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SCENE OF CRIME MANAGEMENT - PROBLEMS AND PRACTICES

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ABSTRACT

Examination and management of scene of crime is an important aspect in crime investigation and the administration of Justice. The success or failure of crime investigation indeed depends upon as to how scene of crime has been handled for examinations and for the preservation of evidentiary clue materials. The mode of examination of scenes of crime is not a homogenous affair, rather, this varies from place to place and the expert's viewpoints are also different on the subject in various laboratories. Not only this these problems and practices also vary with respect to topography, jurisdiction, environment and the available resources. These problems and practices have been discussed in the present paper which needs to be discussed in the context that the judiciary courts do not look at these processes for extending benefit of doubt to the accused due to these unavoidable technical and procedural variations.

Keywords: Scene of crime, management, administration of justice, protocols, problems and practices. etc.

INTRODUCTION

Forensic Science is the application of various scientific methods and techniques for the purposes of justice. It is a tree that has various branches which cumulatively provide lead for the administration of the justice. One of the major branches which plays an important role is Scene of Crime Management which sow the seed for entire process. The process starts with maintaining the record of each and every minute details beginning from information received for particular scene of crime. An individual or a team of investigating officers visits the scene and starts the investigation. Every possible effort should always be made to secure the scene of crime in all workable ways[1],[2].

Scene of crime management and examination is important part of crime investigation process. Forensic Science starts from the scene of crime indeed, with the collection and preservation of physical evidences/ clue materials for their subsequent scientific examinations in the Forensic Science Laboratories. Forensic reports are prepared after laboratory examination of physical evidences collected from the scene of crime, which are of utmost help in the investigation of crime and the administration of Justice. Hence, it becomes essential that the scene of crime examination, recording, evidence collection and management is carried out in a systematic way with standard homogeneous protocols. The varying protocols and time lapse adversely affect the examination of evidences in the

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laboratories and may lead to misleading results of analysis[3-5].

PRESENT PROBLEMS AND PRACTICES

1. **Delay in the examination of scene of crime:** The information regarding the occurrence of crime reaches the police and Forensic experts late, perhaps, due to the lack of means of communication. Moreover, police have multiple duties to perform besides crime investigation. The delay can also be attributed to long distances, difficult topography, poor transport facilities and unfriendly police public relations. The lack of Forensic training for human resources development in police can be stated to be leading to reluctance in quick action for investigation of crime by the police. The large time taken by first police respondent to reach the scene of crime and lack of public awareness for the protection of scene of crime also lead to delay and difficulties in scene of crime examination[6–8].

2. **Specific requirements are not communicated to expert:** Police does not communicate in advance to the Forensic expert as to what has actually happened at the scene and what type of expert is really required. In the absence of the same specific experts don't reach the scene of crime in time.

3. **Improper use of trained human resources by the Police:** Every year Forensic Science Laboratories, Central Detective Training Schools, police academics and universities train thousands of Police investigating officers in scientific and the Forensic methods of investigation of crime. After having taken these trainings, the police personnel go back to their destinations, but do not utilize Forensic knowledge imparted to them in day-to-day case work, rather in every case they send a message to the Forensic laboratory for sending expert at the scene of crime. On the other hand, they are deputed for other duties than crime investigation[6].

4. **Legal authorization and coverage:** The provisions law authorizes police investigating officers for the examination of scene of crime. However, there is no legal provision for a Forensic scientist under any law to examine the scene of crime. He can only be called by the investigating officer if he desires so. There is no mandatory provision[8].

5. **Problem of Jurisdiction:** In some cases, police summoned Forensic Experts and Forensic medicine doctors to the scene of crime for such examinations. Under such circumstances the clear role of Forensic scientists and Forensic medicine experts at the scene of crime needs to be defined. The reports with minor variations by the two agencies spoil the cases during trail as the benefit of doubt goes in favor of the accused[8].

6. **Role of Forensic Scientist:** Manhas and Gaur (1995) stated "Science is a changing process with multiple developments with the passage of time, so is the role of Forensic Scientists. With the changing patterns of the Science and the society the role of Forensic scientist is also subject to change due to the pressures of needs and perceptions of the contemporary society" Further, they have posed some questions, which need to be immediately addressed, viz,

    1. Should the Forensic scientist visit a scene of crime?
    2. Is he a guide or an assisting agency?
    3. Should he examine the scenes of crime like explosions, railway accidents and plane crashes?
    4. Should he carry the physical clues from the scene of crime to the laboratory or seal the clue materials with his seal and hand it over to the investigating officer?
    5. Should he ask the investigating officer to seal the clue materials and subsequently send the same for examination in the laboratory?

"What is the role of a Forensic scientist at the scene of crime needs to be well defined and documented, Manhas, and Gaur (1995)".

MANAGEMENT OF SCENE OF CRIME

Inter disciplinary approach: Questions are raised in the Forensic Science laboratories as to why a biologist or chemist should be deputed to examine the site of explosion or why a chemist should be deputed to examine the scene of crime in a homicidal case. Further, why a document expert should at all be deputed to examine a scene of crime. As per present view points of the scientific society, no branch of science in the world, whether, physical sciences, biological sciences, chemical sciences or applied science are independent of each other. They are always inter dependent and inter linked.

The scene of crime job is of a general Forensic scientist and super specialties come into the picture most

of the times only in laboratory working or sometimes in the reconstructions of scenes of crimes. This may be viewed vis-à-vis where every graduate has knowledge of all branches of medical profession. He is a super specialist in the branch he has specialized, hence, he is competent and practices for general medical profession as well as in the specialty he belongs to. So, every Forensic scientist should be capable of examination of scene crime in all kinds of cases for the collection, preservation, packing, and forwarding evidence from scene of crime after recording[9].

Availability of physical evidence at scene of crime: According to Locard (1923, 1928, 1930) and Wanger, (1986), scene of crime investigation is the foundation of investigation in any crime as there is a mutual contract between the accused, victim, place of occurrence and other material items. So, there is always a mutual exchange of clue materials.

The availability of physical evidences at the scene of crime depends upon the extent of search. The knowledge and expertise of the expert, protection of scene of crime from adverse climatic conditions and the appropriate training of expert coupled with orientation courses from time to time[10].

Experts view point: The viewpoints of various experts from different laboratories are different regarding lifting, packing, sealing and forwarding of the exhibits to the Forensic laboratories. Several court rulings also pointed out about the practice of sealing of the exhibits by the investigating officers and not by the experts at the scene of crime. Similarly, in some cases of establishing identity, fragmentary bones and skulls are recovered which are sent for ageing, sexing, stature estimations and identification by superimposition. Subsequently the exhibits are submitted for DNA profiling[10].

Videography of the scene of crime: Police, Forensic experts and the press photographers carry out photography and Videography at the scenes of crime at different intervals of time. Due to examinations carried or disturbances by inmates minor variations may appear in the photographs and videographs of different time intervals. It should be carefully decided as to, who has to carry out Videography and photography of the scene. No quick opinions without thorough examination should be given at the scenes of crime for press releases in the interest of investigation and administration of justice. The press should also not start media trail itself and oversensitive cases and should report just facts and not their view and judgements as it may adversely affect the court trails and judgements later on[11].

Cases highlighting problems and practices

Case 1 – In a homicide case police summoned Forensic expert team from the Forensic Science laboratory for the examination of scene of crime. After lifting blood sample from various articles Forensic team handed over the blood sample to investigating officer for sending the same to Forensic Science laboratory for further examination in a sealed cover through a forwarding letter and authority latter for examination of the same. During transport and with the laps of time the blood samples disintegrated as were not preserved by the police under refrigerated condition at low temperature. When the sample were examined in the laboratory no conclusive result could be obtained.

During trial the prosecution raised the question and asked the expert why the samples were not taken along by him to the laboratory for immediate examination when the team at come to the scene of crime in a government vehicle moreover the samples were not so heavy that these could not have been taken in the government vehicle same day for the examination in Forensic Science laboratory.

The expert reply that there was no late down procedure that the exhibits shall be taken from the scene of crime directly to the laboratory, rather, the prevalent practice was that these were t handed over to the investigating officer for sealing and sending the same for further examination to the laboratory along with a forwarding letter and authorization certificate for examination in the laboratory.

Case 2 – In a sexual assault and murder case of a fifteen-year school going girl investigation was carried out by the local police which could not identify and arrest the perpetuators of crime for a week. The occurrence has taken place in a thick forest when the girl was on way back home from school. The was public agitation and press highlights that the police are protecting the potential criminals under the pressure of some politician and the investigation given to state CID on public and press pressure the case was transferred to state CID for investigation by a special investigation team. This team also could not book the culprits for another fifteen days and on press and public demand a writ petitions was filed in the high court demanding the case be transferred to other investigation agency that is the central bureau of Investigation (CBI). The investigation was carried

out by the CBI two persons are booked for the offence and arrested, whoever the press and public denied the they were not the culprits. Counter case was registered against some police officers who were alleged to have committed some lapses. It is pertinent mention that the case could not investigated on merit due to press and public pressure and all evidence collected by the investigating agencies were disbelieved. The investigation could not be concluded any logical end.

Case 3 – In a case of death due to poisoning viscera of the deceased was send for examination in a Forensic Science laboratory. No common poison could be detected in the viscera and sent blood sample. However, the doctors conducting postmortem have reported symptoms of poisoning in the post mortem report the viscera sample were again sent for second examination to another Forensic Science Laboratory were traces of poison could be detected on viscera and blood sample after four months. The results of the laboratories were due to following of different methods of analysis.

It may mention here that biological sample purify and get deteriorated and degraded with the laps of time hence their collection, preservation and examination must be done immediately following homogenous standard operating procedures which must laid down the purpose.

Case 4 – In one case the dead body of a young female was found lying under a road bridge. It was spotted by some cattle grazers. Police was informed, investigations were carried out by the police and a team of forensic experts. On examination it was found that the face of the lady had been burnt by the miscreants so that the victim could not be identified. There were no garments on the body or the ornaments. However, the name of a male was found tattooed on the medial side of her left forearm. No external injury other than partially burnt face could be observed on the body.

On the examination of viscera and blood sample of the victim, traces of poison could be detected in the viscera and blood. The dead body was shown to the persons in the local area and the tattooed name was noted deciphered and noted down. Persons with that name were called for interrogation from the nearby villages. One such person identified the dead body to be of his wife, who was missing from the house since the previous day afternoon. On further interrogation the husband of the victim confessed that he along with two of his friends have killed the lady by giving her poison and have further after her death they have burnt the face and thrown the dead body under the bridge during night. All the three accused confessed to having committed the crime.

Discussion and conclusions: From the forgoing discussion, it is concluded that the management of scene of crime examinations have multiple problems and heterogeneous practices. It needs to be systematized on various aspects like a proper legislation for the enactment of laws, role of Forensic scientist and sealing of the exhibits. There should be a legalized practice of sealing the exhibits by Forensic experts as these are sealed by the medical officers in the mortuaries of the hospitals. The does and don'ts at the scene of crime also need to be listed out so as to make the process homogenous and systematic in the interest of proper functioning, for providing effective and early justice through the aids of Forensic Science. It is also needed in the interest of justice Forensic scientists should not give any quick opinions without through examination. Police officers should restrain from giving press statements on Forensic aspects, which can be damaging during the trail of the cases in the courts of law. Scientific auditing at the scene of crime for the collection of scientific clue materials as highly essential to have a check on mistakes and malpractices if any.

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