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## Capacity of the Police Officer to Gather Evidence in Criminal Investigation

**Tom Omani Nyasing'a**

Director, Department of Quality Assurance,  
Directorate of Criminal Investigation - Kenya Police Service, Kenya

**Casper Opeere Masiga**

Lecturer, Institute of Peace and Security Studies, Kenyatta University, Kenya

**Buchere Philip Brightone**

Lecturer, Institute of Peace and Security Studies, Kenyatta University, Kenya

### **Abstract:**

*In Kenya criminal investigation is experiencing emerging challenges which need to be urgently addressed in order to arrest these worrying trends. Failures to effectively gather evidence in the criminal investigation process can have serious consequences like unsolved crimes, unsuccessful prosecution, unpunished offenders and wrongful convictions. The study sought to find out the capacity of the police officers to gather evidence in criminal investigations. The study adopted ex post facto research design. From the target population of 213 police officers the study used purposive and random sampling methods to select 82 respondents for this study. The senior police officers dealing with crime were selected purposively while junior police officers attached to crime sections were selected randomly. The study used questionnaires and interview schedules as primary data collection instruments. The senior police officers were interviewed while the junior police officers and criminal investigation officers filled self-administered questionnaires. Qualitative data was analysed using the thematic method, while quantitative data was analysed using descriptive statistics such as frequencies, modes, means, variances and standard deviations. The study findings established that police lacked adequate capacity to gather effective evidence in criminal investigation due to myriad of challenges delving the service. The study recommends urgent measures to be put in place to upgrade the capacity of the Kenya Police Service in order to improve on effective evidence gathering.*

**Keywords:** Criminal investigation, Evidence gathering, Capacity to gather effective evidence

### **1. Background Information**

Crime is as old as human society. This is borne out by the fact that at all times in history, societies have had taboos, customs and laws designed to contain crime. Crime is 'an index of lawlessness and disintegration of social order' (Hall, *et al* 1978, vii). A United Nations Office on Drugs and Crime (UNODC) (2005) report observed many of the development challenges that Africa faces are also associated with high crime due to income inequality, rapid urbanisation and the youthfulness of the population. Criminal investigation is a systematic fact finding and reporting process. It is derived from the Latin word *vestigate*, to 'track or trace,' and encompasses a patient, step-by-step inquiry (Bennett & Hess, 2004). Criminal investigation is the process of legally gathering evidence of a crime that has been or is being committed Brown (2001, p3). Criminal investigation has also been defined as 'a reconstruction of a past event,' through which police personnel solve crimes (Osterbergand & Ward, 2004).

The objective of the criminal investigations process is to establish whether a crime was actually committed, to identify and apprehend the suspect(s), to recover stolen property and to assist in the prosecution of the person(s) charged with the crime (Swanson *et al.*, 2006). Practices of investigation have been modified and redefined over the years, taking into account changes in social, political, economic, and scientific domains. These practices have 'infused *science* into the activity that was once primarily considered an *art* and have consequently enhanced the investigative process' (Hinduja, 2007. p.2) Criminal investigation is therefore a systematic and thorough process undertaken by law enforcement agencies to examine and resolve suspected criminal activity in a professional manner (O'hara, 2003). Police has a critical role of detecting crime, bringing offenders to justice, reassuring the public of the effectiveness of the criminal justice system and deterring offenders from committing crimes (Maguire, 2006).

Evidence gathering in criminal investigations involves a systematic process of assembling clues from various sources and arriving at a coherent account of the critical event of a crime (Edward *et al.*, 2006). Once a crime has been committed investigation are carried out by gathering of physical evidence, eye witness and confession evidences critical in identifying and apprehending suspects, drawing charges and prosecuting in a court of law (Bertino, 2009). Physical evidence can be anything from massive objects to microscopic items, generated as part of a crime and recovered at the scene of crime or at other related locations (UNODC, 2009). One of the most important considerations regarding physical

evidence is that every crime scene has to be treated individually, with its own particular history and challenges (Saferstein, 2006).

A study on the activities of the police in relation to crime and criminal investigation at Enugu State Police in Nigeria revealed that issues such as corruption, interference from interested groups, lack of experience, inadequate training, inadequate modern investigative facilities, disobedience to the due process and ethical standard and underutilization of informants were responsible for the many cases which remained undetected, unsolved and under investigation (Chinwokwu, 2012). An evaluation of the South African Police Service command structure for crime investigations by revealed that issues such as training of detectives, shortage of detectives and inadequate resources, poor implementation of policies, poor custody of evidence, lack of inspections of case investigations, lack of coordination of detectives and other law enforcement agents, lack of audit of cases struck off the court roll as a result of poor evidence collection and poor court presentation of evidence in court has led to many cases that are under investigated in South Africa (Omar, 2009).

The Kenya Independent Policing Oversight Authority (IPOA) baseline survey on Policing Standards and Gaps in Kenya (IPOA, 2013) indicated that police ability to build strong cases on investigated crime is below standards. The survey revealed that 62% of 117 robberies with violence cases presented in the court of law did not meet the minimum evidentiary threshold for charging. This was attributed to lack of skills and knowledge of building a strong case with enough evidence to nail the suspects (IPOA, 2013). The base line survey found that only 24.6% of the 150 felony cases that was presented to the prosecutor at the time of charging did not have specific documents required for the case to proceed to court for charging.

### *1.1. Statement of Problem*

The study was conducted at a time when many cases have been dismissed in Kenyan courts due to lack of enough evidence. There has been a blame game between the court and police investigators on the quality of evidence gathered and presented in the court. Emerging crimes like cybercrime organized criminals and lack of adequate number of specialised experts in the investigating agencies have put a lot pressure on police to deliver credible evidence in the court of law. In view of the above, it is evident police may be having capacity to gather effective evidence that meet threshold of charging and convicting criminals successfully. The study was conducted to answer the question whether police have the requisite capacity to gather effective evidence in criminal investigation in Kiambu District of Kiambu County.

## **2. Reviewed Literature**

The accusation of the police not being able to solve many cases of serious crime such as murder, armed robbery, kidnapping or theft lies in the way cases are handled in the criminal investigation department. There is no society that can talk of crime prevention, crime control, social control or social order without a very good grip of the criminal investigation department in terms of skilled and experienced, trained and equipped criminal investigation/intelligence department. The capacity of the police to gather effective evidence is influenced by the following factors; ability to interview suspects, adequate training on criminal investigation, ability to preserve evidence in a crime scene, ensuring the chain of custody of samples, ability to process collected evidence, adequate number of experts, availability of resources and facilities (Bruce, 2000).

### *2.1. Ability to Interview Suspects*

Police investigators make use of witness to gather critical information that may lead to arrest of suspects. Investigators must have the necessary skills of interrogating suspects in order to get a confession without coercion. The police may fail to solve cases due to a lack of skills in working with witnesses, particularly in the early stages of the criminal justice process where the police may actually fail to identify the witness or the witness may fear harassment by the police, thus discouraging the witness from reporting the crime, availing or co-operating with police (Bruce, 2000). In addition, the police may undermine what potentially may be good quality evidence through their lack of sophistication of interviewing the witness, or taking statements, due to communication problems potentially arising from language differences (O'hara, 2003).

There is need for specialised training to be developed to interview witnesses with particular needs such as young witnesses, traumatised witnesses and witnesses with a mental disorder, learning disability or physical disability which impacts on their communication (ibid). Such training should include working with intermediaries who have the expertise of dealing with specialised groups (CJSNI, 2010). The lack of specialised training may result in some crucial evidence not being gathered especially when a victim is dumb, blind, stigmatised which will ultimately negatively affect effective evidence gathering for credible case filing.

### *2.2. Investigators Training*

The ability to effectively gather evidence is influenced by the capacity of the police in terms of proper training on investigation. Studies done in Nigeria, Enugu State revealed that lack of training, investigation skills, facilities, corruption among other factors account to high rate of undetected and pending cases in Nigeria (Chinwokwu, 2012). A similar study done by The Kenya Independent Police Oversight Authority (IPOA) baseline survey on Policing Standards and Gaps in Kenya (2013) has similar findings. The findings revealed that 24.7% of the respondents indicated that police experiences limited resources like transport, equipment/facilities to carry out effective police duties including evidence gathering. This

has resulted in under investigation with end result in undetected crime and prosecution losing many cases in a court of law with only 25% conviction rate in case file reviewed (IPOA, 2013).

The complex nature of some crime like organized gangs, terrorism and cybercrime is posing a nightmare to law enforcement to carry out credible investigation (IPOA, 2013). According to Kenya National Crime Research Centre (NCRC) Police lack the required expertise to deal with emerging crimes which requires them to be adequately and continuously trained on ways of investigating such crimes (NCRC, 2012). The critical weakness of the CID in trying to fight crime is manifested in understaffing as was noted by a report by National Police Improvement Agency (NPIA) where the national establishment is 5000 CID officers against the current strength of 3500 officers coupled with inadequate numbers of experts within the CID (NPIA, 2011). This study strived to interrogate the individual police officers capacity in terms of training to adequately handle complex investigations. If the police officers have limitations on their capacity to carry out investigations due to inadequate specialised skills which can be acquired through training their effectiveness to gather evidence will be greatly compromised.

### *2.3. Ability to Preserve Evidence in a Crime Scene*

The first-responding officer in a scene of crime has the greatest responsibility of ensuring evidence is preserved and protected by securing the crime scene (Bertino, 2009). The overall goal of preserving and protecting the scene of crime is to facilitate collection of physical evidence that is not contaminated that will help in expert evidence in a court of law. The police must have skills of protecting, preserving and collection of physical evidence (UNODC, 2009). The study looks at the ability of the security officers in terms of knowledge, skills and availability of tools and equipment to ensure scenes of crimes are preserved and protected to facilitate collection of effective evidence. If the scene of crime is not secured in time there is likelihood for loss of crucial evidence thus compromising the gathering of quality and adequate evidence.

### *2.4. Ability to Build a Case Out of Gathered Evidence*

The criminal investigation process involves two stages. First stage involves identifying the offender (suspect) while the second stage is proving the offender is guilty i.e. case building. Most crimes reported to the police do not end up in court of law due to various reasons ranging from lack of evidence and inability of investigators to build a solid case from the gathered evidence (IPOA, 2013). According to IPOA report (2013) it was revealed that a majority (60%) of felony cases were referred by the prosecutor for further investigation due poor investigation and lack of evidence to connect the suspect with crime committed. Crime may be undetected because of the police failure to identify a suspect to link with the crime and present case in a court of law and can be attributed to incomplete investigation and poor case building.

The Kenya Independent Policing Oversight Authority (IPOA) baseline survey on Policing Standards and Gaps in Kenya (IPOA, 2013) indicated that police ability to build strong cases on investigated crime is below standards. For example from a case file reviewed during the study, 62% of 117 robberies with violence cases presented in the court of law did not meet the minimum evidentiary threshold for charging according to legal criteria which was attributed to lack of skills and knowledge of building a strong case with enough evidence to nail the suspects (IPOA, 2013). Also, the baseline survey indicates that only 24.6% of the 150 felony cases that was presented to the prosecutor at the time of charging did not have specific documents required for the case to proceed to court for charging. Ngboawaji (2012) in his studies in Nigeria linked the many cases of unsolved murders that dot Nigeria criminal justice system to absence of forensic evidence to process collected physical evidence in order to link suspects with committed crime. The observation of Ngboawaji (2012) is supported by Sang (2013) who opined that there is need to equip the investigators with adequate skills, knowledge, attitude and facilities to enable them to build strong cases in a court of law in order to secure conviction.

### *2.5. Availability of Resources and Facilities*

Modern criminal investigation has ceased to be an art and has now incorporated forensic science to unravel a myriad of crimes in order to corroborate witness evidence. Forensic science is the application of science to law. Physical evidence collected at crime scene as trace samples is analysed using forensic science to corroborate the testimony of suspects and/or witnesses to build a case in a court of law (Swedish National Laboratory of Forensic Science [SNLFS], 2002). Police involved in criminal investigation must have skills on how to preserve and collect physical evidence. In addition, the police must be equipped with facilities and equipment like forensic laboratory at their disposal to collect and analyse forensic samples. IPOA (2013) report indicated that absence of facilities and resources as one of the factors that contribute to under performance of police in Kenya. In Nigeria lack of investigative facilities and training on the same, for example finger printing and handwriting analysis skills was lacking and impacted negatively on the capacity of the police to investigate crimes (Ngboawaji, 2012). In Kenya specialised criminal investigators are few and are thinly spread in the country. In order to address the link between direct and circumstantial evidence provision of adequate equipment/facilities and also access to modern technology and real time information will come handy to address the shortcomings by provision of a modern forensic laboratory (IPOA, 2013).

Similar observations were suggested by Rosberg (1978) and Finnegan (1976) who in their studies observed that the police lack facilities even for fingerprint and handwriting analysis. They also noted the importance of training, experience, education and facilities in the criminal investigation activities. From the multitude of similar observations, it underscores the need to investigate the capacity of the police to effectively and efficiently gather credible evidences to be used in a court of law.

### 2.6. Crime Expert Personnel

Crime investigation calls for specialised or expert personnel to deal with specific crimes. These experts include ballistic, handwriting, cybercrime, fraud, fingerprints whose number is small requiring them to be stationed in regional offices like the CID headquarters and provincial regional offices. The NCRC (2012) suggested that there is inadequate law enforcement personnel who are adequately trained to handle sophisticated crime especially the emerging crime like terrorism using explosives, cybercrime, drug and human trafficking.

The Kenya Independent Policing Oversight Authority (IPOA) baseline survey on Policing Standards and Gaps in Kenya (2013) revealed that the police investigation on crime is below standards. For example, from case file reviewed during the study, only 62% of 117 robberies with violence cases presented in the court of law met the minimum evidentiary threshold for charging according to legal criteria. Also, the base line survey indicates that only 24.6% of the 150 felony cases that was presented to the prosecutor at the time of charging was lacking the specific documents required for the case to proceed to court for charging.

According to IPOA (2013), inadequate resources like vehicles and personnel, corruption and demoralized officers were some of the factors leading to under investigation and poor documentation of criminal cases. The investigation can be considered successful when all physical evidence is competently handled, witnesses intelligently interviewed, the suspects effectively interrogated, all possible leads are logically and properly developed and the case comprehensively, clearly and accurately reported for court action (O'hara, 2003).

## 3. Methodology

This study adopted ex post facto research design, a casual-comparative research design used to determine reasons or causes of the current status of the phenomena under study. This design was preferred since the study aims at collecting and analysing data in regard to the determinants of effective evidence gathering in criminal investigations. This design assisted in the collection of information from a cross section of respondents selected. It also offered the researcher with the advantage of focusing on specific description or characteristics where attitudes and opinions of respondents towards phenomenon under study. The study also used mixed methods of qualitative and quantitative data collection methods. The study was conducted in Kiambu District in Kiambu County targeting police officers responsible for criminal investigations within different police formations both general and specialist units. The target Police officers comprised of senior and junior drawn from Police stations, Patrol Bases and Police Posts. Junior officer comprised the officer from the rank of Police Constable (PC) to the rank of Senior Sergeant. Senior officers composed of the ranks of inspector to Senior Superintendent of Police. Other members of the target population included the experts within the Criminal Investigation Department (CID). The total target population was 213 respondents. Quantitative primary data was solicited from junior officers using structured questionnaires. Key informant interview schedule was used to collect qualitative data from senior police officers. Statistical Package for Social sciences was used to analyse descriptively quantitative primary data that was presented in tables and charts. Qualitative data was analysed using the thematic analysis method which involved identifying information relevant to the research objectives and questions from raw data. Major themes based on the objectives was identified was presented verbatim using key voices.

## 4. Results

### 4.1. Demographic Information

The study realised 86.7% response rate where 67.7% were males as compared to 32.3% female police officers. Majority (63.1%) of the respondents had secondary school level of education, diploma/certificate (24.6%) while 12.3% had university education. This shows that the police have a pool of well-educated officers who are capable of conceptualize issues during training and coping with emerging issues in criminal investigations. These findings are in line with Poescu & Diaconu(2009) who argued that an educated human capital is critical as an input in the production function and as a factor that involve the endogenous growth especially the technological progress because it directly determines new technologies, new knowledge, an essential aspect for the research field that generates technology and knowledge. In the same issue, Harmon, Oosterbeek and Walker (2000), argued that countries that are more educated are developing faster due to the large number of educated labour force, which help to innovate new technologies, and to adapt to the existing ones therefore there is need to invest in education of the citizens. The study established that, most of the police officers have been in the profession for an average of 13 years which is long enough for the police officers to have gained wide experiences on criminal investigations. The study found that most of the police officers have been in the crime section for an average of 4 years which is not long enough for the police officers to have wide experiences on evidence gather in criminal investigations. O'hara (2003) argues that an accomplished investigator is as a result of doing the same thing repeatedly for a given period of time.

### 4.2. Courses Taken at Basic Recruitment Training Relevant in Criminal Investigations

From the study findings majority (27.1%) studied basic investigation, 21.8% took law, 17.3% studied criminal procedure code 9.8% took evidence act among other courses. The study findings above reveal that the numbers of courses offered at the basic recruit training lever were numerous, which may portray a duplication of the courses content. This was attributed to the fact that the basic recruit course training was being conducted in three main police training colleges in Kenya each offering individual curriculum. From the above study results, it can be inferred that the police officers were trained on relevant courses at basic level to enable then carryout basic criminal investigations. The basic investigative

skills may not be enough for effective evidence gathering without subsequent specialised trainings. One of the senior officers supported this observation during the interview, who noted the following;

*'Due to difference in training from different service formations, the officers need to be taken for refresher and specialised trainings in criminal investigations in order to deal with the current emerging crimes. We even get officers from the General Service Unit (GSU) who by the nature of their training have little knowledge and expertise of criminal investigations. As a senior officer I have been involved in in-house training and mentoring to develop the investigations capacity of my officers.'* (Oral Interview. [O.I] 02/03/2014)

From the above interview is clear that there is need to develop tailor made in-service specialised training for the officers in order to make them efficient in criminal investigations. In this regard, the government has collaborated with institutions of higher learning to offer specialised training.

#### 4.3. Training on Specialised Course after Basic Recruit Course

From the study findings majority (52.3%) had taken a specialised course after graduating while 47.7% had not taken any course. These findings show that the number of officers who have taken specialised course is not adequate to build a pool of specialised officers to address wide range of investigation of different type of crimes. The findings are in agreement with IPOA(2013) study findings which established that the major problem affecting police performance is lack of proper training and inadequate trained personnel to tackle policing challenges in the service. These findings call for the National Police Service to raise this number to an acceptable level where almost all officers will undergo a specialised training through in-service trainings.

#### 4.4. Institution Offering Specialised Courses after the Police Basic Recruit Training

Training Institutions	Responses		Percent of Cases
	Frequency	Percent	
Criminal Investigation Directorate Training School	19	39.6	54.3
Police Training College - Kiganjo	14	29.2	40.0
Local Universities	5	10.4	14.3
Foreign Police Academies/Specialised Training Institutions (Outside the country)	4	8.3	11.4
Provincial Police Training Colleges (Regional)	3	6.2	8.6
Foreign Universities or Colleges	2	4.2	5.7
Kenya Institute of Studies in Criminal Justice (Private)	1	2.1	2.9
Total	48	100.0	137.1

Table 1: Shows the Institutions Offering Specialized Course

Findings in Table 1 show that 39.6% of the respondents took their specialised training at CID training School, 29.2% at Police Training College – Kiganjo and 6.2% at Provincial Police Training Colleges. The rest of the trainings were conducted locally and outside the country. The CID Training School accounted the largest share because it deals mainly specialised courses to equip police officers with knowledge and skills of carrying out criminal investigations. Worth noting 8.3% of the respondents were trained abroad in Foreign Police Academies/Specialised Training Institutions. This implies that some specialised courses are not available locally and hence the need of training the police officers in other countries. One of the senior officers supported these findings and confided that;

*'... police training institutions have limitations of some specialised courses like cybercrime, marine crime, trafficking of human, animals and narcotics investigations among others hence the need of sending our officers abroad....'* (O.I 02/03/2014)

#### 4.5. Specialised Courses Taken after the Basic Recruit Training

The study found it important to establish the specialised courses that had been taken by police officers after the basic recruit course. The training policy of the Kenya Police Service is to have a professional development-training programme that equips each police officer with relevant knowledge and skills necessary to improve job performance and enhance service delivery while utilizing best policing practices in the world (Republic of Kenya, 2016). The study found that majority (32.4%) had taken Basic Crime Investigation training, 8.8% Corporal Promotion Course, 5.9% had taken Basic Forensic and Advanced Investigations among other specialised courses. From the study findings above it is clear that there is a variety of specialised courses that are offered after the basic recruit in attempt to develop officer's skills of criminal investigations.

The research findings also revealed that some officers had taken management courses such as Corporal Courses and Diploma in Security Management in attempt to equip themselves with supervisory skills and for promotional purposes. Also, from the study findings above it can be construed that the capacity of the officers to carry out effective criminal investigations seemed to be enhanced due to many varieties of courses taken by the police officers. However, the proportion of 52.3% of the officers who have taken specialised courses is not adequate to ensure effective evidence gathering. These findings are supported by Sang (2013) who noted that the enormous challenges faced by police and particularly the CID, in performing their duties is lack of adequate number of officers with adequate specialised skills of criminal investigations.

#### 4.6. Duration of Training of the Specialised Courses

The study sort to establish how long the specialised courses took to accomplish as the duration is pegged on the available financial, human and physical resources. From the study findings it was found that shortest specialise course took a minimum of five (5) days while the longest took duration of 180 days or three months. It can be argued that with adequate resources more police officers can be adequately trained on short courses especially those taking a minimum five days. These findings are collaborated by scoping study report done by NPIA (2009). In the report it was recommended that the officers should be given short specialised courses as a matter of urgency to address skills gap. It also recommended partnership with learning institutions where short skills based specialised courses can be offered to reduce cost and time.

#### 4.7. Tools, Equipment and Facilities for Facilitating Criminal Investigations

The study found it necessary to establish tools, equipment and facilities that was available for criminal investigations in the respondent's areas of operations within Kiambu district. The capacity to gather effective evidence in criminal investigation may have direct relationship on the availability of adequate physical resources (Boba, 2009). Modern criminal investigation has ceased to be an art and has now incorporated forensic science to unravel a myriad of crimes in order to corroborate witness evidence (Bertino, 2009). Lack of resources like vehicles, forensic kits among others was identified by IPOA (2013) baseline survey as one of the factors that has affected police performance. The study findings are tabulated in Table 2.

	Tools, Equipment and Facilities	Readily Available		Not Readily Available	
		Frequency	Percentage	Frequency	Percentage
1.	First Aid Kit	25	38.46	40	61.54
2.	Flares	3	4.62	62	95.38
3.	Trace evidence collection kit	12	18.46	53	81.54
4.	Personal Protective Items	25	38.46	40	61.54
5.	Storage and preservation facilities	11	16.92	54	83.08
6.	Lighting equipment	30	46.15	35	53.85
7.	Writing materials like notebooks	53	81.54	12	18.46
8.	Sample packaging items like paper bags	19	29.23	46	70.77
9.	Fully equipped crime vehicle	0	0.00	65	100.00
10.	Finger print lifting kit	18	27.69	47	72.31
11.	Still photography camera	18	27.69	49	75.38

Table 2: Tools, Equipment and Facilities for Facilitating Criminal Investigations

From the study findings in Table 2 the most readily available resource were the writing materials at 81.54%, lighting resources (46.15%), First Aid Kit and personal protective items both scored 38.46%, followed by packaging items (29.23%), both finger lifting kit and still photography camera resources scored 27.69%, trace evidence collection kit (18.46%), while storage/preservation and flares scored 16.92% and 4.62% respectively. In addition the resource status in terms of not readily available scores as follows; crime vehicle (100%), flares (95.38%), storage/preservation resources (83.08%), trace evidence collection kit (81.54%), still photography camera (75.38%), finger lifting kit (72.31%), packing items (70.11%), First Aid Kit and personal protective items both scored (61.54%) 38.46% while writing materials scored 18.46%.

From the study findings above it can be observed from the research findings that most of resources critical for carrying out effective evidence gathering were readily un-available registering scores as high as from 53.85% to a maximum of 100%. Of great concern from the findings is lack of fully equipped crime vehicles to deal with dangerous crimes like terrorism, armed criminals among others. These study findings are collaborated by Ngboawaji (2012) in his study in Nigeria found that lack of investigative facilities and training on the same, for example finger printing and handwriting analysis skills was lacking and has impacted negatively on the capacity of the police to investigate crimes. Similar observations were suggested by Walker (1989), Finnegan (1976) and Rosberg (1978), who in their studies observed that the police lack facilities even for fingerprint and handwriting analysis to carry out effective investigations. One of the senior police officer having worked for more than 25 years in the Kenya Police and in CID confided that lack of adequate resources had greatly affected crime fighting in the country. He noted the following;

'A part from lacking transport vehicles to attend to criminal responses, police lack basic items like; barricading tapes, writing materials and gloves. When required to collect samples from a scene of crime we rely on the District Hospital for sample bottles and preservation before we send them to nearest government chemist since police don't have laboratory facilities. It is even worse when we are collecting dead bodies and we have to use our money to buy or borrow gloves from the hospital or sometimes we have to use improvised protecting clothing. Some of the crimes remain

unresolved due to lack of adequate resources to gather critical evidence that cannot be gathered by interrogation of suspects or interviewing witnesses'. (O.I. 12, March 2014)

The revelations from the oral interview above concludes that the lack of adequate resources may be one of the great impediments to effective evidence gathering and should be addressed as matter of urgency to ensure quick resolving of criminal cases in the country.

#### 4.8. Goals of Gathering Evidence in Criminal Investigations

The study sought to establish the goals of gathering evidence in criminal investigations. From the study findings most (34.5%) were of the view that the goal of evidence gathering is to build a strong case in a court of law that will ensure conviction and justice, 22.5% is to connect the suspect with crime or exonerate a suspect, 14.3% to identify and apprehend a suspect, 11.3% to verify if a crime was committed or not, 5.3% to recover stolen property, 4.5% to recover exhibits or evidence to collaborate with statements. About 4.5% felt that other goals of evidence gathering was for the purpose of documentation and prevention of recurrence of similar crime and 3.1% was to understand the modus operand and motives of the criminals. From the research findings above it is clear that the respondents are familiar with the goals of evidence gathering in criminal investigations. From the above research findings, it can be argued that the failure to effectively gather effective evidence in criminal investigations cannot be attributed to lack of knowledge of goals of evidence gathering or mandate of Kenya Police Service of Keeping law and order. This may be attributed to other factors like lack of adequate facilities, SOP, specialised training among others as it was reported by NPIA, (2009) which noted that police and particularly the CID largely lack adequate facilities to fight crime in the country.

#### 4.9. Case File Compilation

The respondents were asked to outline the contents of a complete case file. A case file is one of the critical documents required in criminal investigation which is used to present a case in a court of law. Improper case file may lead to cases being terminated or referred back for further investigations. Poor case file compilation is reflection of shoddy work which can be attributed to lack of training on proper case file compilation. The court of law requires that the evidence adduced by the prosecution must be presented in a certain manner and in accordance with a laid down procedure and practices and also must meet minimum evidentiary threshold for charging (O'hara, 2003). A complete case file as per the Kenya Police requirements consist of eight (8) sub-files named from A- J. Each sub-file is supposed to contain specific document in order to have a complete case file admissible in a court of law for prosecution. It is advisable that each and every investigator must be conversant of the content of each sub-file and be able to compile a complete case file.

From the research findings showed that 80% of the officers of the Kenya Police, 61.1% of the CID officers and 9.1% of the AP officers were able to identify a complete case file. The rest of the respondents had mixed responses from different formations with some of the officers especially from AP (54.5%) failing to respond to the question implying that they don't have any knowledge of the contents of the case file. From the research findings above it is clear that the Kenya Police have scored highly on familiarity of contents of a case files as compared to Criminal Investigation Directorate (CID) and Administration Police (AP) officers. These findings can be attributed to the fact that the Kenya Police (KP) has more exposure on case file compilation because most of the time they are responsible of presenting cases to the court of law. The CID mainly provide backup to uniformed officers to gather evidence leaving the presentation of cases to the Kenya Police. The administration police as a tradition have not been greatly involved in case compilation since that has been the work of the KP and CID.

The study findings above indicate overall only 50.8% of the three services had the ability to identify a complete case file which implies only half of the officers can compile a case file. These revelations agree with IPOA (2013) baseline survey findings which found that only a small proportion (24.6%) of cases files reviewed had the necessary specific documents required for the case to proceed to a court of law. The familiarity of compilation of a complete case is important since the case file has been used by police officers as Standard Operating Procedure (SOP) to carry out criminal investigations. These observations were collaborated by the responses of one senior police officer during oral interview who confided the following:

'some police officers without adequate training and exposure in criminal investigations especially those from the 'General Service Unit (GSU) are sometimes placed under the crime section. I normally train them on the procedures of criminal investigation using the case file compilation requirements as a tool of ensuring that all the procedures of investigations are followed to the letter. If an police officers is completely conversant with all sub-files in a case file the probability of omitting crucial investigations information is considerably reduced. There is need of developing an investigation manual to be used by police officers.....'. (O.I. 12, March 2014)

From the above interview it can be deduced that lack of knowledge and skills of case file compilation may have negative impact of effective criminal investigations.

#### 4.10. Crime Experts in the Study Area

The respondents were asked to indicate the status of crime experts in their areas of operations. This was important in order to establish the capacity of the police to investigate serious crimes. Serious crimes like murder, rape, defilement, gun shooting among others requires adequate crime investigators experts like forensic ballistic experts, crime of scene experts, cyber-crime investigators and others to collect circumstantial evidence to collaborate with direct evidence (O'hara, 2003).

From the study findings 81.54% indicated that cyber-crime experts were inadequate while 18.46% were adequate. The respondents (72.31%) indicated that bomb dispersal experts were inadequate while 27.69% were adequate. In addition, 70.77% indicated that forensic ballistic experts were inadequate while 29.23% were adequate. Inadequate document examiners experts scored 64.62% while adequate experts were 35.38% of the sample's respondents. From research findings the crime scene investigators were adequate at 56.92% while 43.08% of the respondents indicated that the experts were inadequate.

From the study findings above it's clear that Kenya Police Service is lacking adequate number of crime experts to collect sufficient evidences to present formidable cases in a court of law. The only adequate experts are crime of scene investigators whose number (56.92%) is not sufficient to ensure adequate coverage of the entire Kiambu district and to an extent the whole country where the civilian to police ratio is a challenge. These findings are in agreement with the IPOA (2013) base line survey findings which found that lack of adequate trained personnels as one of the factors that had affected police performance in Kenya.

Chinwokwu (2012) in his study in Nigeria revealed that similar findings which indicated that lack of adequate trainings and enough crime experts had led to the high rate of investigations failure leading to undetected crime and pending cases of criminal nature. Sang (2013), noted that the fundamental challenges facing the police and particularly the CID was lack of adequate experts and resources and of concern was the cyber-crime investigators. His observations clearly suggest that lack of adequate crime experts may be one of the determinants of effective evidence gathering in criminal investigation in Kiambu district and in the country in general.

#### 4.11. Finger Print Lifting

The respondents were asked to indicate their interactions with finger print lifting forensic technique in order to establish the officer's experiences to carry out finger print lifting. The value of physical evidence cannot be underestimated to gather credible evidence to unravel complex criminal offenses. Finger print is unique to an individual and if properly lifted and expertly processed can provide non-disputable evidence in a court of law. Finger print lifting is one of the oldest inexpensive and still one of the dependable forensic techniques if properly used can be of great use in criminal investigations.

From the research findings majority (65%) of the police officers had experiences of carrying out finger lifting while 35% had not had experience of the same. Though the findings are in favour of the majority at 65%, the number is still low since this technique is one of the basic forensic technique's knowledge and skills any police officer should be equipped with. These findings can be attributed to that fact that this technique was not taught at basic recruit course in the former police training curriculum.

The finger print lifting is taught as a specialised course after the basic recruit course as a standalone course 'Finger Printing' or as topic in 'Basic Crime Scene Investigation Course'. From the findings of this research in Table 4.7 it is evident that only a handful (4.4%) of the officers had taken finger print lifting course as a standalone course an indicator why the number of officers with experience of finger lifting is not impressive. The above research revelations were supported by sentiments expressed by one of the senior police officer who noted that;

*Some police officers especially those who have only taken basic investigation course after graduated from Police Training Colleges have no capacity to lift finger prints. All along the specialised training in forensic investigation has not been widely trained due to limited places in the CID Training School and Police Training Colleges. The Administration Police Service unit have not been training their officers in Finger Print Lifting techniques but now with the new harmonised Kenya Police Service Curriculum all officers will have a chance of being trained on finger print lifting during their Basic Recruit Course.. (O.I. 12, March 2014)*

On finger print lifting capacity, the research findings revealed only 43.5% were successful, 26.1% very successful, 17.4% good while fair, poor and unable to lift all scored 4.3%. From the study findings above it can be observed overall that the sampled police officers had the capacity to lift finger prints. The fair, poor and failure to lift finger prints by some police officers though scoring low percentages it's a point of concern in criminal investigation. Finger print is fragile evidence which can disappear if the timely opportunity is not utilised and can lead far reaching effects of losing very crucial evidence if these officers are called upon to investigate crime and fail to collect this evidence on time.

Reasons of not having done finger print lifting, 33.3% lacked training on finger print lifting, 28.6% indicated that finger print lifting duty was not assigned to them, 23.8% indicated that it was the responsibility of the finger print experts while 14.3% was due to lack of finger print lifting kits. From the study findings above it can be explained lack of finger print lifting course in the basic recruit training curriculum may have led to a big percentage of officers lacking finger print lifting skills. The lack of some officers of not being assigned finger print lifting duties and leaving of the same duties to finger print lifting experts can be attributed to the allocation of specific duties according to expertise to ensure accountability and efficiency in criminal investigations operations. These requirements may have led to some officers not to have had an opportunity to carry out finger print lifting.

The study sought to establish the status of each police formations regarding the reasons of not having carried finger print lifting. Results showed that majority (50%) of the respondents lacked training on finger print lifting. Majority (83.3%) of the AP lacked finger print lifting kit as compared to 16.7% by KP. Lack of duty allocation to lift finger print was largely with the KP at 58.3%, AP (33.3%) while the CID registered 8.3%. Majority (40%) of the KP indicated that the lifting of finger prints is a preserve of finger print experts. From these research findings above it's observed that the CID have the least officers who are not trained on finger print lifting while the AP have the most untrained officers on the same. These findings can be attributed to the fact that CID is a specialised unit of the police responsible for investigating serious crimes



with trained experts in different fields with finger print lifting being one of them. The AP as unit is not largely involved with investigations a task left to the CID and KP thus explaining the reasons why the AP is lacking finger lifting kits, no much investigation duties are assigned to the AP. In conclusion it can be argued that the disparities in the capacity of carrying finger print lifting among the three police formations can be traced back different mandates accorded to these formations by law which led to the officers being trained on different curricula resulting in glaring skills capacities.

#### 4.12. Crime Investigated by Police Officers

The study found it prudent to identify the types of crimes police officers had investigated in the course their policing duties. The study findings showed that there are many types of crimes that were investigated of which majority (21.5%) was theft, assault (14.6%), Burglary or housebreaking (13.7%) and murder (12.3%). Other crimes are gun shooting (7.3%), robbery with violence (5%) among others. From the study findings above it was clear that Kiambu District was facing all possible types of crimes, which may be due to its peri-urban and rural nature of settlement and its nearness to Nairobi City. These revelations are supported by the views of one of the senior police officer during an oral interview who confided the following;

*'Kiambu district like any other districts bordering Nairobi County registers a wide range of crime ranging from petty to serious ones. Being a rural and peri-urban settlements the nature of crimes portly a certain trend which has helped our men to fight crime in the district. My officers have tried their level best to investigate these crimes despite limited resources and deficiency of crime experts'. O.I March, 16, 2014*

From the research findings above it can be inferred that Kiambu district is a hotspot posing a challenge of policing which may have negative effects on quality of investigation. These results of these findings are supported by Sang (2013) who argued that in order too effectively investigate criminal activities in the country it will require a well trained and equipped police service coupled with public cooperation.

#### 4.13. Difficult Crimes to Investigate

The study deemed it important to establish the crimes the respondents had found most difficult to investigate in the course of their duties. Some crimes may be difficult to investigate due to different reasons ranging from lack expertise, lack of resources and emerging nature of new crimes like cyber-crime and change of modus operand of the criminals. Findings showed that 25.6% felt that lack of exhibits or tangible evidence to connect the suspect with offence was one of the reasons why it was difficult to investigate certain crimes. Other reasons are; Lack adequate training and skills to handle specific crimes (23.2%), lack of forensic laboratory and kits (12.2%), witness unwilling to testify (11%), fear of revenge by perpetrators (7.3%) among others. The study finding above confirms that police service is facing numerous challenges of crime investigations manifested within and without the police service, which may affect effective evidence gathering. This NPIA(2010) scoping report on operations capacity of CID supports the above study findings.

#### 4.14. Skills Required for Effective Criminal Investigations

The respondents were asked to suggest skills or training necessary for effective evidence gathering in criminal investigations. The study findings showed that 30.2% felt all police officers should have continuous and adequate trainings on investigations, training on chain of custody for proper evidence handling (16.4%), training on scene of crime and forensic investigation (13.7%), skills training on finger print lifting (10.4%) among others. Others are; 9.3% fire fighting skills, 5.5% on investigation administration and management among others. The overall findings are that the police service is in dire need of specialised training to impart the officers with knowledge, skills and attitudes necessary to handle different types of crimes in Kiambu district. These findings collaborate with the study findings of NPIA (2009) which noted that the CID is lacking a coherent curriculum to adequately train experts for criminal investigations.

### 5. Conclusion

It emerged from the study is that the Police Service is facing capacity challenges ranging from lack of tools and equipment to carry out criminal investigations. Police also lacked adequately trained experts in all fields to adequately cover the entire country and to be able to investigate all types of crimes. The curricula for basic recruit training for the Kenya Police and Administration Police has training gaps which has greatly impacted on the capacity of the police officers. Such gaps are lack of ICT component in both curricula for example the AP curriculum does not put more emphasis on criminal investigations while the KP does not fully cover basic investigations course.

The CID school is meant to train experts in different fields of investigations but due to limited training capacity some officers have not gotten chances to be trained. Due to a large number of police officers especially from the AP and KP the collection of evidence may be compromised resulting to under investigation, unresolved and undetected crimes. The findings from this study confirm that lack of adequate capacity on criminal investigations may be one of the determinants of effective evidence gathering in Kiambu district.

### 6. Recommendations

In order to improve the capacity of police to gather effective evidence specialised training on criminal investigation should be offered to the serving police officers who don't have training on criminal investigations. Basic tools such as finger print lifting kits should be made available to officers in the crime section which will enhance effective evidence gathering. It should be made mandatory that all police officers who have not undergo basic investigation training

during basic recruit course to be given in service training. In addition, police should incorporate new technologies (innovations) like use of cameras to aid in criminal investigations.

## 7. References

- i. Bennett, W. W., & Hess, K. M. (2004). *Criminal Investigation* (4th ed.). Minnesota: West Group Hardcover.
- ii. Bertino, A. J. (2009). *Forensic Science: Fundamentals and Investigations*. New York: Lachina Publishing Services.
- iii. Boba, R. (2009). *Crime Analysis with Crime Mapping* (2nd ed.). California: Sage Publication Inc.
- iv. Brown, M. F. (2001). *Criminal investigation: Law and practice*. Boston: Butterworth-Heinemann.
- v. Bruce, D. (2000). *Effective Crime Investigation and Procecution: The link between witness and victim issues*. Johannesburg: Centre for the Study of Violence and Reconciliation.
- vi. Chinwokwu, E. C. (2012). *Crime and Criminal Investigations in Nigeria: A study of Police Criminal Investigations in Enugu State*. African Journal of Law and Criminology.
- vii. CJSNI. (2010). *Achieving Best Evidence in Criminal Proceedings*.
- viii. Edward Drea, G. B. (2006). *Researching Japanese War Crime Records*. Washinton D C: Published by the National Archives and Records Administration.
- ix. Finnegan, J. C. (1976). A study of relationship between college education and police performance in Baltimore, Maryland,. *Police Chief*, 34, 60-62.
- x. Hall et al. (1978). *Policing the Crisis*, London, the Macmillan Press Limited Kenya Police 1997. Annual Report of the Commissioner of Police. Nairobi: Kenya Police.
- xi. Harmon, C., Oosterbeek, H., & Walker, I. (2000). *The Returns to Education A Review of Evidence, Issues and Deficiencies in the Literature*. London: Centre for the Economics of Education, London School of Economics and Political Science.
- xii. Hinduja, S. (2007). *Computer Crime Investigations in the United States: Leveraging Knowledge from the Past to Address the Future*. *International Journal of Cyber Criminolog*, 1(1), 1-26.
- xiii. Hofstede, G. (2001). *Culture's consequences: International differences in work-related values*. Sage: Beverly Hills, CA.
- xiv. IPOA. (2013). *Baseline Survey on Policing Standards and Gaps in Kenya*. Nairobi.
- xv. Kombo, D. K., & Tromp, L. A. (2006). *Proposal and Thesis Writing: An Introduction*. Nairobi: Paulin Publishers Africa.
- xvi. Maguire, D. K. (2006). *Crime Investigation: Thief-taking, crime-making and the CID (A handbook of policing)*. Cullumpton: William Publishing.
- xvii. NCRC. (2012). *Summary of a Study on Organized Criminal Gangs in Kenya*. Nirobi.
- xxviii. Newby, P. (2010). *Research Methods for Education*. London: Peason Education Limited.
- xix. Ngboawaji, D. N. (2012, November). *An Evaluation of the Challenges of Forensic Investigation and Unsolved Murders in Nigeria*. *African Journal of Criminology and Justice Studies*, Volume 6(1 & 2), 1-20.
- xx. NPIA. (2009). *Review of the Kenya Police Service: Criminal Investigation Department*. Bramshill: International Academy: National Policing Improvement Agency.
- xxi. O'hara, C. F. (2003). *Fundamentals of Criminal Investigation* (7th Edition ed.). Illinois: Charles C Thomas Pub Ltd.
- xxii. Omar, B. (2009). *Inspecting' the SAPS National Inspectorate*. ISS Paper (pp. 1-16). Institute of Security Studies.
- xxiii. Osterbergand, J. W., & Ward, R. H. (2004). *Crimonal Investigation. A Method of Reconstructing the Past* (4th ed.). Ohio, USA: Cincinnati.
- xxiv. Poescu, C. C., & Diaconu, L. (2009). *The Relationship between the Level of Education and the Development State of a Country*. IV, 478-480.
- xxv. Ransley, P. (2009). *National Police Task Force Reforms Report*. Nairobi : Government Printer .
- xxvi. Republic of Kenya. (2016). *Career Progression Guidelines for the National Police Service Uniformed Personnel: National Police Service Commission*. Nairobi: National Police Service Commission.
- xxvii. Rosberg, R. R. (1978). *An Analysis of the relationship among higher education, belief systems and job performance of patrol officers*. *Journal of Police Science and Administration*, 6, 336-344.
- xxviii. Saferstein, R. (2006). *Criminalistics: An Introduction to Forensic Science* (9 ed.). New Jersey: Prentice Hal.
- xxix. Sang, F. K. (2013). *A Noble But Onerous Duty*. Bloomington: AuthorHouse.
- xxx. SNLFS. (2002). *Field Manual of Crime Scene Investigations*. Linkoping: Swedish National Laboratory of Forensic Science.
- xxxi. Swanson, J. W. et.al. (2006). *A National Study of Violent Behavior in Persons With Schizophrenia*. *Arch Gen Psychiatry*, 63(5), 490-499.
- xxxii. UNODC. (2009). *Crime scene and physical evidence awareness for non-forensic personnel*. New York: United Nations Office on Drugs and Crime.