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A Study of Impediments to Criminal Investigation and Difficulties In Collection of Evidence In Pakistan

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Abstract:

Investigation and evidence collection is the primary function of the police to maintain law and order in any society. The study aims to identify and to make aware people about the impediments and problems which police officials are facing in collection of evidence in criminal cases in Pakistan. So it is worthy to mention that there are many obstacles as loss of evidence, record tempering by criminals, lack of knowledge about the technicalities of law, pressure over upper level of hierarchy in police department. Sometimes our police personnel may have the shortage of equipments while collecting evidence from the crime scene in a criminal offence. It is also notable that in our society there is no protection and encouragement for witnesses to make contact with police investigators for sharing information about the criminal offence. For conducting the study researchers have selected whole of the country as the universe of the study. Then purposive and snow ball sampling has been used for selecting respondents for the study. Afterwards statistical package for social sciences (SPSS) has been used for analyzing data. It has been found after analyzing data that difficulties in collection of evidence and impediments to criminal investigation can be overcome to address all issues officially by planning and strategizing.

Keywords: *Police, Impediments, Criminal offence, Evidence, Procedure*

Introduction:

Word investigation has been taken from Latin word INVESTIGARE, which means "to track or probe for traces." Basically, it could be originated from VESTIGIUM, a Latin term that means "footprint." During fifth century, term "criminal investigation" was derived from Latin term INVESTIGAT, which meant "to examine or find". There are general objectives of criminal investigation which may be to assess if a felony has been committed, to gather information or evidence, identification of perpetrators of crime, to apprehend suspects, recovering of stolen property. Police investigation begins when an offence is being stated to police. As crime usually reported to police it starts investigation regarding victims, searching accused, searching for evidence and to prepare case that can be presented in court to punish criminal. This whole

process simply constitutes what we call police investigation. Investigation is process of conducting a thorough examination or inquiry, usually in an official capacity, in order to discover something or someone. Criminal investigation is systematic process of collection and analyzing collected information about people, motive behind crime and concerned crime scene (Mark,1984).The performance of law enforcement agencies is one of the prominent aspect related to a country's social environment i.e. the state of peace and order in a country.Police includes in one of the law enforcement agencies where its ability, capability and its standard is a key to peace and order in any country. Police is the agency which work as a first line of defence against many crimes such as mutiny,insurgency and terrorism (Abbas,2009).The performance of police department and law institutions is one of the prominent feature of a society and play role in determination of country's situation. In other words, mostly the law and order situation in a country is controlled by department of police. Actually police department is such a department which provide security to the people and establish peace within the boundaries of a country(Khan, 2020). It is also pointed out that the investigation and evidence collection is the primary function of the police for maintaining law and order situation in any society. (Ministry of Law, Justice and Human Rights, 2006). In Pakistan the police department is responsible for maintaining the peace in cities. All provinces have their own armed forces (police) which all are working independently. But mostly the police of Pakistan face a lot of hurdles while performing their duties. So they may face problem to fight against crime. Mostly the police force face shortage of modern equipments and do not know about modern technologies and also face the problem of less resources. Secondly the police department is mostly in Pakistan influenced by the political parties that is the main reason of the failure to fight against crime and also apprehend influential people. Thirdly, there is not sufficient number of police forces in the country. The population of Pakistan is going to increase day by day but the police officers are not increasing accordingly. The other main hurdle in collecting the evidence against a criminal or a crime is the lack of coordination of police forces of all provinces. The forces of all four provinces working independently and they never share the information and resources with the police department of other provinces .“The rising tide of suicide attacks all across Pakistan since 2006 has created widespread fear and insecurity. Though police officials have faced this challenge bravely after sustaining a high number of casualties in such attacks however the law enforcement agencies have not been able to disrupt the cycle in any systematic way. Complacency about the strength and operational capability of militant groups also hinders the formulation of an efficient strategy (Abbas, 2011; Naz et al.,2014). Again an eminent theorist identified that the lack of financial resources for collecting and preserving evidence, inadequate protection of victims and witnesses, incorrect documentation of evidence, as well as a lack of understanding to issues among police and doctors all are obstacles in the way of collection of evidence (Johanson, 2010).

Objectives of the Study:

- To know about views of common public and press/media persons about difficulties faced by police personnel in collection of evidence in criminal cases.
- To assess the difficulties which are faced by police while collecting evidence in criminal cases.

Review of the Literature

Abbas (2011), studied on police and focused on the aspects of police organization like administrative reforms related to police efficiency, lack of training, insufficient salaries, lack of accountability, lack of robust prerequisites, and deficiency of police legitimacy. The researcher suggested that an increase in salaries, enhancement in curriculum and training,

increasing public awareness, changing organizational culture, providing advanced technologies for investigation, and modifying the criminal justice system for policing.

Fahsing Ivar (2016), argued that lack of evidence, in any case, supports the criminals to escape from the investigation and criminal procedure. In most cases information does not always freely available to the investigator, they must be skilled in a range of techniques to pursue, locate and recover it, physical material can degrade rapidly for environmental reasons, and memories can become less reliable for psychological reasons recorded data such as CCTV or financial information can be disposed of or overwritten.

Osterburg and Ward (2019), a significant change has occurred in the arena of Criminal Investigation as well as in the law and the procedure. The traditional way of investigation has been replaced with modern forensic techniques in response to the change in the pattern of crimes and criminal activities which includes Cybercrime, Complex Fraud Scandals, Terrorism, and Violent Gang Crimes. The investigation process relies upon three basic sources of information i.e. physical evidence, people having knowledge about the criminal activity and records both public and private. The next step is to organize and compile the collected information by the Investigation Officer to reach the truth.

Byrne and Marx (2011), penned about new technological innovations and discussed how these innovations have been developed to prevent crime and increase police efficiency, but authors know very little about how and why these innovations occur, as well as the consequences of technological solutions for crime. This article discusses a wide range of new technological innovations that can be applied to crime prevention in general and crime prevention in particular by the police. They give a summary of current technical breakthroughs, summaries existing information on the degree of adoption in the United States, and then examine existing studies on the influence of each new type of technology on crime prevention and law enforcement. They also cover three main issues: Militarization of crime and crime prevention; Technology may be scary or non-intimidating; and Municipal and private criminal surveillance and preclusion by police—both proponents and opponents of the so-called technological revolution.

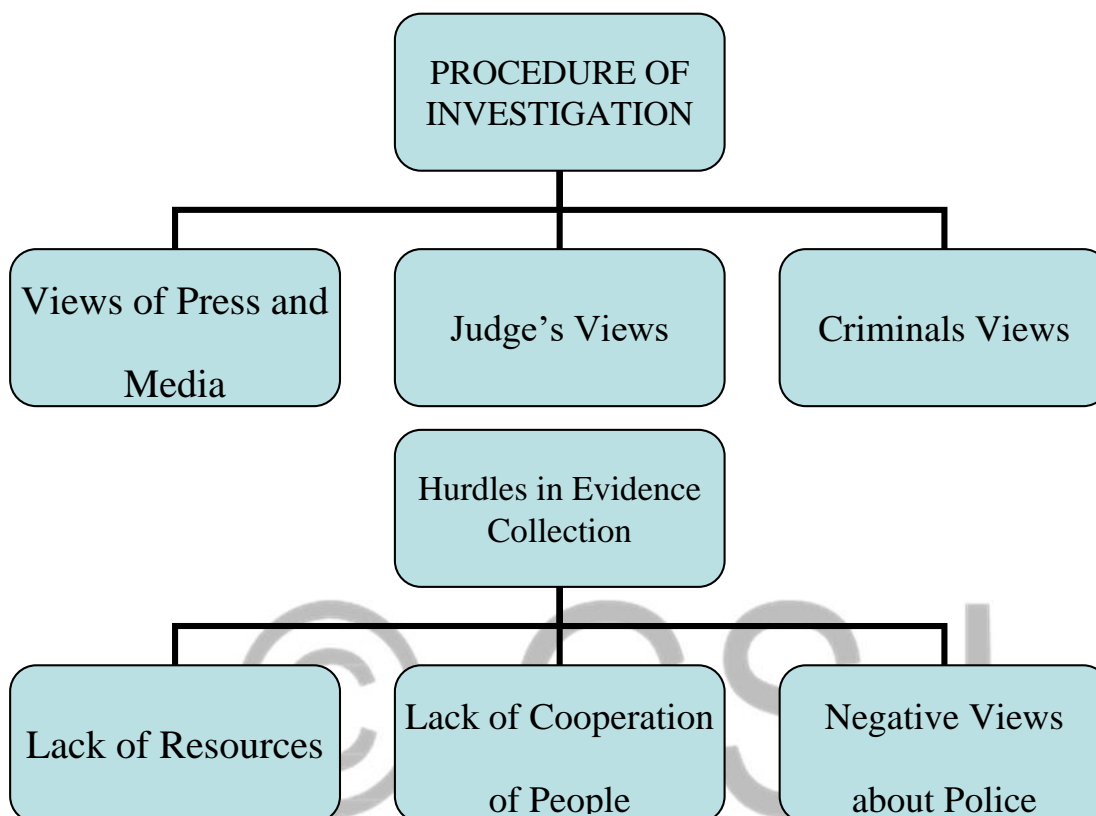
Theoretical framework:

A useful perspective on the criminal investigation process is provided by information theory (Willmer, 1970). According to information theory, the criminal investigation process resembles a battle between the police and the perpetrator over crime-related information. In committing the crime, the offender emits "signals," or leaves behind information of various sorts (fingerprints, eyewitness descriptions, murder weapons, etc.), which the police attempt to collect through investigative activities. If the perpetrator can minimize the amount of information available for the police to collect, or if the police are unable to recognize the information left behind, then the perpetrator will not be apprehended and therefore, the perpetrator will win the battle. If the police can collect a significant number of signals from the perpetrator, then the perpetrator will be identified and apprehended, and the police win. This perspective underscores the importance of information in a criminal investigation.

The major problem for the police in conducting a criminal investigation is that not only potentially massive amounts of information available, but the relevance of the information is often unknown, the information is often incomplete, and the information is often inaccurate. Further, to be useful in proving guilt in court (where beyond a reasonable doubt is the standard), the evidence must have certain other qualities, and certain rules and procedures must be followed in collecting evidence.

Conceptual Framework:

This is summarised in the diagram that in the research study the opinion of media persons, Judges and criminals/prisoners have been sought to know about the impediments and difficulties in criminal investigation. It is found that there are many hurdles in criminal investigation such as lack of resources, lack of cooperation of people and negative views of the people about police as well.



Methods and Materials:

Nature of Research

In the current study researchers have applied both qualitative as well as quantitative methods and have used semi-structured questionnaire for collection of data. In this research the purposive sampling method for selection of population to collect data to fulfil the objectives of the study has been applied. After collection of data researchers drew themes and made codes. Afterwards the SPSS (Statistical package for Social Sciences) software has been used to find out the results. In this research t-test, correlation and regression methods have been applied to express the output. In the research there are independent variables like as press, media, judge and criminal views, and the dependent variable is investigation. The public opinion for qualitative questions is written down thematically by applying personal lens. Qualitative questions are addressed with the data provided through questionnaire. In response to the questions most of the people have stated that they do not trust in police due to corruption, negative behavior towards common man and political influence. Female respondents have answered that they would like to opt teaching and male respondents showed their preference for other professions like as legal practise, medical profession and administration instead of police department. The merits like as social interaction, social welfare, enhanced learning and

the demerits like as political involvement, negative behavior of higher officers have been pointed out by both genders in response to the questions. They have responded about timing of the job in police department in affirmative and have said it have no effect over its performance. Last question put to the responded about the improvement in the department but the participants have presented diversified views which can not be described one by one. However, the most common response was that the people would like to desire improvement in the system.

Results and Interpretation:

Table No.1: Investigation hurdles regarding evidence procedure

		Frequency	Percent	Valid Percent	Cumulative Percent
	strongly agree	2	6.7	6.7	6.7
	Agree	8	26.7	26.7	33.3
	Neutral	17	56.7	56.7	90.0
	Disagree	3	10.0	10.0	100.0
	Total	30	100.0	100.0	

The table shows that mostly people don't want to share their thoughts about police matters or they are neutral that are about 57%. Almost 27% of people who said that police faced hurdles or difficulties regarding collection of evidences or they have difficulties regarding evidence procedure.

Table No. 2 : Judge's views

		Frequency	Percent	Valid Percent	Cumulative Percent
	strongly agree	1	3.3	3.3	3.3
	Agree	7	23.3	23.3	26.7
	Neutral	18	60.0	60.0	86.7
	Disagree	4	13.3	13.3	100.0
	Total	30	100.0	100.0	

The table.2 shows that majority of judges are neutral that are about police's difficulties regarding evidence procedure that are 60%. Almost 23% of judges who said that police faced difficulties regarding collection of evidences or they have difficulties regarding evidence procedure.

Table No.3: Criminal Views of media and press

		Frequency	Percent	Valid Percent	Cumulative Percent
	Agree	7	23.3	23.3	23.3
	Neutral	19	63.3	63.3	86.7
	Disagree	4	13.3	13.3	100.0
	Total	30	100.0	100.0	

The table.3 indicates that majority of views by media and press is neutral that are about 63%. Almost 23% of views about that police faced difficulties regarding collection of evidences or they have difficulties regarding evidence procedure.

Hypothesis:

H₀ : There is no difficulty faced by police in collection of evidence.

H₁ : There are many difficulties faced by police in collection of evidence.

ANOVA						
Model		Sum of Squares	df	Mean Square	F	Sig.
1	Regression	9.703	4	2.426	9.193	.000 ^a
	Residual	6.597	25	.264		
	Total	16.300	29			
a. Predictors: (Constant), collect, judge, press, criminal						
b. Dependent Variable: invest						

Conclusion of ANOVA:

The significant value is less than 0.05 so we reject H₀. This indicates that there is lot of difficulties according to media, press, judges and views of people faced by police regarding evidence procedure.

Discussion and Conclusion:

The p-value for each term tests the null hypothesis that the coefficient is equal to zero (no effect). A low p-value (< 0.05) indicates that you can reject the null hypothesis. In other words, a predictor that has a low p-value is likely to be a meaningful addition to your model because changes in the predictor's value are related to changes in the response variable. Conversely, a larger (insignificant) p-value suggests that changes in the predictor are not associated with changes in the response. In the output below, we can see that the predictor variables of South and North are significant because both of their p-values are 0.000. However, the p-value for East (0.092) is greater than the common alpha level of 0.05, which indicates that it is not statistically significant.

The results indicate that there is strong relationship between police investigation procedure and views of people about police force. The study also shows that there is an association between hurdles in collection of evidences and investigation procedure and police officer's behavior. The qualitative data have told us about the difficulties that are faced by police regarding evidence procedure that are lack of co-operation of people and society, political or higher authority's involvement in the case, shortage of modern technology for collection of evidences, political pressure, lack of resources and facilities, minimum pay of police personnel. The respondents' views are to improve the salaries of police department to avoid corruption and to create awareness about the investigation procedure including weekly lecture of Islamic scholars or other social authorities. Political involvement in investigation procedure cause many problems so overall judicial system should be improved. There should be proper training about criminal investigation and should provide the proper tools and facilities such as forensic labs at district level to maintain peace and order in the society.

The researchers have also found that there are some hurdles while collecting evidence about the criminal acts. These hurdles are such as lack of co-operation of the eye witnesses due to fear of police as well as other influential personalities. This also includes the negative myths about police in people's mind so they don't like to become part of any activity related to police department. It is also observed that there must be a representative of PFSA in every training centre. Evidence should be produced at the earliest in the courts because the delay in production of evidence in the courts give benefit of doubt to the accused. The police investigation officers are also not qualified and have not professional skill which eventually affect their services as investigation officers.

Recommendations:

Hurdles/ Difficulties	Solutions
<ul style="list-style-type: none"> • Investigating Officers pick and keep evidences samples according to their own ways. • Every ASI/SI/Inspectors are deputed as investigating officer. IOs should be specialized for investigation categories i.e. murder, kidnaping etc. • Mostly Police Officers (Investigation Officers) have little bit awareness about new age technology. • Lack of Priority due to heavy duty burden. • Training Institutes/Schools/Colleges are not fulfilling today's requirements. • Investigating Officers do not know the actual facts of the case • Lack of resources 	<p>Provision of investigation tool kit to every IO can enhance efficiency of IOs while collecting and producing evidences in courts for conviction.</p> <p>IOs should be selected from police force. IOs should be able to write case diaries by their themselves, should visit place of occurrence, should also be sensitive, active, educated, and responsible police officer. IOs have forgotten their duty to collect evidence to see that who is innocent and who is guilty but unfortunately now-a-days they so much rely on statements of complainants and witnesses, u/s 161 CrPC which can be manipulated.</p> <p>Special android mobile phones should also be provided to all IOs to take a photograph from crime scene alongwith latitude and longitude which is also helpful to collect different of pieces of evidence. CDR (Call Data Record) Analysis or, CCTV camera footage should be fully experienced.</p> <p>Preservation of evidences from place of occurrence should be first priority.</p> <p>Delay of submissions of parcels/samples in PFSA is basically is destroy of evidences. There should must a representative of PFSA in every training center.</p> <p>Evidences should be produced on first call of competent/learned courts because delay or non-production of evidences in courts give doubt of benefit to accused.</p> <p>Sealing parcel is other issue to make evidence weak or strong. It's a need of time to teach all trainees practically make seal on parcel and samples in correct way.</p> <p>Police files diaries writing is also major issue. Special writers (mostly private) have been kept by IOs. IOs should be able to write Zimni of their case files by their own hands. In this way they all the facts</p> <p>Samples or parcels could be damaged due to miscarrying being a long-distance travel. Lake of facilities and logistic support, even</p>

<ul style="list-style-type: none"> • Investigating officer mostly are being called by high-ups for meeting or other issues, resultantly wasting their time. • Seniors punished without solid reasons • False accusation • Non-educated public • Non-cooperative Medical Officers. • Police Officers have not direct access to check location of accused. • Slow court proceedings. 	<p>IOs do their best but their results do not meet with modern age requirements.</p> <p>Useless practice should be eliminated. It is necessary to provide much time for investigation.</p> <p>Support of seniors makes a strong I.O to decide on merit.</p> <p>Too much time is being taken to solve out false and fabricated cases and inquires.</p> <p>Public Destroy a lot of evidence which can be very effective if taken in time. Gathering of peoples is great hurdle for police to perform their duties.</p> <p>Medical Superintendents should also have to play their role to alert Doctors for autopsy because delay in autopsy means” Delay in post-mortem repot. Delay of arrest of accused. Delay in collection of evidence. Delay in submission of samples in PFSA.</p> <p>Police department should have direct access to location of mobile phone or direct access to get CDR. Geo-fencing of any incident is too delayed to link it to incident as evidence.</p> <p>I.Os often forgotton so many things regarding collected and submitted evidence in the court after 2/3 years as court call the I.O for his statement.</p>
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