

Tools marks

- i. Serial numbers
- ii. Small items, copying etc.
- iii. Close-up lenses and devices
- iv. Lifting

Basic crime scene and evidence photograph kit

The following are basic crime scene photograph kits that can be used by crime scene investigators:

1. Camera
2. Normal lens (a 50mm lens is considered a normal lens for a 35 camera)
3. Wide angle lens (28mm or similar for a 35mm camera)
4. Close-up lenses or accessories (e.g. macro lenses, 1.1 adapter, extension tubes, bellow, reviewing ring, or close up filters)
5. Filters (red, orange, yellow, blue and green)
6. Electronic flash
7. Remote electronic flash (to operate flash when not mounted on camera)
8. Extra camera and flash batteries
9. Locking cable release
10. Tripod
11. Film (colour and black and white print film)
12. Notebook and pen
13. Owner's manual for camera and flash

14. Gray card (to getting accurate exposures)
15. Index cards and felt pen
16. Flashing light.

Other equipment that should be considered, are as follows:

1. Telephone lenses (133mm, telephone 20mm lens for surveillance photograph)
2. Supplementary light metre for low light card readings
3. Small tool for emergency camera repairs
4. Blocks of wood, clothespins and other devices for position evidence for close-up photograph
5. White handkerchief or other flash diffusion material
6. Levels
7. Tape measure
8. Colour chart or colour patches (injury photograph)
9. ABFO #2 scale (injury photograph).

SELF – ASSESSMENT EXERCISE

What is crime scene photography?

List ten basic components of crime scene photograph kit.

4.0 CONCLUSION

We have described and explained the scene of crime which is the first place a crime investigator would visit on the receipt of a report of the commission of crime. We also defined crime in relation to the scene of crime as the commission of act which is forbidden by law.

The components of criminal investigation activities were also described as consisting of the victim or complainant, suspects, accused and convicts, the investigator or police and finally the criminal justice process.

Crime scene or forensic photograph was also discussed as an important aspect of the investigation process. Because it is the crime scene photograph that documents evidence in the crime scene including the trace evidence. Basic crime scene photographic equipment was also enumerated in relation to specific crime scenes.

5.0 SUMMARY

In this unit, we have dealt with the scene of crime by looking at the meaning of crime in relation to the scene, components of criminal

investigation activities, the scene of crime in its proper perspective and finally crime scene photography.

6.0 TUTOR - MARKED ASSIGNMENT

- i. Discuss the major components of investigation activities.
- ii. What is a crime scene?
- iii. Why is crime scene photography necessary?

7.0 REFERENCES/FURTHER READING

- Aobertis, E. K. (2004). "Light and Crime Scene Photography". In: *Groundbreaking Scientific Experiments, Inventions and Discoveries*. U.K: Greenwood Publishing Company.
- Ewoh, U. R. (2000). *Introduction to Criminal Investigation*. Port Harcourt: Manson Publisher.
- Member, C.F.L. (2007). *Police and Law Enforcement*. Ibadan: Intec Printers Ltd.
- Onashile, Y. (2004). *Scientific Criminal Investigation Detection and Prosecution*. Ibadan: Molijoe Soft-Print.
- Rhode, R. R. (2000). 'Crime Photography.' *PSA Journal*. pp 38 – 45.

UNIT 2 TECHNIQUES OF CRIME SCENE INVESTIGATION

CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
 - 3.1 General Elements of Crime in Relation to the Scene of Crime
 - 3.2 Techniques of Crime Scene Investigation
 - 3.2.1 Initial Response/Prioritisation of Efforts
 - 3.2.2 Preliminary Documentation and Evaluation of the Scene
 - 3.2.3 Processing of the Scene
 - 3.2.4 Completing and Recording the Crime Scene Investigation
 - 3.2.5 Crime Scene Equipment
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor – Marked Assignment
- 7.0 References/Further Reading

1.0 INTRODUCTION

What is the relationship between crime scene investigation and forensic investigation?

Directly related to forensic investigation though, not quite the same is crime scene investigation (CSI).

The primary function of a crime scene investigator is to collect, identify, document and preserve physical evidence left at the scene of crime, with the ultimate goal of presenting a court with evidence to identify and apprehend the perpetrator. Crime scene investigation combines the knowledge and techniques of several disciplines, including science, mathematics, logic and law.

The primary difference between CSI and forensic is that CSI involves on-site investigation (field forensic) of the physical scene of crime, whereas standard forensic takes place in a controlled-environment (laboratory setting). The various aspects that will be discussed in this unit, that will introduce you to techniques of crime scene investigation includes, general element of crime in relation to the scene of crime, initial response/prioritisation of efforts, preliminary documentation and

evaluation of the scene, processing the scene, completing and recording the crime scene and finally crime scene equipment.

2.0 OBJECTIVES

At the end of this unit, you should be able to:

- describe general elements of crime
- identify the various steps involved in crime scene investigation
- employ the techniques of forensic science in crime scene investigation
- record evidence in a crime scene
- explain the relationship between forensic and crime investigation
- describe the various steps involved in preliminary investigation and evaluation of the scene
- list crime scene equipment and their uses.

3.0 MAIN CONTENT

3.1 General Elements of Crime

What are the elements of a crime in a typical crime scene?

These are the features that combine together to constitute a crime. For a charge of crime to be proved against any one, all the elements of the crime must be sufficiently proved.

There are principally two elements of a crime. These are:

- (a) Mens rea or guilty, malicious intent.
- (b) Actus rea or the overt crime.

However, Parsley (1977) identifies five elements of a crime which are simply:

- (a) The Acts
- (b) The intent
- (c) The concurrence of act and intent
- (d) The causation and
- (e) The result

Mens rea is a Latin word interpreted to mean criminal, malicious or guilty intent. The concept of mens rea implies the guilty or blameable state of mind of an offender. Here, the law considers that the offender possessed the necessary intent expressed by his or her action which is

unlawful at the time of the act. It implies that a man who commits a crime did so voluntary and actually intended to do so.

The concept of mens rea further presupposes that by the criminal's action and our common experience, the crime committed voluntary and intentionally and that the act was committed knowingly. The basic factors in proving the elements of mens rea are:

- i. Action of the person(s)
- ii. Mankind's common experience
- iii. Voluntariness (free will)
- iv. Knowledge
- v. Intent.

There are two forms of intent - specific intent and general intent.

- i. Specific intent: It is the basis of most crime. It indicates that before an individual commits an act that constitutes a crime, he or she must have planned to carry out the act. This exists as an element in all crimes. For example, in a case of stealing, the specific intent is to take something of value from somebody in order to deprive the owner permanently of the ownership.
- ii. General intent: This is considered to be present in one's decision to commit an act when that act may expose members of the society (the public) at large to harm without specific intent as to the consequences of such act or conduct. Any conduct which does not conform to legal conduct is assumed to intend harmful consequences whether one perpetrate it, actually intends harmful consequence or not. An example of general intent could be seen from a case where one drives a vehicle recklessly and dangerously by over speeding in a build-up area as a result knocked down and killed a pedestrian. Here, the person does not intend the consequence of his or her act. But in principle of general intent such person stand charged for manslaughter. His criminal intent is therefore based on the legal presumption that he voluntarily over-spiced in a build-up area, which exposed other to harm. Secondly, there was foreseeable knowledge based on experience that the voluntary state of over speeding in such area could result in an accident and possibly death of another person.

Actus rea or overt act: Actus rea interpreted to mean overt act is another of the two principal elements in a crime, the other being mens rea. Actus Reus or overt act is that criminal act done for the purpose of furthering a guilty intent (mens rea). In other words, actus rea is the actualisation of mens rea. Mens rea is quiet hidden and about to execute that intention. It is that actus rea that exposes the act. Hence it is also referred to as open

act. In most crimes, the mere intent may not be enough to prove the offence, but as soon as this has been capped with the overt act, that offence is completed.

Summarily, mens rea plus actus rea result to an offence or a crime. However, there are other elements, which Pursley considers relevant in proving a crime. Apart from the act and intent are the following:

- i. The concurrence of act and intent
- ii. The causation
- iii. The result.

The concurrence of act and intent: This means that the act in question resulted from that intent in other words if there is no intent, there can never be the act.

The causation: This implies that the act and the intent caused something to occur that was offensive to the law.

The result: The result of these factors is some harm to the society and that is the crime.

In conclusion, it is necessary to sum up that the element in a crime includes:

mens rea (guilty or malicious intent), actus rea (overt act), concurrence of act and intent, causation of act and intent and the result of these. These are the fundamental element an investigator must look out for while investigating an incident in a crime scene.

SELF- ASSESSMENT EXERCISE

List five elements that constitute a crime, and describe three of them.

3.2 Techniques of Crime Scene Investigation

One of the most important aspects of securing the crime scene is to preserve the scene with minimal contamination and disturbance of physical evidence. The initial response to an accident shall be expeditious and methodical. Upon arrival, the officers shall assess the scene and treat the incident as a crime scene.

The earliest responding officers shall promptly yet cautiously approach and enter crime scene, vigilant of any persons, vehicles, event, potential evidence and environmental conditions. The officers should:

- (a) Note or log dispatch information (e.g address/ location, time .date, type of call, parties involved).
- (b) Be aware of any persons or vehicles leaving the crime scene.
- (c) Approach the scene cautiously, scan the entire area to thoroughly assess the scene, and note any possible secondary crimes scenes. Beware of any persons and vehicle in the vicinity that may be related to the crime.
- (d) Make initial observations (looks, listen, and smell) to assess the scene and ensure officer safety before proceeding.
- (e) Remain alert and attentive. Assume the crime is ongoing until proved to be otherwise.
- (f) Treat the location as a crime scene until assessed and proved to be otherwise.

SELF-ASSESSMENT EXERCISE

List the essential steps a responding officer should take in a crime scene situation.

3.3 Initial Response / Prioritisation of Efforts

You may want to know the initial steps to be taken by a responding officer towards a crime scene situation. They are as follows:

- i. Initial response / receipt of information. It is important for the initial responding officers to be observant when approaching, entering and exiting a crime scene.
- ii. Safety procedures: The safety and physical well-being of officers and other individuals in and around the crime scene are the initial responding officer priority.

On arrival at the scene he shall identify and control any dangerous situations or persons. Ensure that there is no immediate threat to other responders. Scan area for sight sounds and smells that may present danger to personnel (e.g. hazardous material such as gasoline, natural gas). Surveys the scene for dangerous persons and control the situation.

- i. Emergency care: After controlling any dangerous situation or person he should ensure that medical attention is provided for injured persons while minimising contamination of the scene.

If the victim or suspect is transported to a medical facility, send a law enforcement official with the victim or suspect to document any comment made and preserved evidence, point out potential physical evidence to medical personnel, instruct them to minimise contact with such evidence (e.g. ensure that medical personnel preserve all clothing

and personal effects without cutting through bullet holes, knife tears) and document movement of persons or items by medical personnel.

Ensure medical personnel do not “clean up” the scene and to avoid removal or alterations of items originating from the scene. If there is chance the victim may die, attempt to obtain “dying declaration”. Document any statements/comments made by victims, suspects, or witnesses at the scene.

Secure and control persons at the scene: controlling, identifying and removing person’s at the crime scene and limiting the number of persons who enter crime scene and the movement of such persons is an important function of the initial responding officers in protecting the crime scene. He should control all individuals at the scene.

Prevent individuals from altering/destroying physical evidence by restricting movement, location and activity while ensuring and maintaining safety at the scene.

- ii. Boundaries: Defining and controlling boundaries provide a means for protecting and securing the crime scene(s). The number of crime scenes and their boundaries are determined by their location(s) and the type of crime. Boundaries shall be established beyond the initial scope of the crime scene(s) with the understanding that the boundaries can be reduced in size if necessary but cannot be as easily expanded. He shall conduct an initial assessment to establish and control the crime scene(s) and its boundaries. Establish boundaries of the scene(s) starting at the focal point and extending outward to include where the crime occurred. Potential points and paths of exit and entry of suspects and witnesses places where the victim/evidence may have been removed, (be aware of trace and impression evidence while assessing the scene).

Set up physical barriers (e.g. ropes, cones, crime scene barrier tape, available vehicles, personnel, other equipment. Document the entry/exit of all people entering and leaving the scene to maintain integrity of the scene. Effect measures to preserve/protect evidence that may be lost or compromised. (E.g. protect from the elements (rain, snow, wind and from footsteps, tire tracks, sprinklers). Document the original location of the victim or objects that you observe being moved, consider search and seizure issues to determine the necessity of obtaining consent to search and/or obtaining a search warrant.

The officer(s) shall brief the investigator(s) taking charge, assist in controlling the scene and remain at the scene until relieved of duty.

Document Actions and observations.

All activities conducted and observations made at the crime scene must be documented as soon as possible after the event to preserve information. Documentation must be maintained as a permanent record. The initial responding officer(s) at the crime scene must produce clear, concise documented information encompassing his or her observations and actions. This documentation is vital in providing information to substantiate investigative considerations.

SELF – ASSESSMENT EXERCISE

Enumerate the steps you will take in presenting evidence in a crime scene.

3.3.3 Preliminary Documentation and Evaluation of the Scene

Assessment of the scene by the investigators in charge allows for the determination of the type of incident to be investigated and the level of investigation to be conducted. The investigators in charge shall identify specific responsibilities, share preliminary information, and develop investigative plans in accordance with departmental policy and local, state and federal laws.

The investigator(s) in charge should converse with the first responding officer(s) over the following:

- i. Evaluate safety issues that may affect all personnel entering the scene(s).
- ii. Evaluate search and seizure issue to determine the necessity of obtaining consent to search and/or obtaining a search warrant.
- iii. Evaluate and establish a path of entry/exit to the scene to be utilised by authorised personnel.
- iv. Evaluate initial scene boundaries.
- v. Determine the number/size of scene(s) and prioritise.
- vi. Establish a secure area within close proximity to the scene(s) for the purpose of consultation and equipment staging.
- vii. If multiple scenes exist, establish and maintain communication with personnel at those locations.
- viii. Establish a secure area for temporary evidence storage in accordance with rules of evidence/chain of custody.

In addition the investigator(s) shall perform the following functions:

- i. Conduct scene assessment: Scene assessment allows for the development of a plan for the coordinated identification,

- collection and preservation of physical evidence and identification of witnesses. It also allows for the exchange of information among law enforcement personnel and the development of investigation strategies.
- ii. Conduct scene “walk through” and initial documentation: The scene “walk through” provides an overview of the entire scene, identifying any threats to scene integrity and ensures protection of physical evidence. Written and photographic documentation provides a permanent record.
 - iii. Determine team composition: Based on the type of incident and complexity of the scene, the investigator(s) shall determine team composition.
 - iv. Trained personnel shall perform scene processing: Assess forensic needs and call forensic specialists to the scene for expertise and/or equipment. Ensure that scene security and the entry/exit documentation is carried out.

SELF-ASSESSMENT EXERCISE

Discuss the importance of evaluating the crime scene(s) by an investigator.

3.3.4 Processing the Scene

The essence of scene processing is to have contamination control and prevent cross contamination at single or multiple scenes. In addition, it is to ensure the safety of personnel and the integrity of evidence.

Other respondents and/or team members should limit scene access to people directly involved in scene processing follow established entry/exit routes at the scene, clean/sanitise or dispose of tools/equipment and personnel protective equipment between evidence collections and/or scenes.

Documentation: An assessment of the scene determines what kind of documentation is needed (e.g. photography, video, sketches, measurements, notes).. Co-ordinate photographs, video, measurements and notes. Prepare preliminary sketch(es) and measure immediate area of the scene, noting case identities and indicating north on the sketch. A well documented scene ensures the integrity of the investigation and provides a permanent record for future evaluation.

Prioritise collection of evidence: The investigator(s) shall prioritise the collection of evidence to prevent loss, destruction or contamination. Conduct a careful and methodical evaluation considering all physical evidence possibilities (e.g. biological fluids, latent prints, and trace

evidence). Select a systematic search pattern for evidence collection based on the size and location of the scene. Select a progression or processing/collection methods so that initial techniques do not compromise subsequent processing/collection methods. Concentrate on the most transient evidence and work to the least transient forms of physical evidence.

Continually assess environmental and other factor that may affect the evidence. Beware of multiple scene(s) (e.g. victims, suspects, vehicles, location). In fact prioritisation provides for timely and methodical preservation and collection of evidence.

1. Collect, preserve, inventory, package, transport and submit evidence.
 - i. Maintain scene security scene security throughout processing and until the scene is released.
 - ii. Document the collection of evidence by recording its location at the scene, date collection and who collected it.
 - iii. Identify and secure evidence on containers (e.g. label, date, initial container) at the crime scene. Different types of evidence require different containers (e.g. porous, non-porous crushproof).
 - iv. Package items to avoid contamination and cross-contamination.
 - v. Maintain evidence at the scene in a manner designed to diminish degradation or loss.

In summary evidence at crime scene that is in the process of documentation, collection, preservation, or packaging should be handled with caution to ensure integrity and protection from contamination or deleterious change. During the processing of the scene, and following documentation, evidence should be appropriately packaged, labeled and maintained in a secure but temporary manner until final packaging and submission to a secured evidence storage facility or the crime laboratory.

Establish crime scene debriefing team: The crime scene debriefing enables law enforcement personnel regarding particular scene findings prior to release the scene. It provides an opportunity for input regarding follow up investigation, special requests for assistance, and the establishment of post-scene responsibilities.

The team should include the investigator(s) and evidence collection personnel (e.g. photographers, evidence techniques, latent print personnel, specialised personnel and initial responding officer(s) if still present.

Determine what evidence was collected and discuss potential technical forensic testing and the sequence of test to be performed.

Initiate any action(s) identified in discussion that are required to complete the crime scene investigation.

SELF-ASSESSMENT EXERCISE

List some measures you will adopt to avoid contamination of evidence at the crime scene.

3.3.5 Completing and Recording the Crime Scene Investigation

Field survey of the crime scene ensures that evidence has been collected and the scene has been processed prior to release. In addition, a systematic review of the scene ensures that evidence, equipment or materials generated by the investigation are dangerous materials or conditions have been reported and addressed.

The investigator in charge shall direct a walkthrough at the conclusion of the scene of investigation and ensure that the scene investigation is complete. He shall note the following:

- i. Each area identified as part of the crime scene is visually inspected.
- ii. All evidence collected at the scene is accounted for.
- iii. All equipments and materials generated by the investigation are removed.
- iv. Any dangerous materials or conditions are reported and addressed.
- v. The crime scene is released in accordance with jurisdictional requirements.

Documentation of the crime scene: Reports and other documentation pertaining to the crime scene investigation shall be compiled into a “case file” by the investigator(s) in charge of the crime scene. This file shall be a record of the actions taken and evidence collected at the scene. This documentation shall allow for independent review of the work conducted.

The investigator(s) in charge should obtain the following for the crime scene case file:

- i. Initial responding officer(s) documentation
- ii. Emergency medical personnel documents

- iii. Entry/exit documentation
- iv. Photographs/video
- v. Crime scene sketches/diagrams
- vi. Evidence documentation
- vii. Other respondents' documentation
- viii. Record of consent form or search warrant
- ix. Reports such as forensic/technical reports should be added to this file when available
- x. Establish crime debriefing team
- xi. Brief person(s) in charge upon completion of assigned crime scene case
- xii. Establish post-scene responsibilities for law enforcement personnel and other respondents.

The crime scene debriefing is the best opportunity for law enforcement personnel and other respondents to ensure that the crime scene investigation is complete.

SELF-ASSESSMENT EXERCISE

Discuss the importance of a debriefing team in crime scene investigation.

3.3.6 Crime Scene Equipment

We are going to discuss the equipment used in a crime scene investigation under the following subheads:

- i. Initial responding officer(s)
- ii. Crime scene investigator/evidence technician

The essential ones are as follows:

Bindle paper
Biohazard bags
Body fluid collection kit
Camera (35mm) with flash/film/tripod
Casting materials
Consent/search forms
Crime scene barricade tape
First-aid kit
Flares
Flashlight and extra batteries
Paper bags
Personal protective equipment

These items should be in police vehicles or readily available to the initial responding officers.

Evidence collection kits e.g.

Blood collection

Bindle

Coin envelopes

Disposable scalpels

Distilled water

Ethanol

Evidence identifiers

Latex gloves

Photographic ruler (ABFO scales)

Presumptive chemicals

Sterile gauze

Sterile swabs

Test tubes/test tube rack

Bloodstain Pattern Documentation

ABFO scales

Calculator

Laser pointer

Permanent markers

Protractor

String Tape

Excavation

Cones/makers

Evidence identifiers

Metal detectors

Paint brushes

Shovels/trowels

Sifting screens

Strings

Weights

Wooden/metal stakes

Fingerprints

Black and white film

Brushes

Chemical enhancement supplies

Cyanoacrylate (super glue) wand/packets

Flashlight

Forensic source

Lift cards

Lift tape

Measurement scales

One-to-one camera
Powders
Impression
Bowls/mixing containers
Boxes
Dental stone (die stone)
Evidence identifiers
Measurement scales
Permanent markers
Snow print wax
Water
Pattern Print Lifter
Chemical enhancement supplies
Electrostatic dust lifters
Gel lifter
Wide format loft tape
Tool marks
Casting materials
Trace Evidence Collection
Acetate sheet protectors
Bindle paper
Clear tape/adhesive lift
Flashlight (oblique lighting)
Forceps/tweezers
Glass vials
Slides and slide markers
Trace evidence vacuum with disposable collection filters

Trajectory
Calculator
Cannel smoke
Dummy
Laser
Mirror
Protractor
String
Trajectory rods

SELF-ASSESSMENT EXERCISE

Enumerate the essential requirements for a crime scene investigator.

4.0 CONCLUSION

We have explained the general elements of crime, and how it manifests in a crime scene. We also note that crime scene investigation combines

the knowledge and techniques of several different disciplines, including science, mathematics, logic and law. One of the most important aspects in securing the crime scene is to preserve the scene with minimal contamination and disturbance of physical evidence.

We also discussed the initial steps an investigator will take in the preliminary documentation and evaluation of the scene. A list of crime scene equipment is also mentioned.

5.0 SUMMARY

In this unit, we have discussed techniques of crime scene investigation by looking at the following areas; general elements of crime, techniques of crime scene investigation, vs.-a-via the initial response prioritisation of effort, preliminary documentation and evaluation of the scene, processing the scene, completing and recording the crime scene and crime scene equipment.

6.0 TUTOR-MARKED ASSIGNMENT

- i. What are the general elements of crime?
- ii. Discuss the steps an investigator much undertakes in a crime scene situation.
- iii. List and discuss the steps involved in processing a crime scene.

7.0 REFERENCES/FURTHER READING

- Bevel, T. & Gardener, R. (1977). *Crime Scene Investigation: A Guide for Law Enforcement*. U. K.: Belton Publishers.
- Bedzin, W .J. (1998). *Footwear Impression Evidence*. N.Y. U.S.A.: Elsevier Science Pub. Co.
- Ewoh, U. R. (2000). *Introduction to Criminal Investigation*. Port-Harcourt: Manson Publishers.
- Fisher, B.A.J. (1993). *Techniques of Crime Scene Investigation*. (5th ed.). Florida USA: CRC Press Inc.
- Fox, R. & Carl, L. C. (1973). *Crime Scene Search and Physical Evidence Handbook*. Washington DC.
- Geberth, U. J. (1996). *Practical Homicide Investigation Checklist and Field Guide*. New York: CRC Press.
- Kirk, P. L. (2000). *Crime Investigation*. New York: John Wiley and Sons.

UNIT 3 ELECTRONIC CRIME SCENE INVESTIGATION

CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
 - 3.1 Electronic Devices, Types, Description and Potential Evidence in Crime Scenes
 - 3.2 Investigative Tools and Equipment
 - 3.3 Securing and Evaluating the Scene
 - 3.4 Documenting the Scene
 - 3.5 Evidence Collection at the Scene
 - 3.6 Packaging, Transportation and Storage of Digital Evidence
 - 3.7 Electronic Crime and Digital Evidence Consideration by Crime Category
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-Marked Assignment
- 7.0 References/Further Reading

1.0 INTRODUCTION

Computers and other electronic devices are integral parts of modern life. Sometimes ago, a single computer filled an entire room. But today, a computer can be held in the palm of your hand. The same technological development that has helped law enforcement is being exploited by criminals. Computers can be used to commit crime, can contain evidence of crime, and can even be targets of crime. Understanding the role and nature of electronic evidence that might be found, how to process a crime scene containing potential electronic evidence, and how an investigator might respond to such situations are crucial issues.

The law enforcement response to electronic evidence requires that officers, investigators, forensic examiners, and managers play a role. A first responder may be responsible for the recognition, collection, preservation, transportation, and/or storage of electronic evidence. In today's world, this can include almost everyone in the law enforcement profession. Officers may encounter electronic device in their day-to-day duties. Investigators may direct the collection of electronic evidence, or may perform the collection themselves. Forensic examiners may provide assistance at crime scenes and perform examinations on the evidence.

The various issues that will be discussed in this unit that will introduce you to electronic crime scene investigation includes electronic device,

types, description and potential evidence, investigative tools and equipment, securing and evaluating the scene, documenting the scene, evidence collection, packaging, transportation and storage of digital evidence, electronic crime and digital evidence consideration by crime category.

2.0 OBJECTIVES

At the end of this unit, you should be able to:

- define electronic evidence
- describe the latent nature of electronic evidence
- describe the nature of electronic devices
- state simple investigative tools and equipment
- explain the principles of securing, evaluating and documenting the crime scene
- state how electronic evidence is handled at the crime scene
- explain the packaging, transportation and storage of digital evidence.

3.0 MAIN CONTENT

3.1 Electronic Devices, Types, Description and Potential Evidence in Crime Scenes

This section introduces you to electronic devices, their various types and description and how they can be applied in detecting crime in crime scenes.

Internally attached computer hard drives, external drives and other electronic devices at crime scene may contain information that can be useful as evidence in a criminal investigation or prosecution. The devices themselves and the information they contain may be used as digital evidence. Some devices require internal or external power to maintain stored information. For these devices, the power must be maintained to preserve the information stored.

Computer systems

A computer system consists of hardware and software that process data and is likely to include:

- i. A case that contains circuit boards, microprocessors, hard drives, memory, and interface connections.
- ii. A monitor or video display device

- iii. A keyboard
- iv. A mouse
- v. Peripheral or externally connected drives, devices and components

Computer system can take many forms such as laptops, desktops, tower computer, rack mounted systems, minicomputers and mainframe computers. Additional components and peripheral devices include modems, routers, printers, scanners and docking status.

Storage devices

Storage devices vary in size and the manner in which they store and retain data. Investigators must understand that, regardless of their size or type, these devices may contain information that is valuable to an investigation or prosecution. The following storage devices may be digital evidence:

- i. Hard drives: Hard drives are storage devices that consist of an external circuit board, external data and power connections. And internal magnetically charged glass, ceramic, or metal platters that store data. Investigators may also find hard drives at the scene that are not connected or installed on a computer. These loose hard drives may still contain valuable evidence.
- ii. Removable media: Removable media are cartridges and disk-based data storage devices. They are typically used to store archive, transfer and transport data and other information. These devices help users share data, information applications and utilities among different computers and other devices.
- iii. Thumb drives: Thumb drives are small, lightweight removable data storage devices with USB connections. These devices also referred to as flash drives are easy to conceal and transport. They can be found as part of, or disguised as a wristwatch, a pocket size multi- tool such as a Swiss Army knife, a keychain fob, or any number of common and unique devices.
- iv. Memory cards: Memory cards are small data storage devices commonly used with digital cameras, computers, mobile phones, digital music players, personal digital assistants (PDAS), video game consoles and other hand-held electronic devices.

Potential evidence

Storage devices such as hard drives, external hard drives, removable media, thumb drives and memory cards may contain information such as e-mail messages, Internet browsing history, Internet chat logs and buddy lists photographs, image files, data buses, financial records and

events logs that can be valuable evidence in an investigation or prosecution.

Handheld devices

Handheld devices are portable data storage device that provide communications, digital photography, navigation system, entertainment, data storage and personal information management.

It is important note that:

- i. Data or digital evidence may be lost if power is not maintained.
- ii. Data or digital evidence on some devices such as mobile or smart phones can be over written or deleted while the device remains activated.
- iii. Software is available for mobile and smart phones that can be activated remotely to render the device unusable and make the data it contains inaccessible if the phone is lost or stolen. This software can produce similar results if activated on a device seized by law enforcement. Investigators should take precautions to prevent the loss of data on devices they seize as evidence.

Peripheral devices

Peripheral devices are equipment that can be connected to a computer system to enhance access and expand the computer's functions.

The devices themselves and the functions they perform or facilitate are all potential evidence. Information stored on the device regarding its use also is evidence, such as incoming and outgoing phone and fax numbers, recently scanned, faxed or printed documents, and information about the purpose for or use of the device. In addition, these devices can be sources of fingerprints, DNA and other identifiers.

Computer networks

A computer network consists of two or more wireless connections that share or are capable of sharing resources and data. A computer network often includes printers, other peripheral devices, and data routing devices such as hubs, switches and routers.

Potential evidence: the networked computers and connected devices themselves may be evidence that is useful to an investigation or prosecution. The data they contain may also be valuable evidence and may include software documents, photos, image files, e-mail messages and attachments, databases, financial information, internet browsing

history, log files, event and chat logs, buddy lists and data stored on external devices. The device functions, capabilities and any identifying information associated with the computer system components and connections, including Internet protocol and local area network (LAN) addresses associated with the computers and devices broadcast settings and media access card (MAC) addresses may all be useful as evidence.

SELF-ASSESSMENT EXERCISE

List some electronic devices and their evidential value in investigation.

3.2 Investigative Tools and Equipment

In most cases, items or devices containing digital evidence can be collected using standard seizure tools and materials. Investigators must use caution when collecting, packaging or storing digital evidence. Avoid using any tools or materials that may produce or emit static electricity or a magnetron field as these may damage or destroy the evidence.

Special tools and equipment may be required to collect electronic evidence. Experience has shown that advances in technology may dictate changes in the tools and equipment required. There should be access to the tools and equipment necessary to document, disconnect, remove, package and transport electronic evidence.

The needed tools and equipment are dictated by each aspect of the process documentation, collection, packaging and transportation.

Toolkit

Departments in charge of investigation should have general crime scene processing tools (e.g. cameras, notepads, sketchpads, evidence forms, crime scene tape, and markers).

The following are additional items that may be useful at an electronic crime scene:

- i. Documentation tools: Cable tags, indelible felt tip markers, stick-on labels.
- ii. Disassemble and removal tools: A variety of non magnetic sizes and types of flat bladed and Philips type screwdrivers, hex nut drivers, needle nose pliers, secure bit drivers, small tweezers, specialised screw drivers, standard pliers, startup drivers and wire cutters.
- iii. Package and transport supplies: Antistatic bags, antistatic bubble wrap, cable ties, evidence bags, evidence tape, packaging

materials (avoid materials that can produce static electricity such as Styrofoam or Styrofoam peanuts), packaging tape and sturdy boxes of various sizes.

- iv. Tools and materials for collecting digital evidence.

In addition to tools for processing crime scenes in general, investigators should have the following items in their digital evidence collection toolkit.

- i. Cameras (photo and video)
- ii. Cardboard boxes
- iii. Note pads
- iv. Gloves

- i. Evidence inventing logs
- ii. Evidence tape
- iii. Evidence stickers, labels, or tags
- iv. Crime scene tape
- v. Antistatic bags
- vi. Permanent markers
- vii. Non-magnetic tools.

Investigators should also have radio frequency shielding materials such as faraday isolation bags or aluminum foil to wrap cell phones, smart phones and other mobile communication devices after they have been seized. Wrapping the phones in radio-frequency shielding material prevents the phones from receiving a call, text message, or other communications signal that may alter the evidence.

SELF-ASSESSMENT EXERCISE

List ten tools that can be used in collecting evidence in a crime scene.

3.4 Securing and Evaluating the Scene

The investigating officer should take steps to ensure the safety of all persons at the scene and to protect the integrity of all evidence, both traditional and electronic.

After securing the scene and all persons at the scene, the investigator should visually identify all potential evidence and ensure that the integrity of both the digital and traditional evidence is preserved. Digital evidence on computers and other electronic devices can be easily altered, deleted or destroyed. Investigator should document, photograph and secure digital evidence as soon as possible at the scene.

When securing and evaluating the scene, the investigating officer should note the following:

- a. Follow the normal procedure for securing crime scenes.
- b. Immediately secure all electronic devices, including personal or portable devices.
- c. Ensure that no unauthorised person has access to any electronic devices at the crime scene.
- d. Refuse offers of help or technical assistance from any unauthorised persons.
- e. Remove all persons from the crime scene or the immediate area from which evidence is to be collected.
- f. Ensure that the condition of any electronic device is not altered.
- g. Leave a computer or electronic device off if it is already turned off.

Computer components such as keyboard, mouse, removable storage media, and other items may hold latent evidence such as fingerprints, DNA or other physical evidence that should be preserved. Investigating officer should take the appropriate steps to ensure that physical evidence is not compromised during documentation.

If a computer is on or the power state cannot be determined, the investing officer should look and listen for indications that the computer is powered on. Listen for the sound of fans running, drives spinning or check to see if light emitting devices (LEDS) are on.

Check the display screen for sings that digital evidence is being destroyed. Words to look out for include “delete,” “format,” “remove,” “copy,” “move,” “cut,” or “wipe.”

Look for indications that the computer is being accessed from a remote computer or device.

Look for signs of active or ongoing communications with other computers or users such as instant messaging windows or chat rooms. Take note of all cameras or web cameras (web cams) and determine if they are active.

Developments in technology and the convergence of communications capabilities have linked even the most conventional devices and services to each other, to computers and to the Internet. This rapidly changing environment makes it essential for the investigator to be aware of the potential digital evidence in telephones, digital video recorders, other household appliances, and motor vehicles.

Preliminary interviews

The investigator should separate and identify all adult persons of interest at the crime scene and record their location at the time of entry onto the scene. No one should be allowed access to any computer or electronic device. The investigating officer should obtain information such as:

- a. Name of all users of the computers and devices
- b. All computer and Internet users' information
- c. All login names and user account names
- d. Purpose and uses of computers and devices
- e. All passwords
- f. Any automated applications in use
- g. Type of Internet access
- h. Any offsite storage
- i. Internet service provider.
- j. Installed software documentation
- k. All e-mail accounts
- l. Security provisions in use
- m. Web mail account information
- n. Data access restrictions in place
- o. All instant message screen names
- p. All destructive devices or software in use
- q. My face, Facebook or other online social networking website account information
- r. Any other radiant information.

SELF-ASSESSMENT EXERCISE

Outline the steps you will adopt in securing a crime scene.

3.5 Documenting the Scene

Why is it necessary to document a scene?

Documentation of a crime scene creates a record for the investigation. It is important to accurately record the location of the scene, the scene itself, the state, power status, and condition of computers, storage media, wireless network devices, mobile phones, smart phones, PDAs, and other data storage devices, Internet and network access and other electronic devices. Investigators should be aware that not all digital evidence may be in close proximity to the computer or other devices.

Officials may need to move a computer or another electronic device to find its serial numbers or other identifiers. Moving a computer or

another electronic device while it is on may damage it or the digital evidence it contains. Computer and other electronic devices should not be moved until they are powered off. Additional documentation of the system and devices may be performed during the collection phase.

The initial documentation of the scene should include a detailed record using video photography, and notes and sketches to help recreate or convey the details of the scene later. All activity and processes on display screens should be fully documented.

Documentation of the scene should include the entire location, the type, location and position of computers, their components and peripheral equipment and other electronic devices. The scene may expand to multiple locations; investigators should document all physical connections to and from the computers and other devices.

Record any network and wireless access points that may be present and capable of linking computers and other device to each other and the Internet. The existence of network and wireless access points may indicate that additional evidence exists beyond the initial scene.

Some circumstances may not permit investigator to collect all electronic devices or components at a scene or location, however these devices should be included in the investigation documentation of the scene.

SELF-ASSESSMENT EXERCISE

As an investigator, describe how you will document a crime scene.

3.6 Evidence Collection at the Scene

The search for and collection of evidence at an electronic crime scene may require a search warrant.

Computer or digital evidence, like all other evidence must be handled carefully and in a manner that preserves its evidentiary value.

This relates not just to the physical integrity of an item or device, but also to the electronic data it contains. Certain types of computer evidence therefore require special collection, packaging and transportation.

Consideration should be given to protect data that may be susceptible to damage or alteration from electromagnetic field such as those generated by static electricity, magnets, radio transmitters, and other devices. Communication devices such as mobile phone, smart phones, PDAs and

paggers should be secured and prevented from receiving or transmitting data once they are identified and collected as evidence.

Note that other types of evidence such as trace, biological or latent prints may exist. Destructive techniques (use of fingerprint processing chemicals) should be postponed until after electronic evidence is done.

Recovery of non-electronic evidence can be crucial in the investigation of electronic crime. Proper care should be taken to ensure that evidence is recovered and preserved. Item relevant to subsequent examination of electronic evidence existing in other forms - blank pads of paper with indented writing, hardware and software manual, calendars, literature, text or graphical computer print outs and photographs)- should be secured and preserved for further analysis.

To prevent the alteration of digital evidence during collection, investigating officer should first document any activity on the computer, components or devices.

Confirm the power state of the computer, check for flashing lights, running fans and other sounds that indicate the computer power state cannot be determined from these indicators, observe the monitor to determine if it is on, off, or in sleep mode.

Situation assessment

After indentifying the computers power status, follow the steps listed below to take evidence in accordance with the respective situation.

Situation 1: The monitor is on. It display a programme, application, work product, picture, e-mail or Internet site on the screen.

- i. Photograph the screen and record the information displayed.
- ii. Proceed to “if the computer is on”.
- iii. Situation 2: The monitor is on; however, the display is blank as the monitor is off.
- iv. Move the mouse slightly without depressing any buttons or rotating the wheel. The display will change from a blank screen to a login screen, work product, or other visible display. Note the change in the display.
- v. Photograph the screen and record the information displayed.
- vi. Proceed to “If the computer is on”.

Situation 3a: The monitor is powered off. The display is blank.

- i. If the monitor's power switch is in the off position, turn the monitor on, the display changes from a blank screen to a login screen, work product, or other visible display. Note that the charger is on display.
- ii. Photograph the screen and the information displayed.
- iii. Proceed to "if the computer is on".

Situation 3b: The monitor is powered off. The display is blank.

- i. If the monitor's power switch is in the off position, turn the monitor on. The display does not change, it remains blank. Note that no change in the display occurs.
- ii. Photograph the blank screen.
- iii. Proceed to "if the computer is off".

Situation 4: The monitor is on, the display blank.

- i. Move the mouse slightly without depressing any buttons or rotating the wheel; wait for a response.
- ii. If the display does not change and the screen remains blank, confirm that power is being supplied to the monitor. If the display remains blank, check the computer case for active lights, listen for the fans spinning or other indications that the computer is on.
- iii. If the screen remains blank and the computer case gives an indication that the computer is off".

Other form of evidence

Be alert to the crime scene environment look, out for pieces of paper with possible password, handwritten notes, blank pads of paper with impressions from prior writings, hardware software manuals, calendars, hardware and text or graphic material printed from the computer that may reveal information relevant to the investigation. These forms of evidence also should be documented and preserved.

Electronic devices such as those listed below may contain information of evidentiary value to an investigation. Except in emergency situation, such devices should not be operated and the information they might contain should not be accessed directly. If a situation warrant accessing these devices and the information they contain immediately, all actions taken should be thoroughly documented.

Data may be lost if a device is not properly handled or its data properly accessed.

The following are examples of electronic devices, components, and peripherals that investigator may need to collect as digital evidence.

Audio recorders, GPS accessories, answering machines, computer chips, pagers, cordless landline telephones, copy machines, cellular telephones, hard disk, facsimile (fax machines), printers, multifunction machines (printer, scanner and copier) wireless access point, laptop power supplies and accessories, smart cards, videocassettes (VCRs), scanners, telephone caller ID units, personal computer memory card, international association (PCMCIA) cards, PDAs, etc.

SELF-ASSESSMENT EXERCISE

What is electronic evidence? Why is it necessary to preserve electronic evidence?

3.7 Packaging, Transportation and Storage of Digital Evidence

Digital evidence, the computer and electronic devices on which it is stored are fragile. They are also sensitive to extreme temperature, humidity, physical shock, static electricity and magnetic fields. Investigators should therefore take precautions when documenting, photographing, packaging, transporting and storing digital evidence to avoid altering, damaging or destroying the data.

Packaging procedures

All actions related to the identification, collection, packaging, and transportation and storage of digital evidence should be thoroughly document when packing digital evidence for transportation, the investigator should ensure that all digital evidence collected, is properly, documented, labeled, marked, photographed, video-recorded or scotched and inventoried before it is packaged. All connections and connected devices should be labeled for easy reconfiguration of the system later.

Remember that digital evidence may also contain latent, trace or biological evidence so take appropriate steps to preserve it.

Digital evidence imaging should be done before latent, trace or biological evidence processes are conducted on the evidence.

Pack all digital evidence in antistatic packaging. Only paper bags and envelopes, cardboard should be used for packaging digital evidence. Plastic materials should not be used because plastic can produce or

convey static electricity and allow humidity and condensation to develop, which may damage or destroy the evidence.

Ensure that all digital evidence is packaged in a manner that will prevent it from being bent, scratched or otherwise deformed. Label all containers used to package and store digital evidence clearly and properly. Leave cellular mobile or smart phone in the power state (on or off) in which they were found.

Package mobile or smart phone(s) in signal-blocking material such as faraday isolation bags, radon frequency, shredding material, or aluminum foil to prevent data messages from being sent or received by the devices. Investigators should be aware that if inappropriately packaged or removed from shielded packaging, the device may send and receive data messages if in the range of communion signal.

Collect all power supplies and adapters for all electronic devices seized.

Transportation procedures

When transporting digital evidence, investigators should keep digital evidence away from magnetic fields such as those produce by radio transmitters, speaker magnets and magnetic mount emergency lights. Other potential hazards that the investigator should beware include seat heats and any device or material that can produce static electricity.

Avoid keeping digital evidence in a vehicle for prolonged periods of time. Heat, cold, and humidity can damage or destroy digital evidence. Ensure that computers and electronic devices are packaged and secured during transportation to prevent damage from shock and vibration.

Document the transportation of the digital evidence and maintain the chain of custody on all evidence transported.

Storage procedures

When storing digital evidence, the investigator should:

- i. Ensure that the digital evidence is inventoried.
- ii. Ensure that the digital evidence is stored in a secure, climate-controlled environment or a location that is not subject to extreme temperature or humidity
- iii. Ensure that the digital evidence is not exposed to magnetic fields, moisture, dust, vibration or any other elements that may damage or destroy it.

- iv. Note that potentially valuable digital evidence including dates, times and system configuration settings may be lost due to prolonged storage if the batteries or power source that preserves the information fails. Where applicable, inform the evidence custodian and the forensic examiner that electronic devices are battery powered and require prompt attention to preserve the data stored in them.
- v. Also, if more than one computer is seized as evidence, all computers, cables and devices connected to them should be properly labeled to facilitate reassembly when need arises. In this example, a computer is designated as computer A. All connections and cables are marked “A” and a unique number. Subsequently seized computers can be labeled in alphabetical order. The corresponding connections and cables can be labeled with the later number designated for the computer and a unique number to ensure proper reassembly.

SELF-ASSESSMENT EXERCISE

How will you package and store digital evidence collected?

3.8 Electronic Crime and Digital Evidence Consideration by Crime Category

The list of electronic crime and digital evidence consideration as presented below are not exhaustive, but are intended to assist an investigator identify sources of potentially valuable digital evidence by crime category. Depending on the complexity of the scene and the situation the investigator may need to request more advanced technical assistance.

In some circumstance, trace, latent or biological evidence such as fingerprints or DNA that may be important to the investigation may be present on computer and their components or on other electronic devices.

To assist in the forensic examination, the investigator should document the following information when possible:

- i. A summary of the case
- ii. Passwords to digital evidence seized
- iii. Investigation point- of –contact information
- iv. Preliminary reports and documents
- v. Keyword lists
- vi. Suspected criminal activity
- vii. Suspected information including nicknames

Child abuse or exploitation

Potential digital evidence in child abuse or child exploitation investigations includes computers, scanners, mobile communication devices, video, cameras, calendars or journals, digital camera software, Internet activity records, photo editing and viewing software, printed e-mail, notes, letters or records of chat sessions, web cameras and microphones, computer games, printers and copiers, information regarding stenography, removable media, external data storage devices and videotapes.

Computer intrusion

Potential digital evidence in computer intrusion investigation includes: computer network devices, antennas, removable media, external data storage devices, web cameras, wireless network equipment, list of contacts and address books, lists of Internet protocol address, list or records of computer intrusion software, records of Internet chat sessions, printed e-mail, notes and letters, printed computer programme code, executable programme list of computer accessed, notes or record.

Counterfeiting

Potential digital evidence in counterfeiting investigations includes: computer, handheld mobile devices, PDAs or address books, information regarding Internet activities information regarding checks, currency and money orders, removable media and external data storage devices, credit card, magnetic strip reader, online banking software, calendars, reproduction of signatures, false identification, false financial transaction forms and information regarding financial records.

Death investigation

Potential digital evidence in the death investigations includes: computer, Internet service bills, removable media records, personal writings and diaries, medical records, printed e-mail, notes and letters, financial or asset records, recently printed material information regarding legal documents and will-making software or references.

Domestic violence, threats and extortion

Potential digital evidence in domestic violence, threats and extortion investigations includes computers, removable media, user names and accounts, external data storage devices, mobile communication devices, telephone records, PDAs or address books, financial records or asset

records, personal writing and diaries, legal documents and caller ID units.

Gambling

Potential digital evidence in gambling investigations includes: computers, removable media, PDA, gambling investigation address books or contact list, external data storage devices, customer databases and better records, electronic money transfers, online banking software, calendars, sports betting statistic, financial asset records, printed e-mail, notes and letters and references to online gambling sites.

Narcotics

Potential digital evidence in narcotic investigations includes: computer, handheld mobile devices, removable media, PDAs address books, contacts information, forged identification databases, drug receipts, blank prescription forms, printed e-mail, notes and letters, financial asset records and GPS devices.

Online or economic fraud

Potential digital evidence in online or economic fraud investigations includes: computer, handheld mobile devices, removable media, external data storage devices, address books and client lists, customer database or records, calendars or databases, forged identification, information regarding Internet activities, financial asset records and printed e- mail, notes and letters.

Software piracy

Potential digital evidence in software piracy investigations includes: computer, handheld mobile devices, removable media, external data storage devices, information regarding chat sessions, information on cracking software, printed e- mails, notes and letters, references to copyrighted software, forged certificates, lists of software activation codes, information regarding Internet activity and software duplication.

Telecommunication fraud

Potential digital evidence in telecommunication fraud investigation includes: computer, handheld mobile devices, removable media, external data storage devices, phone programming software and cables, multiple mobile phones, subscriber identity, module (SIM) card reader, hacker boxes and cables, lists of customer, database records, stolen telephones, printed e- mail, notes and letters, financial asset records,

information regarding Internet activity, telephone programming, manuals and erasable programmable read-only memory (EPROM) burner.

Terrorism (homeland security)

Potential digital evidence in terrorism investigations includes: computer, handheld mobile devices, removable media, external data storage devices, communication devices, voice over Internet, protocol routers and switches, GPS equipment, information regarding Internet activity, information regarding stenography and printed e- mail, notes and letters.

4.0 CONCLUSION

We have explained that computers can be use to commit crime, and can contain evidence of crime. Understanding the role and nature of electronic evidence greatly helps in managing a crime scene containing potential electronic evidence. We also learnt that an investigator may be responsible for the recognition, collection, preservation, transportation and or storage of electronic evidence. We have also explained that electronic evidence is, by its very nature, fragile because it can be altered, damaged, or destroyed by improper handling or improper examination. So special precautions should be taken to document, collect, preserve and examine this type of evidence.

We also know that the investigation of electronic crime scene requires that officers, investigators and forensic examiners all play a vital role.

5.0 SUMMARY

In this unit, we have examined electronic crime scene investigation by looking at the following aspects, electronic devices types, description and potential evidence in crime scene, investigative tools and equipment, securing and evaluating the scene, documenting the scene, evidence collection at the scene, evidence transportation and storage of digital evidence as well as electronic crime and digital evidence consideration by crime category.

6.0 TUTOR-MARKED ASSIGNMENT

- i. What are electronic devices? Describe two types and sources of potential evidence.
- ii. Describe how you will package and store your digital evidence.
- iii. What is the significance of securing a crime scene?

7.0 REFERENCES/FURTHER READING

- Casey, A. & Eoghan, S. (2000). *Digital Evidence and Computer Crime: Forensic Science, Computers and the Internet*. San Diego: Academic Press.
- Davis, W. S. (1991). *Computing Fundamentals: Concepts*. (3rd ed.). Boston: Addison-Wetly Publishing Co.
- National Institute of Justice (2000). *Crime Scene Investigation. A Guide for Law Enforcement*. Washington, D.C.
- National White Colour Crime Centre (1999). *Using the Internet as an Investigative Tool*. West Virginia, USA: White Colour Crime Center Press.
- Rosenblatt, K. S. (1996). *High-Technology Crime: Investigating Cases Involving Computers*. California: KSK Publications.
- US Department of Justice. *Computer Crime and Intellectual Property Section*.
2001. *Searching and Seizing Computers and Obtaining Electronic Evidence in Criminal Investigations*. USA: Starch Press.

UNIT 4 TYPES OF CRIME SCENE AND POWERS OF CRIME SCENE INVESTIGATORS

CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
 - 3.1 Definition of Crime Scene Investigation
 - 3.2 Types of Crime Scene
 - 3.3 Types of Evidence at the Crime Scene
 - 3.4 Types of Crime Scene Investigators
 - 3.5 Powers of Crime Scene Investigators
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-Marked Assignment
- 7.0 References/Further Reading

1.0 INTRODUCTION

What are the various types of crime scenes? And what powers can crime scene investigators exercise?

The crime scene is often the only place that holds the answers to the events that surround a crime. The crime scene must be searched meticulously and every observation must be documented. The various issues that will be examined in this unit that will introduce you to types of crime scene and powers of crime scene investigators includes, definition of crime scene investigation, types of crime scene, types of crime scene investigators and powers of crime scene investigators.

2.0 OBJECTIVES

At the end of this unit, you should be able to:

- list the various types of crime scene
- explain types of crime in relation to the scene
- analyse types of crime scene investigators
- state the powers of crime scene investigators
- enumerate the characteristics of various crime scenes.

3.0 MAIN CONTENT

3.1 Definition of Crime Scene Investigation

What is crime scene investigation?

A lot of things will happen during a crime scene investigation, but first is the collection of physical evidence. The process of what transpires at a crime scene is very complex. It involves a number of different searches and collections that help to solve the crime. The crime scene is often the only place that holds the answers to the events that surround a crime.

The crime scene must be searched meticulously and every observation must be documented.

The use of physical evidence at the scene of the crime and the use of deductive and inductive reasoning to gain knowledge of the events surrounding the crime is very important. Crime scene investigation is multidisciplinary and involves a systematic search of the crime scene, meticulous observation and documentation of the scene, photography and sketching of the scene, the identification, processing and collection of physical evidence such as fingerprints, footwear impressions, hairs, fibers, biological fluids and materials for DNA analysis and perhaps most important, the application of careful reasoning of the facts.

Crime scene investigation has the following characteristics:

Collection of evidence: Quite a bit of photography and crime scene sketching takes place at the crime scene. Physical evidence is collected for identification such as hairs, fibers, fingerprints and DNA.

Prevention/solution: Sealed-off crime scene so that there is no chance of contaminating the area surrounding the scene. This is why the area is sealed off with the yellow “crime scene” tape.

Goals: No crime is the same, but the goal of collecting any evidence that might reveal what happen and who did it is always the same. Witnesses are questioned and this has to be accomplished as soon possible.

Expert insight: The professional at a crime scene usually conduct themselves in a manner different from the average person. Nothing is touched without gloves and places and items that may have been overlooked are examined e.g. mouthpiece of a phone or a fiber of a hair that is entwined in a garment.

Laboratory: Everything that is harvested from the crime scene is protected and taken to the forensics for further analysis. All of the evidence will go through a series of tests that will lead investigators closer to solving the crime.

SELF-ASSESSMENT EXERCISE

Describe the main characteristics of a crime scene.

3.2 Types of Crime Scenes

There are several types of crime scenes. These are:

Organised (non-social) crime scene. Here the killer shows planning, premeditation and an effort to avoid detection. An individual is well aware of what he is doing and makes every effort to avoid incriminating evidence police could use to catch him. Organised murderers are those who plan their murders, target their victims (who are usually strangers), show self control at the crime scene by leaving few clues, and possibly act out a violent fantasy against the victim, including dismemberment or torture. The main characteristics of organised crime scene are as follows:

- i. Planned offense
- ii. Transports body
- iii. Body hidden
- iv. Controlled conversation
- v. Missing weapon or evidence
- vi. Victim is a targeted stranger
- vii. personalises victim
- viii. Crime scene reflects control
- ix. Restraints used
- x. Aggressive acts done before death.

Disorganised crime scene: The disorganised murderer does not plan his crime in details, obtains victim by chance, and behave haphazardly during the crime. In this type of crime scene, there are spontaneous actions and frenzied assaults. Victim selected at random and crime scene is usually where the encounter took place. The offender uses materials at hand. Hurried or blitz-style attack, and crime scene is disarrayed. The main characteristics of disorganised crime scene are as follows:

- i. Body left at death scene
- ii. Spontaneous offense
- iii. Evidence or weapon present at scene
- iv. Victim or location known

- i. Body left in view
- ii. Depersonalises victim
- iii. Sexual acts after death
- iv. Minimal conversation
- v. Minimal use of restraints
- vi. Crime scene sloppy
- vii. Sudden violence to victim.

Mixed crime scene: The mixed crime scene shows characteristics from both organised and disorganised crime scene. It could indicate the presence of two offenders, or that the offenders planned the crime and were interrupted during the act. Also the offenders may have staged the scene.

A classical crime scene: Crime scene that can't be classified by the data available. Decomposed remains fall under this type. The police or profiteers may have to take other things into consideration when faced with this crime scene. They may look into crime database to see if anything at the scene matches other previous crime scenes.

The outdoor crime scene: The outdoor crime scene is the most vulnerable to lose contamination, and deleterious change of physical evidence in a relatively short period of time individuals with access to the scene can potentially alter, destroy or contaminate evidence.

The risk is greatest when crime scene investigators fail to secure the crime scene properly. Destruction or deterioration of evidence due to environmental conditions such as heat, cold, rain, snow and wind are problems associated with outdoor scene.

Evidence that cannot be protected under these conditions should be collected expeditiously without compromising its integrity. Investigators who encounter a combination of an indoor scene should give priority to processing the outdoor component.

Night time outdoor crime scenes are particularly problematic. Regardless of the quality of the light source used to illuminate the scenes, the lack of sunlight can lead to investigators inadvertently missing or destroying evidence. Whenever possible, outdoor crime scenes should be held and secured until daylight for processing.

The indoor crime scene: Evidence at an indoor scene is generally less susceptible to loss, contamination and deleterious change. Indoor crime scenes are usually easier to secure and protect and securing such a scene can be as simple as closing a door. The methods used by forensic laboratories have evolved so that very small amounts of biological

material can produce a usable DNA profile. This however means that the potential for DNA traces deposited by contamination at detecting crime scene become a factor.

Contamination of any crime scene can easily occur if proper precaution, such as limiting the number of people inside the scene, is not taken. For example, first responders, emergency medical personnel, patrol supervisors, crime scene investigators, and medical examiners are all potential sources of contamination and/ or loss of evidence.

The conveyance crime scene: Conveyance is defined as “something that serves as a means of transportation. Types of crimes committed in conveyances include, but are not limited to:

- i. Vehicle burglary
- ii. Grand theft
- iii. Car hijacking
- iv. Sexual battery
- v. Homicide

It is important that the crime scene investigator recognises that physical evidence recovered from this scene may extend well beyond the conveyance itself. The flight path of the perpetrator may reveal evidence important to the investigation. For example, impression evidence, such as shoe or footprints on the ground may be found leading away from the scene, and property removed from the conveyance may be deposited or dropped as the perpetrator flees the scene.

Cigarette butts are something found in and around the conveyance. The nature of the crime may give the investigator an idea of the type of evidence present. To protect the scene against inclement weather and other factor that may contribute to evidence loss and/or destruction, a conveyance such as vehicle may be transported to the laboratory after proper documentation has been completed.

SELF-ASSEMENT EXERCISE

List four types of crime scenes you know and describe two of them.

3.3 Types of Evidence at a Crime Scene

The key to any successful criminal investigation and prosecution is the quality of evidence obtained at the crime scene. The more evidence collected, the greater the likelihood of a conviction. Crime scene investigators are highly skilled in the investigation and collection of

evidence, and they often have to be on the lookout for numerous types of evidence.

The following are some of basic evidence that may be found at a crime scene:

- i. **Physical evidence:** Physical evidence is one of the most common types of evidence found at a crime scene. Physical evidence consists of the actual physical objects found at the scene such as damaged cars, broken glass or smashed doors. It also includes items that are minuscule in size, such as hair or clothing fibers. An investigator may also collect weapons such as knives or guns, or fired bullets and spent casings. Depending on the scene, physical impressions may also be found, including tire tracks or footprints. Suspected burglary may lead the investigator to look for tool marks on the doors or windows. Finally, physical evidence also includes fingerprints and lipstick impression left on glasses or cigarettes. If it can be touched, picked up or moved it constitutes physical evidence.
- ii. **Trace evidence:** Trace evidence is a subset of physical evidence consisting of evidence so small it may not be readily apparent but is still found in a sufficient quantity but to be measured. Often a microscope or ultraviolet light may be needed to see the trace evidence. Trace evidence can consist of trace amounts of blood on a wall or on a knife blade. It may also include wood splinters from bullet holes, minute amounts of dirt on a pair of shoes.
- iii. **Biological evidence:** Biological evidence is any bodily fluid or other bodily tissue. Technological advances in the last 30 years have placed an increased emphasis on the collection of biological evidence at crime scenes. Through DNA testing, biological evidence can provide for a near-positive identification of the donor. Biological evidence may consist of blood, semen, bone fragments, skin, saliva or hair.
- iv. **Drug evidence:** While drug evidence is technically physical evidence, it is usually classified by itself. Drug evidence consists of any legal or illegal substance construed by law. The evidence may consist of large quantities of the drug, or trace amounts such as powder on a spoon or resin in a pipe. It also includes evidence of the use, ingestion, manufacture or distribution of controlled substances. Consequently, syringes, scales, pipes and plastic bags are considered drug evidence if they appear to have been used to ingest, manufacture or distributed.
- v. **Other evidence:** There are a variety of other types of evidence found or collected at a crime scene that may not fit into the listed categories. Toxicology reports are used to determine what substances were in a person at the time of the crime. Crime scene

reconstructions are performed at the scene to try and determine bullet trajectories or blood spatter. Interviews with witnesses, suspects and victims also constitute evidence, and most initial interviews occur at the crime scene.

Evidence collection at a crime scene

A crime scene needs to be kept clean, so that all evidence, like fingerprint ballistics and fibers collected can be submitted in court successfully. Criminal prosecutions rely on evidence presented in the court of law. This means that correctly collected, well preserved and uncontaminated evidence is vital to a successful outcome.

Crime scene yellow tape is a familiar sight. Crime scenes are immediately sealed off, not only to prevent the public from seeing a gory sight, but also to prevent anyone, including police officers and other investigators from trampling the crime scene and contaminating the evidence.

In order to preserve the integrity of the evidence of a crime scene, human contact should be avoided since even one or a few cells from skin can compromise the results. It is very important to keep careful track of the chain of custody of each sample—the chain of custody is a list of date and times and location of people who have handled the crime scene evidence.

There are different types of evidence that can be collected at a crime scene and to exclude or include people the investigators are interested in fingerprints and physical evidence like bodily fluids i.e. blood, saliva and semen. There is also eyewitness testimony and impression evidence like tire tracks, tool marks and bite marks soil samples and insects can also be used if a body is found. When involved in evidence collection, investigating officer usually put down number markers to indicate where any shell casings or bullets are located as well as any blood spatter evidence or other items that need to be photographed in position at the crime scene.

Other types of evidence that can be collected or preserved at a crime scene include the following:

- i. The most vulnerable evidence is collected first like hair, which could be blown away by the wind.
- ii. Fibers are collected with tweezers and put into separate holding packets and labeled.
- iii. In interior locations, carpets are vacuumed for trace evidence.

- iv. Tire tracks are photographed and sometimes casts or molds are made.
- v. Swabs are collected of blood, tissue and other matter of DNA.
- vi. Latent prints are taken where they are at the crime scene and other items are removed to be fingerprinted in the lab.

How are trace evidence detected?

Ultraviolet and infra red lights are often used to find trace evidence at crime scene but no matter how basic or sophisticated the evidence collection techniques are, all criminal investigations technicians or crime scene specialists need to ensure at all times that they maintain a clean crime scene and keep the evidence uncontaminated.

SELF-ASSESSMENT EXERCISE

Discuss three types of evidence found in a crime scene.

3.4 Types of Crime Scene Investigators

Crime scene investigators help law enforcement solve cases by documenting a crime scene and collecting evidence. The kinds of investigators that assist in solving crimes are leaders, videographers, photographers, sketch assist and evidence collectors. Once the evidence has been collected, it is sent to forensic scientist who analyses the evidence to help law enforcement personnel interpret it.

- i. **Leader:** The leader at a crime scene is responsible for ensuring that everything runs smoothly and that every member of the team works together in an efficient manner. The duties of the leader at a crime scene include assigning tasks to other members of the team, overseeing the flow of information to everyone working at the scene and communicating developments to law enforcement personnel.
- ii. **Videographers:** Crime scene videographers help to produce a record of the location along with the videos of crime scene. These investigators must tell the story of the scene without any bias - there should be no narration in the video or backgrounds discussion caught on tape. Videographers capture all of the items at the scene through wide angles and close-up shots.
- iii. **Photographers:** Crime scene photographers generally begin working after videographers have finished recording. These professionals take photos of major pieces of evidence such as the victim and latent fingerprints before they are removed from the scene. When making these records, they will generally take

photos at eye level in order to effect how they would have been seen by the victim or perpetrator of the crime.

- iv. Sketch artists: Like videographers and photographers, crime scene sketch artists are responsible for making a record of a scene that will be used by law enforcement and prosecutors until a case has been resolved. They are responsible for drawing major pieces of evidence at the scene which is done by using either an overhead view or a side view perspective. In addition, crime scene sketch artists also document information about when they made the sketch including the dates and time, the weather and lighting condition at the scene and the specific location where the evidence was found.
- v. Evidence collectors: At each crime scene, the leader assign the duty of evidence collection to one crime scene investigator - a practice that is designed to ensure that no evidence is over looked or compromised during the collection process. Evidence collectors gather items and prepare them to be sent to forensic scientists for analysis by packaging and sealing them in bags.
- vi. Forensic scientist: Forensic scientist analyses evidence collected at the scene. The type of forensic scientist who will examine evidence depends on what is found. For example, a forensic odontologist may identify an unknown victim based on dental records, and a forensic toxicologist can determine if a victim was poisoned or drugged.

SELF-ASSESSMENT EXERCISE

List types of crime scene investigators and discuss their roles at the scene of crime.

3.5 Powers of Crime Scene Investigators

The power of investigators under the law would be seen in the light of the powers of authority conferred on the police by the law. Some of these powers are conferred in order to protect the police officer in his attempt to enforce the law of the state. Others are given to ensure the actual performance of the functions given the police, for without such powers no work could be done as far as enforcement of law is concerned. The powers of criminal investigators are as follows:

- (a) Powers of arrest

Police or investigators powers of arrest arise from section 4 of Police Act. This section inter alia, states that

“The police shall be employed for the prevention and detection of crime, the apprehension of offenders, the preservation of law and order, the protection of property and the due enforcement of all laws and regulations with which they are directly charged and shall perform such military duties within or outside Nigeria as may be required of them by, or under the authority of the governor general (president).”

This section confers on the police the power of arrest - be it civil, traffic or criminal. Sections 20, 21, 39 etc of the Police Act; sections 10, 29, 55, of the Criminal Procedure Act (CPA); sections 26, and 61 of the Criminal Procedure Code (CPC) and so on, provides the power for the investigators or police to arrest in the course of their duties. The investigators or police power of arrest are classified into three groups. They are as follows:

- i. Arrest with warrant: A warrant is defined as “a written authority signed by a magistrate or judge directing the person or persons to whom it is addressed usually police officers to perform certain acts specified therein.” A police officer and indeed a criminal investigator must seek an authority to arrest when the occasion arises. The proper person to go to when the need arises as provided by law is a magistrate or a judge, a justice of peace. Certain categories of police officers are also empowered to issue warrant.

There are certain offences which the offender needs to be arrested only on warrant. An example of such offenses are, defilement, obtaining money or goods under false pretences, forgery, treason, etc. It is the duty of an officer investigating a crime of this nature to obtain a warrant from the appropriate authority before he or she arrests a person or persons connected with such crimes.

- ii. Powers of arrest without holding warrant:

The law empowers a police officer or investigating officer to arrest any person to whom a warrant of arrest has been issued against, even without having such warrant in his possession. This power is provided in sections 21 of the Act, 29 of Criminal Procedure Act and 61 of the Criminal Procedure Code. This section says “Any warrant lawfully issued by a court for apprehending any persons(s) charged with any offence may be executed by any police officer at any time notwithstanding that the warrant is not in his possession at that time, but warrant shall, on the demand of the person apprehended be shown to him as soon as practicable after his arrest.”

The provision of this section presupposes that an investigator or any police officer should not allow a criminal whom warrant of arrest has been issued against, to wander away, merely because he or she (the police officer) did not possess the warrant for such arrest. Instead, the arrest should be effected and afterward, the warrant be should to such arrested person on his demand.

- (iii). Power of arrest without a warrant: The law also conferred on the police or investigator the power to arrest without a warrant. This is contained in sections 20, 21, 41, of the Police Act, section 10 of the Criminal Procedure Act, section 26, of Criminal Procedure Code etc.

In addition to the powers of arrest without warrant conferred upon a police officer by section 10 of the Criminal Procedure Code, it shall be lawful for any police officer or investigator to arrest without warrant in the following cases:

- i. Any person whom he finds committing any felony misdemeanor or simple offence or whom he reasonably suspects of having committed or of being about to commit any felony, misdemeanor or breach of the peace.
- ii. Any person who any other person suspects of having committed a felony or misdemeanor, or charges with having committed a simple offense if such other person is willing to accompany the police officer to the police station and to enter into a recognizance to prosecute the charge.

- (b) Power to prosecute

The police and indeed investigators are conferred with the authority to prosecute most criminal cases before any court. This power is stipulates that

“Any police officer may conduct in person all prosecutions before any court whether the information or complaint be laid in his name or not.” However, the provision of this section has been amended by Decree No 35 of 1969.

This amendment provides that “subject to the power of the Federal Attorney-General or the Attorney-General of a state to institute, continue or discontinue criminal proceedings against any person in any court, any police officer may conduct in person all prosecutions before any court whether or not the information or complaint is laid in his name”.

When a crime is committed and arrest made, the police do not take the criminals to their houses or just lock them up in their cell, the law provides punishment for all offences committed, so prosecution is a process to make criminals face punishment of their criminal acts.

The power to prosecute is also contained in section 223 (2) and (3) of the Criminal Procedure Act. Prosecuting a case is not just carrying an accused to court. It involves bringing to bare the guilt of the offender before the court, who will in turn prescribe appropriate punishment for such action or inaction. With powers to prosecute, investigators/police help in punishing offenders and hence prevent crime by deterring others from committing same or similar crime.

(c) Power to hold in custody and to release on bail

Section 20, 21 and 41 of Police Act and other related section in CPA and provides police with powers to arrest without warrant. However, section 23 of the police act and section 18 of the Criminal Procedure Act (CPA) empowers the police to release persons they arrest and taken into custody on bail, if such arrested person cannot be taken before a court of law as soon as possible.

Simply, the section provides that when a person is arrested, he or she should not be detained for a prolonged time, and instead he or she should be taken before a court where such arrested person could be dealt with, according to the law. However, there are certain categories of crimes for which the offenders may not be released on bail by the police. This is categorised as “serious or capital offenders”. Examples of such offences are murder, robbery, or any other crime of which punishment on conviction is imprisonment for life or death. Under such situation, police has power to hold such arrested person in custody until investigation is completed.

Section 25 of the Police Act empowers police to detain (hold in custody) and search any person whom they found or reasonably suspects to have in his possession any stolen property. Police also has power to hold person in protective custody who either as a complainant or suspect in any case under investigation, they think is exposed to danger or person whose presence they consider might endanger the security of the state. This is enshrined in Decree No 2 of 1987.

(d) Power to stop and search

The power to stop, detain and search is also derived from section 25 of the Police act. It is interpreted to mean that the police can search any suspected person along the way or anywhere, provided such suspicion is

reasonable. By this, an officer applying this power must be prepared to show why his action is necessary, especially when it is proved that the person is in lawful possession of the property or where it is found that there is nothing incriminating on the person.

Investigating police officers could apply this power mostly at scene of crimes especially in cases such as stealing, burglary and houses breaking, robbery etc. It should be borne in mind that if a person is searched and items found on him are proved to be lawfully possessed, or nothing incriminating found on him or her, and is not suspected of any other offence, such person should be allowed to go.

(e) Power to search and seize

The police or investigators has power under the law to enter and search any house, shop, building, warehouse, or other premises for stolen property, and to seize and secure any property he has reason to believe has been stolen or unlawfully obtained.

The power of the police here rest on the issue of a search warrant by a magistrate or judge of a superior police officer.

Search warrants are mostly issued by magistrate or judges, but section 24 of the Police Act empowers a superior police officer to sign an authority for a police officer to enter any house, shop or building or other premises, to search for stolen property, seize and secure any property believe to have been stolen.

This section states that “A superior police officer may by authority under his hand authorise any police officer to enter any house, shop, warehouse, or other premises in search of stolen property, and search therein and seize and secure any property he may believe to do, if he had search warrant and the property seize if any correspond to the property described in such search warrant.”

It is the duty of an investigating officer who has reason to believe that any stolen property is concealed in a house, premises or building to seek authority or an order from a superior police officer or a search warrant from a magistrate or judge. To obtain a search warrant, a police officer must go before a magistrate or judge and file information on oath, indicating the particulars of his suspicious and place to be searched and things to be seized if seen.

Officers should avoid searching place other than that described in the warrant. However, they can seize items that are not listed in the warrant as long as they have reason to believe they are offensive to the law.

When executing a search anywhere, an investigating officer should ensure that he is fully assisted by another police officer who may play the role of a witness. The complainant of which case the officer is investigating may be there too for the purpose of identification. And inventories of items seized are noted at the back of the warrant or order. There is another form of search and seizure. This has to do with the search of arrested persons before taking them into custody. The authority to search an arrested person is derived from sections 6 (1) of the Criminal Procedure Act.

(f) Power of ingress

Power of ingress means the act of or right and power to enter into a place. The police or investigators have power under section 7 and 8 of the Criminal Procedure Act, and 34 of Criminal Procedure Code to break into a building or room while in pursuit of a criminal offender, who has escaped into or is suspected to be in such building or room, and break out to secure his freedom if by his/her action he/she is detained therein. Section 7(1) states that “If any person, investigator or police officer acting under a warrant of arrest or otherwise having authority to arrest, has reason to believe that the person to be arrested has entered into or is within any place, the person residing in or being in charge of such place, shall on demand of such person as aforesaid or such police officer allow him free ingress thereto and afford all reasonable facilities to search for the person sought to be arrested.”

This section imposes an obligation on persons whom a felon may run to after committing an offence. Such person is requested to grant free access (ingress) to any police officer or such investigators who has a warrant to arrest such offender, to enter his room, store or building etc wherein such offender is.

Should ingress be denied?

Section 7(2) provides the next line of action. “If ingress to such place cannot be obtained under section 7(1), any such person therein for the person to be arrested, effect an entrance into such place, may break open any outer or inner door or window of any house or place, whether that of the person to be arrested or of any other person or otherwise, effect entry into such house or place, if after notification of his authority and purpose and demand of admittance duly made, he cannot otherwise obtain admittance”.

This section is in fact an extension of police power to arrest. If an officer is endeavouring to arrest an offender and the person to be arrested ran or escaped or concealed him or herself in a house or a building or a store.

This section empowers the investigator or officer to break into the place if he is by whatever means prevented from gaining free access into that place, to execute his/her lawful purpose. The investigating officer in the same vein has the power to break out, to free himself, should he suffer any form of imprisonment in that process.

“Any police officer or investigator authorised to make an arrest may break out of any house or place in order to liberate himself or any other person who having lawfully entered for the purpose of making an arrest is detained therein.”

It should be borne in mind that the fundamental arm of this provision is to aid investigating officers or police officers to make arrest. While invoking the provision of this section, officers should make sure that the underlying reasons for breaking into and out of the house, is to make an arrest, or search for person to be arrested and nothing more.

The section does not empower police officers to break into and out of a house with the aim of searching for stolen properties. Where this is necessary a search warrant from a magistrate should be obtained to do this. Again, the section is also interpreted as an act of force toward refusal or resistance by a house owner or keeper, to allow a police officer or investigator with warrant of arrest, free access to search for, and arrest whom a warrant of arrest has been issued against. The implication of this is that, where there is no refusal to grant ingress, there should no need to break in.

The power to break-in and out should be applied with almost discretion. An investigating officer should consider his safety first before breaking into any house or store in pursuit of a felon and he should also consider the nature of the offence.

People often misrepresent the provisions of these sections of the law to include the power to break into a house and search for stolen or incriminating property. This is not true. While a law like this exists, it is not the same as power to break in and out. An investigation could only apply the power of ingress (break in and out) to enter and search for stolen or any incriminating property, only when armed with a search warrants, and is prevented from entering the place to be searched. Under this situation, he has the power to break in and search for the stolen or incriminating property. This power is derived from section 2 of Decree No. 24 of 1967.

(g) Power to question (interrogate) people

Police officers and indeed investigators have power to conduct enquires into crime incidents reported to them. To do this effectively, they are vested with the power to interrogate or question people whether suspected or not, with a view of discovering the author of a crime. The authority to do this is derived from Judges Rule 1. This rule states that “When a police officer is seeks to discover the author of a crime, there is no objection to his putting questions in respect thereof to any person or persons whether suspected or not, from whom he thinks useful information can be obtained.”

However, Judges Rules which are number 1-9 are not law per se. They are set of rules and drawn by judges of Queen Bench Division in England. Though not law, they attract the force of law because of regular citation and application.

The totality of the work of an investigator lies on this power, because through questioning, an investigating police officer (IPO) can discover facts of a case under investigation. The secret of a successful investigator lies on the judicious and efficient use of the power of interrogation.

4.0 CONCLUSION

We have explained that crime scene is often the only place that holds the answers to the events that surround a crime. We also discussed special precautions to be taken when arriving at a crime scene. Various types of crime scenes were also mentioned and discussed. These include organised, disorganised and mixed crime scenes. Also outdoor, indoor, and conveyance crime scene were all discussed. We also noted that crime scene investigators have power to effect an arrest, search, interrogate, seize and ingress (“break in and out”).

Various crime scene evidence like physical, trace, biological, and drug evidence were highlighted. Finally crime scene investigators such as leader, videographer, photographer, sketch artist, evidence collectors, and forensic scientists were discussed.

5.0 SUMMARY

In this unit, we have discussed and examined meaning of crime scene investigation, types of crime scene, types of crime evidence, types of crime scene investigators and power of crime scene investigators.

6.0 TUTOR-MARKED ASSIGNMENT

- i. Enumerate five powers of crime scene investigators and discuss them.
- ii. List four types of evidence that may be found at a crime scene and discuss three of them.
- iii. Write short note on the following:
 - a. Indoor crime scene
 - b. Outdoor crime scene
 - c. Organised crime scene.

7.0 REFERENCES/ FURTHER READING

Ewosh, U.R. (2000). *Introduction to Crime Investigation*. Port Harcourt: Manson Publishers.

Fisher, B. A. J. (1993). *Techniques of Crime Scene Investigation*. (5th ed.). Florida: CRC Press Inc.

Fox, R. H. & Carl, I. (1973). *Crime Scene Search and Physical Evidence Handbook*. U.S.A: National Institute of Physical.

Geberth, U. J. (1996). *Crime Scene and Evidence Collection Handbook*. CRC Press.

Kirch, G. A. (1998). *Crime Scene Search and Physical Evidence Management. Student Training Manual*. U.S.A: American Institute for Police Science.

Kirk, P .L. (1974). *Crime Investigation*. (2nd ed.). NY: John Wiley and Sons.

Swanson, C. R. (2003). *Criminal Investigation (8th ed.)*. Boston: McGraw-Hill Higher Education.

MODULE 4 INTERROGATION AND CONFESSIONS

Unit 1	Interrogations
Unit 2	Confessions/Written Statements
Unit 3	Informants
Unit 4	Interviews

UNIT 1 INTERROGATIONS

CONTENTS

1.0	Introduction
2.0	Objectives
3.0	Main Content
3.1	Meaning of Interrogation
3.2	Goals of Interrogation
3.3	Interrogation Process/Procedures
3.4	Techniques of Interrogation
3.5	General Rules Governing the Interrogation of Suspect and Witnesses
4.0	Conclusion
5.0	Summary
6.0	Tutor-Marked Assignment
7.0	References/Further Reading

1.0 INTRODUCTION

What is interrogation? And how is it related to criminal investigation?

Interrogation is an aspect of crime investigation that has to do with asking questions. It refers to the formal questioning of a person involved in a crime or suspected to be involved in a crime by a police or crime investigator, with a view of establishing if he actually committed the crime or not; and if he does, the reason behind the action, and or where he did it. Interrogation often precedes statement taking. The essence of interrogating a suspect before taking down his or her statement is to enable such a detective to have full knowledge of the matter at hand. This may enable him to spot digression or deliberate distortion of fact in the suspect's statement. Interrogation could be done by one or more investigators or detectives. It depends on the type of investigation being undertaken or the nature of crime under investigation. In serious crimes like robbery, murder, rape, treasonable felony etc interrogation is done by a group of investigators. It also depends on the organisation or the investigation bureau/department. Some bureaus assign cases for investigation to group of investigators refer to as "team". Three or more persons may make up a team and each team is headed by the most

experienced or senior in rank. Under this form of organisation of investigations, interrogation is by the group of persons that make up that team.

The various issues that will be discussed in this unit that will introduce you to the concept of interrogation include meaning of interrogation, goals of interrogation, process/procedures and techniques of interrogation.

2.0 OBJECTIVES

At the end of this unit, you should be able to:

- explain the meaning of interrogation
- analyse the various techniques of interrogation
- state the importance or goals of interrogation
- describe the procedures/process of interrogation
- enumerate police interrogation techniques
- explain the general rules governing the interrogation of suspect and witnesses.

3.0 MAIN CONTENT

3.1 Meaning of Interrogation

The term interrogation can be viewed from several angles all pointing to the same thing. Interrogation could mean a sentence of inquiry that asks for a reply. It could also mean a transmission that will trigger an answering transmission from a responder. The act of interrogation or questioning, examination by questions: inquiry.

Interrogation is an asymmetrical form of dialogue, such that the goals and methods used by one side are different from those used by the other side. The interrogation seeks to acquire information from the respondent that is needed for some purpose, such as action to discover “who did it”. The goal of the respondent is to achieve his or her own interests, significantly including self protection and possibly to achieve wider social goals (particularly if they are a witness or are innocent).

There are three types of interrogation:

- i. Interrogation that seeks information that the respondent will freely give, for example of a witness to a crime.
- ii. Interrogation that seeks information that the respondent does not want to divulge, for example in questioning friends of a suspected criminal.

- iii. Interrogation that seeks confession, an admission to a particular act, for example in questioning a suspected criminal.

In criminal or military interrogation, the questioner is often an officer of some kind who is trained in many interrogation techniques. The person being questioned may be a suspect or a witness, and techniques used may thus vary quite significantly. For example:

A military interrogator causes complete emotional collapses of a captive suspected of terrorism, who then reveals names, dates and targets.

A police officer questions a witness at the scene of an accident.

A parent questions a child about what happened at the party last night.

While interrogation is not directly about persuasion, it includes many persuasive elements. The main goals of interrogation are usually acquisition of information and the most significant persuasion in this is to get the other person to collaborate. Because the respondent may well be motivated not to reveal all or tell other than the truth, the interrogator may need to use various tricks to achieve their goals. A significant trap in interrogations is that the person being questioned will give answers simply to get away from the interrogator or otherwise give false information about what is being sought (such as a witness 'being helpful'). It is thus important for the interrogator not to take simple answers at face value, but to find ways of corroborating them, for example by asking related questions at a later date or checking up on what they are told. If evidence is to stand up in open court, it must be virtually bullet-proof.

The process of interrogation is often constrained by law in some way. In particular, if police use excessive pressure on a suspect, then in court such confession or evidence may be considered unsafe. An interrogation is also the direct questioning of a person under conditions which are partly or fully controlled by the questioner. A police interrogation involves persuasion, influence and trickery with the goal being to obtain a confession or at least an admission of anything that would implicate the suspect in criminal behaviour. Interrogation can occur at the police station, in jail or at the scene of a crime. There are two types of police interrogation:

1. Custodial interrogation: A custodial interrogation is an interrogation of a person in custody who is reasonably suspected of being directly involved in or responsible for an offense. The person being interrogated is not free to leave police custody.

Once a person is in police custody, the suspect must be read his Miranda rights if the police want to question him and to use the answers as evidence at trial.

2. Non-custodial interrogation (also called an interview): A non-custodial interrogation is the gathering of information by police from a person that is not yet officially being investigated. An interviewee is not in police custody and is free to leave at anytime. A non-custodial interview does not require the police to read to the suspect his Miranda rights.

How do you end a police interrogation?

A non custodian interrogation can be ended by leaving. If the police do not allow the person to leave, then the interrogation has changed from a non-custodial interrogation to a custodial interrogation. A custodial interrogation may be stopped by:

- i. A clear request for an attorney
- ii. A clear request to remain silent.

But after either request, if the suspect initiates conversation, then any statement made may be used against the suspect as evidence at trial. Information that is voluntarily disclosed to the police is generally admissible at trial. To elicit voluntary statements, the police may:

- i. Use psychological ploys like lying or selectively revealing important facts
- ii. Use verbal trickery
- iii. Use other non-violent and non-coercive deception.
- iv. In trying to elicit information from a suspect, the police are not allowed to:
- v. Use physical force such as torture
- vi. Mental coercion such as mental torture, brainwashing, or drugging
- vii. Threats or insults
- viii. Exposure to unpleasant and inhumane treatment
- ix. Use inducements, such as the promise of bail or of non-prosecution.

Evidence obtained directly as a result of an illegal interrogation cannot be used in court as evidence against a defendant. In addition, evidence that would not have been obtained but for the illegal interrogation is also inadmissible at trial.

SELF-ASSESSMENT EXERCISE

Define the concept interrogation and its implications.

3.2 Goals of Interrogation

What are the various goals of interrogation?

Police questions suspects for two reasons, to get more information about the case and to induce suspects to confess. Contrary to the stereotype held by some, police handbooks state that the main goal for the interrogation of suspects by the police is to gain information that furthers the investigation. O' Hara and O' Hara (1980) state that interrogation is not simply a means of inducing an admission of guilt, but includes a number of other specific goals such as the location of physical evidence, the identity of accomplice, and details of other crimes in which the suspect participated. Also, the real objective of interrogation is the exploration and resolution of issues, not necessarily the gaining of a written or oral confession.

As earlier stated, interrogation is the questioning of a person suspected of having committed a crime. It is designed to match acquired information to a particular suspect in order to secure a confession. The goals of interrogation therefore include:

- i. To learn the truth of the crime and how it happened
- ii. To obtain an admission of guilt from the suspect
- iii. To obtain all the facts to determine the method of operation and the circumstance of the crime in question
- iv. To gather information that enables investigators to arrive at logical conclusions
- v. To provide information for use by the prosecutor in possible court action

What is legal during interrogations? The following is a list of examples of interrogation tactics that are allowed while pursuing the goals of interrogation.

1. Misrepresentation of the facts of the case.
 - a. Falsely telling the suspect that another suspect has named him as the prime suspect.
 - b. Falsely telling the suspect that his wife has confessed to possessing and committing the act.
 - c. Subjecting the suspect to a staged identification procedure in which he is picked out as the culprit.
 - d. Misleading a murder suspect into believing that the victim is still alive.

2. Use of techniques that take undue advantage of the emotions, beliefs or medical condition of the defendant.
 - a. Telling the suspect that if he does not confess, the police officer might lose his job and his family with or sympathy or concern for the suspect.
 - b. Misrepresenting the reason for professional assistance to an ill suspect.
 - c. Disguising informers as fellow prisoners.
 - d. Using fellow prisoners to trap the accused.
 - e. Playing on the superstitions of the accused promising secrecy.
3. Failure to inform the suspect of some important facts or circumstances that might make the suspect less likely to confess.
 - a. Failing to inform the suspect that an attorney has called (on his behalf) inquiring if the suspect is to be questioned.
 - b. Pretending that evidence favourable to the defendant is non-existent.

SELF –ASSESSMENT EXERCISE

State the goals of police interrogations.

3.3 Interrogation Process/Procedures

How will you initiate an interrogative process?

Interrogation is used with statements for the purpose of obtaining an admission of guilt. The interrogation should be concluded in a non-supportive environment this means the person should be put in a situation where they are away from their normal surroundings. The interrogation room should be quiet, private and free of any distractions or noises. The chairs in the room should be facing each other about 4.5 to 5ft apart.

The following nine steps are involved in the process of interrogation:

- i. Positive accusation of the crime mainly to get the suspects attention and to let them know that you know they committed the crime.
- ii. Theme development – psychological justification (not a legal justification but a moral justification).
- iii. Handling denials: Avoid a person talking and saying “I didn’t do it”. The more times they say it the less likely you are to get a confession. Look for key phrases like “can I say one thing or “hold on one minute”. Interrogation of a truthful person will end here.

- iv. Overcoming objection.
- v. Procurement of attention: Moving closer to the person to invade their personal space to regain and keep their attention.
- vi. The passive will pass themselves off as not caring or being withdrawn from the situation completely.
- vii. Alternative question: An alternative question that gets the suspect to admit their guilt could be: “did you plan this out or was it on the spur of the moment?” “Did you do this thing yourself or did somebody talk you into it?”
- viii. Oral confession: Once the subject accepts the alternative question, it is the first admission of guilt. Continue with short answer questions to further give us details of the crime.
- ix. Written confession: The written confession could be written by suspect, written by investigator and signed by suspect, tape recorded or video recorded. Either way, that oral confession needs to be documented into the written confession, and signed by the individual admitting his/her guilt.

Note: steps five and seven are most important in the process in order to obtain confession.

Essentially, the modern practice of in-custody interrogation is (now) psychologically rather than physically oriented but that the degree of coerciveness inherent in the situation had not diminished. The court’s majority opinion in *Miranda*, written by Chief Justice Earl Warren in 1966, noted “the use of physical brutality and violence is not, unfortunately, related to the past”.

It is also noted that some strategies can be used during the process of interrogation in order to elicit valuable information from initially recalcitrant suspects.

- 1. Minimisation: Minimisation is reflected in the “soft sell” process in which the interrogator offers sympathy, face-saving excuses, or moral justification. Thus, the detective reconceptualises for the suspect the attributional implications of his or her crime by seemingly belittling its seriousness (e.g. “it’s not all that unusual” or “I’ve seen thousands of others in the same situation”) or by providing a face-saving external attribution of blame (e.g. “on the spur of the moment you did this”). The interrogator might for example, suggest to the suspect that there were extenuating circumstances in his/her particular case, providing such excusing conditions as self-defence, passion or simple negligence. Or the blame might be shifted onto a specific person, such as the victim or an accomplice. Often the suspect is asked if the act was victim-precipitated.

2. **Maximisation:** From an entirely different angle, an alternative strategy is to use “scare” tactics to frighten the suspect into confessing. One way to accomplish maximisation is by exaggerating the seriousness of the offence and the magnitude of the charges. In theft or embezzlement cases, interrogator presumes to have a firm belief about the suspect’s culpability based on independent, supposedly factual evidence. A variation of this procedure or approach is to falsify the magnitude of the crime with the hope of obtaining a denial that would implicate the suspect - for example, accusing the suspect of stealing N80,000 when only N20,000 was stolen.
3. **Knowledge-bluff:** Police manuals are replete with specific suggestions about how to use what is referred to as the “knowledge-bluff” trick. Using this technique, the interrogator could pretend to have strong circumstantial evidence such as the suspects’ fingerprints at the crime scenes, the interrogator might even have a police officer pose as an eyewitness and identify the suspect in a rigged line up. Another technique in the process is to focus the suspect on his or her physiological and non-verbal indicators of an apparent guilty conscience, such as dryness of the mouth sweating, fidgety body movement, or downcast eyes. “Baiting questions” are sometimes employed if this approach is chosen. Such questions are not necessarily accusatory in nature but still convey to suspects that some evidence exists that links them to the crime for example, the detective may ask, “Jim, is there any reason you can think of why one of Mary’s neighbours would say that your car was seen parked in front of her home that night?” Without waiting for an answer, the investigator would then say, “Now I’m not accusing you of anything maybe you just stopped by to see if Mary was at home”. Sometimes baiting questions carry the strong implication that the answer is already known to the police when in fact it is not.

Rapport-building: The third type of approach or procedure is based on the development of personal rapport with the suspect. Referring to such rapport-building as the emotional appeal, police manual advises interrogator’s sympathy, understanding and respect through flattery and such gestures as the offer of a drink. Having established an amicable relationship, the interrogator might then try to persuade the suspect that confessing is in his/her own best interest. In a more elaborate version of this strategy or procedure, two detectives enact a “Mutt and Jeff” (or good –cop, bad –cop) tactic in which one comes across a hostile and relentless, while the other gains the suspects confidence by being protective and supportive.

A good interrogator must bear the following in mind:

- i. The motivation of the witness.
- ii. Knowledge of the elements of the crime or points to prove.
- iii. To collect accurate information on the date, time, place method of the crime, items involved and description of the crime scene.
- iv. Background of the persons interrogated and his attitude towards the investigation. In case of the suspect, his aliases, date, and place of birth, education, marital status, occupation, financial background, prior offences, relation to the victim, crime scene, possible motive etc.
- v. Determine whether the suspect has the capability and opportunity to commit the offence and should confirm or disprove an alibi.
- vi. That many times cases have died naturally due to poor interrogation.

We all know that interrogation is a conversational process of information gathering. The aim of the interrogation is to control an individual so that he or she will either willingly supply the requested information or if someone is unwilling to participate in the process to make the person submit to the demands for information. On the interrogation process, there's a person involved called interrogator whereby he seeks to acquire information from the respondent. The respondent is the one who knows about the situation and was being ask or force to give any related information.

There are different types or approaches of information gathering that are being used in crimes, and these include: direct, incentive, emotional, fear, pride and ego.

- i. Direct approach is about questioning a source without having to use any approach. The interrogator talks to him/her anywhere like a normal conversation.
- ii. Incentive approach is the most successful approach you get to bribe the respondent with a cash reward for the information.
- iii. Emotional approach is a technique which overrides the respondent's rationale for resisting. It's like putting yourself on the position of the respondents, you empathise with them, and the other is telling them things like "you had probably not meant to do that" "you are just sad" etc. Sometimes the respondent will feel that the interrogator feels what he/she is going through.
- iv. Fear approach is basically telling the respondents what the consequences are or what might happen to them if they fail to give the information. You also tell the respondent that you really need this information or else their loved ones might not take his medication or any kind of reason that they are afraid of.

- v. The pride and ego approach is to constantly flatter the respondents into providing certain information. You arouse their sense of self-importance that you wouldn't solve the problem if they are not going to help you. Then "we all know" approach is basically interrogator telling the respondents something that may or may not be true. For example: "We have the lab result and we know that you're the one." Or "We got your telephone records we know that you called." It can be successfully done on sources or respondents who are in a state of shock, or fear.
- vi. Silence approach is just sitting in the room with them (respondents) the without asking any question. The interrogator must be patient when using this technique. It will usually succeed when given a chance. The interrogator will also use body language such as looking in the eyes very patiently. In either situation your evaluation will allow you to gather more facts and evidence to support your investigation.

Interrogation is a bit different from interview. Interview is accomplished with someone who is ready, willing and able to talk. An interrogation is conducted on someone who is not ready or willing to talk. For this reason, interrogations involve direct questioning although the steps and techniques are unique. They are discussed below.

Provide an introduction - The introduction to an interrogation is similar to that for an interview. You give your name, position and credentials. When interrogating a suspect or accused person, you state the nature of the offense under investigation. Tell the interviewee that he is a suspect or has been accused of that offence, or advise the suspect of his rights. If the suspect or accused has made incrimination statements or has questions concerning the crime before being advised of his rights, you must tell him that the statement cannot be used against him. You must also say that the statements do not obligate him to answer further questions.

Suppose a suspect begins to talk before you have advised him of his right, but after he knows who you are, stop him, read to him his right, and inform him that his previous statements cannot be used against him. If the suspect makes a spontaneous exclamation, the statement may be used as evidence in court.

Ensure that the suspect acknowledges that he understands his right. You are then ready to fill out the waiver certificate. Once a waiver certificate has been completed, you then have proof that the suspect either waived (gave up) his rights to lawyer or to keep silent, did not waive his right and wants a lawyer, or does not want to talk.

SELF-ASSESSMENT EXERCISE

List the steps involved in the process of interrogation. And write short notes on the following term, as they relate to interrogation.

- i. Maximisation
- ii. Minimisation
- iii. Rapport building.

3.4 Techniques of Interrogation

What techniques would you use during interrogation of a suspect?

Interrogation of a witness as well as a suspect to obtain relevant information to a crime is an art, and so it has many techniques. The following are various techniques of interrogation which any investigator could adopt. These are:

- a) Persuasive
- b) Charismatic
- c) Coercive
- d) Intimidating
- e) Bluffing
- f) Deception
- g) Affective techniques.

(A) **Persuasive interrogation:** As the name denotes, persuasive interrogation involve persuasion to a great extent. The interrogator attempts to persuade the suspect to tell how the incident happened. No amount of force or threat of force is used. The approach is that the investigator becomes very friendly and persuasive. He or she gives the suspect the cause to rely on him or her with a view of extracting the needed information. This techniques is very reliable as far as interrogation of suspect is concerned, with this system, any information gathered from the suspect is highly reliable, because the suspect or witness releases them freely and voluntary.

(B) **Charismatic interrogation:** With this technique, the interrogator makes use of his or her personal charisma to question the suspect. The interrogator is able to extract the fact from the suspect through his personal charm and personality. The quality the interrogator exudes influences the person being interrogated and makes him believe that the interrogator could be of help to him/her. This is a quality every investigator must possess. Because through it he/she is able to sell his ability to both the complainant/crime victim as well as the suspect at the first

instance. Information got through charismatic form of interrogation is very reliable, because just as persuasive it comes freely and voluntarily without the use of force or intimidation.

- (C) **Coercive form of interrogation:** This is a crude form of interrogation. It involves force, as well as threat on the part of the interrogator to the person being interrogated. It is called coercive because the pattern of interrogation lacks any form of friendliness, grace and sensitivity towards the suspect or accused. It is in entirety rough and crude so that the suspect considers the hostile, crude and the unfriendly environment with the behaviour of the interrogators, and thus releases freely the hidden secrets or information he would hitherto not cede to anybody. Often than not, where the suspects co-operation is not forthcoming, the interrogators resort to torture and any other form of force. This system is most valuable in interrogating suspects involved in serious violent crimes such as armed robbery, terrorism, rape, murder, etc. especially when the suspect has confessed an aspect of the crime.

But in recent time, the growth of human rights groups has tried to put this system of interrogation in check. It is claimed that most innocent persons admit getting involved in crimes they know nothing about to stop further pain and harm to their body. The system is not a very popular one, even the law condemns it, so that if an accused is able to prove in court that his statement to the police was extracted from him through the use of force or duress. Such statements remain inadmissible in law.

- (D) **Deceptive interrogation:** This is another form of interrogation that tends to induce a criminal to confess a crime. However, it is an improvement over coercive technique where the use of force and duress make a suspect to release vital information to interrogators. Here, no amount of force is used, rather the suspect is deceived in one way or the other to make him talk, confessing the crime. For instance, in 1993 at Port Harcourt, there was a theft in a business office involving a huge sum of money. The money in question was removed by one of the clerks Mr. B in the office, and given to his younger sister, Miss B2 who visited him that day. When the crime was discovered Mr B as well as other employees in that office was picked up by the police for interrogation. Miss B2 was also picked later when it was discovered that she visited the office on the day of the theft. She denied having anything to do with the theft initially. Later she confessed being with the money when deceived that her brother told the police that she was with the money, and since then, he has been trying to reach her without success. She was also made

to believe that part of the money belong to her brother, but only through mistake he (her brother) collected that of his manager and so if she could bring the money, nothing would be done against Mr. B. Not knowing that it was a deceit she agreed and led policemen to her uncle's house where the whole money was recovered.

Unlike confession gotten through the use of duress confession obtained through the use of this form of deceit is not rendered irrelevant or inadmissible in law. This form of interrogation works best with amateur criminals. Or one who went into crime by accident.

(E) Intimidating interrogation: Intimidating interrogation is another sub-normal form of interrogation. Here interrogators frighten the person being interrogated by unleashing different forms of threats, or using intimidating languages. For instance words like

“Look, if you don't tell me the truth, I will have you shot”, or
 “Sergeant, come and take this man to the cell, he is not telling me the truth” etc.

Other forms of intimidators during interrogation abounds, depending on the maturity of the interrogator and the suspect, e.g consider the following dialogue:

Investigating officer: Tell me where you were
 By 6pm on Monday
 Suspect: I was at my brother's house when
 Investigating officer: (cut in) shut up your mouth
 Suspect: I do not know anything about this case
 Investigating Officer: Who told you?
 Do you know whom you are talking to?
 Suspect: sir, please I...

Investigating Officer: I will S – slap you (he stood up to, but did not slap).

Before an investigator applies intimidation on any suspect during questioning, he should consider both the physical and intellectual maturity of the person under interrogation, else he may not succeed in this endeavour. This form of interrogation can be very rewarding sometimes when applying it, the interrogator should assume and make it known to his suspect that he had full knowledge of all that happened and so is in a position to know when the suspect is telling lies. Intimidating form of interrogation is classified with coercive as being crude and outdated and is being condemned by human right groups.

- (F) **Bluffing interrogation:** Bluffing form of interrogation involves a war of wit between the interrogator and the person being interrogated. During the chat, the interrogator assumes that he has all the keys to knowing the truth. Just like one may claim that “he or she hold the four ace” he threatens the interrogated to go ahead and say whatever he or she likes but reminds him/her to be mindful of his story and the information he is passing on to him (the interrogator), so that whether he tell the truth or not, he the interrogator will certainly get at the truth. In it the interrogator pretends that he has a network of information sources around the suspect. This form of interrogation cannot be too effective without combining it with other techniques such as coercive or deceptive types.
- (G) **Affectionate interrogation:** This is also called a “Gentle-man” interrogation. Because there is a show of gentility and politeness. In this form of questioning, the interrogator shows a lot of affection to the suspect. Either sincerely or otherwise, he show or expresses problem or trouble he or she got involved in. He reasoned out with him possible ways of help and advice intermittently in between their discussion, he, the interrogator allow the suspect reasonable access to whatever habit he need to satisfy e.g smoking or drinking and in some cases using his money to buy them for him in the absence of any money with the suspect. With this show of affection, the suspect conclude within his mind, “Oh, here comes the Messiah” with this, he open up, probably hoping to receive further help from the investigating officer in resolving the matter, but then the truth and evidence have been gotten. An important caution here, is that an interrogator wearing a generous look should endeavour to be consistent with this mode of behaviour at least to the end or completion of his interrogation and investigation, because if the suspect understands that the interrogator is pretending to be kind with a view of getting the truth from him, he may black out with further necessary information.

Generally, there is no single technique that is best for all investigation cases. The choice of technique depends on a number of factors, such as the nature of the case under investigation, the nature of the suspect -is he hardened, a first, second or third class criminal, or is he an illiterate or a literate? And also the nature of the investigating officer. Before an investigating officer uses any of these techniques of interrogation, he should consider very well these underlying factors and should bear in mind that the ultimate of every investigation activities is to uncover the secret behind a committed crime.

SELF-ASSESSMENT EXERCISE

Discuss some techniques you will adopt when interrogating a suspect.

3.5 General Rules Governing the Interrogation of Suspects and Witnesses

It should be borne in mind that interrogation is not limited to suspects. A witness as well as a complainant can be questioned in connection with what he/she knows (not necessarily their role) about a crime. When this is done, the investigating officer should show as much courtesy as possible. However there are recognised rules that may direct or guide an investigating officer while interrogating a suspect or witness. The following are some of the identified rules:

- (a) Interrogation should begin with a short introduction and by telling the person (whether suspect or witness) about the case you are investigating and why it is necessary for him or her to answer the question you are putting before him. For example.

“I am Sgt. Uwuna David, my colleagues and I are investigating a case of murder involving one late Miss A5 and Mr B1..... we are made to understand that this incident took place on 16/2/2000 inside your parlour in your presence. Can you please tell us what happened?

- (b) The answers received from any question should be carefully noted on a paper pocket notebook, or where possible, be memorised. This is a measure in gathering information and building evidence for any case you are investigating e.g from the above example,

“Yes it is true the murder incidence took place in my presence, at my parlour. What happened is that I returned home from work at about 3pm on the date in question, Miss A5 came to welcome me. That was when Mr. B1 returned from farm. He had a matched in his hand.....

The salient points on the above response are the ones underlined. This should be noted down or memorise.

When a police officer or an investigator is questioning a suspect, he should not try to obtain a confession of guilt. The reason is that confession of guilt is terminal and leads the investigator to no where in furthering his activities. For instance

“Oga, yes na me do am. Na me thief the bag of money; I am sorry, I no go do am again.”

This is terminal. It leads you to nowhere. Rather than obtain a confession of guilt, try as much as possible to get information, which will assist you to continue enquiries and obtain witnesses, and real evidence that will be useful in the court. This is by far, preferable to a confession under duress. Consider the following.

Investigator: You stole the money?

Suspect: No sir, no be me.

Investigator: Where were you by 1:00 p.m. on 20/8/003?

Suspect: I dey for market.

Investigator: To do what?

Suspect: To sell something for my brother.

Investigator: But you said you are a student. Did you not go to school that day?

Suspect: Yes

Investigator: What time do your school normally close?

Suspect: By 1:00 p.m.

Investigator: Then how do you reach market by the same 1:00 p.m.

Suspect: Oga em, em.....

Investigator: You carried a bag towards the market that day, and it was not your bag.

Suspect: Yes, it was my friend's bag.

Investigator: What was inside that bag?

Suspect: I do not know, he gave it to me to take to his sister in the markets.

Investigator: What is the name of your friend, and that of his sister?

Suspect: His name is Peter Oko, and his sister is Mercy Oko; their store is at line B, No. 52 Mile 1 market etc.

With the above illustration, a lot of information has been obtained. This will foster further inquiries, which may assist in roping the suspect and others yet at large. This is preferable to a forced confession that may be thrown out in the court of law.

Note that it is useless to begin an interrogation by becoming a bully. The right move under any circumstance is to begin by being polite and friendly. This is very essential for a successful and result- oriented interrogation.

An investigation officer should not show any bias while questioning a person. It is likely that an investigation officer may meet a known person (either as suspect or witness). Such familiarity should be divorced from the interrogation. That does not mean that you may not exchange greetings afterward. However where it is extremely impossible for you to hide you bias in a case which you are interrogating known

person, it is more honourable to withdraw or dissociate yourself from the investigation or interrogation.

The stage at which a suspect should be questioned is a matter for the interrogator to decide. Avoid being teleguided and your questions should be objective enough.

An investigating officer should ask questions about the facts he already possessed, making use of his knowledge and experience to follow the suspect's reasoning.

Facts established during questioning should be recorded down in the form of statement for the suspect or witness to sign.

SELF-ASSESSMENT EXERCISE

Outline the rules you will follow in interrogating a case of theft.

4.0 CONCLUSION

We have discussed the concept interrogation as seeking to acquire information from the respondent that is needed for some purposes, such as action to discover who did it. The goal of the respondent is to achieve his or her own interest significantly including self protection and possibly to achieve wider social goals. We also discussed techniques of interrogation like persuasive, charismatic, intimidating, bluffing, deceptive and affective interrogation. The general rules of interrogation of a suspect were also outlined as beginning with a short introduction, noting down answers from questions posed to the suspect and not to bully the suspects.

5.0 SUMMARY

In this unit, we have dealt with the concept of interrogation by looking at the following aspects, meaning, goals, process/procedures of interrogation techniques of interrogation and general rules governing the interrogation of suspects and witnesses.

6.0 TUTOR-MARKED ASSIGNMENT

- i. Discuss the goals of interrogation. Outline the general rules governing interrogation of a suspect.
- ii. Describe the techniques you will employ during an interrogation process.
- iii. List types of interview you know and describe two of them.

7.0 REFERENCES/FURTHER READING

- Charles, E.O. & Gregory, L.O. (1988). *Fundamentals of Criminal Investigation*. Illinois, U.S.A.: Springfield Publishers.
- Charles, R. S. & Neil. C. (1990). *Criminal Investigation*. NY: Random House Publishers.
- John, J. H. (1979). *Criminal Investigation*. New York: McGraw-Hill Book Company.
- John, E. R. & Fred, E. I. (2001). *Criminal Interrogation and Confession*. Baltimore UK: Williams and Wilkins.
- James, C. C. & James, N. B. (1994). *Abnormal Psychology and Modern Life*. Illinois: Scotch Foreman and Company.
- Renoud, W. E. (2001). *Criminal Investigation Digest*. USA: Springfield.
- Sennewald, C. A. (1981). *The Process of Investigation: Concepts and Strategies for the Security Professional*. Washington, USA: Butterworth-Heinemann.

UNIT 2 WRITTEN STATEMENTS AND CONFESSIONS

CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
 - 3.1 Meaning of Confessions
 - 3.2 Psychology of False Confessions
 - 3.3 Why Suspects Confess
 - 3.4 Written Confession
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-Marked Assignment
- 7.0 References/Further Reading

1.0 INTRODUCTION

Why do people confess to crimes?

There is no doubt that an admission of guilt or a full confession, when reduced to writing and signed, is impressive evidence. In most cases, that single piece of evidence is always the deciding factor. Conversely its absence has undoubtedly served the culprits best interests in both public and private investigations.

As a matter of fact, the admission (with no reference to intent) and the confession (a comprehensive written one) with detail of the offense, including intent and sometimes motive, are so potent in terms of their damning impact on the accused.

Police tend to believe that almost all suspects are guilty and that they confess only if force. Thus, interrogator may extract confessions that are false without realising it. Psychologist needs to introduce to police the concept of coerced-internalised false confession. Police needs to be sensitive to the fact that some suspects are subject to interrogative suggestibility, this is because they are anxious or lack a strong self-concept or for other reason, they actually come to believe what the police are telling them. Confessional statements are statements made by suspects or accused persons confessing or admitting the commission of the offence alleged.

The various issues that will be discussed in this unit that will introduce you to written statement and confessions include meaning of confessions, psychology of false confessions, why suspects confess and written confession or statements.

2.0 OBJECTIVES

At the end of this unit, you should be able to:

- state the meaning of confession
- explain why suspects confess
- define confessional statements
- describe types of false confession
- analyse a typical written confession.

3.0 MAIN CONTENT

3.1 Meaning of Confession

A confession by a defendant- an admission of guilt is the most damaging evidence that can be presented at the defendant trial.

Because of its impressive impact, courts need to be wary about the circumstances under which a confession was obtained. Example on a minority opinion, supreme court Justice William Brennan voided his distrust about relying on confessions because of their decisive leverage: he wrote “No either class of evidence is so profoundly prejudicial.... trials of fact accord confessions such heavy weight in their determinations that the introduction of a trial in court superfluous, and the real trial for all practical purposes occurs when the confession is obtained.”

The quest for a confession from a suspect by police and prosecutors is fierce and, on occasion even frenzied. In their zeal to obtain an admission of guilt, police may intimidate innocent suspect. In addition, we know now that the very techniques that are designed for and taught to police officer in order to elicit confession work too well- there are true confessions, but also false ones. Not all confessions represent the truth and one of the tasks of the forensic psychologist-one of the most difficult ones we will have - is to convince law enforcement authorities to re-examine their interrogation procedures.

When people confess crime, sometimes questions persist about the accuracy of the confession, false confessions occur for a number of reasons. Perhaps the suspect was overly suggestible or simply too fatigued or anxious; perhaps excessive pressure was placed on the suspect to confess. And we must realise that it is not always easy to separate false confession from authentic ones.

As earlier stated, confession are statement made by suspects or accused persons, confessing or admitting the commission of the offence alleged.

Confessional statements are usually always admissible in evidence provided they were not obtained by threat, fraud, force or inducement.

If obtained by any of these means, it will not be admissible in evidence. Confession must be free and voluntary.

A confessional statement alone may not convict the accused person in court and other independent witnesses and evidence must be sought to corroborate or support such evidence as contained in the confession.

Action in case of confession

Whenever a suspect makes a voluntary confessional statement, the investigating officer should take such a statement with the suspect to a superior police officer to attest to the correctness of the statement. The D. P.O will read the statement over to the suspect and if he/she admit having made it voluntarily, the officer will make a certificate to the effect that the statement 'has been read to the accused in the presence of such officer and that the accused has admitted the statement to be correct and voluntarily made, the statement may then be admissible in court even if the accused denies it later.

There are constraints faced by both public and private sector investigators during confession. Investigators should take full cognizant of the constraints as they pertain to admission and confessions. They are as follows:

- i. Confessions may not be obtained through the use of threats or violence. They must be free and voluntary.
- ii. Confessions may not be obtained through inducements or promise of leniency
- iii. Persons from whom confessions are sought must be informed of their right to remain silent and of the fact that anything they say may be used against them in court.
- iv. A person suspected of a crime has the right to obtain the services of an attorney, retained or appointed, before making a confession. He must be informed of this right interrogation must not be started until the arrival of the attorney/legal counsel.
- v. A suspect who decides against an attorney may, nonetheless refuse to answer questions, in which case the interrogation must cease.
- vi. Police who claim that a suspect has waived any of his rights prior to making a confession must fully inform him of such rights, that he understood them, and that he/she did knowingly and intelligently waive those rights. The waiver should be written if at all possible. The waiver should spell out the warning that were

given, and should include a statement that the suspect understands and is voluntarily waiving the warning.

Investigators should consider the constraints to be absolutely necessary as well as reasonable as most criminal investigators would agree. The problem and danger we see on the scene today is the growing tendency of criminal investigators to go beyond these constraints. This should not be so. We should not “Mirandize” anyone unless we are legally obliged.

SELF-ASSESSMENT EXERCISE

Explain the meaning of confession as applied to criminal investigations.

3.2 Psychology of False Confessions

What are false confessions?

People assume that most confession is spontaneous that almost all are truthful. In reality, many confessions are negotiated, and 20% are recanted, that is the suspect who has made an incriminating statement to the police later states that it was false. Among the reasons that people confess is the desire to escape further interrogations, they may conclude “I, will tell the police whatever they want to avoid this terrible situation and deny it later”.

Types of false confession

Recanted or disputed confessions are not necessarily false confessions. Three types of false confessions have been identified.

1. Voluntary false confession: These confessions are offered willingly without elicitation. They may be instigated by a desire for publicity or by generalised guilt, or they may reflect some form of psychotic behaviour. Every highly publicised crime generates people who come forward, claiming to have committed the crime. When the baby son of the Lindbergh’s was kidnapped in 1932, more than 200 people falsely confessed.
2. Coerced - complaint confession: These are those in which the suspect confesses, even while knowing that he or she is innocent to gain a promised benefit, or to avoid a threatened punishment. The person does not privately believe that he or she committed the criminal act. In general, compliance refers to an inconsistency between one’s public phenomenon reflected in some confessions.

In the fall of 1974, the Irish Republican Army (IRA) place bombs in two public houses in Guilford in the country of Surrey, England and

Birmingham. Five people were killed in one bombing, 21 in the other, more than 150 were injured. Police under great pressure made arrest, questioned four Irishmen about one bombing and six other Irishmen about the other. After intense questioning, the four men questioned in the Guildford about the other bombing made written confessions although they all recanted their confessions at trial. They said that their confessions have been beaten out of them. One Paddy Hill claimed that he had been kicked and punched on the side of the head and kicked in the thigh. “We are going to get a statement out of you or kick you to death” was the threat that he reported. Those claims were rejected by the jury who found the Irishmen guilty. They were sentenced to life imprisonment.

Gisli Gejdenson was able to later interview and administer suggestibility scales to one member of the Guildford four and each of the Birmingham six. The most dramatic finding from the responses in personality test scores between these two defendants who did not confess and the four who did. Thirteen years after their interrogation, those who didn’t make written confessions “scored exceptionally low on test of suggestibility and compliance. Gejdenson conclude that all eight of the defendants who made self incriminating written statements reflected the coerce-complaint type:

Certainly the “third-degree” tactics that were commonplace all over the world 100years ago – such as extreme deprivation, brutality and torture – led to many coerced – complaint confession.

3. Coerced – internalised confession: These are those in which the innocent suspect confesses and come to believe that he or she is guilty. Interrogation by the police is a highly stressful experience that can create a number of reactions, including a state of heightened suggestibility in which “truth and falsehood become hopelessly confused in the suspects’ mind.” In this type, Gejdenson concluded that “after confessing for instrumental gain, the persistent questioning continues and the accused becomes increasingly confused and puzzled by the interrogator’s apparent confidence in the accused’s guilt.

At times, it is difficult to classify a specific person’s response as complaint or internalised, this is especially true of the responses of children to interrogations they will later say things like, “I was so confused, i couldn’t separate what happen from what they told me happen”.

In Chicago in 1998, two boys aged seven and eight were arrested and charged with the six-related murder of a young girl. They had confessed to the murder during an intensive interrogation. Later, however the

authorities concluded that the boys were not physically mature enough to produce the semen found on the victim's body and they were released. Although no recording was made of the questioning, it appears that the boys repeated back what the detectives had told them. The validity of responses of children to questioning by authorities whether the children are suspects, as in the Chicago case, or victims is a matter of great concern.

How many confessions are false?

Granted that in at least a few isolated cases, false confessions may occur, how extensive is the problem?

We cannot say in any systematic way how many people confess falsely. Determining the number is difficult for two reasons:

- a) Even if it was coerced and the accused retracts it, a confession may be true
- b) "A confession may be false even if the defendant is convicted, imprisoned and never heard from again". But independent evidence exist that some confessions are false. Among those cases of people wrongfully convicted of crimes, several documented ones reflect an erroneous confession as the cause. For example, Rattner (1988) analysed 205 cases of known wrongful convictions and concluded that 16 or 8% were the result of coerced confessions. Although this percentage is low, false confession more often occurred in highly publicised cases dealing with major crimes.

People's self- expectations

Does questioning by the police lead to false confession even if intimidation is absent? Sometimes people admit to the police that they committed a crime when they are in fact innocent. This conclusion is hard for most of us to apply to ourselves. Many even ask "why would anyone confess to something he/she didn't do."

SELF - ASSESSMENT EXERCISE

Describe three types of false confession.

3.3 Why Suspects Confess

Many criminal cases, even when investigated by the most experienced and best qualified investigators are ultimately solved by an admission or confession from the person responsible for committing the crime. Often,

investigators are able to ensure only a minimal amount of evidence, be it physical or circumstantial that point to a suspect. In many instances this evidence is not considered strong enough by prosecutors to obtain a conviction. In such cases the interrogation of the suspects and their subsequent confessions are of prime importance.

“Why do suspects confess?”

Self-condemnation and verbal self-destruction are not normal human behavioural characteristics. People do not ordinarily alter unsolicited, spontaneous confession. It is logical to assume that when suspects are taken to police stations to be questioned concerning their involvement in a particular crime, their immediate reaction will be a deluge of television programmes that present a clear picture of the Miranda warning (anything you say....etc) and its application to suspects. One would conclude that no one questioned about crime would surrender incrimination information, much less supply investigator with a fully signed confession.

It would also seem that once suspects sense the direction in which the investigators are heading, the conversation would immediately end. However, for various psychological reasons, suspects continue to speak with investigators.

Suspect paranoia

Suspects are never quite sure of exactly what information investigators possess. They know that the police are investigating the crime and in many cases, suspects have followed media accounts of their crime to determine what leads the police have. Uppermost in their minds, however is how to escape detection and obtain firsthand information about the investigation and where it is heading.

Such paranoia motivates suspects to accompany the police voluntarily for questioning coupled with curiosity. It also motivates suspects to appear at police headquarters as concerned citizens who have information about the case. By doing this, suspects may attempt to supply false or non-corroborative information concerning the case so that investigators will not suspect their involvement.

For example, in one case a 22- year- old woman was discovered dead in stairwell outside a public building. The woman had been raped and was found naked and blyggeoned. Investigators interviewed numerous people during the next few days but were unable to identify any suspects. Media coverage on the case was extremely high. Several days into the investigation, a 23- year- old man appeared at the local police

station with two infants and informed investigators that he believed he may have some information regarding the woman's death. The man revealed that when he was walking home late one evening, he passed the area where the woman was found and observe a 'strange individual' lurking near a nearby phone booth. The man said that because he was frightened of the stranger, he walked straight back to his home. After reading media accounts of the woman's death, he believed that he should tell the police what he had observed.

The man gave police a physical description of the 'stranger' and then helped an artist to compose a sketch of the individual. Later, investigators discovered that the sketch bore a strong resemblance to the 'witness' who provided the information. After further investigation, the witness was asked to return to the police station to answer more questions, which he did gladly. Some 15 hours into the interrogation, he confessed to one of his 'multiple personalities' having killed the woman, who was unknown to him. He had killed her simply because she was a woman, which is what the suspect had always wanted to be. This case clearly illustrates the need for some suspects (mentally disturbed or not) to know exactly what is happening in an investigation. In their minds, they honestly believed the guise of a person trying to help they will, without incriminating themselves, learn more about the case from the investigators.

The confession/interrogation setting

In any discussion concerning confession/interrogation, it is necessary to include a review of the surroundings where a suspect is to be interrogated for confession. Because there is a general desire to maintain personal integrity before family members and peer groups, suspects should be removed from familiar surroundings and taken to a location that has an atmosphere conducive to cooperative behaviour and truthfulness. The primary psychological factor for a successful interrogations and confession is privacy - being totally alone with suspects. This privacy prompts suspects to feel willing to unload the burden of guilt. The interrogation and confession site should isolate the suspect so that only the interrogator is present. The suspect's thoughts and responses should be free from all outside distractions and stimuli. The confession/interrogation setting plays an important part in obtaining confession. The surroundings should reduce suspect's fears and contribute to the inclination to discuss the crime because fear is a direct reinforcement for defensive mechanisms (resistance). It is important to alleviate as many fears as possible. Therefore, the interrogation rooms should establish a business atmosphere as opposed to a police-like atmosphere. While drab, barren interrogation rooms increase fear in suspects, a location that displays an open.... you have nothing to fear,

quality about it can do much to break down interrogation defensiveness, thereby eliminating a major barrier. The interrogators tend to disarm the suspects psychologically by placing them in surroundings that are free from any fear including distractions.

Psychological factor

More than likely suspects voluntarily accompany investigators, either in response to a police request to answer question or in an attempt to learn information about the investigation. Once settled in the interrogation room, the interrogators should treat suspects in a civilised manner, no matter how vicious or serious the crime may be. While interrogators may have feeling of disgust for the suspects, the goal is to obtain a confession and it is important that personal emotions are not being revealed. Investigators should also adopt a compassionate attitude and attempt to establish a rapport with suspects. In most cases, suspects commit crime because they believe it offers the best solution to their crime needs. It is important to establish a common level of understanding with suspects. Such an understanding is critical in persuading suspects to be open, forthright and honest. Suspects should be persuaded to look beyond the investigators' badge and see instead a person who listens without judging. If investigators are able to convince suspects that the issue is not the crime itself, but what motivated them to commit the crime, they will begin to rationalise or explain their motivating factors.

At this stage of the interrogation, investigators are on the brink of having a breakthrough on the suspect save the defensive barrier to admit involvement in the crime. This is the critical stage of the interrogation process commonly known as the "breakthrough".

The breakthrough

The breakthrough is the point in the interrogation when suspects make an admission, no matter how small. In spite of having been advised of certain protections guaranteed by the law, most suspects feel a need to confess. Both hardened criminals and first time offenders suffer from the same pangs of conscience. This is an indication that their defense mechanisms are diminished, and at this point, the investigators may push through to elicit the remaining elements of the confession.

In order for interrogators to pursue a successful breakthrough, they must recognise and understand certain background factors that are unique to a particular suspect. Often criminals exhibit psychological problems that are the result of having come from homes torn by conflict and dissension. Also frequently found in the backgrounds of criminals are parental rejection and inconsistent and severe punishment. It is

important that investigators see beyond the person sitting before them and realise that past experience can impact on current behaviour. Once interrogators realise that the fear of possible punishment, coupled with loss of pride in having to admit to committing a crime is the basic inhibitor they must overcome in suspects, they will quickly be able to formulate question and analyse responses that will break through the suspect's inhibitions.

Successful interrogations/confession

Investigators must conduct every interrogation in the belief that suspects, when presented with an attractive avenue will use it to confess their crimes. Research indicates that most guilty persons who confess are, from the outset, looking for the proper opening during the interrogation to communicate their guilt to the interrogators. Suspects confess when the internal anxiety caused by their deception outweighs their perception of the crime's seriousness and consequences. In most instances, suspects have magnified in their minds both the severity of the crime and the possible repercussion. Interrogators should allay suspect anxiety by putting these fears into perspective. Suspects also make admission or a confession when they believe that cooperation is the best of action regarding their future. If they are convinced that officers are prepared to listen to all of the circumstances surrounding the crime, they will begin to talk. The psychological and physiological pressures that build in a person who has committed a crime are best alleviated by communication. In order to relieve these suppressed pressures, suspects detail the circumstances of the crime they confess.

Finally, suspects confess when interrogators are able to speculate correctly on why the crime was committed. Suspects want to know ahead of time that interrogators will believe what they have to say and will understand what motivated them to commit the crime.

SELF-ASSESSMENT EXERCISE

As a police officer, how will you encourage suspects to confess?

3.4 Written Confession

The following is an example of a typical written confession made to an investigator.

Note the choice of words that set the tone.

Statement of Jack J. Doe

I, Jack J. Doe, employee of Ruiter Air Service make the following statement of my own freewill, without duress, threats of any kind or promise of any reward or immunity, this 19th day of December, 1980.

This evening, at about 9:00 p.m., December 19, 1980 I was in the process of filling my car's gasoline tank from the Ruiter Air Service's pump located in the service yard when I was approached by Mr. Christian of the security department. He asked me what I was doing and I told him he caught me taking gas that was not mine to take. At that point, I had taken eleven (11) gallons. We then came to Mr. Christian's office where he asked me about previous incident in which I took gas from the company. I told him the first time I took gas was in the middle of 1978, during the very beginning of the big gas crunch. I remember the first night I took exactly five (5) gallons because I was low and had a date in Middleton. I was afraid to alter the pump record because it could easily be discovered. I just cleared the pump reading each time with my key.

I've taken over five gallons a week ever since July of last year. Mr. Christian asked me to compute that loss. I figure at the most, five gallons a week for eighty (80) weeks, which come to 400 gallons I understand our cost is presently \$ 1.29 per gallon, my calculation of what I've taken is \$440 worth of gasoline from the company and if given the opportunity, I will like to make restitution. I know am going to lose my job and I deserve to. I truly regret what I have done, but at least I feel well now that "it has all come to light and is over". This typed statement was the result of my conversation with Mr. Christian. He then typed it up. I've read it and it says what I want to say.

Again, this is my statement which I voluntarily offer and Mr Christian has been with me tonight.

(Sign) Jack J. Doe, 10.40

P.M. 12/9/80.

Witness: Sidney R. Christian

19 December, 1980.

Such a statement should withstand the test of scrutiny in any judicial or administrative hearing. Consider how much this statement tells.

- i. The author
- ii. The date it was written
- iii. Who actually composed the words
- iv. How it came about (subject being caught in the act)
- v. When he first got involved

- vi. His estimate of quality taken
- vii. His calculation of the financial loss to the company
- viii. That the relationship with security was positive
- ix. That the statement was made and signed freely and voluntarily
- x. That no threats or promise were made.

The tone of the statement is a true reflection of the subject's attitude at the time the statement was made. The written admission may be the only assigned, self incrimination document the investigator can obtained. Whereas the written confession is usually sign at the conclusion of the interrogation, and is frequently reduced to a type written document, the admission is taken early in the interrogation.

4.0 CONCLUSION

We have discussed written statement and confessions. We noted that confessional statement is statements made by suspects or accused persons confessing or admitting the commission of the offence alleged. Also confessional statements are usually always admissible in evidence provided they were not obtained by threat, fraud, force or inducements. If obtain by any of these means, it will not be admissible in evidence. Confession must be free and voluntary.

There are also constraints faced by both public and private investigators during confession. Investigators should take full cognizant of the constraints as they pertain to admissions and confessions. Three types of false confession were also identified as voluntary false confession, coerced-complaint confession and coerced-internalised confession.

Conditions necessary for confession were also discussed in addition to how to frame a written statement that could be used in the court.

5.0 SUMMARY

In this unit, we have dealt with the topic written statements and confessions by looking at the following aspects, meaning of confessions, psychology of false confessions, why suspects confess and written confession.

6.0 TUTOR-MARKED ASSIGNMENT

- i. Define the term confession.
- ii. Describe three types of false confession.
- iii. What is the difference between written confession and written admission?

7.0 REFERENCES/FURTHER READING

Fakayode, E.O. (1985). *The Nigerian Criminal Code Companion*. Benin, Nigeria: Ethiope Publishing Corporation.

James, G. (1980). *Criminal Investigation*. Ohio, U.S.A: Merrill Publishing Co.

Member, C. F. L. (1990). *Police and Law Enforcement*. Ibadan: Intec Printers Ltd.

Onashie, Y. (2004). *Scientific Criminal Investigation Detection and Prosecution*. Ibadan: Malijeo Soft Print.

Swanson, C. R. (2003). *Criminal Investigation*. (8th ed.). Boston U.S.A.: McGraw-Hill Higher Education.

Senneward, C. A. (1981). *The Process of Investigation: Concepts and Strategies for the Security Professional*. Washington, U.S.A.: Butterworth-Heinemann.

UNIT 3 INFORMANTS

CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
 - 3.1 Meaning of Informants
 - 3.2 Classifications of Informants
 - 3.3 Laws Regarding Use of Informant
 - 3.4 Cultivation and Management of Informants
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-Marked Assignment
- 7.0 References/Further Reading

1.0 INTRODUCTION

Who are informants? And what is their role in police investigations?

There is a popular dictum in the police “Good informant, good case, bad informant, bad case, no informant, no case.”

The ability to be resourceful at information gathering and collection is the key determinant of success at policing and criminal investigation. When police lacks witness especially eyewitness when dealing with sophisticated criminals, or not getting much out of the crime scene evidence; it turns to tried and true methods of law enforcement - informants and surveillance. Use of informant is the more legally permissive yet ethically repugnant activity, and use of surveillance is the more legally regulated yet ethically sound activity. That's because informants are often used in the loose, early phases of an investigation to develop leads and the activity of managing informants always involves the integrity of law enforcement.

It's important to note at the outset that use of informants and surveillance should be methods of last resort. These are not methods for screening-out or eliminating potential suspects from further consideration. Quite the opposite, they “screen-in” or incriminate more suspects than usual. These are methods that are expensive, time-consuming, and controversial. They are inherently stressful and dangerous, and undercover work is risky. All information obtained from such sources, including open sources should be regarded as untrustworthy until it is corroborated by other sources and/or converted from information into intelligence. That is, subjected to analysis and synthesis.

2.0 OBJECTIVES

At the end of this unit, you should be able to:

- define the concept “informants”
- list different types of informants
- explain the laws governing the use of informants
- describe how informants are managed
- state the importance of informants.

3.0 MAIN CONTENT

3.1 Meaning of ‘Informants’

As valuable and indispensable are general sources of informant to the investigator, private and confidential sources are even more important. Such confidential sources are commonly referred to as ‘contacts’ or ‘informants’. Who are they? Contacts or informants are people willing to provide information which the investigator would not normally have access to.

Investigative sources will generally provide data that could lead to locating a suspect. A private source or contact can tell the investigator where the suspect is. The information contained in certain records might well suggest the motive for an act or crime, such as arson, but the contact can tell the reason with absolute certainty. Records and documents might indicate or even prove that a given incident occurred after or before a specific date, the contact can advise as to the precise time. General source of information might unfold a pattern upon which an investigator could predict future acts, such as thefts, but the informant can provide the specifics of the next planned crime. A contact or informant furthermore can advise on individual who are actively engaged in misconduct or theft when activity is unknown to management or security.

An informant is a person who provides privileged information about a person or organisation to an agency. The term is usually used within the law enforcement world, where they are officially known as confidential or criminal informants (CI) and can often refer pejoratively to the supply of information without the consent of the other parties with the intent of malice, personal or financial gain. Informants are commonly found in the world of organised crime. By its very nature, organised crime involves many people who are aware of each other’s guilt in a variety of illegal activities.

Quite frequently, confidential informants (criminal informants) will provide information in order to obtain lenient treatment; and sometimes provide information over a long period of time in return for money or for police to overlook their own criminal activities. Quite often someone will become an informant after his arrest.

Types of informants

We have three different types of informants.

- i. Bill White type of informants: Bill White was simply doing everything that he could to discredit every other white nationalist leader except himself and his primary purpose was probably to snare a stupid, young and naive white kid and eventually to get him to commit some type of violent crime.
- ii. Jett Rink type of informant: Jett Rink simply focuses on running distraction and subverting any possibility that might actually work together on some issue or project. Watch him, he is always the first to enter an activities thread, with the exception of any Bill White threads and badmouth whoever or whatever issue or individual is being discussed. He was in the thread involving the destitute Idaho family stuck out in the woods last November telling anyone that would listen that we shouldn't send the family any money. He was in the Daniel Cicciaro thread, doing everything he could to convince anyone that would listen that we shouldn't contact the Cicciaro family and encourage them to speak out about the fact that John White murdered their son and got away with it. Jett Rink gets involved in every single thread where anyone here might actually work in concert with another.
- iii. Richard H. type of informant: Richard focuses pretty much on threads asking questions, i.e. what do you like to do, and where do you live, post a picture of yourself, who's your favourite leader, what are your hobbies.

SELF-ASSESSMENT EXERCISE

Explain the meaning and types of 'informants.

3.2 Classifications of Informants

There are at least seven classes of informants.

- i. One-time informants
- ii. Occasional informants
- iii. Employee informants
- iv. Anonymous informants

- v. Criminal informants
- vi. Personal informants
- vii. Mentally disturbed informants.

The one-time informants: The one-time informants usually have very specific information and are anxious to see that information acted upon. The motive behind providing the information is commonly based on normal grounds. What is happening is wrong.

These informants give a lot of thought before acting. They are usually nervous about what they are doing and they seek assurance that their identity will not be disclosed. Some see the act of informing as a civil duty or in keeping with their religious convictions. One-time informers may be employees of a company and tend to view the passing of information as good for the welfare of the company. This is particularly true if the employee has a vested interest in the success of the enterprise. Another variation on motivation for the one-time informant is revenge. The information may be seeing to get even with someone for a slight or a wrong, evening the score is viewed as “the right thing to do”.

In most cases it is difficult to gather additional information from the one-time informant though not impossible. The difficulty lies usually in the informant’s “second thought” about involvement. This is not always true. A few such informants are so committed to seeing the matter resolved that they become quite involved. In one case, a female informant resident of a nearby community went through the typical soul-searching. She initially called and stated that one of our employees, whom she identified by name lived on the same block as her own residence. She stated that the employee in question was using and dealing in marijuana. According to her testimony, the employee was also stealing goods from the company and had a quantity of stolen goods in his garage.

What bothered the informant most was that the fact that she had two impressionable sons who had always looked up to the employee who was bragging about his newly acquired wealth and how easy and profitable it was to steal. Although the informant’s fear for her own safety was secondary to her concern for her children, she felt strongly that, if the employee discovered she had informed on him, violence would follow. She was reluctant to stay in touch and provide additional information until she caught her younger son with marijuana. The mother then was fiercely determined that the employee should be brought to justice. Thanks to her, the thief was apprehended and convicted. We never heard from this informant again although it was later learned that the convicted man moved out of the neighbourhood

after he got out of jail. The occasion and the circumstances prompted the woman in this case to become a one-time informer.

The occasional informants: The occasional informer is an opportunist who will pass along information from time to time, usually if and when it satisfies some need. This is the person who will inform on a supervisor if the supervisor's demise offers an opportunity to advance. Or he may be one who secretly envies the investigator's role in the organisation (and in life) and seeks recognition and praise from the investigator. Becoming an informant is a way of identifying with the organisation. One clear example of this type of informant was a young college student who had been shunned by a fraternity. He liked to hang around the campus police office and would occasionally provide information about illegal or improper conduct on the part of that fraternity or its members. He acted so much for revenge as for the acceptance he felt he received from the campus police chief for that intelligence.

Whatever the motivation - which is rarely financial - the occasional informant should be quietly encouraged praised. He/she should be made to feel part of the investigative team. That encouragement alone will go a long way.

The employee informant: While it is true that an employee may be a one-time informant or an occasional informant, employees as a group deserve very special attention and consideration because of their potential sources of intelligence. This is one category of persons who can effectively be solicited to inform through a structure programme.

In a given work force there are employees who either strongly suspect or definitely know of dishonesty in the organisation. Some of these employees do not approve of co-workers who steal or condone their dishonest activities. In many cases the frustration experienced by the honest employee while others get away with theft leads to resentment against company management for its failure to stop the thievery. Yet management may be completely ignorant of the existence of any wrongdoing. This type of situation quickly erodes morale. It is not uncommon for the honest but frustrated employee to reason in effect, what the hell, if others are doing it and no one cares, I might as well get some for myself - "theft contagion."

Why do such honest employees not promptly report internal dishonesty, thereby avoiding all the frustration, resentment and possible involvement? There are two principal reasons. In the first place, many employees are unsure of whom to go to with information, should they report to their immediate supervisor? Perhaps the supervisor is involved

in the dishonesty. Should they go to someone higher in the company? Going over the boss's head is frowned at in most organisations. Uncertainty holds these potential informants' tongues and add to their frustrations. A second and equally strong deterrent is the fact that the thought of been identified as a company stooge is quite unpalatable to most people in the vast majority of organisations. Such a reputation would either make working conditions intolerable or dangerous for the informant. Fear of discovery and its consequences thus leads to silence and continuing frustration. There should be a legitimate and structured programme for information to be passed unto management.

The anonymous informants: Anonymous informants obviously seek to protect their identity. As with the employee informant discussed above desire for anonymous may come from the fact that the informant is in or closely connected with the firm and does not want to be known as an informant. If the informant is not connected with the firm in any way, he or she may still wish not to get involved in any way beyond passing information. What this outside informant is saying, in effect is here is a piece of information, do with it what you please.

A third category of anonymous informant may or may not be connected with the firm, but spiteful, degrading or disrupting, aimed at causing suspicious, fear or hostility in the organisation. Outside informants may in fact provide good information while insisting on remaining anonymous. However, because of the inherent possibility of receiving false or biased information from an anonymous source than from an identifiable informant, information from members of this group should rank low in reliability.

The criminal informant: The criminal informant is more commonly identified with the public sector or law enforcement than with private sector. Prostitutes, petty thieves, narcotic users, those on parole and other assorted "street people" frequently pass information to the police. Often they are bartering information for freedom from prosecution, lengthy imprisonment or a return to prison. Sometimes money is the prime motive for some informants. One must wonder how many times helpless and amateurish purchasers of narcotics have been seized by official because of a tip from the very party who sold the drugs and still collect reward for such tip.

Although generally considered useful by police and other law enforcement agencies, the criminal informant is not a major source of information to investigators in business and industry. When they do appear on the scene in the private sector, as they do from time to time, they are worthy of attention.

In one such case, a caller asked if my employer paid for information. After some discussion of the nature of that information, the caller agreed to a meeting. He then put his cards right on the table. He was a professional forger with a lengthy criminal record including state prison terms. He claimed to be currently involved with a forgery ring. He produced nine fraudulent documents for examination.

Three were bank checks of the company the type prepared by the accounts payable departments to pay company bills. The other documents were three California department of motor vehicles operator licences and three social security cards. The checks were made payable to three different persons, with address included. The same three names were contained on the drivers licence and social security cards. The informant's own photograph was on each licence. He had three sets of identification to support the checks, each of which was made out for a sum around and 2,500 Dollars.

According to the information, the plan was for him to go to three separate banks and establish checking account, using the company's checks in each case as the initial deposit. After enough time had elapsed for the checks to clear, a member of the gang of conspirators would call each bank branch where an account had been established and determine whether or not the forged checks had successfully cleared. He would do this by pretending that he was a service station owner who had a customer wishing to buy an expensive set of tires and wanting to pay by check. Did the customer have enough in his account to cover a \$400.00 check? If the bank said no, the fraud had failed. If the bank answered yes the depositor (who was the informant) would withdraw all the money from these accounts. The company would remain ignorant of the theft until either an audit or regularly scheduled bank check reconciliation occurred. The only potential flaw in the plan was the magnetic coding on the checks. The checks were masterfully reproduced, genuine works of art.

The informant sought to sell information on the location where the checks were being printed and the identity of the other members of the ring. He had reservations about his associates and wanted enough money to leave the country and spend an extended vacation in Europe. Our company, it turned out was not the only indented victim, other nationally known firms were also in the process of being victimised, and the informant was dealing with them as well as with us. After pocketing the money he has to receive for his information he would then work with the police until arrests of the conspirators were made, along with the seizure of printing equipment and other materials used in the scheme. Its plan was to be en route to Europe while his associates were en route to jail.

Bank and company accounting executive believing that the magnetic coding on the checks could not be duplicated, were confident that the threat described by the informant was not as great as the security department claimed. However the informant insisted that the coding had been successfully duplicated. The police were involved in the case. The plan unfolded. A number of people were arrested, equipment was seized, bank checks were recovered, and the informant winged his way across the Atlantic.

Oh yes, the checks did clear, in spite of the magnetic coding. Had this informant not approached us, a serious financial loss would have resulted without discovery for a matter of months. Criminal informant situation then do occur in the private sector. They include, but are not limited to shoplifting arrests where the person with the security people, offering to inform on other or revealing such vital information as where stolen merchandise is “fenced”. (A fence is a person or organisation that knowingly buys stolen property from thieves and sells the good at a profit).

The personal informant: The personal informant is one who will deal with only one investigator, refusing to provide information to anyone else under any circumstances. Such relationships will often commence with something the investigator says or does. It could be the result of assisting a person whose car won’t start, solving someone’s problem by composing a letter he is unable to write, exhibiting concern for an individual’s family, or even treating the janitor who cleans the investigator’s office with respect. The recipient of any of these actions knowing what the investigator does for a living, may choose to return the kindness by providing information. One personal experience offers an illustration of the sometimes unpredictable motivation of the personal informant. He was my first of such informant, a man named Lacey. I received a call one night while doing some paper work at the headquarters. The caller identified himself as Lacey and asked if I remembered him. I did not. He told me that I had put him in jail for pimping. When he related some of the details surrounding his arrest, I recalled him. He had just been released that day.

The mentally disturbed informant: The last category of informant to be discussed here is, in fact, not a genuine informant at all, at least in our experience. Such people do exist however, and for the investigator they are a tragic nuisance. They are tragic because they are sick and do not know it, a nuisance because after your first meeting with them, usually a clandestine one to his or her request, you cannot easily get rid of them. That usually happen paradoxically because the investigator upon recognising that the supposed informant is actually a disturbed person will try to be gentle, understanding and sympathetic as a strategy to end

the meeting. The sick person for whom rejection is a more typical experience will latch onto that kindness as a sign of acceptance.

Sooner or later every professional investigator will, by virtue of the work itself come into contact with the individual who purports to have information but is in fact mentally disturbed. Strangely enough, some of these persons are quite convincing at first. That may be because the investigator want to believe what he or she is hearing. But in due course, usually quite quickly, it becomes apparent that the informant has a distorted sense of reality. Their "informant" is worthless.

SELF- ASSESSMENT EXERCISE

List the classes of informants you know and describe three of them.

3.3 Law Regarding Use of Informants

There are legal restrictions on how far law enforcement can go in keeping an informant's identity a secret. The general rule that confidentially (as in "confidential informant" or "affiant") can be maintained if the informant was used in the early stages of a case, say the reasonable suspicion stage, and most definitely if the informant is not required to be a witness at trial. In some situations, however, the Jencks Act or court decisions involving *Brady vs Maryland* may be invoked, forcing the prosecutor to at least turn over a transcript of statements made by the informant. The extreme situation would require a judge to agree that exculpatory information might be found by revealing the informants identity (an unlikely scenario).

Courts have always reorganised police use of information - a historical tradition with no inherent moral weakness (U.S Dennis 1950). Probably the most significant case in recent years *Hoffa vs U.S.* (1950) in which the court considered among other things whether a police informant must identify himself as working with police under certain conditions such as when they are recruiting other informants.

The opinions in *Hoffa* and a subsequent case (*Marine vs Moulton* 1985) yielded a requirement that police admonish their informants to act natural and not to try to draw out any particular incriminating statements that would constitute the functioning.

Courts will not tolerate the use of informant for entrapment. Any incriminating statement made to an informant, in response to the informant's remarks which prompted the statement, will be inadmissible. Entrapment is defined as inducing a person to commit a

crime they did not contemplate for the sole purpose of instituting a criminal prosecution against them.

Inducement is perceived by the courts as persistent coercion or trickery. Placing opportunity in front of the suspect is not normally entrapment, but repeatedly providing them with the same opportunity over and over again could be construed as persistent coercion. Similarly, playing on a suspect's weakness such as their vanity or tendency to boast could be construed as trickery if it was being constantly prompted by an informant.

Above all, you should avoid using what is called an "agent provocateur" who is a person who provokes or incites crime, such as someone who urges a mob or urges someone armed and angry to shoot.

Another thing to avoid is referring to your informants as "special employees" or employees of any sort. This used to be fairly standard law enforcement practice up till the late 1960s and early 1970s and at least one court case did involve a suit such an informant demanding civil service benefits for years of service. This kind of situation will most likely come up when you need an informant with special skills (such as foreign language proficiency or computer skills), or when an ex-informant puts previous law enforcement experience in their resume. Modern law enforcement practice strongly discourages informants from thinking of themselves as employees.

A final word of advice is **never** meet with an informant alone. Some have been known to kill their police handler, and others "set up" their handler for assault or robbery, make false claims about physical or sexual abuse, and allege that they were smoothed in a shakedown or extorted for money and/or drugs. The initial debriefing (establishment of motive and or registration) of an informant should always take place in the officer's turf, preferably in an office somewhere. Later meeting with the informant can occur in a vehicle, safe house or public place.

A regular schedule of telephone and face-to-face will go a long way at convincing courts that this is a managed informant who follows directions and has some credibility, so too, will corroboration establish credibility. Police corroborate, or double check, what the informant says in a number of ways.

SELF-ASSESSMENT EXERCISE

Discuss the guidelines regarding the use of informants.

3.4 Cultivation and Management of Informants

A cultivated source (as opposed to a regular source) is neither a victim, witness nor suspect in an investigation involving them against them, but is someone with connections to the criminals underworld that is able to tell you things that are about to happen. Cultivated sources make the best informants.

Apprehended criminals who turn informants (or “flip” as is called) in hope of having their charges dropped or reduced have not been cultivated. Their value is worthless because evidence law sees them as saying or doing something out of self-interest. At law, there is a presumption of truth in anything someone says or does against his self-interest or safety, not in his self-interest if criminal charges are pending against him. Ideally, you want active informant reporting information about future crime, not witness informant for past crimes likewise, jailhouse informant (or “snitches”).

Cultivated source typically include people doing business around an area where criminal conduct their business.

Examples include taxi drivers, hotel employees, airline employees, automobile sales people, doorman, gun dealers, bartenders, private investigators, apartment managers, package delivery employees, and proprietors or employees of restaurant. The idea is that such people can get as close to criminal suspects as possible (for example they require barber or prostitute).. It is obvious that these types of informants constitute a deviant street network of eyes and ears for the police. By using such sources, you are looking for signs of crime in the making. You are not doing infiltration or undercover work. If anything, you are doing the equivalent of espionage work by setting up a ring spy or agent in place. All you have to do in managing such people is keep them from doing or provoking criminal things, but also keep them close to their own source of knowledge about criminal events which you conveniently check out for corroboration purpose.

It used to be common for each and every police officer to have their connections. Today, most police departments only allow (and encourage) their detectives to cultivate informants, but there are inconsistencies in who they registered and handled. When an informant is on the payroll, they are usually registered because the law requires financial auditing.

They are also most likely to hold the status of confidential informant, although this term technically refers to informants who have some special knowledge about past or future crime and are potential targets

for violence and revenge. Confidential informants are allowed to be referred to as anonymous or unnamed affiants in affidavits, do not appear on any other legal documents and never have to be disclosed in court or via any discovery process.

The management of informants is mostly a matter of knowing what motivates them, and always making sure this motivation continues to have currency. There are many motivation-based typologies of informants. Osterburg and Word (2000) present one that distinguishes the following:

- i. Volunteer informant - Usually an eyewitness to a crime or jealous spouse with specific information about vice activity or income tax evasion motivated by civic duty or vanity and kept motivated by gratitude.
- ii. Paid informant - Usually someone involved in a crime with particulars about a person they feel the police should know about and motivated by revenge or money and kept motivated by money.
- iii. Anonymous informant - Usually someone with precise details of a crime that is being planned or they believe is not yet discovered by police and motivated by repentance and kept motivated by reward or gratitude.
- iv. Treatment of informants: The investigator who speaks scornfully of informant in all probability will never be able to keep him. Avoid using words as “snitch”, “frik”, stoolie” or “stoof peon” such jargons should be left to the cops-and-robbers on television. It has no place in the professional investigator’s glossary of terms. Refer to an informant as a “contact” or a confidential source.
- v. Irrespective of an informant’s motive, always treat him with the same courtesy and respect you would show anyone else.
- vi. To treat all people with dignity, no matter who they are has its rewards. That kind of philosophy somehow attracts people with information. To treat people with disdain or disrespect, no matter who they are, also has its consequences and they do not further the investigative purpose.
- vii. The need for corroboration: As a general rule information received from an informant is not directly actionable. That is to say, if an informant reports that the head cashier of the firm or school is embezzling funds and has purchased a new car, the investigator does not set up an interrogation of the cashier. The information received needs corroboration. Did he in fact purchase a new car? How is he embezzling funds? Should the internal auditors do a cash count under the guise of a routing check? These

and many other questions have to be answered before information received from an informant can lead to a confrontation.

What information provides the direction for further investigation?

This point is well expressed by Gene Blackwell. Remember that the investigator seeks at all time to upgrade the status of the information he receives by having it verified and corroborated from additional source whenever possible.

Information from informant that is not verifiable in one way or another has limited value. Where such information can be corroborated it can prove an invaluable aid to investigation. The use of informants with prudent regard for their limitations and motivations can be a productive tool for the investigator in the private as well as the public sector.

SELF-ASSESSMENT EXERCISE

Discuss how you would treat and manage an informant.

4.0 CONCLUSION

We have discussed and explained the concept “informant”. An informant is a person who provides privileged information about a person or organisation to an agency. The term is usually used within the law enforcement world, where they are officially known as confidential or criminal informant (CT). And can often refer perjoratively to the supply of information without the consent of the other parties with intent of malicious, personal or financial gain. Classes of informants were also described as one-time informants, occasional informants, employee informants, and anonymous, criminal personal and mentally disturbed informants.

6.0 TUTOR-MARKED ASSIGNMENT

- i. List the different classes of informants and describe four of them.
- ii. What laws govern the use of informants?
- iii. How would you identify who is an informant.

7.0 REFERENCES /FURTHER READING

Billingslay, T. & Bean, P. (2001). *Informers Portland. Willan.*

Brown, M. (1985). “Criminal Informants.” *Journal of Police Scenes and Administration*, Vol 13. pp 251-256.

- Carroll, J. (1975). *Confidential Information Source. SoS Angels. Security world.*
- Dempsey, J. (2003). *Introduction to Investigation. Belmont Wadsworth, U.K.*
- O'Hara, C. & O' Hara, L. (1980). *Fundamentals Criminal Investigation. Springfield: Charles Thomas.*
- Osterburg, J. & Word, R. (2000). *Criminal Investigation. Cincinnati: Anderson.*
- Weston, P. & Lushbough, C.(2003). *Criminal Investigation. Upper Saddle River: Prentice Hall.*

UNIT 4 INTERVIEWS

CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
 - 3.1 Meaning of Interview
 - 3.2 Police and Criminal Evidence Act (PACE) and the Codes in Relation to Interviews
 - 3.3 Types of Interviews
 - 3.4 Records of Interview under Caution
 - 3.5 How to Conduct a Police Interview
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-Marked Assignment
- 7.0 References/Further Reading

1.0 INTRODUCTION

A Criminal investigator deals with people, and the information he supplies helps accomplish his investigative task. In fact, over 90% of an investigator's activities involves gathering, sorting, compiling and evaluating information.

Interview is considered mostly as a formal conversation which is conducted with a view to obtaining information. Interviews are conducted in criminal case for the purpose of gathering pieces of information from people (complainant, witness, suspect) who may have pieces of information needed in the investigation.

Basically, the investigator's role is to extract from the witness vital pieces of information factually perceived through one or more of the witness five senses-sights, hearing, smell taste and touch. His source depends largely on the establishment of his rapport, good questioning and careful listening abilities.

Who conducts interviews?

- 1. The charge room officer
- 2. The investigating officer
- 3. The vetting officer
- 4. The scene of crime officer
- 5. The prosecutor

Who to interview in the criminal process?

1. Witness who has a piece of information
2. Witness who may have the needed piece of information
3. Suspects

A good interviewer must bear the following in mind:

1. The motivation of the witness.
2. Knowledge of the elements of the crime or points to prove.
3. To collect accurate information on the date, time, place, method of the crime, items involved and description of the crime scene.
4. Background of the person interviewed and his attitude towards the investigation. In case of the suspect, his aliases, date and place of birth, education, marital status, occupation, financial background, prior offences, relation to the victim, or crime scene and possible motive.

The various issues that will be discussed in this unit that will introduce you to the concept of interview include meaning of interview, purpose of interviews, types of interviews, records of interviews under caution and how to conduct a police interview.

2.0 OBJECTIVES

At the end of this unit, you should be able to:

- define the term interviews
- state the purpose of interviews in relation to criminal investigation
- mention types of interviews
- explain how interviews are recorded under caution
- describe how to conduct a police interview
- explain Police and Criminal Evidence Act (PACE) and the codes in relation to interviews.

3.0 MAIN CONTENT

3.1 Meaning of Interview

What is the difference between interview and interrogation?

Interview and interrogation are two distinctly different processes, although both have essentially the same objective.

They both seek insight into information about a specific question or issue.

Interview and interrogation are question-and-answer exchanges between one who seeks information (in our context, the investigator) and the individual who is believed to possess the information being sought. The key difference between the interview and the interrogation is the person being questioned. The interview is the questioning of a witness or any party not (at that point in time) suspected of involvement in the crime or act, and the interrogation is the questioning of a person who is suspected of involvement. An obvious consequence of the difference is that the interrogation at some point becomes accusatory and as such conveys the unfavourable, or negative, with connotations of “grilling” or administering the old “third degree”. For this reason, such professional as James Gilbert in his work *Criminal Investigation*, recommends that all police questionings be referred to as interviews. Be that as it may, the investigator must understand the two processes and approach each accordingly.

What then is an interview? Interview is a conversational process of information gathering. The intent of interview is to control an individual so that he or she will either willingly supply the requested information or, if someone is an unwilling participant in the process, demands for information. The latter can involve techniques of humiliation, intimidation, and fear. In more extreme cases in some countries, physical pain is inflicted.

Every interview is intended to strip away the subjects’ defences and resilience. If the process is successful, the subject will eventually “give in” and supply the interrogator with the information being sought. The interviewers hold much power in the interview process by various techniques that are intended to manipulate the subject psychologically; his interrogator’s aim is to dominate the subject. For example, an interrogator can display a great knowledge of the subject’s background and actions. Whether or not the interrogator actually knows much about the subject is irrelevant. The point is to convince the subject that what the interrogator says is true, and so that resistance is pointless.

The surroundings are also an important part of the interviewing process. Often, as in a police station, jail or clandestine highway; the conditions are foreign, and even uncomfortable to the subject. This throws the subject off balance. If the conditions are abruptly changed, as for example, being brought out of solitary confinement to be given a hot shower and a tasty meal, a subject’s mood may change abruptly from despair to relief, then, information may be offered to the interviewer out of gratitude.

During the early stages of an interviewing process, an interrogator will “get to know” the subject. It is important to find out whether a subject is, for example, zealously dedicated to a cause, to the point of becoming a martyr, or whether the subject needs little persuasion to become compliant.

A skilled interviewer will also observe a subject’s physical posture and listen carefully to the tone of his or her voice, especially if behaviour changes in response to some aspect of the conversation. For example, many people who are nervous or under stress will unconsciously and protectively draw their bows in to their sides. As another example, when many people are talking about something they either know a lot about or are passionate about, their rate of speaking increases. But, if a subject area is uncomfortable, many people pause and speak slowly knowing what topics a subject is sensitive to, and observing visual cues, can be used later as levers.

If a subject is reluctant to offer information, an interrogator will often begin to probe the topics that make the subject uncomfortable. By turns an interrogators can be calm or bluntly insistent. Both the topics discusses and the interrogator’s manner are intended to keep the subject tense and off-balance, and to indicate to the interrogator how hard he or she may need to press to gain the information that is sought. A subject can become hostile during this phase of an interviewing session or may be compliant.

In the next phase of an interview process, the interrogator attempts to elicit the sought-after detailed and to the point at this stage, never allowing the conversation to stray off topic. The interrogator also will want to establish whether the subject’s information is reliable. The interrogator can employ a variety of tactics, including leaving the subject alone for sometimes, making the subject think that he or she has no allies, using threats, talking about the subject’s family and even adopting a warm tone.

An interview is sometimes accomplished by a pair of interrogators, often with very different personalities. One person will be domineering, crass, profane, and loud. The other interrogator will be friendly, sympathetic, and quiet. This contrast, which is reinforced by a rehearsed routing, can work to the interrogator’s advantage, particularly with woman, teenagers and shy people, who usually will respond to the quiet interrogator.

An interviewing session can take place over days with periods of solitary confinement in between. These solitary periods serve to build up tension in that subject and, especially if the surroundings are loud or uncomfortable, to make the subject exhausted.

SELF-ASSESSMENT EXERCISE

Explain the meaning of interview.

3.2 Types of Interviews

There are five basic types of interviews. The one a criminal uses depends more on his personal style than anything else.

- i. Regular interview: This is the most common form of interview for muggers. The criminal will approach you under the guise of normalcy, i.e. needing information or small item (e.g. matches). This is a distraction. While he is talking, he is not only getting in position to attack but also checking your awareness about what he is doing and your commitment to defending yourself. This is why you should always be careful when someone approaches you in a fringe area and ask for something. Your answer should always be “no” and insist on him keeping his distance.
- ii. Hot interview: Hot interviews are sudden and unexpected emotional blitzkriegs against you. They pop out of “nowhere” you are minding your own business one minute, and the next you have a treating, obscenity-spouting, screaming person charging down on you. The success of this strategy relies on extreme emotional violence and reacting in a stunned and confused manner. You must be willing to immediately shift into an extreme physical violence to foil such interviews. Paradoxically, if you can immediately display this commitment, the attacker will often abort.
- iii. Escalating interview: Unlike a hot interview, which starts out immediate hostility, an escalating interview starts normally but it rapidly turns hostile. The person or people test(s) your boundaries by escalating outrageous behaviour. Every time he is not stepped down i.e he is successful, this behaviour becomes more and more extreme until finally he attacks. This is a very common interview for date rapists. It is also common when you walk into the middle of a group of loitering young people, what “supposedly” starts out with them normally escalates into a robbery or assault sometimes both.
- iv. Silent interview: A silent interview is when a criminal put himself in a position to observe you. He may never speak until the attack, but he has been watching all along. He may position himself out of sight in a parking structure and follow you. Or he may make his presence known and decide to attack if you show fear of his presence.
- v. Prolonged interview: An interview can take anywhere from a mere moment (hot) to weeks (prolonged). Prolonged interview

are often combined with other types. Being stalked is prolonged escalation. A serial thief can silently watch victim for days whereas a Bunco scam would be prolonged regular interview. While the con artist attempts to win your trust with prolonged interview, the intent is seldom obvious from the beginning. Therefore having the first four levels of the pyramid of personal safety in place becomes of critical importance.

In addition to these types of interviews, we have structured, semi-structured and unstructured interviews. For structured interview, the interview schedule specifies properly the number of questions to be asked, what responses are expected, the sequence of items and the words expected to be used in replying. In this type of interview both the interviewer and interviewee's freedoms are limited because they have no chance of probing further to clarify answers while the interviewee cannot express himself freely.

In semi-structured interview, the schedule contains questions for a particular session but the interviewer is authorised to probe further provided the interview is eliciting information about the problem under investigation. Another characteristic is that not all the questions are determined before interview commences. Other questions could be added as interview progresses while in unstructured interview, only the general problem is noted by interviewer on a time. The timing, structure and content of items to be asked are determined by interviewer.

In criminal law, interview is a process of formally and systematically questioning a suspect in order to elicit incriminating responses; though elaborate safeguards have been placed on police interrogatory powers in order to protect the rights of the accused.

SELF –ASSESSMENT EXERCISE

Enumerate the types of interviews you know, and describe three of them.

3.3 Police and criminal evidence Act (PACE) and the Codes in Relation to Interviews

How is Police and Criminal Evidence Act relevant in interviews with suspects?

The Police and Criminal Evidence Act (PACE) of 1984 is primarily concerned with the powers and duties of the police, the rights of suspects and the admissibility of evidence. Seven codes of practice have been adopted under this act including code C for the detention, treatment

and questioning of persons by police officers, and code E on the audio recording of interviews with suspects. Section 67(9) of PACE places a duty on persons other than police officers “who are charged with the duty of investigating offences or charging offenders” to have regard to any relevant provisions of the codes of practice. You should be familiar with the provisions of the codes and follow them when you are questioning or interviewing suspects.

When should you conduct an interview under caution?

There is no express legal requirement that a person suspected of having committed an offence must be interviewed under caution before any decision as to whether to prosecute is taken. However, it is desirable that persons who are suspected of committing offences are interviewed under caution because:

- i. The interview may provide important evidence against the suspect, which you would otherwise be unable to obtain.
- ii. The interview may provide important information revealing further lines of inquiry.
- iii. The interview may provide relevant information to be considered in the prosecution decision.
- iv. It is fair and proper to allow a potential defendant an opportunity to answer the allegations and give their own account.
- v. An interview under caution will help to satisfy the provision of the enforcement concordant.

In the light of the above, you should generally interview suspects under caution unless there are good reasons for not doing so, such as the suspect refusing to attend. Even in a case where you feel that the evidence you have collected in the course of an investigation is sufficient to provide a realistic prospect of conviction, you may still carry out an interview under caution. In any event, in health and safety investigations it will generally be appropriate to question the suspect about the reasonable practicality of steps that were or were not taken. This is likely to be difficult to ascertain without an interview. You may also wish to give the suspect the opportunity to comment on the evidence you have uncovered in your investigation and to put forward any point that they considered to be relevant.

Once a person has been charged (serve with a summons) or informed that they will be prosecuted, you should not question them further in relation to the offence, unless such questions are:

- a. Absolutely necessary for the purpose of preventing or minimising harm or loss to some other person or to the public.

- b. For clearing up an ambiguity in a previous answer or statement.
- c. In the interest of justice in order to give the person an opportunity to comment on information concerning the offence which has since come to light.

Before any such questions are put to a person, they should be cautioned again. They should also be reminded that they have a right to seek legal advice.

When setting up an interview under caution, a letter should be sent inviting the person or an authorised representative in the case of a company to attend an interview under caution.

If a suspect declines the opportunity to attend or you do not conduct an interview under caution for any other reason, you will not be able to verbally ask the suspect for their representations. You should normally write to the suspect, inviting him/her to make any written representations relating to the investigation or the prospect of prosecution.

A suspect is not obliged to accept your invitation and may therefore refuse to attend. If they do so, this can be brought to the court's attention at the time of sentencing (if they plead guilty or are convicted at trial) as the extent to which they co-operated with the investigation is relevant at that stage.

If you receive no response to your invitation, it may be appropriate to attempt to write to the suspect again, provided you have the correct address. If necessary, you can telephone the suspect to check the correctness of his/her address.

Interviewing a corporate body (company)

In the event that a corporate body (e.g. a company) is invited to attend an interview under caution, you should ask the corporate body to nominate a person to attend the interview under caution to answer questions on its behalf.

It sometimes happens that a company (or other corporate body) that is invited to nominate a representative to attend an interview under caution nominates a person whom you suspect may have committed an offence in their individual capacity (e.g. as a director or senior manager pursuant to HSWA section 37) and who you may therefore intend to interview under caution as an individual. Where this happens, the company should be asked if there is anyone else who attend instead to speak as the company's nominated representative. If the company cannot nominate a

different person (e.g. because there is only one director), there should be two separate interviews under caution, one, the company through its nominated representative; and two, the same individual in his/her personal capacity. The order in which the interviews are conducted will depend on the circumstances of the investigation. You must never conduct just one interview where the individual is asked to answer question both on his/her behalf and on behalf of the company-it would be impossible to identify which answer are admissible against each and the entire interview is likely to be inadmissible in any later court proceedings.

Where two interviews are to take place, it may be possible to conduct both interviews on the same day for the convenience of all concerned, but this may not be possible in more complex cases. It should always be made clear in advance in which capacity a person is being interviewed, either in his/her capacity as individual or as the company's nominated representative. Where both interviews are being conducted on the same day, it should be absolutely clear that two of tapes/CDS should be used for each interview. You should make it completely clear at the start of each interview, in what capacity the person is being interviewed.

Cautions

When there are grounds to suspect that a person has committed an offence, you must caution them before any questions about it are put to them to ensure that the answer (or failure to answer) is capable of being admissible in evidence in prosecution.

If you put further questions to a person at later time you must caution again.

Grounds for suspicion are more than vague unsubstantiated feeling or a hunch; they require some basis, but this can be less than evidence supportive of a prima facie case.

A caution is not necessary when you are asking questions for other purposes (for example, safety to establish someone's identity or their ownership of a certain vehicle). You should remember however, that what starts out as exploratory questioning may, as a result of the answer given to preliminary questions, become questioning about a person's involvement or suspected involvement in a criminal offence. You must then immediately issue a caution and comply with the other relevant provision of code C.

Interview under caution (PACE interviews)

An interview is defined by code C as the questioning of a person regarding their involvement or suspected involvement in a criminal offence or offences. Such an interview must always be carried out under caution. Therefore, whenever you caution someone and question him/her about his/her involvement in an offence, you are conducting an interview under caution within the meaning of code C.

The suspect's responses to questions put to him/her during an interview under caution conducted in accordance with code C may be used as evidence against him/her in any subsequent criminal proceeding. This is explained to the suspect by the caution. Evidence obtained during the interview can only be used against the person being questioned, it cannot be used in evidence against another person (e.g. a co-defendant), although one may suggest additional lines of enquiry.

You should note that an informed discussion can be an interview with the meaning of code C. A conversation will constitute an interview if a suspect is being asked to incriminate him/her. Also since code C refers to "any questioning", a single question can amount to an interview.

If you fail to caution a person but still question him/her about his/her involvement or suspected involvement in an offence, this is still "interview". However any evidence contained in the interview may not be admissible.

SELF-ASSESSMENT EXERCISE

State the "PACE" in relation to interviews. How would you conduct an interview under caution?

3.4 Records of Interviews under Caution

How will you conduct and record interviews under caution?

An accurate record must be made of every interview with a person suspected of an offence i.e. every interview under caution. The record must state the place of the interview, the time it begins and ends, the time the record is made on forms provided for this purpose or in the investigation's note book, or in accordance with the code of practice for the audio recording of interviews with suspects (code E).

Persons being interviewed in connection with offence have a right to consult privately with a solicitor. They can choose to do so in person or by telephone you should inform the suspect of this right when you

arrange the interview and before the interview starts. Suspects who are not interviewed at a police station are not entitled to free legal advice under the 'duty solicitor' scheme. If the witness asked for legal advice however, an interview may not continue until it has been obtained. Where a solicitor has been consulted and is available, he/she must be allowed to be present at the interview.

Conducting the interview

The interview should be conducted sitting down and as far as possible in comfort, with proper breaks for refreshment. The interview should take place in an adequately heated, lit and ventilated room. Before the start of the interview, it is advisable to ensure that all persons present have switched off mobile telephones, pagers etc to avoid interruptions.

At the beginning of the interview, having first cautioned the suspect, you should put to him/her any significant statement(s) or silence(s) which occurred in your presence or of any other interviewing inspector before the interview and which have not been put before the suspect in previous interview. You should ask the suspect whether he/she confirm or deny that earlier statement or silence and if he or she wishes to ask anything.

If a suspected person makes unsolicited comments outside the context of an interview but which might be relevant to the offence, you should make a written record of the comment. You should sign the record and record the time the comments were made.

You should also give the suspect the opportunity, where practicable to read the record and sign it as correct or to indicate the aspects in which they consider it inaccurate. If the suspect agrees the record is correct, they should be asked to endorse the record with, for example, 'I agree this is a correct record of what was said' and append his/her signature. Where the suspect disagrees with the record, you should record the details of any disagreement and ask the suspect to read these details and sign them to the effect that they accurately reflect his/her disagreement. Any refusal to sign should also be recorded.

You must not try to obtain answer by the use of oppression. Such an approach is likely to mean that any evidence obtained is inadmissible. You should not leave the suspect unattended during an interview if you take a short break and all parties remain in the room, it is not necessary to switch off the recorder. However, if you do take a break during the interview at which the audio recording is stopped, you must always announce that a break is to be taken and give the reason for it and the time, before switching off the recorder.

If the suspect is to leave the room during a break, you must take the tape/ CD out of the recorder and seal it as if it is the end of the interview. You should continue the interview on a new tape/CD following the same procedure.

Ending the interview

The interview (or further interview) of a suspect must cease when:

- i. All the questions you consider relevant to obtaining accurate and reliable information about the offence have been put to the suspect. This includes allowing the suspect an opportunity to give an innocent explanation and asking questions to test if the explanation is accurate and reliable (e.g. to clear ambiguities or clarify what the suspect said).
- ii. You have taken accurate record of any other available evidence
- iii. You reasonably believe there is sufficient evidence to provide a reliable prospect of conviction.

Audio – reordered interview under caution. The purpose of audio recording an interview under caution is to ensure that the most accurate record possible can easily be made. Audibly recorded interview are the best way to ensure that admissible evidence is collected from suspects who are interviewed. Interview with suspects should therefore always be audio recorded.

You should have regard to code of practice E on audio recording interviews with suspects, as well as code C on the questioning and treatment of persons. If interviews with suspects are audio recorded, the court may exclude evidence of the interview if a relevant provision of the code is not followed.

At the start of an audio- recorded interview, you should give the place of interview, the date and time, and then introduce yourself by giving your name and post. All other persons present in the room should be asked to introduce themselves so that their voice may be identified on the recording.

You should inform the suspect that, at the conclusion of the interview, you will hand them a notice explaining what will happen to the recording.

You should then caution the suspect, stating that you are not using your powers and that the suspect is not under arrest and free to leave. You should remind the suspect of the right to seek legal advice if there is no solicitor.

The interviewee should be asked to give his/her full name, address, date of birth, and where he/she resides.

If the suspect objects to the interview being recorded, the objection should be recorded on the nearest media. If the objection is recorded on tape/CD or the suspect has refused to have his/her objections recorded, you may turn the recorder off, and explain your reasons for doing so.

Concluding the audio-recorded interview under caution

At the end of the interview, you must offer the suspect an opportunity to clarify anything that has been said or to add anything. You should then complete the notice to person whose interview has been audio recorded. Give the time and announce that you are now switching off the recorder. The master tape/CD must be sealed and the label signed by you, the suspect and any other persons present.

After you have conducted an audio-recorded interview, you should make a note in your notebook of the fact that an audio interview has taken place, the time, duration and date and the identification number of the recording.

SELF-ASSESSMENT EXERCISE

As a police officer, how will you conduct an audio-recorded interview?

3.5 How to Conduct a Police Interview

Interviewing witnesses and suspects is a crucial part of criminal investigation, the purpose of which is to get information. Effective police work involves getting complete and accurate eyewitness accounts, as these can be convincing forms of evidence. In addition to gathering and corroborating the facts, police investigators also must get the proof or confessions they need. There are a number of techniques for conducting a successful police interview.

- i. Explain the reason for the interview before you begin. Work on building a rapport with the person being interviewed. You want the person to like you, so you must give him a reason to confide in you. Also, take steps to make the person feel comfortable. Interviewees are more likely to volunteer information when they do not feel frightened or intimidated.
- ii. Refrain from using unethical means to get a confession. Do not make threats or promises or use coercive actions to obtain confession. In order not to appear confrontational, seating should

- be arranged so that the interviewer and interviewee are sitting at the ten and two o'clock positions, rather than face to face.
- iii. Ask open-ended questions. Open-ended questions are not always phrased like questions, but rather as statements that require a response. Instead of leading a suspect or witness, an open-ended question is intended to encourage answers based on what the person knows. The objective is to get witnesses or suspects to volunteer information. Interview question that achieves this always begin with a word as "what".
 - iv. Listen to what is being said and clarify any inconsistencies. Even the most trivial information could be important. Make eye contact throughout the interview to establish credibility. Videotape the interview to maintain the integrity of the investigation. Take notes while interviewing the witness or suspect, or have another interviewer in an adjacent room to take notes.
 - v. Avoid embarrassing the person being interviewed throughout the interview. Do not interrupt the person being interviewed when he is speaking. Let him tell his story. Ask only one question at a time and wait for each answer.
 - vi. Employ suggestive techniques to help witness recall information from memory. Sometimes memory can be jogged with clues about the personal characteristics or clothing a suspect was wearing.
 - vii. Use accusatory questioning to help determine whether a person is telling the truth or lying. An innocent person tends to be direct with answers; someone who is lying might be evasive. Innocent people usually feel confident that an investigation will clear them. A guilty suspect may try to direct the interviewer from the actual questions being asked.

SELF-ASSESSMENT EXERCISE

Outline the steps you will follow when conducting a normal police interview.

4.0 CONCLUSION

We have discussed interviews and its purpose. We noted that interview is considered mostly as a formal conversation which is conducted with a view to obtaining information. We also noted that interviews are conducted in criminal cases for the purpose of gathering pieces of information from people that is complainant, witness and suspects who have or may have pieces of information needed in the investigation. The Police and Criminal Evidence Act (PACE) was also stated and its application to various forms of interview was discussed.

Audio-recorded interview under caution was also described together with the steps to follow. It was also noted that after you have conducted an audio-recorded interview, you should make a note in your notebook of the fact that an audio interview has taken place, the time, duration and date, and the identification number at the recording.

Finally, techniques for conducting a successful police interview were also outlined and discussed.

5.0 SUMMARY

In this unit, we have discussed the concept interview by looking at the following aspects, meaning of interview, types, Police and Criminal Evidence Act (PACE) in relation to interviews, records of interview under caution and techniques of how to conduct a police interview were enumerated.

6.0 TUTOR-MARKED ASSIGNMENT

- i. State the Police and Criminal Evidence Act. Discuss its importance.
- ii. Explain how to conduct and record an interview under caution.
- iii. List types of interviews you know and describe two of them.

7.0 REFERENCES/FURTHER READING

- Fakayode, E. O. (1985). *The Nigerian Criminal Code Companion*. Benin, Nigeria: Ethiope Publishing Corporation.
- James, G. (1980). *Criminal Investigation*. Ohio, U.S.A.: Merrill Publishing Co.
- Member, C.F.L. (1990). *Police and Law Enforcement*. Ibadan: Itec Printers Ltd.
- Onashile, Y. (2004). *Scientific Criminal Investigation. Detection and Prosecution*. Ibadan: Malijoe Soft Print.
- Swanson, C. R. (2003). *Criminal Investigation*. (8th ed.). Boston, USA: McGraw-Hill Higher Education.
- Senneward, C. A. (1981). *The Process of Investigation: Concepts and Strategies for the Security Professional*. Washington, U.S.A.: Butterworth-Heinemann.

MODULE 5 REPORT-WRITING AND MANAGEMENT OF CRIMINAL INFORMATION

Unit 1	Meaning of Criminal Information
Unit 2	Managing Crime/Criminal Information
Unit 3	Case File
Unit 4	Report-Writing and Note-Taking

UNIT 1 MEANING OF CRIMINAL INFORMATION

CONTENTS

1.0	Introduction
2.0	Objectives
3.0	Main Content
3.1	Meaning of Criminal Information
3.2	The Concept of Information
3.3	Sources of Criminal Information
3.4	Types of Criminal Records
4.0	Conclusion
5.0	Summary
6.0	Tutor- Marked Assignment
7.0	References/Further Reading

1.0 INTRODUCTION

What is information? And how is it related to crime?

Generally, information refers to news or knowledge being given. It is the act of exchanging news or knowledge between persons. “When Mr. Joseph arrived at the village square, the village head told him that his house will be demolished on Sunday if he (Joseph) fails to pay the fine imposed on him by the villagers. Mr. Joseph returned on Monday to find his house razed down.”

From the foregoing narrative, the news of the proposed demolition of Mr. Joseph’s house by the villagers is what we referred to as information. It could be a message, a story, warning, alarm, training or lesson. It could also be a good news or bad news.

Information is very essential and indispensable in criminal investigation. In other words, without information an investigator may not know what to do or how to approach a given crime situation. It is therefore important for information about known crimes to be given to the police, or any known authority. The law recognises this fact and imposes a

penalty against persons who neglect to prevent crime by failing to do something about its prevention. Section 515 of the Criminal Code 97 provides that “Every person who, knowing that a person desires to commit or is committing a felony, fails to use all reasonable means to prevent the commission or completion thereof, is guilty of a misdemeanour, and is liable to imprisonment for two years.”

The most reasonable means to prevent the commission or completion of a crime is to pass information about it to the police or law enforcers. This is because: to use our physical strength or presence to prevent a crime may appear too fatal or risky, so it is wiser to inform the agency prepared physically, psychologically and otherwise to prevent it.

2.0 OBJECTIVES

At end of this unit, you should be able to:

- explain the meaning of information
- enumerate the various sources of criminal information
- state the importance of information
- mention categories of information
- analyse information in relation to crime.
-

3.0 MAIN CONTENT

3.1 Meaning of Criminal Information

What is criminal information?

Criminal information is a criminal charge that is brought by prosecutor rather than a grand jury. A charge from a grand jury is called an indictment. In other words, information is a formal criminal charge made without a grand jury indictment by prosecutor in a document called information.

The moment a person commit any form of crime, the crime is mentioned as a criminal record of the person. There is no difference in the type of crime that is committed; let it be a simple drinking under influence charge or a robbery, it is mentioned in the criminal record. When a law is violated, the offended person may be able to smile and forget the crime. However this violation of the law will be mentioned in the criminal record of the violator by court and government. And this may sometimes give a bad impression of the person in all of his/her future lifetime opportunities.

Whenever an employer looks for likely candidates for employment, he runs the mandatory procedure of doing a background check on the

applicant. By running a background check, the employer will be able to learn if the applicant has any criminal record. If at all the person has a criminal record, the employer is at liberty to check on the criminal record to see what felony or crime the person had actually done. And so on checking the criminal record, and type of crime committed, the employer can decide if it is safe to employ the person or not. The person with a bad criminal record may find it difficult to get any form of employment.

Criminal records are easily accessible. Also the companies doing background checks are at liberty to conduct background checks and thus have continuous access to not only criminal records, but to any other personal information of a person. Of course, the police and the CID also have criminal records of all criminals, and the crimes they had committed.

The state archives have online databases of all public records, including criminal records. The state archives holds information about every governor, bills, act, and reports and of all proceedings of the supreme and appellate courts. So this archive can be considered the best place for one to access a person's criminal records. Some states also have online databases of public records while others have online sites of criminal records of sex offenders. Similarly, there are sites of the most wanted people.

Countries also have online database that contain criminal records that are accessible to the public. Here you also find sites listing sex offenders; this is a site that has to be made publicly available for the safety of citizens of a country. Some states also provide criminal record searches. Here a person can get a criminal record of felonies and misdemeanour arrests that took place in the state for a fee. Sometimes, if the person searching for a criminal record comes up with the statement that no records were found, it is required to pay for the services rendered by the site.

SELF- ASSESSMENT EXERCISE

How is criminal information different from ordinary information?

3.2 The Concept of Information

How did the concept "information" evolved?

Information is a formal criminal charge made without a grand jury indictment by a prosecutor in a document called information. The term is used worldwide and in various other common law jurisdictions. Information is one of the oldest common law pleadings (first appearing

around the 13th century), and is nearly as old as the better known indictment, with which it has always coexisted.

Information in its most restricted technical sense is an ordered sequence of symbols that record or transmit a message. It can be recorded as signs or conveyed as signals by waves. Information is any kind of event that affects the state of a dynamic system. As a concept however, information has numerous meanings. Moreover the concept of information is closely related to notions of constraint, communication control, data, form, instruction, knowledge, meaning, mental stimulus, palter perception, representation, and especially entropy.

The concept of information connotes the following:

1. **Etymology:** The English word was apparently derived from the Latin stem (information) of the normative (information). This noun is in turn derived from the verb “informare” (to inform) in the sense of “to give form to the mind”, to ‘discipline’ instruct” “teach” “men so wise should go and inform their kings”. Inform itself comes (via French informer) from the Latin verb informare, to give form, to form an idea of. Furthermore, Latin itself already contained the word information; meaning concept or idea, but the extent to which this may influenced the development of the word information in English is not clear.
2. **As sensory input:** Often information is viewed as a type of input to an organism or system. Inputs are of two kinds; some inputs are important to the function of the organism (for example, food) or system (energy) by themselves. In his book *Sensory Ecology*, Dusenbery called these causal inputs. Other inputs (information) are important only because they are associated with causal inputs and can predict the occurrence of a caused input at a later time (and perhaps another place). Some information is important because of association with other information but eventually there must be a connection to a causal input. In practice, information is usually carried by weak stimuli that must be detected by specialised sensory systems and amplified by energy inputs before they can be functional to the organism or system. For example, light is often a causal input to plants but provides information to animals. The coloured light reflected from a flower is too weak to do much photosynthetic work but the visual system of the bee detects it. Bee’s nervous system uses the information to guide the bee to the flower, where the bee often finds nectar or pollen which are casual inputs serving a nutritional function as an influence which leads to a transformation.

Information is any type of pattern that influences the formation or transformation of other patterns. In this sense, there is no need for a conscious mind to perceive, much less appreciate the pattern. Consider, for example, DNA. The sequence of nucleotides is a pattern that influences' the formation and development of an organism without any need for a conscious mind.

System theory at times seems to refer to information in this sense, assuming information does not necessarily involve any conscious mind and patterns. Circulation (due to feedback) in the system can be called information. In other words, it can be said that information in this sense is something potentially perceived as representation, though not created or presented for that purpose.

If, however, the premise of "influence" implies that information has been perceived by a conscious mind and also interpreted by it, the specific context associated with this interpretation may cause the transformation of information into knowledge. Complex definitions of both "information" and knowledge make such semantic and logical analysis difficult, but the condition of "transformation" is an important point in the study of information as it relates to knowledge, especially in the business discipline of knowledge management. In this practice, tools and processes are used to assist a knowledge worker in performing research and making decisions including step such as:

- i. Reviewing information in order to effectively derive value and meaning.
- ii. Referencing data if any is available.
- iii. Establishing a relevant context, often selecting from many possible contexts.
- iv. Making decisions or recommendations from the resulting knowledge.

The Danish dictionary of information terms argues that information only provides an answer to a posed question. Whether the answer provides knowledge depends on the informed person. So a generalised definition of the concept should be "information" = an answer to a specific question.

3. **As records:** Records are specialised form of information. Essentially, records are information produced consciously or as a by-product of business activities or transactions and retained because of their value. Primarily their value is as evidence of the activities of the organisation but they may also be retained for their informational value. Sound records management ensures

that the integrity of records is preserved for as long as they are required.

The international standard on records management, ISO 15489, defines records as “information created, received, and maintained as evidence and information by an organisation or person, in pursuance of legal obligations or in the transaction of business.”

4. **Information and semiotics:** Beynon-Davies explains the multi-faceted concept of information in terms of signs and signal sign systems. Signs themselves can be considered in terms of four-dependent levels, layers or branches of semiotics: pragmatics, semantics, syntax, and empirics. These four layers serve to connect the social world on one hand with the physical or technical world on the other. Pragmatics is concerned with the purpose of communication. Pragmatics links the issue and sign with the context within which signs are used. The focus of pragmatics is on the intentions of living agent undertaking communicative behaviour. In other words, pragmatics link language to action.

Semantics is concerned with the meaning a message conveyed in a communication act. Semantics is the study of the meaning of sign-the association between signs and behaviour. Semantics can be considered as the study of the link between symbols and their referents or concepts; particularly the way in which signs relate to human behaviour.

Syntax is concerned with the formalism used to represent a message. Syntax as an area, studies the form of communication in terms of the logic and grammar of sign systems. Syntax is devoted to the study of the form rather than the content of signs and sign-systems.

Empirics is the study of the signals used to carry a message; the physical characteristics of the medium of communication. Empirics is devoted to the study of communication channels and their characteristics, e.g. sound, light electronic transmission etc.

SELF- ASSESSMENT EXERCISE

Discuss the various levels of definitions of the concept of information.

3.3 Sources of Criminal Information

What are the various sources of criminal information? Criminal information can be gotten by investigators using four principal sources.

These are:

- i. The complainant/crime victims
- ii. The suspect/accused persons
- iii. The witnesses
- iv. Scenery picture.

Other sources include the following; physical evidence, people involved (suspects) and non suspects, records, reconstructing the incident, evidence from the crime scene, witness statements and interrogation of suspects.

The complainant/crime victim: In crime investigation, the complainant or victim is a reliable source of information. As the first recipient of the burden or impact of the crime, he/she knows its effect, how, when and where the crime was committed. He could equally know why the crime was committed against him and what was used committing the crime. The aim of criminal investigation is to know all these. The complainant is in a position to supply all these information to the investigating officer. If these are known, he releases them without fear of being known or harmed: because the criminal already know him and had done the worst to him by committing the crime against him.

Information supplied by the complainant should be carefully recorded and in good precision because, as a victim of the crime, everything is fresh and what he says might be most reliable except in few cases where fear, State of health, age and effect of violence might blur the memory of the complainant from knowing exactly what happened.

The complainant is expected in normal situation, to supply the following information to the investigator.

- a) Date and time of the crime
- b) Place and how the crime was committed
- c) Who committed the crime? (if known)
- d) Pains to the crime:
 - i. Damages (if any)
 - ii. Things stolen (if any)
 - iii. Injuries (if any)
- e) Instruments or weapons used (if any)
- f) And possibly why the crime was committed against him/her.

The suspect/accused: The suspect or accused person is another source of criminal information. The suspect is the person who, by the circumstances surrounding the crime, suspected to be behind the commission of the crime by any means whatsoever. He may be the actual person or innocent. In any case, the suspect can be a veritable source of good information that may be useful in crime investigation. The accused is the person charged with the commission of the crime. He is presumed to be innocent until the fact that he committed the crime is proved against him. Just as in the other case, he could be a source of information whether he committed the crime or not.

Somebody can be suspected or accused of a crime innocently, but knows much about it. In the event of such situation, the law expects a law abiding citizen to release such information to the law enforcement agents when necessary to do so. A suspect can confess to a crime on interrogation. And a suspect or accused though innocent of the crime, but knew about it, when questioned, may deny the charge and expose facts he knows about the crime. The process of denial may also reveal essential facts about the crime against someone else without the suspect or accused knowing. The following illustration may buttress this point. Bature was sleeping in his house at about 8.30pm on a Sunday, when Thomas Okoh his friend ran into his house and hid under his bed. Bature saw him but did not know what he did. Onome James, a co-tenant with Bature juggling outside was chasing Thomas Okoh soon after stealing a golden wrist watch from its owner at a mosque close to Bature's house and thought it was Bature. When police interrogated him the following day, he told the police that he was not the one they were chasing but Thomas Okoh whom he saw ran inside his house soon before he (Bature) was arrested.

Bature who was trying without success to find out why Thomas should run into his house and hide at that hour of the day, was arrested by the police following Onome's statement to them. Bature was charged for stealing a golden wrist watch valued at 15,000.00, a charge he denied, but revealed that at the hour in question, he was not the one who ran inside his house, but his friend Thomas Okoh. When arrested, Thomas was found with the golden wristwatch, and eventually confessed the crime.

From this illustration, one can see how information relating to crime can be sourced from a suspect. And that is the reason why proper steps should be taken during interrogation of a suspect or accused.

The suspect or accused might be a criminal, so he/she is the second person who knows much about the crime besides the victim. While the

victim or complainant is the recipient, the criminal perpetrates the crime. Information expected from him or her essential include:

- a) Why he did it
- b) How he did it
- c) Persons who aided, counselled, or assisted or procured him to commit the crime. And where he, the suspect or accused is innocent of the crime, he is to supply information that may prove same.

The witness: Witnesses are persons who are present during the commission of a crime, or by any means have facts about a committed crime. It may be that the person who saw the action that constituted the crime; he heard a noise that constituted the crime or a declaration by the suspect or victim as to the crime. A witness is an independent person in the crime. He or she loose or gain nothing in the crime. But he experienced it. He may loose nothing still, if he remains adamant. The outburst of the witness in revealing what he/she heard or saw has the tendency of offsetting or endangering the security of the criminals. Therefore, both can be in good terms and the criminal may stop at nothing to ensure the witness stay away from the matter. For this reason witnesses need to be protected, especially in serious crimes.

There are two types of witnessing. The first is that, the complainant as well as the suspect or accused persons knew who and who witnessed the crime. Another is one whereby somebody witnessed the crime without anybody knowing this.

Information to the police or investigators on the later instance is most essential because it is reliable and unbiased or uninfluenced, witnesses who gave such information are called informants. It is this type of witnesses' identity that needs to be protected to avoid possible harm against them. Essential information from witnesses may include.

- a) Who committed the crime?
- b) Who was victimised by the crime?
- c) What he/she heard?
- d) What he/she saw?
- e) What he/she perceived with any of his/her five senses?

Scenery picture: By visiting the scene of crime, the investigating officer may create what is referred to as scenery picture. This is what he/she saw at the scene of crime. The sight of the scene may define what happened. It may send lots of information to the officer. Scene of crime is often seen as silent informant or non-verbal information about the crime. That for instance, a scene of murder, which revealed a pool of

blood, a matches, torn pieces of wrappers, and cloths and as identity card as revealed a lot of information. The investigator may work extra length to decide this information to arrive at more facts.

People seen or met at the scene may have more to tell about the crime and people behind it. Whatever or wherever the source of the information, the success of any investigation is independent on how efficient this information is managed by the investigators.

Criminal record search information

There are essentially two reasons for accessing a criminal record history, which is a public record search. The first principal reason is for the purpose of employment screening. Whenever a public records search is conducted, the information returned on a criminal history search is limited. Arrests without convictions may not be reported for the past seven years. This includes successfully completed pre-trial intervention (PTI) cases, deferred prosecution, adjudication withheld, and nullified cases. We should first address the types of criminal records search products available. They are federal criminal records, state criminal record, local government or country criminal record, and criminal record database searches. Also there are four types of offences that may appear. They are infractions or violations, traffic offences, misdemeanours, and felonies. The following is information on each criminal record search category.

- a. Infractions: Infractions are minor offences that fall under violations of city codes and regulations.
- b. Traffic offenses: These are serious traffic offenses, such as driving under the influence of alcohol. Minor traffic infractions will not be indicated in the criminal background check.
- c. Criminal misdemeanour: These offences usually call for incarceration of one year or less, in a local confinement facility. In many instances there is no jail term.
- d. Felony criminal records: A felony criminal record is considered the most serious. The incarceration ranges from one year to life.

Criminal record search procedures

The vendor receive a request for a criminal records search and determines what type of release is required – if any, and if the records may be accessed online, by facsimile, via mail. If not, the vendor sends out the request to the court runner, who in turn must physically travel to the court jurisdiction to access the court file. The court runner, in turn, must be diligent in searching the records.

Criminal record identifiers

In this case, criminal records are assessed using one or more search identifiers. The identifiers are: name, date of birth, race, or fingerprints. Many jurisdictions utilise an exact name search only. Other may utilise a combination of the above identifiers. Inaccurate identifiers will yield inaccurate results. The most accurate identifier is a finger print search.

Important pointers

Always determine the source of criminal record search. This will help ensure that you are accessing the source that best suit your needs. It will also assist you in reducing false results.

SELF –ASSESSMENT EXERCISE

Mention five sources of criminal information, and discuss two of them.

3.4 Types of Criminal Records

The term “criminal records” is a broad one under which many types of records relating to one’s involvement with a court system or government agency can be found. That does not necessarily mean that a person has unfortunate incident with a state or local authority; however, in most instances this is the case.

A criminal record is a record of a person’s criminal history, generally used by potential employers, lenders etc, to assess his/her trustworthiness. The information included in a criminal record varies between countries and even between jurisdictions within a country. In most cases it lists all non-expunged criminal offenses and may also include traffic offenses such as speeding and drunk-driving. In some countries the record is limited to actual convictions (where the individual has pleaded guilty or been declared guilty by a qualified court) while in others it also includes arrests, charges dismissed, charges pending and even charges of which the individual has been acquitted. The latter policy is often argued to be a human rights violation since it works contrary to the presumption of innocence by exposing people to discrimination on the basis of unproven allegations. Criminal records are public records. By nature and most jurisdictions allow access to the public either from the state funded website for criminal records or directly requesting it from the concerned public offices who have the control over the records wanted to be obtained by the public. Before the development of the Internet, it is quite hard to conveniently obtain criminal records because of the processes involved in getting them. If you want a criminal record about a certain person, you have to actually

perform a physical search on the government institution responsible for maintaining if like police precincts and court houses.

Types of records

Criminal records could include something as simple as a motor vehicle or driving records, or something as complex as one's arrest or criminal history. Included in the criminal history level could be arrest records, sex offender records, misdemeanour records, felony records, inmate and prison records as well as possible inmate release information.

- i. Motor vehicle driving records: Every state has some motor vehicle department where a person's driving record can be obtained for a relatively small fee. There are also databases available online that provide information on obtaining a driver's records step-by-step instructions that have links to all states of the federation.

In some instances, the section of the database may explain how to correct errors, what documentation is required when going to a state motor vehicle administration and whether or not would have access to someone else's driving record. These records may contain information regarding traffic citations any associated points and the dispositional status of those citations.

- ii. Arrest records: Arrest records are exactly records of someone's arrest. Quite simply, local, municipal and state agencies are required to keep a record of each and every contact and subsequent restraint of an individual. When one is arrested, he is submitted to the custody of a police officer/agency and a record of that detainment is maintained. During the arrest process and recorded on the arrest record is the individual's physical description; a record of what he had on his person at the time of his arrest and a record of his fingerprints. In most instances, these arrest records are open to the public.

- iii. Sex offender records: Sex offender records or sex offender registries are a centralised database that contains information about individuals who have been deemed to be sexual offenders by a court of competent jurisdiction. The Dru Sjodin national sex offender public website is coordinate by the United States department of Justice and is a registry that compiles information from state jurisdictions that have their own sex offender registries and the federal government. A search query can be done by searching an individual's name, by jurisdiction, by zip code, by country and or state if the reporting jurisdiction has provided that information, as well as a national search.

- iv. Misdemeanour and felony records: Most crime can be misdemeanours and the determining factor is the potential

punishment upon conviction. If a period of incarceration has been imposed for a year or longer, then the crime is usually considered a felony, if the period of imprisonment will be less than a year, the crime will in all likelihood be a misdemeanour. Criminal records databases may list these offences either together or separately and may in more detail explain how the crime was classified. If the offender was given probation or a monetary fine that information would most likely be found in the criminal records database.

- v. Inmate, prison and release records: After a felony conviction has been rendered and a prison sentence imposed, the next set of records will be established. When a person is under the control of a state's department of corrections, information about the inmate will be gathered and stored both in hard copies on an identification card, as well as entered into a database that in some instances is linked to other criminal clearing house databases.

When a particular crime is committed, these databases can be searched to see if there are any inmate, including term imposed, term served and release dates are maintained so that police agencies have that. In some cases, the victims can be kept apprised of the whereabouts of those who committed a crime against them.

Although a centralised system would be the most effective means of gathering and maintaining information about people who have committed crimes, there are places that this information can be found. With a little bit of patience and due diligence, we can have a better understanding of the people that we will come into contact with on a day-to-day basis.

SELF –ASSESSMENT EXERCISE

Describe three types of criminal record you know. Give at least one example each.

4.0 CONCLUSION

We have described and explained the meaning of criminal information. Criminal information is a criminal charge that is brought by prosecutor rather than a grand jury. A charge from a grand jury is called an indictment. We also discussed the concept of information, that information in its most restricted technical sense is an ordered sequence of symbols that record or transmit a message. It can be recorded as signs or conveyed as signals by waves. We also learnt that information is any kind of event that affects the state of a dynamic system. As a concept it

has numerous meanings and closely related to constraints, communication, control, data, form, instruction and knowledge.

The various sources of criminal information were also listed and described, the sources includes physical evidence, people involved (suspects) non-suspects, records, reconstructing the incident, evidence from the crime scene, witness statements and interrogation of suspects.

Criminal record was also discussed as a record of a person's criminal history, generally used by potential employers, lenders etc, to assess his or her trustworthiness. The criminal records of an individual would have details on the criminal offenses committed by the person including traffic violations, cases where the person is convicted along with the cases where the person was acquitted. The various types of criminal records were also described and listed as motor vehicle, driving record, arrest records, sex offender records, misdemeanour and felony records, inmate, prison and release records.

5.0 SUMMARY

In this unit, we have dealt with the meaning of criminal information, the concept of information, criminal records and types of criminal records.

6.0 TUTOR-MARKED ASSIGNMENT

- a) What is criminal information? Why is it important?
- b) Discuss the various sources of criminal information.
- c) Mention four criminal records and describe two of them.

7.0 REFERENCES/FURTHER READING

Beyon, D.P. (2002). *Information systems: An Introduction to Informatics in Organisation*. Palgrave, Basingstoke U.K.: Einstein Publishers.

Ewosh, U. R. (2000). *Introduction to Criminal Investigation*. Port Harcourt: Minson Publishers.

Federal Bureau of Investigation (2010) w.w.w. org. USA.

Kirk, P.L. (1994). *Crime Investigation*. (2nd ed.). NY: John Wiley and Sons.

UNIT 2 MANAGING CRIME/CRIMINAL INFORMATION

CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
 - 3.1 Characteristics of Well-Managed Information
 - 3.2 Gathering Information
 - 3.3 Managing Crime and Quality of Life Using “Compstat Management Model”
- 4.0 Conclusion.
- 5.0 Summary
- 6.0 Tutor-Marked Assignment
- 7.0 References/Further Reading

1.0 INTRODUCTION

How do we know whether a police department is managing criminal information successfully?

Generally, information as an essential tool of investigation needs to be well managed. Well- managed information is capable of producing other useful information, and will assist in realising the aim of investigation. Poorly managed information however, has the tendency of driving away other useful information and will hamper investigation in any way. During the 1970s and 1980s most criminologist and even police executives believed that controlling crime was beyond the capacity of the police. Hence, crime rates were a relatively unimportant measure of police effectiveness. Two other measures were considered more suitable. One was response time which calculated how quickly patrol officers responded to citizen calls for assistance. Another was clearance rates, the percentage of crimes against victims, such as burglaries, that the police believed they have solved. Now most large police departments are explicitly trying reduce crimes against victims. Crime rates have become the golden standard for evaluating the competence of police departments.

Now the question is, how do we manage information relating to crime, and what are the general characteristics of well-managed information? The various aspect that will introduce you to how to manage crime\criminal information include, characteristics of well-managed information, gathering information and managing crime and quality of life using “compstat management model.”

2.0 OBJECTIVES

At the end of this unit, you should be able to:

- describe the general characteristics of well-managed information
- enumerate methods of gathering criminal information
- identify sources of criminal information
- define the compstat management model
- explain the use of compstat management model in managing crime
- list some reasons for giving information to the police by informants.

3.0 MAIN CONTENT

3.1 Characteristics of Well-Managed Information

What are the main characteristics of well-managed information? There are principally six major characteristics of well-managed criminal information. These are:

- i. Secrecy/confidential
- ii. Checking up information
- iii. Storage of information/records
- iv. Keeping criminal information/record intact
- v. Parity of information
- vi. Honesty and fairness with informants.

Secrecy/confidential: It is a rule in investigation to treat all information with extreme confidentiality or secrecy. This implies that investigators should not let information made available to them to anybody, be it complainant, suspect, witness or informant, during the course of their investigation. The facts of any case under investigation should remain or be confined to the four walls of the investigation house, or to the investigation team. The need for such secrecy helps to prove the authenticity of such information. If an investigator allows information to “pill of his file, he is as good as destroying the case he is investigating. Take for instance, the following experiences:

Detective Sgt. Timothy Henshaw was a crack detective. He was investigating a case of murder involving one Alanigi who murdered a girl–Timi. Alanigi escaped to a riverine town to hide in the house of his friend Mathew. Mathew who already knew what Alanigi did kept him. One night, Peter a log driver sighted Alanigi and promptly passed the information to Sgt. Timothy, who made the arrangement in his office to travel to the riverine community where Alanigi was seen for his arrest

and that of the man who kept him. Before leaving in the morning, Timothy revealed the information and the reason for his journey to his wife Theresa who in turn revealed it to her friend Elizabeth - younger sister to Mathew. To prevent the arrest of her brother (Mathew), Elizabeth sent urgent message to him alerting him of the intended invasion by the police to arrest him and Alanigi. On receiving this message, Mathew sent Alanigi away, and also planned to go out of the town. In his haste to beat the police time of arrival, Mathew's luck ran against him. He jammed an old woman with his motor-cycle breaking the woman's ankle, while the villagers were beating him for his recklessness, the police arrived and arrested him but before then Alanigi, the murderer had escaped police arrest.

From the foregoing, one can see the reason for secrecy of crime information. Secrecy of crime information does not exclude one's wife, mother or father, much less friends, brothers and sisters. People whom you don't think can spill your information are most guilty of it. They do it without knowing the effect or without intending to frustrate and mess up the case as in the case of Timothy Henshaw's wife. She did it to boost her husband's prestige before her friend Elizabeth. Little did she know that Elizabeth will be an interested party.

It is important to note that an investigator is safer if he is able to resist the urge to discuss his official assignment at home.

Keeping your secret secret is not only a trait or attribute of a detective or investigator; it is also a duty- an important duty for that matter. Once information is received in an investigation office, especially with respect to a crime, that information becomes part of the official secret of that office; and it is the duty of everybody working in that office to preserve its secrecy or confidentiality. It is an offence under the law to reveal or expose official secrets. Some conservative investigators go the extra-miles of keeping such information away from their colleagues and even their boss until they have cross checked and acted on it.

Also note that the secrecy of the information is not limited to the information, it also extend to its sources e.g. the informant. While it is possible time and events may eventually expose the piece of information, the informant is expected to exist permanently secret. This is so in that your source of information today may also be a source tomorrow, if only you allow the source to remain perpetually secret.

Checking up information: The adage that "knowledge is not power until applied," is also true of information. In investigation, "information is power." But it is also not so until well utilised. Having kept the information secret, the next line of action is to check it up if it is true or

not. Information that is not crosschecked remains waste. And crosschecking information must be quick and swift if success must be recorded. It's tantamount to mismanaging information when time is allowed to elapse before checking up the information. In the crime world, people are always on the move, just as in the world of ants. A delay on the part of the investigator may make false of genuine and true information. To avoid this, investigators should be quick and spontaneous in acting on information received.

A police crack team received information of a plan to rob a supermarket one morning; their effort to respond immediately was marred by a member of the team (the driver) who failed to keep their vehicle always on the ready position. Before they could clear the obstacle on the way of their vehicle they got to the supermarket only to be told that the robber struck and left with huge sum of money few minutes before they (the crack team) arrived. Had the members of the team gone to the place as soon as the information was received, they may have succeeded in foiling the robbery or arrested the robbers. Hence it is important to act quickly and swiftly on information received.

Storage of information/records: There is certain information that may have to do with crimes to be committed in future, or crimes whose offenders have gone into hiding, and may resurface in a future date. Such information should be properly stored for easy retrieval for use at the right time. It important to note that human memory fluctuates from time to time, and fluctuation of human memory is influenced by a number of factors, including daily activities and volume of things to memories or remembers. Since this is the case, it becomes important to store information in such a way that it could be retrieved in future for necessary and appropriate action. It is recommended that information file tagged "sundry information" be opened by every investigator. Information and informants-no matter how trivial, be recorded therein. This file should be visited regularly to ensure that information in it has been acted upon. In the modern day, science is playing this role very well. Computer services help in refreshing the memory of investigators and detectives of current crime, information, criminals and events. Notable information to be included in such files are:

- i. Names and addresses of criminals in relation to the crime they commit with date, time and place.
- ii. Name of Informants.
- iii. Events or incident or type of crime committed, or about to be committed.
- iv. Stolen items, implement of violence or instruments used in committing crimes.
- v. Name of persons who received stolen goods or properties.

- vi. Names of person who abet, or aid criminals.
- vii. Evidence of person's involvement in crime.

Information should be received in writing, and documented. Information from the complainant, suspects and in most cases too, that of witnesses and informants should be documented for future reference. Here statement taking comes in. Once a statement is taken from a complainant, suspect/accused or a witness, a record is created. It is therefore important and appropriate to store or keep these records in a safe place where it can be gotten when needed. The confidentiality of these records, as emphasised earlier is as important as its safety.

Keeping criminal information/record intact: Information or record relating to any crime should not, in any way be altered, cancelled or obscure, either in words or in writing for whatever reason. Information should be intact and be allowed to remain in the original form it was given. In other words, nothing should be added to the original story to make up the information. This is to avoid acting wrongly and miscarriage of justice. For instance, an informant told a member of police anti- robbery team that a group of boys were seen by him early in the morning returning from an unknown place, and that the boys were later seen clustered in a place, sleeping. The informant told the police that he suspected that the boys must have returned from where they performed nefarious activities in the night. But reporting the information to his boss, the members of the robbery gang who robbed a place the previous night are sleeping in a house, all members of the team advanced to arrest the suspected robbers with the notion that they were robbers, that had robbed the previous night and that they are likely armed with guns. The police eventually shot two of them dead who attempted to escape, and arrested three others and only to realised later that the boys were not robbers. At official level, the information was traced to the informant who denied ever passing the information as told by the police; the members of the anti-robbery team were charged to court for murder of the two boys. But before then, the parents of the boys went to court demanding for N100m damage for killing of their children. If they win the suit, the N100m may be the cost of altering the original information by the policemen or a member of the anti-robbery team.

Once information is left or delivered in its original form, it is easier to act upon. It should be borne in mind that not all pieces of information are correct and so investigators take note.

Parity of information: Treat all pieces of information equal. In other words, all pieces of information should be treated the same way in terms of confidentiality, responses and handing. A “too-good” piece of

information may turn out to be a complete farce. While one considered as insignificant could turn to be genuine and most reliable; no matter who gave it or whom it is given against, all pieces of information must be given equal attention and same treat.

Honesty and fairness with informants: Informants should be treated honestly, and fairly. In every respect, they should be respected. Informants possess key to good investigation, and so should be treated honestly. To a marketer or distributor, the customer is a king, and always right so it should be with investigators in respect to the informants.

SELF-ASSESSMENT EXERCISE

Describe three major characteristics of well-managed criminal information.

3.2 Gathering Information

As a police officer investigating a crime committed, how do you gather your information?

There are two classes of persons giving or volunteering information to the police which require the existence of information fund. That is, the financial package for processing information. First, persons giving information at police station in the form of complaint in which allegations of pure criminal offence is connected and second, person who deliberately or for other reasons give information to police officers from time to time. Of course, the second class of persons or informants will benefit more from information fund than the first class because the fund is mainly provided to entice them as an informant- being an individual who for a particular reason provides information to the police. Persons like proprietor or employee of hotels, traders, prostitutes, shopkeepers, labourers, cobblers, barbers, barmen, roadside mechanics, motor pack touts, hawkers and vendors etc are potential security and criminal information suppliers for police to work with. These are people who by virtue of the nature of their duties have the time and opportunity to watch their demeanour and activities, listen to their utterances and offer assistance to their neighbours and others.

In the course of their duties, they have access to either criminal or security information and become sources of assistance to the police by volunteering this information for any particular reasons to which the police may have to pay for/or spend money in the course of procuring and processing the information hence the need for the information fund.

The reasons for giving information to the police are many depending on the motives behind such actions Baker (1981) and Udensy (1976). The investigator has the duty to evaluate and assess the informant and his information because of the conflicting motives behind giving the information. The most known reasons for giving information to the police by informants are:

- i. Civil mindedness: A good citizen of repute has the civic duty and responsibility to volunteer information. Similarly a good citizen who is interested in seeing that justice is done will give information to the police.
- ii. Gratitude: A person who has interest to help the police either by way of rewarding the investigator for his kindness or achievement, or on committed inquisitiveness.
- iii. Monetary reward: People give information for payment because of financial need for survival or for other gains. Most informants are for monetary reward.
- iv. Favour: Some people take delight in giving information to police authorities to enjoy their courtesy, or in order to subsequently secure police favour.
- v. Fear and revenge: Under the impression of impending danger, an informant may want police protection or assistance and volunteer information to scuttle the danger. Others who want to settle grudges or even scores with someone who caused them pain in the past would volunteer information that will reveal wrongful acts of that person to the police.
- vi. Repentance: Weak minded men who have repented can decide to unburden their conscience by volunteering information to the police about their wrongful act or those of others.
- vii. Escape from punishment: Person(s) who committed minor offence and wish to give information about major crime in order to avoid prosecution and such a person is often treated as an accomplice.
- viii. Jealousy: A person envious of the success of other may wish to humiliate them by giving information about their past criminal activities.
- ix. Deceit: A person who may be involved in criminal acts with intent to escape punishment may give the police false information to mislead the police or the security operatives. Therefore, for this reason, the investigator must maintain firm control and direction of the information with intelligent evaluation of his information to ascertain its reliability if the investigation is to be legally, morally, and safely conducted and concluded. A good attention should always be given to protect the interest of a deliberately anonymous informant. But a dubious anonymous

informant and his information should be dismissed. Immediate effort should always be made to identify a bogus informant who gives information to divert the attention of the police elsewhere, whilst they and their friend or cohorts commit crime in another place. Same treatment should be given to informants who give information deliberately to dupe or defraud young inexperienced police officers and to get money from them.

There are two sources of information always available to an officer. These are the primary and secondary sources or the regular and cultivated sources respectively. the primary source of information are information from complainant in the sense of an aggrieved person or victim and their witnesses; the suspect/accused in a case under investigation and their witnesses or accomplice; anonymous petition, abandoned exhibits; from anonymous callers even from the scene of crime.

From the primary sources are obtained raw information which requires more energy in utilisation. All pieces of information received must be assessed to verify the truthfulness or otherwise of it, no matter how much trust you have on the informant or the urgency of the matter, the emphasis for authenticity is more on primary sources of information than the secondary.

The word cultivated connotes information produced by objective collateralisation, having been improved upon or developed and possibly a cultivated or refined type.

Therefore, the secondary or cultivated sources of information would produces certified, refined and ascertained information usually in order to secure documentary corroboration of the verbal information relating to the crime under investigation. Once a document which has a link to a crime is obtained, it serves as direct evidence or information and other things like the perpetrator (s) of the crime can be traced. Such records of document may be willingly surrendered to the police by their custodians on demand or through the order of the court. Some of such important records of information include:

- i. Police records like police gazette, fingerprints register, modus operandi system, and surveillance.
- ii. Government records like gazettes; departmental records of government ministries and records of decided cases, superintendent of prisons records of inmates.
- iii. Company records like stock and shares register, sales daybook, imprest account register, the purchases and debts account registers, the proceedings of every audited account records , etc.

- iv. Banks records including their statement of cheque book, all private or personal or joint deposit accounts ledgers, the proceedings of every audited account record etc.
- v. Personal records like letters, files jackets, diaries and (relevant) correspondence.
- vi. Newspapers, magazines and periodicals.

Though the last two categories are more of primary sources than secondary, the provision of sections 165 and 166 of the commission of offence emphasis the need for police to take every piece of information seriously because in the haystacks of allegations, accusations denials and even rumours lies a needle of truth.

Therefore, proper care of information received must be taken, and be kept secret. Equally, the source of any information and the identity of the informant must never be disclosed unless absolutely necessary.

SELF-ASSESSMENT EXERCISE

Discuss the various ways of gathering information in a criminal investigation.

3.3 Managing Crime and Quality of Life Using “Compstat Management Model”

What is “compstat management model?”

The highly effective management model or paradigm that come to be known as Compstat was first developed within the New York Police Department in 1994 as a process for managing crime and quality of life in New York city. Compstat was developed in response to a very specific set of immediate needs confronting the NYPD. That compelling need to bring spiralling rates of crime and disorder to within manageable bounds and to focus on violence was its primary objective. Since its introduction in early 1994, Compstat has proven to be highly effective in achieving the goals for which it was initially intended. Over time it has also evolved and grown from a basic and fairly rudimentary process involving the collection and analysis of crime data as well as a mechanism for ensuring accountability and information- sharing into a more complex, more nuanced, and eminently more effective management paradigm.

The Compstat Management Model can be adopted for implementation and practice in the Nigeria police system to resolve a range of problems and to manage a range of police functions.

While Compstat has gained renown as a method used by police for reducing crime, its overall flexibility and adaptability make it a suitable tool for managing virtually any organisational function in many types of organisations. Compstat is a multifaceted approach to management that derives many of its guiding principles from sound practice, including its emphasis on collecting and analysing data that is used for strategic decision-making. Compstat Management Model emphasises and establishes exceptionally a high levels of performance accountability at every level of organisation.

The Compstat paradigm may be best explained or understood through a review of its basic principles or premises.

The first principle of the Compstat paradigm is that police can make a difference. While some may reflexly accept this proposition as true, others are less receptive to it; they are willing to accept poor results and attribute them to the idea that external forces (such as economics, unemployment, social conditions, poor education, etc) are the engine that drives crime, and the police can really do little to influence crime. Clearly, police manager who does not wholeheartedly believe in the capacity of the police organisation and the individual officer to make a difference is in wrong line of work. A lack of faith in this basic premise also undermines the respect and legitimacy he/she needs from rank-and-file officers.

The second principle of the Compstat paradigm underlies effective crime reduction and quality of life problem abatement. These include timely and accurate intelligence, effective tactics, rapid deployment of personnel and resources; and relentless follow-up and assessment to ensure that the problem has been solved.

Third, the Compstat paradigm recognises that in majority of crime instances, divisional police officers or middle managers are in a far better position to make everyday operational decisions than headquarters executives. Divisional police officers are (or should be) far better acquainted with the crime and quality of life problems within their jurisdiction, and they are better acquainted with the strength and abilities of the individual officers working for them. In order to make cogent operational decision, divisional police officers need crime intelligence, practical police experience and problem-solving skills. They also made more accurate and effective decisions when they incorporate the wealth of information, tactical knowledge and experience residing within members of their commands.

To operationalise this precept, divisional police officers must be given the authority to make important decisions within prior review by

administrative high ups. Careful selection and assignment processes and a viable accountability system will ensure that middle managers make appropriate decisions.

The fourth precept of the Compstat Management Model is the recognition that the police occupation's culture is not a singular, unchanging and monolithic entity. The occupational culture is the heart and soul of the police organisation, the glue that often holds the agency together, and one of its greatest strengths. In many dysfunctional police organisations, two distinct cultures can be discerned: a 'street-cop' culture and a management –cop' culture. When the ideas, attitudes, belief systems, values and goals that characterise these cultures are disparate or contradictory, the agency's executives and managers face formidable challenges and the agency is unlikely to achieve its full potential. Effective management demands that the differences between cultures be demised, usually in favour of the "street cop" culture's best attributes. Police executives must manage the organisation's culture as they would manage any other valuable resource, but few police executives pay adequate attention to nurturing and developing the organisation's culture.

The fifth principle is that accountability is the key to performance. Transparent accountability systems in which performance objectives are clear and objectively measurable and in which accountability processes take place in public must be used to identify and either reward or discipline the organisation's members.

Finally, the Compstat Model recognises that in a high- performance police organisation there should be a strict adherence to the communication systems and information sharing. The executives should consult with the rank-and-file in developing policies, strategies and organisational goals. If police executives are to be successful, the Compstat paradigm holds, they engage in measured risk-taking and reward it within the middle and upper management ranks. Operational officers are, by temperament and the nature of their work generally risk-takers.

SELF-ASSESSMENT EXERCISE

List six basic principles of the Compstat Management Model.

4.0 CONCLUSION

We have explained the general concept of managing crime and criminal information. We also listed the general characteristics of well- managed information to include: checking up information; storage of

information/records; keeping criminal information/record intact; parity of information; and honesty and fairness with informants.

We also discussed ways of gathering information, when trying to investigate a criminal case and listed various sources of getting criminal information. The use of Compstat Management Model was also discussed for adoption and implementation.

5.0 SUMMARY

In this unit, we have discussed managing crime/criminal information by looking at the following areas; characteristics of a well –managed information, ways of gathering criminal information and adopting “Compstat Management Model” as a strategy for managing crime and quality of life.

6.0 TUTOR-MARKED ASSIGNMENT

- i. Explain “ Compstat Management Model.”
- ii. Lists different ways of gathering criminal information.
- iii. Discuss three major characteristics of well –managed information.

7.0 REFERENCES\FURTHER READING

Esserman, D.E. (2001). *How to Decentralise Control and Get Police Officers to Love their Jobs*. Washington DC: Heritage Foundation Executive Memorandum.

Esoung, P. J. (2010). *A Handbook on Intelligent Investigation*. Abakilliki: Willy Rose and Appleseed Publishing Coy.

Ewoh, U. R. (2000). *Introduction to Criminal Investigation*. PortHarcourt: Minson Publishers.

Henny, V. E. (2002). “The need for a coordinated and strategic local police approach to terrorism: A practitioners’ perspective”. *Police Practice and Research Journals*, 3,(4) pp 319-338.

Henry, V. E. (2003). “Compstat: The Emerging Model of Police Management.” In: A. R. Roberts (Ed.). *Critical Issues in Crime and Justice*. (2nd ed.). Thousand Oaks, CA: Sage Publications.

Henry, V.E. & Charles, V. C. (2004). “Managing Police Integrity: Applying Compstat Principles to Control Police Corruption and Misconduct.” In: R. Muraskin & A. R. Roberts (Eds).

UNIT 3 CASE FILE

CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
 - 3.1 Meaning of Case File
 - 3.2 Contents of a Case File
 - 3.3 Compilation/Treating of Case File
 - 3.4 Vetting of Case File
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor- Marked Assignment
- 7.0 References/Further Reading

1.0 INTRODUCTION

One may ask, what is a case file?

Is it a file that contains a case just as a lay man look at it? What are contained in a case file? What are its uses and how is a case file compiled and treated? Answering these questions will be the hallmark of this unit.

Case file connotes investigation. It is called case file in the southern parts of Nigeria and goes with Criminal Code Act but it is called case-diary in the northern part of Nigeria and goes with the FIR (First Information Report) in relation with the Panel Code Act. Criminal cases are processed and charged to court on completion of investigation through the case file. But, there is the additional practice of using FIR or First Information Report which is more common in the northern part of Nigeria to charge cases to courts while investigation is in progress with its adulterated syntax of “holding charge” in the southern part of Nigeria.

Case file is a document of events and facts obtained in connection with a particular case on investigation.

Therefore, the treatment of case diary, even after investigation has been concluded is a relevant and crucial part of investigation. A good look at its description, treatment of complaints, its compilation and writing of report, vetting, termination and security of case file or case diary shall be of interest to every police personnel and others in any security outfit that has to do with investigation.

The various issues that will be examined in this unit that will introduce you to the concept of case file include meaning of case file, contents of a case file, compilation and treatment of case file, and vetting procedure of a case file.

2.0 OBJECTIVES

At the end of this unit, you should be able to:

- define a case file
- describe the content of a case file
- analyse the compilation of a case file
- explain how a case file should be treated
- outline the vetting procedure of a case file
- differentiate case file in the criminal code and penal code.

3.0 MAIN CONTENT

3.1 Meaning of Case File

What is a case file? If one may ask.

A case file is defined differently by different persons, each according to the professional perspective from which it is made. To a doctor, nursing and other medical personnel, a case file is a book, folder, file and document containing the totality of a medical personnel record of patient under their medical care. A lawyer may see a case file as a file or folder containing details of a client's matter. But to a police officer or a detective/investigator, a case file refers to a file that contains the totality of facts of a case under investigation. Membere (1982) defines it as a file which contains all facts and evidence about a complainant or report made to the police, or of crime or offence detected by police and which has become a subject of investigation and probable prosecution. If the foregoing is correct, then the layman perception of a case file, as "a file that contains a case is partially correct because a file contains document of a matter (case) between one or more persons which the police or investigator may likely charge to court for prosecution.

The case file is supposed to contain the statements, reports and documents collected during investigation. A case file is generally defined as a comprehensive record of actions taken, and facts and exhibits uncovered by the investigator in connection with an incident or crime reported, and care must be taken to maintain it.

SELF-ASSESSMENT EXERCISE

Define the concept “case file” in relation to criminal investigation.

3.2 Content of a Case File

What are the contents of a case file?

Basically, a case file is divided into three parts:

Part ‘A’ (Prosecution)

- 1) Index to the case file/ case diary
- 2) Extract from crime diary
- 3) Police investigation report
- 4) Precise evidence
- 5) Minutes sheet
- 6) Complainant statement
- 7) Statement of witnesses to complainant.

Part ‘B’ (Defence)

- 8) Statement of suspect(s)
- 9) Statement of suspect(s)’ witness.

Part ‘C’ (Documents)

- 10) Petition (where applicable)
- 11) Warrant of arrest
- 12) Search warrant
- 13) Coroner forms(in the case of homicide)
- 14) Medical report
- 15) Letter/signals
- 16) Bail bond.

There is usually an argument over the position of written petition. Remember that petition as a document sometimes comes with a covering letter from the assigning authority. Such a petition should be included among the documents. After all, the contents of the petition would have been extracted into the crime diary.

In criminal investigation, generally a case file comprises the following parts:

- i. i File jacket made of three parts-
 - a. The cover page

- b. The diary of actions
 - c. The exhibit registration column.
- ii. The index to the case file.
- iii. Extract from crime diary- This is the extract of the crime reports which was recorded from the diary.
- iv. Investigation report
- v. Précise of evidence
- vi. Minutes sheet(s)
- vii. Statement of complainant's witness
- viii. Statement of suspect/witness(es) accused person's witness(es)
- ix. Statement of suspect/accused person(s)
- x. Other Documents.

Case file jacket:

Is the file itself. It is made of three parts:

- a) The cover page
 - b) The diary of action taken, and
 - c) The exhibit registration column.
- (a) The cover page: The cover page of a case file is the front page that bears the name of the file. It shows the following particulars:
- 1. The name of the station or branch or section
 - 2. The file number of that station
 - 3. The law contravened
 - 4. Name(s) and address(es) of complainant
 - 5. Name(s) and address (es) of suspects (s) Accused person(s)
 - 6. Date, time and place of incident
 - 7. Date and time reported and by whom or rather commencement of investigation
 - 8. Name(s) and address (es) of deceased persons or missing person(s) (if any)
 - 9. Charge register and charge sheet number
 - 10. Value of property stolen /lost or damaged or recovered
 - 11. Name of investigating officer (s)
 - 12. Date suspect accused person(s) were arrested
 - 13. Date released on bail
 - 14. Date investigation completed
 - 15. Date case charged completed
 - 16. Date accused person remanded in custody
 - 17. Date case adjourned
 - 18. Central exhibit register number (if there is an exhibit (s))

- (b) The diary of action: The diary of action taken is the second part of a case file jacket. It is the other side or rather the inner side of the front cover page of the jacket. It contains the list of action taken by the investigating officer with date and time.

Just as stated earlier, all actions taken by an investigating officer while investigating a case must be recorded for the perusal of his superior officer, or possibly a magistrate, judge or members of a panel should the need arises and it is in this part of the case file that such actions are recorded. Note that rules governing the record keeping in law should be observed. That is, there should be no ambiguity, no over writing, cancellation, obstruction, obliteration etc. all entry should be dated and timed.

Table 1: Diary of Action Taken (Part B)

Date and Time	Particulars or Action

- (c) Exhibit registration column

This is the third part of the jacket and also an inner cover. The column contains the list of Exhibit (s) recovered and which may be used in the prosecution of the case. It is numbered alphabetically “A”, “B”, “C” and so on while the numbering is in red ink the Exhibit items are in blue or black ink.

The particulars of fingerprints of an accused person(s) are also recovered here. And unlike other exhibits it is done throughout in red ink. Having listed the exhibit or particulars of the finger prints here, one is expected to take and register such exhibit(s) or finger print(s) with the exhibit keeper and crime recorder respectively. After such registration, the exhibit register number or charge register number is assigned to the exhibit or finger print. Such number is often written below the last item and signed by the exhibit keeper indicating receipt of such exhibit.

Table 2: Exhibit Registration Column (Part C)

Date and Time	Particulars of Item
	Exhibits
Exhibit Reg. No	Description of Exhibit/Exhibit No

Index to case file: This contains summary of the contents of the file and the page each of them can be found. This is to ensure ease of reference. Just as the entire title is divided into three parts “A-C”, the index to case file has three parts A-C.

Part A contains:

1. Extract from crime diary A1
2. Police investigation report A2
- 2 a. Précis of evidence A2a
3. Minute sheet A3a
4. Statement of complainant A4
5. Statement of witness to complainant A5
6. Statement of witness to suspect/accused persons A6, etc.

Part B contains:

7. Statement of suspect/accused person(s) B1
8. Suspect /accused person’s Finger prints(if any) B2

Part C contains:

9. Copy of search warrant C1
10. Copy of warrant of arrests C2
11. Doctor’s medical report C3
12. Application for bail C4
13. Bail bond C5 etc.

Extract from crime diary: This is the extract of the crime report as recorded in the station diary. These represent a form of authorisation for the investigating officer to investigate. If a crime is reported and recorded, what follows next is investigation. It is numbered in the index as file A1

Table 3: Extract from Crime Diary

S/N	TIME	C/R	DETAIL OF ENTRY
160 OF 15/4/2010	1320 HOURS		Malicious Damage: One Dick Nwine ‘m’ of no 26 Nanka street, Diobu port Harcourt came to the charge room today 15/4/2010 at about 1300hrs, and reported that at about 1030hrs, of same day, he was in his building site mentioned above when one Isong Peters ‘m’ and Amaka Nwachukwu ‘m’ of the same address came and damaged a part of his building. The reason for the damage is unknown, hence he reported. Action case was incidental and referred to DCB for

			investigation. Inspector Clement Okonkwo.
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Investigation report: This is the report of investigation written by the investigator. It contains the introduction – which is an embodiment of the extract from the crime diary, facts of the case- summary of the action that constitute the crime that led to the report of complaint—normally sourced from the statements of the complainant(s), witnesses and suspect(s) and of course the scenery picture or information. It is concluded with findings and recommendations or suggestion, and signature and name of the writer. It is numbered as page A2.

Précis of evidence: This is a list or order of evidence, should the case be prosecuted. An investigating officer and his team normally make it. Since he/she investigated the case, he knows whose evidence is material to the prosecution of the case. So he lists it in the précis of evidence, in the order of relevance. In some cases, the prosecutors in the court do the précis of evidence. After reading or studying the case, the prosecutor may make up his précis of evidence. The prosecutor's work is lessened if the investigating officer has drawn this before taking the case to court. It is numbered as A3 of the case file.

Table 4: Précis of Evidence

1	The complainant pw1	-	Mr Abel Idoko
2	A witness pw2	-	Johnson Ibe
3	A witness pw3	-	Mrs Janet Ibe
4	A witness pw4	-	Mr Ike Madu
5	Dr. Briggs Alabo Peters pw5	-	
6	Sgt Okon Isong PW6	-	(I.P.O)

Minute sheet(s): These are sheet of papers, a medium of communication between the investigating officer and his/her superior officer, while in turn receives instruction from same superior. It is numbered page A4 or page A3. If precise of evidence is not included by the IPO. Minuting is done serially beginning from No. 1.

Statement of complainant: The written statement obtained from the complainant or victim of the crime make up part of the case file. In fact, a case file cannot be said to be complete without the statement of complainant. It is numbered page A4 or A5.

Statement of witnesses: We have two forms of witnesses- witness to the complainant, and witness to the suspect or accused person. Whichever is the case, it is paged after complainants' statement to end part "A" of the

case file. However, some investigation and legal personalities have argued that the statement of witness (es) to complainant should be paged immediately after (besides) the complainant's witness, which same thing be applied to that of the suspect's witness (es).

In other words, they argued that statement of witness(es) to suspect/accused person should be paged after the suspect/ accused person's statement in part "B" of the case file, to form B2,3,4 and so on. The points against this argument is that some cases have two or more suspects/accused persons, and the common thing in such situation is to page the first suspect B1, and the second suspect B2 and so on. Then to number witnesses along them is confusing so should be discouraged.

Statement of suspect / accused person(s): Any statement taken under caution is that of suspect or suspected person, or a statement made by person suspected or accused of the crime. Such statement is attached to make up the case file in the Part B of the file. In a multiple suspects' case, suspect's statement is paged as follows: case, 1st suspect or accused B1, 2nd suspect/accused B2, and so on.

It is important to note that statements especially that of the complainant and suspects or accused persons constitute vital and indispensable part of a case file so care should be taken to preserve them.

Other documents: These constitute Part C of the case file. What are considered as other documents may include all documentary exhibits and correspondence relevant to the case. These include: search warrant, warrant of arrest, doctor's medical summons, coroner's forms, letter of equity/investigation and so forth and so on. Page numbering is dependent on the ones you first receive. Paging begins from C1, to C2 and so on. You page as you receive. However, similar documents are paged closer to each other e.g. coroner's form "A", B, C and D are paged closer to each other in the following order. Coroner's form "A" on page C, coroner's form "B" page C1a coroner's form C on page C1b and so on. Also page numbered in the same ways for instance Page C2 and C2a.

SELF-ASSESSMENT EXERCISE

Discuss the contents of a case file.

3.2 Complication/ Treatment of Case File

How do you compile and treat a case file after criminal investigation?
By compilation of case file, we refer to the arrangement of document such as listed above in the file. Compilation of case file takes the order

which were discussed above - arrangement of documents from the index to case file to other documents in Part C. Generally, the arrangement begins with the opening of a file. Followed by the attachment of the index to case file. Extract made from the crime diary, empty sheet of paper for the report and the “minute sheet”. These are the content of a file.

Minuting cannot take place in a case file until other documents such as statements of complainant and suspect or accused persons are attached. However compilation of case file does not have to do with arrangement of document in the file jacket. It simply means the collation or collection and putting together in sequence of every relevant fact and written evidence from the complainant of the case, the suspect and their witnesses and any data/correspondence relating to the case under investigation. The need for meticulous arrangement, which requires patience, carefulness, mental alertness and thorough knowledge of the law, cannot be over –emphasised. Once a case is referred for further investigation, a case file or case file jacket must be opened. The necessary materials like the case file jacket, the writing materials and the relevant documents for the case file have to be procured.

Compilation also embraces the total making of the file which includes: the completion of the case file jacket cover coupon or performa, maintaining the diary of action, report writing, minuting of the file, registering of exhibit, and file numbering or pagination.

Completing the file coupons: The file coupons are the front- page cover. Completing the coupon has to do with filling and supplying information in the appropriate spaces e.g nature or name of the case with the section of law, name and address of suspect(s) or accused person(s), name and address of the complainant(s) date, place and time of such offence etc. This is completed in such a way that the information there gives summary of the information relating to the case at a glance. Sources of the information are the extract from the crime diary, statement of complainant(s), witness and suspects/accused person(s).

Diary of action: The diary of action column is the back of the file or the inner page cover of the file. Here, all actions taken in the course of the investigation is chronicled with dates and time indicated. This should be written or noted in a way that an officer perusing or vetting the file might be well informed of the level of and finding of investigation even without a full investigation report. A well noted diary of action is often a guide to good report writing.

It should be borne in mind that no action is too small or big to be noted in the diary of action. Since this can help to refresh an investigator while

about to give evidence in the court of law after many years of investigating that case.

Investigation report: Every officer that investigates a crime writes report, and that report is called investigation report. In it, the investigator highlights the crime itself, his actions, findings and recommendations or opinions. This report forms part of the case file. One cannot be said to have compiled a case file without an investigation report from him/her. Such report is attached to page A. report writing should follow the sequence in the diary of action. Report writing should follow the sequence in the diary of action. A report could be an interim or detailed or comprehensive. It is interim if investigation has not been concluded. Investigation report under this situation only serve the need of early information to one's superior. On the other hands a detailed or comprehensive report is written when investigation has been completed and there is need to inform one's boss for his necessary action or his/her directive. Whichever is the case, investigation report should be less ambiguous, and should dwell on facts.

A good investigation report should include:

- a) The address of the writer with date and the address of whom he is reporting to.
- b) A caption/topic reflecting the offence and section of the law as a heading or subject matter.
- c) Introduction referring to the complaint, station, crime diary of what is the offence as reported and referred for investigation.
- d) Facts of the case, or what the case is as reported and revealed by investigation on the relevant data/facts, not just what they say in the investigation.
- e) Investigation relating to actions taken and the nature of investigation, activities and modus operandi of gathering of evidence without ignoring the need for corroboration of entries under the diary of actions in the case-file/case-diary by the IPO.
- f) Findings, being the result of investigation, corroborating facts of the case in accordance with relevant law establishing the offence or rejecting the allegation.
- g) Suggestion / opinion which is deduced from its preceding paragraph of "findings" to determine whether a request for approval for case to be charged to court or to be terminated is made or not.

Minuting the file: Minuting is a form of communication between two or more persons working or handling a subject of common interest in a file. A minute in a file passes a piece of information from one person to another. Having arranged a case file, an investigator must minute it to

his/ her superior officer. Minuting gives direction to a file and in fact the case contained in the file. An IPO must minute out his/her case file if information received during his her investigation must reach the appropriate quarters; or if he/she must be instructed on what to do. Minuting is serialised beginning from No 1.

Documents vital to prosecution: There are certain documents that are vital to prosecution such as: warrant of arrest, search warrant, doctor's report, expert opinion etc. These documents are often referred to as documentary exhibits and are the Part C of the file. Because these documents are needed for use in the prosecution of the case so investigated they are considered vital and so care must be taken to protect or preserve them.

Exhibit treatment: Exhibit can simply be defined as anything, object or otherwise that is connected with the commission of a crime or an offence. It may include documents, papers, books, maps, and objects in fact all forms of property. Often time, investigating police officer recovers exhibits from scenes of crime, a complainant, witness or a suspect/accused person. Such exhibits are normally registered and kept with the officer in charge of exhibits or exhibit keeper, who in turn will record and number the exhibit(s) in the criminal exhibits register (CER). It is still part of compilation of case file to record exhibits recovered during an investigation at the appropriate column of the file. To do this effectively, the IPO needs to do the following:

- (a) Collate and gather the entire exhibit connected with that particular case.
- (b) Record them one after the other in the appropriate column, e.g. in the following forms:
 - “A” one torn blood stained pant
 - “B” one blood stained bed sheet
 - “C” one black brazier
 - “D” a pair of brown trouser.
- (C) Take them to the exhibits keeper who will in turn record them inside the Criminal Exhibit Register (CER).
- (D) Make case file available to the exhibit keeper to enable him record the CER number of the exhibits in the file and sign the acknowledgement of the receipt of the exhibits.

SELF-ASSESSMENT EXERCISE

Enumerate the steps you will take in compiling a case file.

3.4 Vetting of a Case File

What is the importance of vetting a case file?

The vetting of a case-file simply means a close and critical examination of a case file and its contents by an authority in order to identify ambiguities and or correct the IPO on points not cleared by him and in turn give directive to the IPO on new lines of action. The authority can be the IPO's superior officer, the Director of Public Prosecution (DPP), the Attorney-General or the court. The new or next lines of action can be to continue with the investigation, regard investigation complete and pass on case file for court or to terminate or discontinue with the case.

Case-files of sensitive or controversial nature treated at the lower level of criminal investigation department are usually sent or forwarded to a higher level like the federal or zonal or state directorate of intelligence and investigation bureau (depending on which bureau is lower) or to the state Attorney General and/or the court if the case was already charged to court. Also, case file of capital offence or cases involving senior officers in civil and public services or huge amount of government funds are always referred to the Directorate of Public Prosecution (DPP) in the Ministry of Justice for legal advice.

Vetting of case-file requires patience, carefulness and thorough knowledge of the law. The officer should be meticulous and never take things for granted with the view that he is serving the public and his service should be creditable. The officer should observe the following important rules when vetting a case-file:

- (a) Go through the extract from the crime diary to check for the correct elements of the offence against the title as shown on the case file jacket including the correct section of the law contravened and ensure that all the necessary columns of the case file jacket are correctly filled and completed.
- (b) Read all statements to ensure that they are recorded according to Judges' Rules, all points raised by complainants/suspects and their witnesses were clearly verified and that the allegation made are in conformity with the alleged offence. If any statement was left out by the IPO, ensure that such statements, no matter how trivial, is recorded.
- (c) Exhibits involved must be collected and preserved, recorded and parcelled. They should be sent to the appropriate place like the forensic laboratory or fingerprint expert or pathologist, and so on, as required by law.
- (d) All confessional statements must be endorsed by a superior police officer in red ink thus "the accused/suspect was brought before

me by..... IPO. He presented to me a statement alleged to have been made by the accused/suspect. I read the statement to the accused in English language (or any other language) which he admitted to be correct that it was made by him voluntarily without any force, threat or duress or any promise. Signed with time and date”. Note: it is advisable to conduct this exercise in secret with a neutral person in the investigation, not even a team member of the IPO.

- (e) Read the investigation report to check if the facts and opinion of the IPO are in consonance with the facts in file before you give directive. Remember that some IPO may be dishonest and crafty, and can easily commit or/and implicate you.
- (f) Ensure that all relevant documents of search warrant, warrant of arrest, bail bond, medical report, specialist report, and coroners forms, if any, are appropriately processed as contained in the in the case file.
- (g) Ensure that all statement are properly dated and signed by the maker and counter-signed by the IPO including his full name, because signatures alone are confusing and the identity of the maker can easily be forgotten.
- (h) Be specific and concise in conveying your instructions to the IPO, use simple language that can be understood by him, indicate when case file must be returned to you. Don't underline suspects or complainants statements, clear all ambiguities and be sure of a satisfactory investigation before charging the case to court, except the case is to be terminated in or out of court. Terminated case file should have reason stated in writing. For example:
 - i. Charge to court and convicted, cautioned and discharged or discharged and acquitted on merit or otherwise
 - ii. File closed as undetected or civil
 - iii. Case closed for want of evidence under section 130 of Criminal Procedure Code (CPC) or 19 of Criminal Procedure Act (CPA).

The security of case file, which is a restricted document, should be taken seriously. It should not be left loose or be allowed into the wrong hands. It should be preserved in lockers and the IPO should take extra care to ensure safety of a case file even when after passing it over to his superior officer. Completely processed case file from police to court must be safely secured in the store by the police exhibit keeper or court recorder who must be aware that the document may remain for sometime in that form. Order 49 stipulates a time gap for destruction of evidence.

- a) All detected case (files) have three years but murder five years
- b) All undetected case (files) have five years but murder seven years

- c) All police administrative and routine correspondence has five years and other registers and diaries seven years. An IPO who is aware of all these is assumed to be of sufficient knowledge on the treatment of case-file.

SELF-ASSESSMENT EXERCISE

Describe how you will vet a concluded case file as a police officer.

4.0 CONCLUSION

We have described and explained the concept of case file. It is a file that contains the statements, reports and document collected during investigation. We also discussed the contents of a case file, and pointed out that it is basically divided into three parts namely part “A” which is the prosecution, part “B” which is the defence and part “C” the documents.

The various stages in the compilation of case file simply means the collation or collection and putting together in sequence of every relevant fact and written evidence from the complainant of the case, suspect and their witness relating to the case under investigation.

Finally, vetting is a curious examination of the case file in order to detect mistake, omissions or loopholes made by the investigating officer with a view to correcting them.

5.0 SUMMARY

In this unit, we have discussed the sub-headings; meaning of case file, contents of a case file compilation and treatment of case file and the vetting procedure of a case file.

6.0 TUTOR-MARKED ASSIGNMENT

- i. Discuss the main contents of a case file.
- ii. As a police officer investigating a case, how will you complete your report?
- iii. Differentiate a case file from an ordinary file.

7.0 REFERENCES/FURTHER READING

- Akwa, N. M. (1984). *Nigeria Law (Question and Model Answer)*. (2nd ed.). Owerri, Nigeria: New Africa Publishing Co.
- Criminal Code (1958). *The laws of Federation of Nigeria and Lagos*, vol 2 CAP 42. Lagos: Federal Government Printer.
- Criminal Procedure Act (1958). *The Nigeria Laws Of Criminal Procedure Act*, CAP 43. INN, London: Eyre and Spottiwoode Ltd,
- Esuong, J. P. (2010). *A Handbook on Intelligent Investigation*. Abakiliki, Nigeria: Willy Rose and Appleseed Publishing Company.
- Ewoh, U. R. (200). *Introduction to Criminal Investigation*. Port-Harcourt, Nigeria: Manson Publishers.
- Iwara, I. & Christopher, E. (2008). *A Practical Guide to Criminal Investigation and Prosecution*. Calabar, Nigeria: Esshah Books and Press Service.

UNIT 4 REPORT-WRITING AND NOTE-TAKING

CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
 - 3.1 Investigation Report-Writing
 - 3.2 Types of Report
 - 3.3 Samples of Investigation Reports in a Case of Stealing
 - 3.4 Note-Taking
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-Marked Assignment
- 70 References/Further Reading

1.0 INTRODUCTION

How do you write an investigation report? And what is a report?

All the actions taken in the course of a investigation are usually reflected in the report. However, this poses a very big challenge to investigating officer in recent times. Imagine when the officer is untrained and cannot write well.

Generally, a report can be defined as a systematic and logical presentation of information on a specific problem or issue which is directed as a guide in decision making process. Reports are presented in sub-sections according to the specific need for which the reports are required.

The purpose of writing a report on any incident which has occurred during an officer's duty or in the course his investigations is to convey to the superior officer all the facts which had been collected during the inquiry. This is the main reason why every effort must be made to write the report in such a way that all relevant facts are contained in it. Having stated all the facts as they are known, the officer should respectfully give opinion and recommendations or suggestions, taking into consideration the all circumstances and the facts.

The content of a good report has the following features: the report should bear the police station where the officer writing is serving on the top right corner. On the top left corner of the sheet should appear the name or designation of the officer to whom the report is being addressed. The title of the report and the subject matter or heading of the report should be in the centre of the sheet (the paper).

The introduction to the report should come next; and then the body of the report containing all the facts. Recommendations or suggestions of the officer reporting is next and then the closing address or salutation. The signature and name with number (if applicable) of the officer reporting come last at the bottom right corner.

The various aspects that will be discussed in this unit that will introduce you to investigative report-writing and note-taking include meaning of investigative report-writing, types of report, a sample of an investigation report in a case of stealing and finally note-taking.

2.0 OBJECTIVES

At the end of this unit, you should be able to:

- state the meaning of investigative report
- describe types of report
- discuss the main features of an investigative report
- define note-taking
- enumerate the importance of note-taking
- write a sample of an investigative report
- state the importance of report-writing.

3.0 MAIN CONTENT

3.1 Investigation Report-Writing

What is investigation report-writing?

Report is a description of an event, experience and actions. It relates information from one person to another, on issue under consideration of the totality of actions of an investigator in view of a reported crime. Every investigator is subject to a superior person, whom he or she must give account showing the exactness of the situation, action taken and other related experiences.

It is the duty of every investigator to report in writing about cases referred to him/her for investigation or action. In other words, an investigation report contains the facts and findings of the case put down in written form. A good investigation report must be devoid of ambiguity, falsehood and bias. The language, words and sentences used should be simple, straight forward and legible. The presentation should be sequential and logical.

It should contain all the relevant details, discarding the unnecessary details. It should be properly addressed, titled and signed by the writer.

However, remember that the length of the report reduces depending on the authority demanding or requiring it. Divisional Crime Officer (DCO) or Divisional Police Officer (DPO) may require sufficient details, the Commissioner of Police (CP) may require a brief or a precise comment on the matter; and so the length of the report is automatically reduced.

Parts of an investigative report

Investigation report which is normally written in the form of formal letter has principally eight parts, namely:

- a. Addressee
- b. Addressed
- c. Subject
- d. Introduction
- e. Facts of the case
- f. Investigation activities
- g. Finding
- h. Conclusion.

- a. Addressee: This part of the report, like all formal letters is written at the right top corner of the report sheet. And it bears the address of the writer- reporting investigator. Slightly below it is the date of writing.

Example: 1

Divisional crime Branch
The Nigeria Police
Oshodi - Lagos
14th-July-2011

- b. Addressed: The second part of a report is the addressed, and that is the address of the officer to whom the reporting investigator is answerable to. Below this, is a formal greeting e.g. (Sir or Madam) it is normally written at the left hand side of the report sheet, slightly below the date.

Example 2

The Divisional Crime Officer
Divisional Crime Branch
The Nigeria Police
Oshodi – Lagos

Sir,

- c. Subject: Slightly below the salutation is the subject of the report, headed boldly in block capital. This is the third part of an investigation report, and it normally defines the type of report.

Example 3

An Investigation Report on a Case of Stealing ₦ 200,000 reported on 1st July.

The subject of any investigation report could be centred or blocked to the left.

- d. Introduction: A brief introduction of the writing is considered as the fourth part of investigation report. The introduction of any report should be direct to the point. Reporter should endeavour to summaries the nature of the case in just a paragraph.

Example 4:

“Introduction: This is a case of stealing ₦ 200,000 punishment under section 390 (9) of the Criminal Code, reported on the 17/7/2004 by one James Ugwu ‘M’ of No. 16 Agege Motor way Oshodi, against one of his employees, Stephen Akiola ‘M’ of the same address, of which I was detailed to investigate. This report therefore outlines the details of action taking during my investigation.”

Writing the introduction of any investigation report depends on the style, which the writer must have cultivated over time. It may take a different shape from the example above. The following is another example of introduction.

“Introduction: On the 1st July, 2004 one Mr. James Ugwu of No.16, Agege Motor Way, Oshodi came to the station and reported that on same date, at his office, one Stephen Skiola Akiola ‘M’ of the same address, an employee of his, stole a cash sum ₦ 200,000.00, property of his company. Upon this report, a case of stealing was incidented and referred for investigations and I was detailed to investigate, hence this report.”

Facts of the case: What is referred to as the fact of any case under investigation is the actual story behind the report that prompted an investigation. That is what happened before a case of that nature incidented and referred for investigation. This is normally written in the language of the investigator. In making the facts of a case, the

investigator must deduce from what he was told by the complainant, suspect or witness and what he/she saw or heard at the scene of crime. This implies that, facts are not necessarily outlines of a complainant's statement as maintained by some. However, emphasis is laid on his/her complaint and where there is no other source of information that could be merged to form the facts, and then one can make do with what the complainant said.

Example: 5

Facts of the case: the facts of this case are, the suspect Stephen Akiola is an employee of the James Ugwu in his trading business at No. 16 Agege Motor Way. He is a sales clerk there. On the 1st day of July 2004, the complainant James Ugwu went to bank with his cashier, Miss Patience Mai and withdraw a total sum of ₦280,000 for the payment of workers' salary for the month of June 2004. At the office, the money was kept inside two drawers, by the cashier and left for launch. The suspect a clerk in the same office, capitalising on the cashier's carelessness and absence, stole the money in the first drawer amounting to ₦200, 000.00 and vamoosed from the office. The cashier discovering the theft, reported to her boss, James Ugwu who later reported to the police, and stated that he suspected Stephen Akoila, hence a case of stealing was incidented and referred for investigation.

f. Investigation activities: The next part of an investigation report after facts is the investigation activities. This part exclusively deals with the details of the investigator's actions throughout his tenure of duty on a particular case. It is narrative in pattern and emphatically the source of the finding that will be revealed afterword. While writing a report, as it applies to this section, the reporter should bear in mind the dairy of actions he had noted at the inner cover of the case file. So that whatever action he incorporates into the report must have its foundation from the diary of action.

Example 6:

"Investigation Activities: I visited the scene of crime. There I chatted with some eyewitness who later volunteered statements to me (see relevant pages) of the case file.

The complainant made statement at the beginning of investigation. One Stephen Akiola 'M' of no 16, Agege Motor way Osodi was arrested in connection with the case. He was charged and caution in English language. After a thorough interrogation, he volunteered statement in which he confessed the crime (see page B1). The confession was attested to by a superior police officer. The suspect's house at the above

named address was searched with the aid of a search warrant and a cash sum of ₦75, 000.00 was recovered. Also recovered were: 1) a president coloured TV value ₦20,000; 2) a national video tape recorder value ₦12,000.00; 3) an Echolac box valued ₦5,000.00; and 4) a ceiling fan valued ₦3,000.00. All these according to the suspect, and the receipt found on him, were bought within a week with the stolen money. These items were treated and registered as Exhibits (see cover page for Exhibit number).

Meaning the suspect has been released on bail to two sureties in the sum of ₦200, 000”.

Just like the introduction, the general pattern of writing investigation activities is dependent on the style activated by the writer. It should be borne in mind that this part embodies the totality of the reports. Because the superior officer is interested to know what the investigator did, to earn his findings and the recommendation he proffered.

g. Findings: It is often said, “ask, it will be given and seek, you shall find.” Though this is a biblical and religious verse, it has its fulfilment in investigation. If an investigator asks question, he will be given information; and if he seek the truth in a matter under investigation he will certainly find one. Finding is the next section of an investigation report. All observations, revelations, and findings during investigator’s activities are briefly and concisely noted so as to assist the superior officer in forming his opinion for necessary action. Findings should be without ambiguity. That is, it should be very clear. Words like “either” maybe etc should be avoided.

Example 7:

Findings:

During my investigation, I found the following:

- i. The suspect Stephen Akiola stole the money.
- ii. He sought and obtained the assistance of one Dobo Alaye now at large, to hide the money for three days.
- iii. The suspect spent a total of ₦37,000.000 to buy household equipment now recovered, and a cash sum of ₦76,000.000 saved in his box
- iv. The balance of ₦80, 000.000 was left with Dabo Alaye as a loan.
- v. In fact, the suspect Stephen Akiola committed the offence punishable under section 390 (9) of the Criminal Code, and this charge can be sustained in the court.

h. Recommendation and conclusion: After noting down his findings, his conclusion should be based on what was found above and what he want the superior officer to do.

Example 8:

Recommendation and conclusion: In view of the above findings, it is my humble recommendation that the accused person be arraigned before a court on the charge of stealing, punishable under section 390 (9) of the Criminal Code. While this is done, effort should be made to track down Mr. Dabo Alaye who on arrest be charged for aiding and abetting, and receiving stolen property.

Reports are finally concluded with the name and rank of the reporter. It's been argued that the exact conclusion formality of a formal letter e.g. "yours faithfully, or yours obediently", etc is not necessary, However, we find this necessary. The reason is not far fetched.

Report writing should conclude with such courtesy, "yours faithfully, or yours obediently, since, in form and in tune they are formal letters.

SELF-ASSESSMENT EXERCISE

Describe the major parts of an investigation report.

3.2 Types of Report

What are the main types of investigative report?

There are different types of reports depending on the specific needs.

- i. Business reports
- ii. Discipline reports
- iii. Financial reports
- iv. Intelligence reports
- v. Feasibility reports
- vi. Crime/incident reports
- vii. Accident reports
- viii. Investigation reports.

However, there are basically two major types of reports namely narrative reports and structured or formalised reports.

Narrative report

A report is most easily understood when presented in the first person narrative style, and the heart of any investigative report is the narrative body. In many organisations, in fact, the narrative comprises the entire report. An effective narrative report must include the key elements listed below.

- i. Writing
- ii. Told in first person narrative
- iii. Objective
- iv. Factual
- v. Chronological
- vi. Easily understood
- vii. Comprehensive
- viii. Able to withstand the test of time.

Writing: There is no substitute for the written word when it comes to the investigative report. Despite the availability of videotape recordings, audio recording capability or any other item of hard wear, the report must end up on paper. Even if the investigator dictates his report, the net result will be the written word on paper. No other kind of report can be as quickly reviewed, and no other so successfully meets the requirements being both comprehensive and readily understood.

Since the final version of the report is in writing, it follows that correct grammar, spelling and punctuation as well as legibility will reflect either favourably or unfavourably on the author- the investigator. He does not have to be a consummate stylist, but he does have to be able to organise and present his facts clearly. Lapses in grammar, spelling and punctuation often have the troublesome result of making things unclear, so also does an unreadable scrawl.

Told in first person narrative: The use of the first person narrative is recommended because, for the average person, a report flows more naturally in this style. If we write as we think and talk; the material tends to become both easier to write and easier to read.

Objective: The investigative report is no place for speculation, hypothesis or opinion (the investigator's judgement or prejudices). If a reader of the report engages in any of the result of the facts presented, that is his prerogative. This is not to say that the investigator should not have opinion or engage in speculation. But any such subjectivity should not be included or reflected in the report itself. If there is any need for subjective expression, it should be made in another or a different report, such as a memorandum to the investigators supervisor.

Factual: The problem of an investigator reporting non-factual information in his report does not, as a rule occur intentionally. The common mistake is for the investigator to assume the facts are there when they are not. Example; “Employee David then clocked out at the end of his shift, 4.00 pm, and went home”. May be David went home; maybe he went to Bar and Grill. More factually the investigators report should have read, “Employee David then clocked out at the end of his shift, 4.00 pm and left the company’s premises.

Chronological: The investigator reports a record of his work. The chronology of the report then is concerned with investigation. The chronologically structured report is the unfolding, in order of time, of what the investigator did.

Easily understood: The report must be written so that it is easy to understand. Small, familiar words are better than words of many syllables. Short, clear, direct sentences are preferable to long compound complex sentences. *The security investigator’s Handbooks* recommends sentences of no more than twenty words, a good rule of thumb. If technical terms must be used in the report, define or explain them. The report is not meant to be a literary masterpiece, but rather an accurate and easy-to-understand story of the investigation.

Comprehensive: A report is comprehensive when it has both scope and depth in terms of specific and pertinent facts. That is not to suggest the report should be wordy; on the contrary, it should be as brief as possible. But some space must be devoted to detail when details are germane. Take for example, the description of a person who is considered the responsible for a crime. A comprehensive report would include all of the following in the description:

- Name, including aliases and nicknames.
- Address and phone number.
- Sex
- Face
- Age
- Height
- Weight
- Hair colour and eye
- Colour of eyes
- Build
- Complexion
- Beard
- Teeth
- Unusual mannerisms or voice accent

- Dress habits
- Birth place
- Level of education
- Occupation
- Vocation or hobby
- Relatives and friends.

The test of time: The report should be so written that the events of the investigation can be reconstructed from the report even after a prolonged lapse of time.

Structured or formalised report

This is another type of report. The heart of the investigative report, the narrative body, often constitutes the entire report, as previously stated. Some organizations however, make use of a more structured form that includes a heading section, the body, or narrative, and an ending or conclusion. The latter is simply a statement of the status of the investigation, no more and no less. The heading portion of a pre-printed investigative form usually calls for answers or information that fits into boxed spaces. Almost anyone can fill these out without difficulty. An exception might be the type of form sometimes used in the private sector that includes the nine parts of a modus operandi. Here some confusion can set in about the kind of information required. The following breakdown suggests the type of answers required to those nine basic questions

QUESTION	ANSWER
1. Time of attack	Date and time the offence was committed.
2. Person attacked	Type of person attacked, by female child.
3. Property attacked	Type of location where the offence took place, e.g. single story retail store.
4. How attacked	The way in which the person or property was attacked, e.g. theft of goods.
5. Means of attacked	Instrument, tool device, trick or method by which the person or property was attacked, e.g. placed goods in lining of jacket designed to accommodate stolen goods.
6. Object of attacked	Why the criminal was too committed or attempted, e.g. to sell stolen goods for money to support drug habit.

7. Trademark The peculiarity which may serve to distinguish the offence or offender from others, e.g. crawls behind counters in the store to avoid detection.
8. What the suspects said what and how the suspect spoke to victims or witness, not to authorities, e.g. upon discovery claims he's looking for the men's toilet.
9. Transportation used Description of vehicle used if no vehicle seen or heard, so note.

SELF-ASSESSMENT EXERCISE

List the types of reports you know and describe one of them.

3.3 Sample of Investigation Reports in a Case of Stealing

How will you present an investigative report in a case of stealing?

The following are sample of investigative reports in a case of stealing.

The Divisional Police Hqtrs
The Nigeria Police
Ekorì
Yakurr L. G A.
Cross River State
20th July, 2011

The Divisional officer
Divisional Headquarters
The Nigeria police
Ekorì

Sir,

INVESTIGATION REPORT

RE: CASE OF STEALING AGAINST OTUN ENE 'M'

Introduction: This deals with a case of stealing reported by One Udo Ikpi 'M' of No. 8 Atakpo Street, Calabar against one Otu Ene 'M' of same address and I was instructed by the DPO to investigate and submit report on this respect.

Facts of the case: The complainant Udo Ikpi 'M' of No. 8 Atakpo Street, Calabar alleged that on the 15th day of January, 2011 at about 1300hrs, one Otu Ene 'M' of the same address, stole his five tubers of yams valued at ₦1,500 which were kept at his veranda about to be taken to the market. He further stated that two neighbours, who saw him carrying the tubers of yam into his room, raised an alarm and alerted

other neighbours. The case was thereafter incidented at the charge room and assigned for investigation.

Investigation: On the strength of the report, statements of the complainant and two witnesses viz: Obot Ene 'M' and Obong Eteng 'M' were recorded. The two witnesses in their corroborated statement averred that they saw the suspect carrying the five tubers of yams at once into his room, and so raised an alarm knowing that he was not the owner of the tubers of yam. They further stated that, the suspect has on two occasions, been caught in that act.

The suspect was arrested, interrogated in connection with the act. He was thereafter cautioned and he volunteered statement which he wrote himself. In his statement, the suspect admitted committing the crime, and stated that the stolen tubers of yams were hid under his bed in his room. He further stated that he stole the tubers of yam to enable him to sell and get something to eat. He also admitted having twice been caught by his neighbour while attempting to steal a neighbour's handset. The confessional statement was attested to by the Divisional Crime Officer (DCO), ASP Amos Edet.

In furtherance of the investigation, a search warrant was executed in the room of the suspect and the five tubers of yam were recovered under his six springs iron bed cabinet.

They were registered as exhibits.

Findings: In the course of investigation, the following facts emerged:

- (1) That the suspect actually stole the five tubers of yam as he admitted in his confession.
- (2) That the stolen tubers of yam were property of the complainant.
- (3) That the five tubers of yam recovered from the suspects room upon execution of search warrant, were the alleged tubers of yam stolen, as identified by the owner.
- (4) That the suspect is a habitual criminal, well know around his neighbourhood.
- (5) That the corroborated evidence of the two witnesses who saw him were sufficient to sustain a charge of stealing against the suspect.

Recommendation: From the foregoing revelation of facts in the case, it is obvious that the suspect actually committed the offence of stealing. In view of this, it is recommended that the suspect, Otu Ene 'M' be arraigned in court on a charge of stealing contrary to section 390(9) of the Criminal Code, please.

F/NO. 809 CPL Effiong Okon.

The following is another example of a complete investigation report in a case of stealing ₦280, 000.00.

Divisional Crime Branch
The Nigeria police
Oshodi-Lagos
14th –July, 2011

The Divisional Crime Officer
Divisional Crime Branch
The Nigeria police
Oshodi-Lagos

Sir,

**AN INVESTIGATION REPORT ON A CASE OF STEALING
₦280, 000.00 REPORTS ON 1ST JULY, 2011**

Introduction: This is a case of stealing ₦280, 000 punishable under section 390 (9), reported on 1/7/2011 by one James Tames Ugwu ‘M’ of No. 16 Agege Motor Way, Oshodi, against one of his employees, Stephen Akiola of the same address, of which I was detailed to investigate. This report therefore, outlines the details of my actions during the investigation.

Facts of the Case: The fact of this case is that Stephen Akiola ‘M’ the suspect is an employee of James Ugwu in his trading company at No. 16 Agege Motor Way. He is a sales clerk there. On the 1st of July, 2011, the complainant James Ugwu went to the bank with his cashier Miss Patience Mai ‘F’ and withdrew a total sum of ₦280, 000.00 for the payment of workers salary for the month of June 2011. At the office, the money was left inside two table drawers by the cashier and left for lunch in a nearby restaurant. The suspect-Stephen- a clerk in the same office, capitalised on the cashier’s carelessness and absence stole the money in the first drawer, amounting to ₦200, 000.00 and vamoosed from the office, pretending to be on break. The cashier on discovering the theft reported to her boss-James Ugwu- who in turn reported to the police, and stated that he suspected Stephen Akiola. Hence a case of stealing was incidented and referred for investigation.

Investigation Activities: I visited the scene of crime at No. 16 Agege Motor Way, Oshodi. There, I chatted with some eyewitnesses, who later volunteered written statements to me (pages A5-7). The complainant made statement to me at the beginning of investigation. Stephen Akiola

the principal suspect was arrested in connection with the crime. He was charged and cautioned in English language following the complaint of Mr. James Ugwu, his employer. After a thorough interrogation, he volunteered statement in same language, in which he confessed as the maker, which, while I countersigned as the recorder. (See page B1 of the case file). His house, at the above address was searched with the aid of a search warrant obtained from magistrate court 3 Mushin, and a cash sum of ₦76, 000.00 was recovered. Also recovered were: (1) A President coloured TV valued ₦20, 000.00.

- (2) A National video tape recorder valued ₦14, 000.00
- (3) And Echolac box valued ₦3, 000.00, and
- (4) A ceiling fan valued ₦2, 200. All these according to the suspect, and the receipt found on him were bought within a week with the stolen money. These items were treated and registered as exhibits (see cover page for exhibit money). Meanwhile, the suspect- Stephen Akiola- has been released on bail to two sureties in the sum of ₦200, 000.00.

Findings: During my investigation, I found the following:

- (1) The suspect Stephen Akiola stole the money.
- (2) He sought and obtained the assistance of one Dabo Alaye, now at large to hide the money for three days.
- (3) The accessed spent a total of ₦37, 700 .00 to buy various household equipment now recovered, and a cash sum of ₦76, 000.00 save in his box.
- (4) The balance of ₦80, 000.00 was left with Dabo Alaye as a loan.
- (5) In fact, the Accused person committed the offence punishable under section 390 (9) of the Criminal Code. This charge can be sustained in the court. In other worlds, there are enough evidence to convict Stephen Akiola for stealing the sum of ₦200,000.00 being property of James Ugwu Trading Company Ltd.

Recommendation: In view of the above findings, it is my humble recommendation that the Accused person Stephen Akiola ‘M’ be arraigned before a magistrate court on a charge of stealing ₦200,000.00, while enquiries for the possible arrest of Dabo Alaye continues. When arrested, Dabo should be charge for aiding and abetting felony to wit: stealing. This is subject to your consideration.

I remain,
Yours faithfully
Mathias Uwa (Inspr).

SELF- ASSESSMENT EXERCISE

Enumerate steps to be taken when writing an investigative report involving burglary case.

3.4 Note-Taking

What is the importance of note-taking in investigation?

It is difficult to imagine an investigator writing a formal comprehensive report, whether in structured format or as a complete narrative, without referring to notes taken during the course of the investigation. Good note-taking is as important in the investigative process as it in college courses.

There are three specific needs for on-the-spot notes by the investigator. These are:

1. Recording times: It would require a very superior intelligence to recall accurately all the dates and times that are so important in the investigation.
2. Recording full name: Besides full names of witnesses, including their proper spelling, notes should list their title or rank, address, home and business phone numbers. The investigator cannot rely on securing printed business cards from everyone connected with the case.
3. Recording quotations: Quotations can be a powerful part of the investigative report. If a person is to be quoted directly in the report, however, those words will lack credibility unless backed up by the investigator's notebook. That is because the case is frequently not written until the case is finalised. Days or even weeks may have elapsed, and it is a difficult challenge to try to explain how you can recall someone exact words day or weeks later.

The notebook should be small, pocket-sized, and bound so that pages cannot be added or removed. A "3 by 5" notebook will fit conveniently into a breast pocket of a man's coat or jacket.

SELF-ASSESSMENT EXERCISE

Discuss the importance of note-taking to an investigator.

4.0 CONCLUSION

We have described and explain the importance of report-writing and note-taking. We said that an investigative report is a clear, comprehensive, written documentation of facts, presented chronologically, which is an objective, first person recording of the investigator's experience, conversations and observations regarding a specific assignment, and from which the events of the investigation can be reconstructed even after a lapse of time.

We also note that the police investigation report has the following contents: addresses of the investigation officer, subject matter or title of report, introduction, facts of the case, investigation, findings, recommendation and signature. Types of investigative reports were also discussed as narrative and structured or formalised reports. Finally, the importance of note-taking was also examined.

5.0 SUMMARY

In this unit, we have dealt with investigation report-writing, types of report, sample of investigation reports involving a case of stealing and importance of note-taking.

6.0 TUTOR-MARKED ASSIGNMENT

- i. Describe the main characteristics of a good investigative report.
- ii. List types of reports and discuss one of them.
- iii. What is note-taking?

7.0 REFERENCES/FURTHER READING

- Banton, M. (2004). *The Policemen in the Community*. NY: Basic Books INC. Publishers.
- Ewoh, U. R. (2000). *Introduction to Criminal Investigation*. Port Harcourt: Minson Publishers.
- Iwara, I. & Christopher, E. (2008). *A Practical Guide to Criminal Investigation and Prosecution*. Calabar, Nigeria: Esseh Books and Press Services.
- Membere, C. F. L. (1990). *Police and Law Enforcement* Port Harcourt: Menbs Foundation Books.

Senneward, C. A. (1981). *The Process of Investigation, Concepts and Strategies for the Security Professional*. Boston, U.S.A.: Butterworth-Heinemann.