
REPORTS OF THE SEMINAR

TOPIC 1

EFFECTIVE MEASURES FOR BETTER DETECTION OF CRIME AND MORE THOROUGH INVESTIGATIONS

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I. INTRODUCTION

Effective measures for better detection of crime and more thorough investigations was taken up as the topic of this General Discussion group. Irrespective of the differences in social, cultural and political systems, an upsurge in criminality is evident among all the societies in the world, at the various stages of their development. The fast pace of urbanization and industrialization; greater and more efficient means of communication; internationalization of certain crimes like drug-trafficking and terrorism; emergence of white-collar criminality; also organised crime, computer crimes, environmental crimes and the evasive nature of some crimes, are some of the factors/hallmarks of the crime scernrio today, which most law enforcement agencies have to contend with.

Crime prevention is a much larger/wider subject of police specialization/professionalism than mere detection/investigation of crimes, their prosecution and trial. The real success of the law enforcement machinery lies in preventing crime before it takes place, which many police forces have developed into an art. These are skills they successfully practice day-in and day-out, and are largely responsible for the maintenance of law and

order in society. It is only when crimes have already taken place that the police are confronted with the problems of investigation, either in terms of inadequate systems, skills or equipment, to which this topic is addressed. No doubt however, thorough investigations and successful prosecution of cases also have a preventive impact on the crime situation in society; since this results in not only putting offenders behind bars and preventing them from committing further crimes, but also acts as a deterrent to other potential criminals.

Problems in detection and investigation of crimes were identified in the following two broad areas:

- (a) Enhancing investigative systems; and
- (b) Enhancing better detection of crime and more thorough investigation.

II. ENHANCING INVESTIGATIVE SYSTEMS

Investigation in any country is done within the framework of the related systems that have evolved in that country over the years, as a response to the challenges posed by crimes and criminals. No investigative system can be deemed to be perfect, and there has to be constant

111TH INTERNATIONAL SEMINAR
REPORTS OF THE SEMINAR

effort to improve the systems or to institutionalize new systems as effective countermeasures to neutralize and control the ever growing threat of crime, endangering the peace of society. Keeping these ends in view, and the ultimate objective of enhancing investigative competency, the following general problems hindering effective investigation were selected for study and discussion, in order to recommend suitable countermeasures.

A. General Problems of Police Investigation

1. Political and Administrative Influences

One of the most serious problems of the police in most developing countries is political interference with their work. Often, political bosses bring pressure on the police to drop proceedings against accused persons. Oral orders to the police and their transfer from one place to another, are the most common instruments of pressure exerted by politicians and government executives/administrators. Some typical situations where pressure is brought to bear on the police in the detection and investigation of crimes by political or executive sources are as below:

- (i) The arrest or non-arrest of a person against whom investigation is carried out by the police.
- (ii) Release or non-release on bail after arrest.
- (iii) Suppression of material evidence that becomes available during searches.
- (iv) Inclusion or non-inclusion of various items in the charge-sheet placed in court on conclusion of investigation.
- (v) Foisting false criminal cases against political functionaries for achieving political ends.
- (vi) Managing political intervention by exaggerating a non-cognizable offence or engineering a false complaint to gain advantage over another party in a situation which will be outside the domain of police

action in the normal course.

- (vii) Not detecting and registering cases against criminals having a clandestine nexus with political bosses in power.

Interference with the statutory duties of the police has to be deprecated at all times, and more so perhaps in the performance of their duties in the investigation of crimes. This is not to suggest that there exists no safe-guards already in the legal systems of different countries to prevent illegal interventions by political or administrative bosses. However, the fact remains that most police officers are not able to withstand the fierce political and administrative pressure due to their careers being at the mercy of political/administrative bosses, often due to the low calibre of police personnel. Hence, there exists a dire need in most countries to institutionalize further safe-guards so that the framework within which the police operate and investigate crimes is made immune to illegal political/administrative interventions. There is a crying need for this, since the forces of organized crime, terrorism of different hues and other multifarious crime syndicates are threatening to destabilize society. There is a pressing need to meet the challenge of such forces by professional police work in the fields of investigation and other related fields.

2. Sub-standard Investigative Personnel

(a) *Sub-standard Investigative Personnel*

In most countries, the quality of police personnel leaves much to be desired. Apart from other duties, the police personnel have to detect and investigate complex/difficult crimes, investigate cases thoroughly, collect the right type of evidence and ensure successful prosecutions in court. To accomplish these tasks successfully, and to match the menace of the modern/sophisticated crime of today, a good knowledge of law, procedures, forensic

science and psychology is required for the investigators, apart from a multiple of other skills. The investigating officer must be a person of stature, educated, intelligent, alert, truly interested in work, possessing good judgement, initiative and courage. In many countries, unattractive conditions of service, low requirements of eligibility qualifications, poor recruitment procedures, substandard training, absence of in-service training etc, all contribute to sub-standard police service personnel. Suitable countermeasures are required to improve the quality of investigative personnel.

(b) *Inadequate Investigative Personnel*

While crimes are generally increasing in volume and complexity, most countries are afflicted with the problem of inadequate investigative personnel. While this adversely affects the quality of investigations, it also leads to delay in completion of investigations, both of which have an adverse impact on the crime situation. Hence, suitable countermeasures need to be adopted to ensure that the number of investigative personnel are increased periodically, to match the growing crimes.

3. Lack of Equipment and Scientific Aids to Investigation

Investigations in most developing countries are badly handicapped by a lack of basic equipment. Adequate numbers of forensic science laboratories are not available, police stations are not equipped with fingerprint kits or cameras to take photographs. Even typewriters are not available in police stations, apart from computers, photocopiers, fax machines, communication equipment and vehicles etc, which are all so necessary these days to ensure expeditious and effective investigations. Hence, suitable countermeasures need to be adopted to equip the police/investigating officers with

the required minimum equipment and facilities for ensuring adequate scientific aids to investigation.

4. Lack of Cooperation and Coordination among Investigative Agencies

Apart from the investigating officers in police stations, a number of other investigating agencies also exist in every country to investigate specialized crimes such as drug-trafficking, terrorism, smuggling etc. Further, the police have become a large agency and consequently consist of several departments or sections within it. Since all such investigative agencies and departments come to possess considerable data on crimes and criminals, and there is a lack of close co-operation amongst all such investigative agencies, duplication of work takes place and the information/data available within one agency is not always made available to the other. It is felt that systems need to be strengthened or created to enhance co-operation and co-ordination on a regular basis.

B. Recommended Solutions

1. Political and Administrative Influence

In several countries, there are insufficient structural safeguards to make the police/investigative machinery immune from political and administrative influences, and to ensure that the police function strictly as per the law. Due to direct control over the police by the political executive, many investigations can just not see the light of the day, as potentially grave cases involving political or other high-ups are never allowed to be detected or proceeded with. This can have extremely adverse implications to the crime situation in a country, as many organized crime king-pins or drug mafia etc, having political connections, can be shielded from the law. The police in some countries are also subject to control by Executive Magistrates at the district level, which also thwarts

111TH INTERNATIONAL SEMINAR
REPORTS OF THE SEMINAR

independent/professional functioning and makes them vulnerable to extraneous influences. The political/administrative executive can abuse its powers to arm-twist the law enforcement agencies to yield to its will, as the power to transfer, promote and punish rest with it. There is, therefore, an emergent need to establish foolproof systems to ensure that the police are answerable only to the law of the land, through the judiciary, i.e., the courts, and that the administrative/political control over the police is exercised so that it cannot deflect it from functioning in accordance with the law. The following countermeasures are therefore recommended:

(a) Adoption of such a police model whereby the political executive does not have unhindered/direct control over the police organization, wherein, institutionalized safeguards exist to insulate the police organization from undue political/administrative influence. The central idea of the recommendation is that the political executive exercise control over the police organization through a suitably constituted body, which can ensure its political neutrality and independent/professional functioning. In this connection, the Japanese police model is suggested for serious consideration and adoption with suitable modifications to suit local conditions, wherever required. The salient features of the Japanese police model are as below:

- In Japan, there is a National Public Safety Commission and National Police Agency at the national level, to oversee/monitor the functioning of the police, and Prefectural Public Safety Commissions for every prefecture. The National Public Safety Commission and the National

Police Agency constitute Japan's national police organization. The National Public Safety Commission exercises administrative supervision over the National Police Agency, within its authority.

- While the Commission is under the jurisdiction of the prime minister, the prime minister is not empowered to directly command or control it. This guarantees the Commission's independence and ensures its political neutrality.
- The Commission formulates basic policy and regulations, coordinates police administration on matters of national concern, and authorizes general standards for training, communications, criminal identification, criminal statistics, and equipment. The Commission appoints the National Police Agency's Commissioner General and senior officials of prefectural police organizations. The Commission indirectly supervises prefectural police organizations through the National Police Agency.
- The Commission consists of a Chairman and five members. The Chairman is a state minister who presides over Commission meetings. Members, who serve five year terms, are appointed by the prime minister with the consent of both Houses of the Diet. They must be persons who have not served within five years of appointment as police officers or public prosecutors. To ensure political neutrality, no more than two members may belong to the same political party.

(b) The police chiefs of a state/province should have fixed tenures so that they

RESOURCE MATERIAL SERIES No. 55

don't always have to work under the threat of transfer.

- (c) Promotions and disciplinary matters relating to the higher ranking police officers should be under the control of such bodies as recommended in sub-para (a) above, so that the same introduces the required confidence in them to ensure the fair and independent functioning of the police organization, which ultimately will ensure that the investigations are carried out without fear or favour.
- (d) Establishment of specialized independent or autonomous investigative organisations which may investigate complex crimes of a more important nature, including corruption, terrorism, serious commercial fraud etc. It is felt that such specialized and independent investigative organizations, which have strong procedural sub-systems within them to ensure their free and fair functioning in strict conformity with law, have the effect of insulating the investigative machinery from political/administrative influences, at least in the investigation of the more important/sensitive cases which they deal with. Such specialized investigative organizations could function within the overall police organization, or outside the same, as already exists in some countries. In case they function outside the purview of the overall police organization, control by the political executive over them should again be through such bodies as recommended in subparagraph (a) above, in order to insulate them from any extra-legal interventions. The Independent Commission Against Corruption (ICAC) in Hong Kong is a successful example of combatting corruption by an independent investigative agency.
2. Sub-standard and Inadequate Investigative Personnel
- (a) *Sub-standard Investigative Personnel*
The following countermeasures are recommended to improve the quality of investigative personnel:
- (i) Attractive conditions of service and salaries must be ensured for police personnel, so that better quality candidates are induced into the organization.
- (ii) Recruitment at many levels in the police hierarchy reduces promotion chances, demoralizes the service and degrades service conditions. In the United Kingdom, recruitment is only at one level, i.e. the police constable, who can aspire to the highest police post. This not only attracts candidates of better quality to the police service, but also keeps them in a high state of motivation, as there is a great incentive to excel in their job and to maintain high standards of integrity. Recruitment at only one level may not be possible in developing countries in the near future. Hence, endeavours should be made to achieve two levels of recruitment for the police, i.e., one at the police constable level and the other for higher police functionaries. The minimum educational qualifications could be gradually enhanced to graduation, even for police constables, as they will have higher positions in due course and handle intricate investigations and other sensitive police functions.
- (iii) Suitable systems must be established to ensure that recruitment of the police is fair and strictly on merit, without any political or other influence, to ensure that candidates with the right

111TH INTERNATIONAL SEMINAR
REPORTS OF THE SEMINAR

qualifications are selected. For this, independent/autonomous Police Recruitment Boards should be established, which must specialize in making quality recruitment and must constantly evolve more modern methods of selection, so that suitable candidates with the right aptitude enter the police service. The recruitment/selection process by such Boards must be so systematized, with foolproof checks/controls, so that the chance of tampering with the process becomes extremely remote. The recruitment must also be done as per fixed annual schedules, and *ad hoc* bulk recruitments, which severely upset promotional avenues and training standards, must not be allowed.

- (iv) After the right recruitment of police personnel, their training, both at the time of joining service and later through in-service training/refresher courses and on-the-job training, can go a long way in making available better quality police personnel/investigators. To ensure this, modern training institutions must be established in sufficient numbers, which can adequately cater to the needs of training in multifarious disciplines, to meet the complex challenges of modern crimes. Attractive training allowances must be granted so that better quality personnel man such training institutions. Training methods in different countries should be studied by such training institutions, so that the best methods/systems are adopted to suit local conditions. For specialized crimes requiring intricate handling, special courses must be devised and constantly upgraded to keep pace with changing situations/times. The services of specialists from other departments, insights into whose functioning can aid police investigators,

must be obtained to enrich the training process.

(b) *Inadequate Investigative Personnel*

The following countermeasures are recommended to tackle the problem of inadequate investigative personnel:

- (i) Police-public ratio in such countries where it is low, must be constantly upgraded through periodic sanctions of new posts and through systematic annual recruitment, so that adequate manpower is available for the different police functions, including investigations. Realistic assessment of the requirements of annual recruitment must be made and systematic initiatives taken to ensure that necessary funds are made available for this purpose.
- (ii) Separate crime investigative wings must be established at every police station level, district level etc, so that investigating officers and other staff are earmarked for concentrated/specialized investigations and they are not disturbed and diverted for other police duties relating to the maintenance of law and order.
- (iii) The services of civilian volunteers for assisting in police duties must be harnessed, so that the police can be saved for and diverted to investigative functions. The examples of Crime Prevention Volunteers in Korea, Auxiliary Police Force in Hong Kong, Home Guards in India, and Qaumi Razakars in Pakistan are cited in this connection. Such institutions must be strengthened and put to optimum use.
- (iv) Workloads of investigating officers must be constantly assessed and yardsticks evolved regarding the workload an investigating officer can

RESOURCE MATERIAL SERIES No. 55

really shoulder. Constant endeavors must be made to ensure that the workloads of investigating officers are in accord with the yardsticks, so that they can pay adequate attention to the cases and to ensure better quality and expeditious investigation.

3. Lack of Equipment and Scientific Aids to Investigation

In modern times, proper equipment and scientific aids to investigation are vital to the success of investigations. Since most developing countries are badly lacking in this aspect, the following countermeasures are recommended:

(a) The system of Annual Modernization Schemes, as in India, must be introduced and strengthened so that comprehensive assessments of the requirements for different types of equipment by the police force are systematically made every year, and earmarked funds released for the same annually. Endeavors must be made to have the release of such modernization grants increased every year to meet the growing needs. Under such a modernization scheme, vehicles, communication equipment, computers, fax machines, photocopiers, bomb detection and disposal equipment, document scanners, video cameras, fingerprint kits etc, should be acquired and equitably distributed to meet the requirements of police/investigating officers. Necessary equipment for digital/computerized storage of fingerprints could also be acquired. Modern Interrogation Centres, equipped with the latest equipment, should also be established in a phased manner through such modernization schemes.

(b) Adequate number of forensic science laboratories must be established as the

workload of such laboratories is generally very heavy, which contributes to delay in investigations. The workloads of such laboratories must be assessed and proposals initiated for establishing more laboratories. Further, such laboratories must be constantly modernized with the latest equipment. Endeavours should also be made to improve the quality of scientists manning such laboratories and to ensure that such laboratories function independently and fairly.

(c) Adequate number of mobile forensic science laboratories, suitably equipped, as available in every district of some states in India, must be acquired for on-the-spot assistance to the investigators as scientific aids at the scenes of crime.

(d) Adequate number of Bomb Detection and Disposal Squads must be established in cities and field areas for immediate assistance to the investigators in defusing/disposing of bombs, and for safe-guarding valuable evidence at the scenes of crime.

(e) Advanced scientific testing facilities, such as for DNA testing, are not available in many countries. Such countries which don't find it economical to establish such facilities should be able to make use of the facilities available in this regard in neighboring countries. For this, necessary bi-lateral agreements could be worked out between the concerned countries.

4. Lack of Cooperation and Coordination among Investigative Agencies

In order to promote co-operation and co-ordination amongst different investigative agencies, the following measures are recommended:

111TH INTERNATIONAL SEMINAR
REPORTS OF THE SEMINAR

(a) Establishment of Co-ordination Committees, in which all investigating agencies are represented, that meet at regular intervals. This will enhance knowledge of the different investigative agencies, their personnel, the work being turned out by them, and result in an exchange of information/intelligence, which would be helpful to the investigating officers of different agencies. Many problems amongst different agencies can be sorted out during such meetings/conferences. Separate Co-ordination Committees can be set up to deal with such subjects as drug trafficking and terrorism. Regional Co-ordination Committees could also be set up to promote co-ordination amongst adjacent regions/provinces/States, since criminals no longer stick to one area. Joint investigation teams could also be set up for particular cases, whenever required. Joint operations could also be organized by the members of such Co-ordination Committees, whenever required. In Japan, the Public Prosecutors Office leads and coordinates different prefectural police jurisdictions and different specialized investigation units on joint investigations.

(b) Establishment of joint training programs amongst different investigative agencies can be a useful exercise in not only promoting investigative skills, but also in educating each other about the roles of the different agencies, and promoting harmonious relations and understanding. These should improve the efficiency of investigating officers and result in better detection and improvement in the quality of investigations. Such pooling of resources is particularly required in developing countries which face a

resources crunch.

(c) Exchange of data on crimes and criminals amongst the different investigating agencies should regularly take place by sharing periodical reviews/hand-outs etc. These will be valuable aids to investigation.

**III. ENHANCING BETTER
DETECTION OF CRIME AND MORE
THOROUGH INVESTIGATIONS**

**A. General Problems on Better
Detection and Investigation of
Crimes**

1. Insufficient Development/Use of
Available Data/Measures

(a) *Lack of Systematically Organized
Data/Records and Intelligence on
Crimes and Criminals*

When a crime takes place, the immediate guide available to the investigator is the data/records regarding similar earlier crimes, criminals and criminal organizations involved in them. These can be extremely useful tools to the investigator for detection of the crime, provided the data on previous crimes and criminals is readily available in a systematically organized form; whereby vital clues to the present crime in question can be obtained and the line of investigation decided. Further, there is a vast and dark area of unexposed crimes and criminality, which is often, nevertheless, quite active, for which no records/data may exist, since these are undetected crimes and criminals. For such vast and dark areas of unexposed crimes and criminality, the only guide can be 'Intelligence', and systematized/readily available data/information on that. However, most police agencies lack systematically organized data/records on exposed crimes, criminals and criminal organizations, and also intelligence on unexposed crimes and criminality. These

handicap the investigators, as they are compelled to grope in the dark since the benefit of organized records systems, so vital in today's crime scenario, are not available to them. Hence, we need suitable countermeasures to meet this major problem.

(b) *Insufficient Use of Available Investigative Methods/Measures*

Another related problem area in the detection and investigation of crimes is that certain investigative methods/measures, which are available to the investigators, are not being put to adequate use as tools for effective detection/investigation. These available investigative methods/measures, which are not put to sufficient use are: fingerprint identification systems; blood/semen tests; DNA testing; surveillance techniques through physical covert shadowing, through sources, wiretapping, undercover operations; computerized portrait building/identification systems; controlled delivery; timely searches etc. Suitable countermeasures need to be adopted to ensure that such available methods/measures are put to optimum use.

2. Problems Related to Interrogation, Eliciting Confessions and Unearthing Leads for Investigation

(a) *Difficulties with Regard to Eliciting Confessions*

- (i) Lack of skills amongst investigative officers.
- (ii) Lack of safeguards to ensure voluntariness of confessions.
- (iii) Failure to obtain corroborative evidence.

(b) *Lack of Interrogation Skills amongst Investigators for Eliciting Leads from Accused / Suspects / Witnesses for Further Investigation*

Lack of interrogation and related skills amongst investigating officers is a major handicap in the detection and investigation

of crimes, with regard to eliciting leads for further investigations from the accused/suspects/witnesses. Skillful interrogations by the investigating officers can make all the difference in solving a case and in strengthening it with suitable evidence for successful prosecution. Hence, this area of investigative work requires special attention for evolving suitable countermeasures for enhancing detection of crime and for achieving more thorough investigations.

3. Lack of Co-operation from the General Public and Witnesses

- (a) Lack of trust in the police and a lack of a helpful attitude by the police.
- (b) Fear of revenge from the accused.
- (c) Inconvenience to witnesses and indifference of witnesses.

Should active public co-operation be available to the police/investigating officers, the whole investigative effort becomes much easier. Not only can information about crimes and criminals be passed promptly to the police by members of the public (which they generally fail to do) but they can also come forward to depose as witnesses, for which they are deterred by factors as indicated in subparagraphs (a) to (c) above, for which we need to look for countermeasures.

4. Internationalization of Crime as a Hindrance to Investigation

- (a) Difficulties in gathering information/background data from overseas on criminals and crimes.
- (b) Difficulties in collecting evidence from overseas.
- (c) Difficulties in securing extradition of the accused.

In modern times, due to the great increase in communications,

111TH INTERNATIONAL SEMINAR
REPORTS OF THE SEMINAR

transportation facilities, mobility, and the trend towards the globalization of economies, crimes are increasingly assuming international ramifications. A criminal/terrorist/drug trafficker may quickly escape to a foreign land after committing a heinous crime, and go out of view. Conspiracies for major organized crimes or terrorist acts may be hatched in one country, firearms/explosives procured from another country, funding done by co-conspirators from yet another country and the criminal/terrorist acts committed in a fourth country. Detailed directions can be given for conducting such crimes over the telephone, sitting in distant lands. Though Interpol is available for co-ordinated police action, in practice, there are many difficulties in ensuring this, which is making things very easy for criminals, especially for international crime syndicates/druglords/terrorists. The problems faced by the law enforcement/investigative agencies, in this regard, are already grave, and are likely to assume still more serious dimensions in the near future. Utter lack of co-operation and co-ordination amongst most countries of the world results in failure to get information/background data from overseas on criminals and crimes, failure to collect evidence in foreign lands and failure in securing extradition of the accused. Hence, suitable countermeasures are called for to meet the challenges posed by the globalization of crime.

B. Recommended Solutions

1. Insufficient Development/Use of Available Data/Measures

(a) *Lack of Systematically Organized Data/Records and Intelligence on Crimes and Criminals*

The following countermeasures are recommended to develop the record systems relating to crimes and criminals, and to improve their quality, so that they become a effective aids for investigation:

- (i) To prescribe carefully devised record systems, including photographs of criminals whenever available, or improve their quality so that they are available in easily retrievable form for different types of crimes, for different *modus operandi* of crimes, for different criminal gangs/organisations. Alphabetical indexes of criminals, their areas of operation, their descriptive rolls, their associates/relatives etc.
- (ii) Drives for exhaustive classified documentation of crimes and criminals (which have come to notice in the previous ten years) at the district, state/province and national level. The criminals who have been active in the previous ten years are likely to be active now.
- (iii) To have suitable computer software designed for sub-paragraphs (i) and (ii) above, and launch drives for simultaneous computerisation of all crimes and criminals for the previous ten years.
- (iv) To strengthen the intelligence organizations so that they are able to provide well organised information about important criminals, criminal organisations and their activities, especially in the areas of unexposed crimes and criminals, and to have such information/data constantly computerised, for ready retrieval and up-dating. Such well-organised intelligence should be available at the local, state/province and national level.

(b) *Insufficient Use of Available Investigative Methods/Measures*

With regard to the problems areas detailed above, the following countermeasures are recommended:

RESOURCE MATERIAL SERIES No. 55

- (i) To have suitable inservice refresher courses devised with regard to the suitability/usefulness of the existing investigative methods/systems/measures, which are not being put to optimum use by the investigators due to their inadequate knowledge/appreciation about them.
- (ii) To associate the investigators with such expert investigators/investigating organisations as are making optimum use of the existing investigating methods/techniques, for periodical technical training.
- (iii) To have comprehensive handouts of various investigative methods/techniques/systems available circulated amongst the investigating officers and read-out by superior officers periodically, so that they are suitably sensitised to put such methods/techniques to optimum use.
- (iv) To have periodic lectures delivered by experts in the different areas mentioned above, to the investigating officers to sensitise them about different up-to-date systems/techniques available to the investigating officers.

2. Problems Related to Interrogation Skills in Eliciting Admissible Confessions and Unearthing Leads for Investigation

(a) *Difficulties with Regard to Eliciting Confessions Admissible as Evidence*

The difficulties of eliciting confessions admissible as evidence fall under three primary areas:

(i) *Lack of skill amongst Investigative Officers*

Lack of skill amongst investigating officers in effective interrogation and sensitive/psychological handling of the

accused is major obstacle to investigations, solving cases and unearthing their full ramifications. Lack of those skills also results in the use of third degree methods/torture by the police, which apart from causing serious human rights violations and complicating problems, also have the potential of derailing investigations for considerable lengths of time, as these could cause admissions of some facts due to fear. These could also result in deaths in police custody, which frustrate and upset investigations almost completely. Hence, developing/sharpening skills for interrogation and sensitive/psychological handling of the accused amongst the investigating officers is of utmost importance, as any resultant confession can be admissible in evidence only if it meets the test of voluntariness and credibility. Hence, the following countermeasures are recommended in this regard:

(a) To have regular refresher courses in interrogation skills organised for investigating officers where they could be exposed to the most skillful successful interrogators, and to well prepared videos, films and documentation in this regard.

(b) Interrogation skills can only develop if it is clear that third degree methods/torture of the accused will not be allowed, at any cost. Hence, the superior officers must take criminal/disciplinary action if any instance of the use of third degree methods/torture is reported.

(c) Since interrogation skills are more an art than a science, and often difficult to impart through conventional teaching/training, investigating officers should be attached to acknowledged experts in interrogation, so that they also

111TH INTERNATIONAL SEMINAR
REPORTS OF THE SEMINAR

imbibe the same and gradually come to practice it.

(ii) *Lack of Safeguards to Ensure Voluntariness of Confessions*

Confession made by an accused to a police officer is inadmissible in evidence in some countries like India, Pakistan and Bangladesh; though any part of such confession, as relates to any fact discovered in consequence of the information provided during such confession, is admissible in evidence in such countries. In most countries like Japan, Korea, Hong Kong and Malaysia, confessions made to police officers are admissible under some conditions. However, all such confessions, whether made to police officers or others, have to meet the test of voluntariness and credibility/trustworthiness. The confession should not appear to the court to have been caused by any inducement, threat or promise. There are various safeguards already instituted in the systems or practices of different countries in this regard. Keeping all those in view, the following recommendations are made in this regard, which may be adopted, keeping in view the local conditions and local provisions of law:

- (a) As regards confessions made by an accused on the spot, soon after the commission of a crime: clear and detailed instructions should be available to the investigating officers as to how such a confession must be recorded on the spot, and such confessions must be corroborated by entries in the notebooks of the police officers concerned.
- (b) Detailed and clear instructions must exist and be available to the investigating officers regarding the precautions to be taken while recording the confession of an accused, such as regarding the

administering of a caution, regarding entries on the spot in lockup registers, general diary of the police station etc.

- (c) Presence of independent witnesses during the interrogation/recording of a confession is required in some countries, while in some other countries, like Malaysia, the presence of independent witnesses has been dispensed with. It is felt that should the witnesses be respectable and of credible stature, their evidence will enhance the credibility of confessions.
- (d) Videotaping of a confession can be a very good safeguard to prove the voluntariness of a confession. Regarding the methodology of such videotaping, detailed standing instructions need to be institutionalized, as already exist in Hong Kong.

(iii) *Failure to Obtain Corroborative Evidence*

In order to make the confession meaningful as evidence, sincere and exhaustive efforts must be made to prove the contents of the confession wherever possible. For example, if an accused has stated in the confession that s/he purchased a particular item, having bearing with the offence, from a particular shop and a particular person; the shop must be traced, as also the person, and the statement of the bills/records seized. Broadly, the following countermeasures are suggested:

- (a) To identify and list all the verifiable points in the confessions, regarding which, there is the possibility of letting in corroborative evidence.
- (b) Without delay, investigators should be dispatched to verify the aforesaid

RESOURCE MATERIAL SERIES No. 55

listed points and to collect evidence with regard thereto.

- (c) The aforesaid exercise should be enforced in a strict manner so that investigative officers get into the habit of doing the same without fail, in every case.

(b) *Lack of Interrogation Skills amongst Investigators for Eliciting Leads from Accused / Suspects / Witnesses*

The lack of interrogation skill amongst investigating officers may result in failure to elicit leads, not only from the accused but also from suspects and witnesses. The following countermeasures are suggested in addition to the aforementioned recommendations:

- (i) Systematic identification of the points on which the investigative officers should raise questions to elicit more leads for further investigation.
- (ii) Every new lead unearthed during such interrogations must be immediately followed up with the required steps for further investigations, such as conducting further searches, apprehending new suspects etc.

3. Lack of Co-operation from the General Public/Witnesses

(a) *Lack of Trust in the Police and Lack of a Helpful Attitude of the Police*

In order to improve the attitude and image of the police with the public, and thereby inspire trust so that the public comes forward to actively assist in investigations, the following recommendations are made:

- (i) Every effort must be made to institutionalize measures that can ensure fair and impartial

functioning. The countermeasures suggested in this report regarding the problem of undue political and administrative influence can go a long way in ensuring the independent, fair and impartial functioning of the police, thereby inspiring confidence in the public.

- (ii) Every effort must be made to improve the quality of police personnel and their performance, and to institutionalize systems/measures in this regard. The recommendations made in this report with regard to the problem of sub-standard police personnel and with regard to developing interrogation skills are some of the measures which can improve the police image. Developing interrogation skills, will also help in preventing custodial deaths which badly mar the police image.

- (iii) An attitudinal change must be brought about in the police through periodic, specially designed, refresher courses and through constant on-the-job instruction. Effective supervision/leadership by the superior officers will also help to adopt a humane/helpful attitude towards the public.

- (iv) The electronic media and the press must be effectively used to highlight the good deeds/achievements of the police, so that the public gradually comes to acquire greater confidence in the police.

- (v) Enhanced contact of the police with people at different levels will inspire confidence in the police. Establishment of Police-Public Co-operation Committees, in which heads of educational institutions, representatives from prominent service organisations, respectable

111TH INTERNATIONAL SEMINAR
REPORTS OF THE SEMINAR

members of the public and the press/ regard:

electronic media could be represented, would go a long way in inspiring confidence in the police. Such Police-Public Co-operation Committees could lead to the effective enforcement of Community Policing measures, including assistance by volunteers in traffic enforcement etc, all of which can enhance the police image. The Police Box (Koban) system in Japan is also a good measure in community policing, as also the Neighbourhood Police Posts in Singapore, which should also be considered.

(vi) Systems must be established whereby complaints against police personnel must be effectively heard by superior officers and acted upon. Strong disciplinary or criminal action against instances of abuse of power, corruption etc, must be ensured. For this, it is necessary that superior officers must be highly accessible to the public. For example, in Hong Kong, the Complaints Against Police Office is a delegated police unit to investigate all the complaints against the police, and the results of investigations are scrutinized by non-police officials.

(vii) Fair administration of the police must be ensured whereby, while the wrongdoers are not spared from punishment, those who excel in their work, especially in eliciting public co-operation through their humane/helpful attitude, are suitably rewarded.

(b) *Fear of Revenge from the Accused*

Since witnesses often do not come forward to depose against criminals due to fear of revenge, the following countermeasures are recommended in this

(i) Witness Protection Programs such as in Brazil, Colombia, Hong Kong, must be established whereby suitable protection is provided to the witnesses, according to requirements, at the expense of the State.

(ii) Victim Assistance Committees may be set up to extend psychological/ other support to victims of crime, who also will happen to be the prime witnesses in a case. For sexual crimes, women police officers can be assigned as detectives, as in Japan, so that victims of sexual crimes feel comfortable in reporting to the police and during investigations. The Vulnerable Witness Support Programme, as in Singapore, whereby support to vulnerable witnesses who have to testify in criminal cases is extended, is also recommended for adaptation as per local conditions. Amendments have also been made to the Singapore Criminal Procedure Code (Cap 68) for the evidence of vulnerable witnesses in certain types of offences to be heard through live video or television links.

(iii) In case of any attack on a witness by a criminal, it must be ensured that exemplary punishment is imparted.

(c) *Inconvenience to Witnesses and Indifference of Witnesses*

Witnesses are also reluctant to come forward to assist the police in detecting/ investigating a crime, and to depose as witnesses, as it can cause considerable inconvenience and harassment to them and result in a wastage of time. Consequently, they are indifferent towards the police. To meet this problem, the following countermeasures are suggested:

RESOURCE MATERIAL SERIES No. 55

- (i) Adequate conveyance, boarding and lodging monies must be provided to witnesses, for which necessary provisions must be made.
- (ii) It must be ensured that witnesses are treated by the police with sensitivity, so that they do not have to face harassment in terms of being called to police stations frequently, or having to visit courts frequently, due to avoidable adjournments, keeping in view the time constraints which a witness may have. Every witness must be made to feel important, as the minimum reward for their effort/sacrifice. Any other reward may not be legally acceptable.
- (iii) Mass media must be effectively used to raise awareness amongst the public that without their co-operation, it is very difficult for the police to fight crime; and that the public, themselves are the co-producers of public safety.

4. Internationalization of Crime as a Hindrance to Investigations

(a) *Difficulties in Gathering Information / Background Data from Overseas on Criminals and Crimes*

In view of the problems posed by the internationalisation of crime, as indicated above, the following countermeasures are recommended with regard to gathering information/background data from overseas on criminals and crimes:

- (i) Interpol, of which most countries are members, must be put to effective use for obtaining data on crimes and criminals from foreign countries. For Interpol to be effective, the message/queries received from it must receive adequate attention, so that prompt replies can be assured.
- (ii) Liaison officers posted abroad may be made optimum use of to collect the required *bona fide* information on crimes and criminals, and to keep the police agencies of the concerned countries suitably informed.
- (iii) To maximize participation of police officers in international conferences on crimes/criminals so that all concerned are suitably sensitised, mutual apprehensions (if any) dispelled, and harmonious workings towards common objectives facilitated.

(b) *Difficulties in Collecting Evidence from Overseas*

Since investigations are often required to be carried out in foreign countries and evidence is required to be collected, this process is fraught with acute difficulties. The following countermeasures are recommended:

- (i) The available treaties on Mutual Assistance in criminal matters must be put to optimum use, as also the available diplomatic channels.
- (ii) Active efforts must be made by police agencies to have necessary diplomatic or legislative initiatives taken by their governments to conclude bilateral/multilateral treaties with different countries regarding mutual assistance in criminal matters. Pending the conclusion of such treaties, most countries may enact legislation whereby a country that has no treaty with it, can also request assistance under the principle of reciprocity. In this connection, the Act on Mutual Assistance in Criminal Matters passed by Thailand in 1992 is cited.
- (iii) To constantly endeavour to extend

111TH INTERNATIONAL SEMINAR
REPORTS OF THE SEMINAR

maximum co-operation to the execution of "Letters Rogatory" received from different countries, to identify the recurring problems faced in this regard, and to seek lasting solutions.

(iv) To utilise the personal rapport achieved with officers of other countries during conferences/seminars to smooth matters, and to elicit co-operation to solve knotty problems in investigations abroad.

(v) Necessary amendments in the law of evidence, wherever necessary, should be considered, in order to make admissible the evidence collected by foreign officials, without the foreign witnesses having to depose in court.

(c) *Difficulties in Securing Extradition of the Accused*

Since in many countries, the trial of an offender in the requesting State cannot proceed without the presence of the offender in the court of criminal trial, extradition is a vital legal mechanism. However, in many countries, for want of the required provisions in their extradition Acts, or if enacted, for want of mutual extradition treaties, the extradition of offenders wanted by a country is often a major problem. In this connection, the following countermeasures are recommended:

(i) The available extradition laws, treaties and diplomatic channels must be made optimum use of to achieve extradition of offenders.

(ii) Necessary extradition Acts must be enacted by most countries so that the concerned country can extradite an offender to the requesting State, even if the requesting State does not have a treaty with it.

(iii) All countries facing the problem of internationalisation of crime must conclude extradition treaties with all such countries with which they have frequent problems of extradition.

IV. CONCLUSION

It is hoped that with the aforesaid countermeasures recommended for better detection of crime and more thorough investigations, a definite impact on the crime situations in different countries can be made for the ultimate objective of effectively preventing crimes in our changing societies.