A STUDY ON FORENSIC SERVICES IN CRIMINAL INVESTIGATION IN BANGLADESH:

Impacts, Challenges, and Capacity Building Issues



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HDRC
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A Study On
Forensic Services
in Criminal Investigation
in Bangladesh:
Impacts, Challenges and Capacity Building Issues

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Abbreviations

AC	Assistant Commissioner
AFIS	Automated Fingerprint Identification System
AFP	Australian Federal Police
ASI	Assistant Sub-Inspector
ASP	Assistant Superintendent of Police
ATM	Automated Teller Machine
CBI	Central Bureau of Investigation
CCTV	Closed Circuit Television
CD	Case Diary
CDMS	Criminal Data Management System
CDR	Call Detail Record
CIC	Cyber Investigation Center
CID	Criminal Investigation Department
CODIS	Combined DNA Index System
DB	Detective Branch
DG	Director General
DIG	Deputy Inspector General of Police
DNA	Deoxyribonucleic Acid
DTS	Detective Training School
DVR	Digital Video Recorder
FGD	Focus Group Discussion
FE	Field Enumerator
FIR	First Information Report
FS	Field Supervisor
FTI	Forensic Training Institute
FTK	Forensic Tool Kit
GD	General Diary
GFSU	Gujarat Forensic Science University
HDRC	Human Development Research Centre
HQs	Head Quarters
IN	Indianapolis
IO	Investigation Officer
ICT	Information and Communication Technology
IT	Information Technology
JCD	Japan Development Corporation
KNFS	Korean National Forensic Services
KNPA	Korean National Police Agency
KNPU	Korean National Police University
KOICA	Korea International Cooperation Agency
LICT	Leveraging Information and Communication Technology
NAS	National Academy of Sciences

NDIS	National DNA Indexing System
NDNAD	National DNA Database
NID	National Identity Card
NIJ	National Institute of Justice
NVR	Network Video Recorder
OC	Officer-in-charge
PBI	Police Bureau of Investigation
PRB	Police Regulations of Bengal
PPS	Probability Proportional to Size
PRP	Police Reform Programme
PS	Police Station
RAB	Rapid Action Battalion
RCMP	Royal Canadian Mounted Police
SI	Sub-Inspector
SICAR	Shoe Image Capture and Retriever
SIM	Subscriber Identification Module
SIT	Special Investigation Team
SOP	Standard Operating Procedure
SP	Superintendent of Police
SPSS	Statistical Package for Social Sciences
SR	Sub-register
SSC	Secondary School Certificate
UFED	Universal Forensic Extraction Device
USA	United States of America
UV (ray)	Ultraviolet (ray)
VIP	Very Important Person
VOIP	Voice Over Internet Protocol
VSC	Video Spectral Comparator
VVIP	Very Very Important Person

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EXECUTIVE SUMMARY

Introduction: Day by day, crime has become more complex. It takes place in the work-place, at schools, home, business place, on transport, on the streets, and increasingly on the internet. The primary role of government is to safeguard the people, property, and maintenance of law and order in the society. The study sought to examine the impacts of forensics in criminal investigation, challenges in providing expert opinion in certain cases, and find out the needs for qualitative and quantitative improvement of forensic services. The study adopted a mix of quantitative and qualitative methods for the collection of data and information from primary and secondary sources. Quantitative data were collected from official police records regarding the conduct of the criminal investigation and prosecution data including final disposition and individual interview survey of case investigators from 100 randomly selected police stations distributed all over the country. From each of police station, 3 SI (100 x 3 = 300) was interviewed. Qualitative information was collected through in-depth interviews, FGD and case studies with crime lab personnel, law enforcement officers, and supervisory police officers of CID HQs Dhaka and Chattogram.

Objectives of the study: The general objective is to assess the impacts of forensics in criminal investigation, challenges in providing expert opinion in certain cases, and find out the needs for qualitative and quantitative improvement of forensic services. The specific objectives are (i) to estimate the impact of forensic services in the criminal investigation, (ii) to find out the causes of not being able to provide forensic expert opinion in some cases, (iii) to compare with criminal investigation related forensic services in relevant commonwealth countries, and (iv) to recommend the required courses of actions to be taken for qualitative and quantitative improvement in criminal investigation related forensic services in Bangladesh.

Study Findings

Almost all participants (nearly 99%) acknowledged the importance of physical evidence in criminal investigation and prosecution. However, it was difficult to assess to what extent these positive attitudes one translated into practice; that is, in what percentage of cases officers actually used physical evidence for prosecution purpose. Time constraints due to excessive workload are found to be a key barrier in conducting a criminal investigation. It is important to mention that practically the functional division, that is, the law enforcement and investigation wing at the Thana level does not exist. Data revealed that investigating officers are overburdened with law enforcement, public order and VIP duties, which means they cannot devote more time and attention to the investigation. Arguably, forensic-based investigation demands more time and skills than the traditional investigation based on oral evidence.

Though the compliance with the Standard Operating Procedure (SOP) in the collection, preservation, and processing of physical evidence for forensic examination is crucial, however, more than half of the respondents said that they had not received SOP at the time of interview. Perhaps this can be a reason why these officers did not follow the instructions of SOP concerning conducting the investigation. Further, those who received SOP, 30 percent of them did not follow it. The cited reasons for noncompliance include low institutional capacity, lack of trained human resources, and logistic support. Another issue pertaining to the efficient management of the crime scene is the maintenance of a crime scene log. Interviews suggest that, in most cases, IOs do not maintain this crime scene log. Besides, 59 percent of the participants interviewed are not knowledgeable about the chain of custody in the process of investigation.

In more than half of the cases (55%), IOs attended the crime scenes within less than an hour. One of the significant findings of this study is that in 42 percent of the cases, officers were unable to protect the crime scene. Despite Crime Scene Kit was distributed to every police station, it was available in one-third of the sampled police station, and more than 70 percent of the IOs did not use this kit during evidence collection. Interview data show that officers collected physical evidence in a range of crimes in particular drugs and homicide cases. Interviews with supervising officials reported that though investigating officers' work independently, however, supervising officials and top management guided the Sub-Inspectors in undertaking forensic-based investigations.

The vast majority of the study participants received specialist training for conducting a forensic-based investigation. However, the perceived benefit of training is not encouraging at all. Nearly two-thirds (64.5%) of the training recipients reported that training was ineffective and did not prepare them well for undertaking the scientific investigation. Most of the respondents (82.7%) identified that the duration of training was too short to enhance their skills, which is the principal weakness of the training. Organizational capacity in terms of collection and preservation of physical evidence appears to be low.

In Bangladesh, CID is the top-ranked probe and forensic agency, which investigates offences, like personal terrorism, killings, property, and other organized crimes. CID along with forensics unit, started its function in Dhaka in 1947 as East Pakistan CID with finger print, photography and handwriting sections/disciplines. After the liberation of Bangladesh in 1971, the then East Pakistan CID was termed as CID Bangladesh and continued its journey since then. In addition to fingerprint, photography, and handwriting sections, currently, the central forensic lab of CID in Dhaka has footprints, forged note and counterfeit coin, AFIS, ballistic, microanalysis, chemical lab, IT forensic and DNA lab sections. Meanwhile, in 2010, one regional forensic lab was opened at Chattogram, and some are on the pipeline. The Chattogram forensic lab was started with fingerprints, handwriting, forge note, and counterfeit coin, microanalysis, footprint, ballistic and chemical lab sections to provide forensic services to Chattogram and Sylhet division, rest of the divisions are served by the central forensic lab of CID, Dhaka.

Reportedly in 2018, a total 57,788 cases representing 327,854 evidence received, and 57,195 cases representing 307,533 evidence reported indicating that the central forensic laboratory cleared 99 percent of caseload of CID, Dhaka. Similarly, a total 19,684 cases representing 69,179 physical evidence and 19613 cases representing 69,014 evidence reported indicating that Chattogram regional laboratory cleared 99.6 percent of the caseload. Section-wise assessment, however, showed that some amount of backlog is there in digital forensic and DNA lab of Dhaka and in the chemical lab of Chattogram forensic lab, which is increasing every year. Request for forensic examination/test was not uniform, varied with the type of criminal offence, the request was relatively higher (78-85%) in personal violent crimes than the property crime (73%).

Backlog in forensic lab delays the release of the result of an investigation and more likely to create deadlocks of judicial procedures in the courts. Besides, backlog slows police investigations and gives criminals more time to do offence repeatedly; a witness can move away, undue imprisonment, lower the public confidence in the judicial system, etc. Backlog is one of the important manifestations of the shortage of human resources.

Forensic labs, both in Dhaka and Chattogram, are not able to provide forensic expert opinion in some cases. Causes are different in different disciplines. Nonetheless, error in evidence collection and sending process, as well as the inadequate amount, is common in several sections of the forensic lab. Other section-specific causes were lack of equipment, inadequate number of standards, clarity of finger or footprint, lack of skilled human resources, particularly in DNA and digital forensic section.

Infrastructural facilities of labs at Dhaka and Chattogram were not improved in parallel with the improvement of forensic sciences and equipment. In this respect, other obstacles are: floor space in almost all sections of Dhaka and Chattogram lab was less than the adequate, absence of storage facility, lack of required furniture, and lack of option for further expansion. The study divulged that the central forensic lab of Dhaka and the regional forensic lab of Chattogram have a shortage of skilled human resources.

Regarding the impact of forensic evidence in the criminal investigation, analysis of case studies shows how forensic evidence can make a substantial difference in the case outcome. Besides, 98.6 percent of investigation officers believed that forensic evidence has a crucial role in a criminal investigation as it helps them to identify the offender/suspect, the court gives more value to forensic evidence, helped to prove the crime, and innocents are get released etc. Physical evidence has an important role in arresting perpetrators of a crime, but the assigned study could not ascertain it due to some inherent limitations such as physical evidence was collected in less than half of the cases, whereas physical evidence of many cases was collected after the arrest. More importantly, police could not provide the list of arrests where forensic evidence was used. Nonetheless, increasing request for forensic examination is also a good predictor of the need for forensic evidence in the criminal investigation.

The Challenges of forensic services were categorically assessed in two areas. These are the area of information related to evidence collection in the crime scene and area of information on evidence examination in the forensic lab. The major challenge in crime scene management is lack of training or inadequacy of training on criminal investigation. Investigators could not identify, collect, and preserve the evidence at the crime scene, and these are treated as some of the major hindrances in conducting the investigation process effectively. Other important challenges are delay in attending the crime scene either due to late information or constraints from the side of IO that caused destruction, degradation, or disappearance of many clues, difficult to protect the crime scene due to ignorance of public as well as of the IO. In this regard, 42 percent of IOs explicitly mentioned that they were unable to protect the crime scene due to several reasons.

Moreover, most of the surveyed police stations do not have adequate evidence collection kit-box and storage facility of evidence. Striking enough, there is no effective supervision by senior police officers. On the other hand, inadequate floor space, lack of required furniture, utility services in almost all sections of the forensic unit is not conducive for the experts to make a critical analysis. Equipment of several units is either not updated or out of function (e.g., microanalysis, footprint, photography section). The shortage of human resources is common to all sections but more apparent in DNA lab and digital forensic section. Although all experts received basic training, many of the experts have no advance training in their respective disciplines.

Capacity building issues have also been assessed from the perspective of crime scene management and operation and capacity related issues of the forensic lab. Although forensic science has advanced to a great extent in Bangladesh, IOs are still following the traditional approach in the collection of physical and biological evidence. Due to lack of training on recent advancement, IOs are not aware of the use of the modern technique in evidence collection. The study on crime scene management unveiled that evidence that is collected from the crime scene can be contaminated and/or damaged due to the improper storage facility. In the assigned study, hardly, 6.8 percent IOs stated the availability of adequate storage facilities in their respective police stations. To improve the quality of forensic services, adequate refrigeration and storage facilities are essential in each police station for safe storage of the retrieved evidence to avoid contamination and degradation. It is, therefore, important to ensure that all crime scene investigators are properly trained on the need to adopt modern forensic methods while processing a crime scene. As regard to capacity development of the forensic, due attention have to be paid on removing shortcoming of the infrastructural facilities. Besides, shortage of skilled human resources is to be fulfilled as well as a mechanism is to be developed through which a forensic expert will remain aware of current advances to a higher level of expertise, specialization, and responsibilities.

This study highlights that forensic evidence can make a substantial difference in case outcome, but only if the laboratory receives the proper evidence and standards and has the time, expertise, and resources to examine this evidence completely. Department administrators need to take care of this vital issue about these resource needs within their respective organizations and take proper steps to correct existing deficiencies.

Review of literature revealed that Bangladesh is far-off the other commonwealth countries like the UK and Australia in terms of establishing modern forensic lab, use of forensic science in dealing with criminal cases. However, regarding the use of physical evidence, Bangladesh and India yet to have unified and codified rules of taking forensic evidence in its justice system. Loopholes in the Code of Criminal Procedure 1898 and Evidence Act 1872, judges are being given absolute discretion whether to receive the adduced evidence or not. On the other hand, other commonwealth countries, especially the U.K. and Australia have the freedom of using national DNA database, digital forensics, and most effective and efficient approach to the use of forensic technology to solve most of the criminal cases. Comparison to the USA and other commonwealth countries, the present study further documented several challenges of using forensic evidence in Bangladesh. Of them, reluctant of using SOP, negligence in maintaining of crime log, difficulty in crime scene protection, inadequate supply of evidence collection kit, lack of preservation room at PS, inadequate skilled human resources and lack of proper supervision by the senior officers hinders the expected development forensic services in Bangladesh.