

The State of Forensic Science in Crime Investigation and Administration of Justice in Nigeria

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ABSTRACT: In Nigeria crime rates and insecurity have become high over the last years. Nigeria has been on the global crime map since 1980 and the nature of crimes ravaging Nigeria includes armed robbery, murder, rape, fraud, human trafficking, kidnapping, drug trafficking, and terrorism. The sophistication in terms of how these crimes are perpetrated in Nigeria has made traditional crime investigative techniques unproductive and ineffective. The Nigeria Police Force and other security agencies still rely mainly on eye witness testimonies, circumstantial evidence, and confessions where others failed, a combination of two or all is considered a thorough and detailed investigation as far as they are concerned. Whereas, the most important source of evidence; forensic evidence which is more reliable, authentic, concrete and productive are criticized and underutilized. With the use of available secondary data, the research work examined the state of forensic science in crime investigation and administration of justice in Nigeria

Key words: Forensic science, Crime, Crime Investigation, Justice, police, administration of justice.

1. INTRODUCTION

Forensic science is the study and application of scientific facts and techniques for legal problems. It is the application of biochemical and other scientific techniques in the investigation of crimes. Forensic science is a multi-disciplinary field drawing principally from chemistry and biology, but also psychology and social sciences. Its relevance in the criminal justice system cannot be overemphasized, as the need to have a crime-free, peaceful, habitable and developed society continually subsists. The activities of the forensic scientists include; deoxyribonucleic acid (DNA) matching, hair analysis, serology test, fingerprint analysis, blood spatter analysis, crime scene investigation, etc. The main aim of forensic science is to gather intelligence to enable the judge to credible and logical decisions in court by means of scientific approach through evaluation of evidence for the administration of justice. (Cardinetti, & Cammarota, 2005).

In a country like Nigeria where the crime rate is on the surge and the government seems helpless because of the sophistication in terms of how such crimes are perpetrated. Experts have linked many cases of unsolved crimes that dot the Nigeria criminal justice system to the absence of forensic evidence. This forensic gap has rendered justice quite protracted and ineffective (Ngboawaji, 2012). In Nigeria, serious crimes such as murder continue to remain unsolved by the criminal justice system due to the gap in forensic science. Nigeria Police Force and other security

agencies in Nigeria rely heavily on eye witness testimonies, circumstantial evidence, and confessions where others fail. A combination of two or all of them is a thorough and detailed investigation done as far as they are concerned. Whereas, the most important source of evidence; forensic evidence which is more reliable, authentic, concrete and productive are underutilized. This is a serious dent on the forensic investigative ability of the Nigerian police and other such security agencies. The identification of murder suspects is a critical element in forensic investigation. Onashile (2009) argues that police records not based on strong forensic evidence are largely useless as many criminals will escape detection because names and faces change every day.

The role of forensic science services in the administration of justice starts at the crime scene with the recognition and recovery of physical evidence. It proceeds with its analysis and the evaluation of the results in a laboratory, and the presentation of the findings to judges, prosecutors, lawyers and others in need of the factual information. From the first responders to the end-users of the information, all personnel involved should have an adequate understanding of the forensic process, the scientific disciplines and the specialized services provided by forensic laboratories (UNODC, 2009). Forensic science provides multiple options that would help in tracking and apprehending perpetrators of such dastardly acts by agents of the criminal justice system. The role of forensic science is changing from a supporting role to the playmaker in many types of investigation, providing

quick, objective and reliable information on crime and suspects. (Tjin-A-Tsoi, 2014).

1.1 Statement of the Problem.

Forensic science has made dramatic scientific breakthroughs such as DNA matching, hair fingerprints, and blood spatter analysis. Forensic science disciplines have produced valuable evidence that has contributed to the successful prosecution and conviction of criminals as well as to the exoneration of innocent people. It would be hard to imagine any significant criminal investigation today without the contribution of forensic science.

The use of forensic science to assist in the gamut of activities in the criminal justice system have been recognized worldwide. Evidence from the United Kingdom, Australia and the United State of America have clearly shown that the advancement in forensic science has increased and fast track the process of identification of suspects and the administration of justice. The application of scientific knowledge and methods to the investigation of crime is a routine in the developed world. The absence of forensic science in crime investigation makes the criminal justice system tardy or shoddy resulting in the victimization of innocent citizens and escape of offenders from paying for their misdeeds and being reformed and this is the case of Nigeria.

Crimes such as kidnap, abduction, rape, murder, cybercrime and terrorism have tremendously advanced in terms of how they are committed. The archaic and anachronistic traditional eyewitnesses' account and confession ways of investigating crimes by the Nigeria law enforcement agencies have proven ineffective and inefficient. These sophisticated crimes need sophisticated techniques such as forensic science in order for them to be curbed. It is, however, a thing of great surprise that in Nigeria, a country of over one hundred and seventy million (170 million) people with diverse cultures and backgrounds, there seems to be no interest in developing the forensic science to assist in the resolution of crimes; convicting the wrongdoers and exonerating the innocent. The research examined the state of forensic science in crime investigation and administration of justice in Nigeria and suggest ways to maximizing the potentials of forensic science.

1.2 Objective of the Study:

1. To describe the loopholes in the traditional crime investigative techniques in Nigeria
2. To ascertain the challenges of forensic crime investigative techniques in Nigeria
3. To identify ways of improving forensic investigative techniques in Nigeria

4. To examine the benefits of forensic evidence in the administration of justice in Nigeria.

1.3 Research Questions:

1. What are the loopholes in traditional crime investigative techniques in Nigeria?
2. What are the challenges of forensic crime investigation techniques in Nigeria?
3. How can forensic crime investigative techniques be improved in Nigeria?
4. What are the benefits of forensic evidence in the administration of justice in Nigeria?

2. CLARIFICATION OF CONCEPTS

It is of necessity to conceptualize the meaning of forensic science considering the fact that the concept is still very strange to the Nigeria law enforcement agencies and the legal system.

Forensic Science

Forensic science is a multi-disciplinary subject drawing principally from chemistry and biology, psychology and social sciences. Forensic science describes the application of scientific techniques and knowledge to legal problems and law enforcement. Forensic science has been absorbed as part of policing and national security as it helps in investigating almost all kinds of crimes, disasters and suspected behavior of individuals (Prahlow, 2010). Forensic science provides multiple options that would help in tracking and apprehending perpetrators of such dastardly acts by agents of the criminal justice system. Forensic evidence provides an additional option that could be better than witness testimonies and confessions (forced or otherwise), the reason being that forced confessions are obtainable from suspects following the application of extreme torture, and false witnesses are procurable in impoverished societies. These would eventually lead to a miscarriage of justice. But it can be ameliorated by the provision of empirical forensic evidence, a sub-set of forensic science.

Forensic science shelters many areas of sciences and consolidate them together to create an area of science called forensics. Forensic science uses chemistry (pH and other chemical tests, spectroscopic analysis, chromatography, biology (fingerprinting, entomology, DNA testing, behavior, hairs), and physical science (ballistics, blood spatter analysis, structural analysis). Forensic science is an umbrella term that has numerous areas under it. At a crime scene, there are many experts who cover different fields as per their specialties. In broad term, all these people are referred to be forensic scientists (Cardinetti & Cammarota, 2005).

2.1 Forensic Investigation

Forensic investigation refers to the use of science or technology in the investigation and establishment of facts or evidence to be used in criminal justice or other proceedings. According to Kent, the forensic process is composed of the following phases; a collection of data from the crime scene, the examination of all collected data both manually and automatedly, analysis of the results of the examined data, the last phase is the reporting of the analyzed results. (Kent, 2006).

2.2 Justice

Many people have a different definition of the term. For some, justice is viewed as a process. It is the process or result of using laws to fairly judge and punish crimes and criminals. Others may see it as the maintenance of what is just, or the administration of what is just especially by the impartial adjustment of conflicting claims or the assignment of merited rewards or punishments. This view appears wider than the first since it recognizes that justice applies to both civil and criminal situations as well.

Though the concept of justice may actually differ in every culture, society or class of persons, it usually entails a scheme, or system of law, or a fair, just, or impartial legal process in which every person receives his or her due from the system, including all rights. The Black Law Dictionary defines the word Justice as the fair and proper administration of the laws. This definition is quite suited for the purpose of this research. Justice is the determination of rights according to the rules of law.

2.3 Administration of Justice

Administration is the activities that are done in order to plan, organize, and run a business, school, or other institution. Therefore, for the purpose of this research, the term Justice Administration means the activities that are done in order to plan, organize, and run the courts, its activities, and its officials with the overall objective of ensuring the fair and proper administration of the laws. It is a compendious term that stands for all the complexes of activity that usually goes into operation to bring the law to bear. Therefore, Justice Administration includes the personnel, activity, and structure in the detection, investigation, apprehension, interviewing and trial of suspects or cases in general. In a sense, the Justice Administration is the process by which the legal system of a government is executed. The obvious goal of such justice administration is the provision of justice for all those accessing the legal system. It encompasses the process and structure which allows dispute between parties to be

resolved by the body dedicated to that purpose which is the judiciary.

2.4 Review of Related Literature

Before the research topic is comprehensively discussed, it will be very resourceful to examine several types of research that have contributed to the field of forensic science in crime investigation and administration of justice. Several studies have been done in Nigeria in the field of crime investigation and the administration of justice but none has emphasized the significance of forensic analysis and evidence.

The use of forensic science to assist in the gamut of activities in the criminal justice system has been recognized worldwide (Lee & Pagliaro, 2013). Ladipo opined that the use of forensics by the police to control, protect and manage criminal activities is more recognized in developed nations than in developing and underdeveloped countries such as Nigeria. Ladapo also argues that the lethargy of the Nigerian public to supply information to the Nigeria Police is a major challenge to crime investigation in Nigeria (Ladapo, 2011).

Studies have shown that a significant number of offenders have cheated the justice system by escaping punishment due to incomplete or incompetent criminal investigations, leading to insufficient evidence upon which the courts can base a conviction. It does not give the court joy to see offenders escape the penalty they richly deserve, but until they are proved guilty under the appropriate law, in the law courts, they are entitled to walk about in the streets and tread the Nigerian soil, breathe Nigerian air as free and innocent men and women (Ladapo, 2011).

Ojo opined that the lack of capacity of the Nigerian Police in criminal investigations has led to a methodological shift in investigative techniques, from a holistic approach of sourcing, analyzing and interpreting evidence, to the drive to obtain confessional statements by all means from suspected persons. This trend has led to the use of force and torture techniques by the police. The consequence of this is that during prosecutions, virtually all the confessional statements are challenged on grounds of police coercion (Ojo, 2005).

Studies have also reviewed that the lack of forensic laboratories, equipment, and expertise has limited the Nigeria police to the traditional ways eyewitnesses' accounts and confession investigation gathering.

Afonja argues that lack of data contributes to a major challenge of crime investigation in Nigeria. Information which ought to be kept as public records for easy access and use by police investigators include telephone records,

meteorological records, birth and death records, medical and dental records, tax, and insurance and even criminal convictions records among many others. Sadly, however, it is a well-known fact within and outside Nigeria, that public record-keeping in Nigeria leaves a lot to be desired, as the majority of human transactions and natural phenomena occurrences go undocumented (Afonja,1985).

A criminal investigation is the total police effort to collect facts leading to the identification, apprehension, and arrest of an offender, and organize these facts to present the evidence of guilt in such a way that successful prosecution may occur. However, Alemika& Chukwuma argue that the truth-finding view of criminal investigation is criticized for being unrealistic. Empirical studies of a criminal investigation showed that instead of trying to uncover 'truth' by focusing on the crime scene of each offense, detectives usually pursue a suspect-centered approach in which they try to construct a case against the suspects known by the police (Alemika& Chukwuma, 2006)

Jone and Weatherburn opined that forensic evidence is another factor affecting the outcome of criminal investigations and their studies show that physical evidence and forensic examination increase the effectiveness of criminal investigation but also stated that forensic evidence is underutilized (Jones &Weatherburn, 2004)

Agbiboa maintained that the Nigeria criminal or civil justice the system is not efficient and effective in relation to the enormity of its dynamic and institutional roles alongside the endemic problems it is facing. He further maintained that the issues of forensic investigations, tests and analysis are either not or poorly conducted, which are a great material for the justice system to rely on.

2. THE LOOPHOLES IN THE TRADITIONAL INVESTIGATIVE TECHNIQUES IN NIGERIA

It is unfortunate that in this era of advanced forensic crime investigative techniques, the Nigeria Police Force still largely depend on the traditional investigative techniques for crime investigation. In a society where the increase in crime rate is alarming, where crimes are no longer committed in the normal traditional way and the criminal has become more sophisticated in their operation, forensic science provides a better alternative to detecting, apprehending and administering justice to these criminals.

Two of the most significant advances in criminal investigation has been the development of fingerprinting and DNA profiling. While this has been working perfectly

in advance countries like the US and Britain, to the arrest and conviction of millions of criminals' suspects, the Nigerian case is pathetic. Although the Nigeria police are assumed to have been trained up to this scientific level, the challenge is that the Federal Government is not procuring the instrument for the police to display their work.

In relation to a criminal investigation, forensic evidence provides a better option compared to the traditional eye witness testimonies and confessions which is mostly falsified. The Nigerian Police is known for gathering confessions from suspects following the application of force and extreme torture. Eyewitnesses are usually stage played to provide cooked and falsified evidence against a suspect. The consequence of this is that during prosecutions, virtually all the confessional statements are challenged on grounds of police coercion and the unchallenged ones perverse the administration of justice in Nigeria.

The evidence consists of legal proofs presented to the court in the form of witnesses, records, documents, objects and other means, for the purpose of administration of justice in the court of law.

For evidence to be valid in court, it has to be logical, credible, genuine, rational, relevant and material. Eye witness testimonies and confession in Nigeria lack the above characteristics

For Nigeria to have survived the past 59 years of prosecuting criminal cases without fully applying forensic science as a fundamental tool is a major concern. The country has not utilized and maximized the benefits and potentials of Forensic Science.

Unfortunately, while the traditional methods of proof, eyewitness' account and confession characterize the present criminal justice system, the criminals are now becoming clever and more scientific. It is therefore pertinent that the system embraces this new approach because it has proven to be reliable in other developed countries such as Australia, USA, UK, Canada and even in South Africa. Forensic evidence is the most dependable and reliable compared to traditional proofs.

4. THE CHALLENGES OF FORENSIC CRIME INVESTIGATION IN NIGERIA

There are presently about 250 higher institutions in Nigeria, only a few offers forensic science. The few offering forensic lacks the required expertise and equipment. Even with the glaring necessity of forensic science, Nigeria still lacks professionally trained forensic experts. Most investigations that require the aid of forensic scientists normally end up not being investigated at all or if investigated, then it will require

the payment of exorbitant professional fees for inviting foreign-based professionals.

Prosecutors in Nigeria lack proper and requisite training, especially the police prosecutors who constantly exhibit arrant ineptitude while handling criminal cases at the lower courts. They exhibit unprofessionalism when handling evidence necessary to prove a case, thereby either stalling the case or allowing a guilty person to be acquitted.

Nigeria government has only three forensic labs; the old one situated at Oshodi, Lagos, the one located at Abuja and the new one recently inaugurated by the Lagos State Government. However, these facilities are being underutilized. The labs are still not well equipped with modern equipment for crime detecting and investigation. There is a severe shortage of relevant chemicals and reagents and poorly motivated staff.

Although the constitution of the Federal Republic of Nigeria, 1999, made provision for forensic evidence but unfortunately, the executive has not been able to draft any bill with regards to forensic science.

Nigeria law enforcement agencies lack funding for research and development as it relates to forensic science in this 21st century. The only obvious funding associated with the criminal justice sector is the provision of money for the purchase of new vehicles, renovation of offices and increment of salaries. There is really a need for continuous research and development in the n areas of forensic science.

5. WAYS OF IMPROVING FORENSIC INVESTIGATIVE TECHNIQUES IN NIGERIA

There is a need for adequate training for a forensic scientist and crime investigators in Nigeria. Introduction of forensic science into Nigeria higher institutions will enhance the training of experts in the field of forensic science, create awareness, spur interest and also lead to specialization and expertise in the field of forensics.

There is an urgent need for the establishment of well-funded forensic laboratories in Nigeria as the existing few lack the basic required equipment, chemicals, and manpower. In a densely populated country like Nigeria with an alarming increase in crime rate. Nigeria is ranked the 6 highest crime rate country and presently one of the most terrorized countries in the world. Nigeria is constantly plagued with all forms of sophisticated crimes and attacks. In investigating and combating these crimes, forensic laboratories should be established in at least one location in each of the six geo-political zones in Nigeria. This would tremendously help in

terms of ascertaining and preserving evidence necessary for forensic investigation and criminal justice.

There should be the enactment of laws by the government so as to cater for forensic science and also its admissibility in court. In a country like Nigeria, there is no law regulating forensic science application and enforcement. Even the Evidence Act, Penal Code, and Criminal Code make no provision for forensic-based analogy in criminal or general law. The country should borrow a leaf from its African counterpart; South Africa or from other developed countries such as Australia and the United State of America. These countries have a law that fundamentally caters for Forensic Science.

The Inspector-General of Police should also make regulations concerning forensic science procedures and enforcement considering the fact that it is urgently needed in order to curb crime and fast track trials. This is necessary because of the length of time associated with the enactment of laws by the National Assembly.

The government should ensure that it funds the criminal justice sector with research grants on forensic science so as to ensure that the society is not constantly threatened by new trends of crimes especially those that are forensically inclined. A country like the USA provides sufficient funding to the FBI, CIA, BJS, and NIJ, and this is obviously the reason why America is developing rapidly because crime is being monitored, controlled and eliminated as a result of the alertness and up-to-datedness of the law enforcement agencies.

The criminal justice sector in partnership with the Ministry of Information should ensure that proper awareness is given to society in relation to how crime scenes can be managed. People are to be told how to stay clear of crime scenes. The investigators should also ensure that they do not loiter about the scene.

6. CONCLUSION

Having examined the state of forensic science in crime investigation and the administration of justice in Nigeria. Forensic science has not thrived in Nigeria compared to countries such as Australia, the United States of America even South Africa because the Nigeria law enforcement agencies still embraced and preferred the traditional eyewitnesses account and confession for crime investigations. The Nigeria law enforcement agencies, the legal practitioners and the citizenry of Nigeria are not fully

aware of the core or significant roles of forensics science in crime investigation and the administration of justice.

The law enforcement agencies and the legal system have not developed an enabling environment for forensic science to thrive. The irregularities and delays in the administration of justice in Nigeria is as a result of the failure to embrace the forensic science which has become indispensable in crime investigation and administration of justice as criminals are becoming sophisticated in their operations.

7. RECOMMENDATION

Nigeria law enforcement agencies should be properly trained on the significance of forensic science in crime investigation.

Forensic science as an academic discipline should be introduced into Nigeria higher institutions, particularly in Nigeria police colleges and law schools.

There is an urgent need for establishing more forensic laboratories in Nigeria considering how densely populated the country is and the alarming increase in crime rate, and the proper funding of the available ones.

Also, there should be proper funding of research in forensic science in Nigeria. There should be the enactment of a law for the admissibility of forensic evidence in the court of law. There is a need for the establishment of framework or body regulating the forensic practice in Nigeria enforcing the proper code and ethics for the conduct of forensic investigation.

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