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## CRIME SCENE MANAGEMENT IN FORENSIC INVESTIGATION: A CASE STUDY OF THE NIGERIAN POLICE FORCE

Walmak Gupar, Ph.D.<sup>1</sup>

Yohanna Gloria Nakop, Ph.D.<sup>2</sup>

Linda Malchit Daze, Ph.D.<sup>3</sup>



### Abstract

Research has shown that there is no perfect crime; or rather there is no crime without trace. That is why countries around the world have moved from reactive policing to proactive policing in a bid to reducing crime by apprehending and prosecuting criminals through evidence-based and result driven investigation. These they achieve through developing new techniques in forensics and crime scene management. In Nigeria the crime rate is on the increase, and most of the crimes are unresolved due to lack of evidence or in most cases innocent citizens are apprehended. These and other issues led the research on the topic, where issues of crime scene management in forensic investigation in comparison with crime scene investigation in Nigerian, and the paper concludes that the bedrock of criminal investigation is based on proper crime scene management and that the problems bedevilling the Nigerian Police Force in investigation of crimes, is poor management of crime scene which is as a result of lack of motivation, adequate training, corruption and poor funding. These and other issues has led the Nigerian Police Force woefully fail in carry out their duties as stipulated in section 4 of the Police Act. The paper recommends the need for officers and men of the Nigerian Police Force to be adequately trained in crime scene management, trained in physical evidence to look out for in a crime scene that will aid forensic investigation and untrained officers should not be allowed to investigate crimes that require an expert to investigate. In carrying out research on the topic, the researchers adopted doctrinal method of research.

### 1.0. Introduction

Research has shown that countries around the world are battling with the scourge of crime and criminality. And law enforcement agencies, researchers and scientists had over years in their commitment to reducing crime and violence through evidence-based and results-driven efforts have been developing new techniques. These and results-driven desired outcomes of criminal investigation, are to achieve the several desired outcomes of criminal investigation, including: identification, apprehension, prosecution, and conviction of the perpetrator, a sense of justice for the victim/survivor(s) and a sense of contributing to public safety by the community.<sup>1</sup>

These efforts aforementioned for combating crime cannot be achieved without evidences, as prove of guilt in criminal cases are beyond reasonable doubt. For the prosecution to secure conviction is dependent on the bounteous evidence made available by the investigator as against the accused person to prove that the offence which person and no other person actually committed the offence which he is being charged and tried. These opportunities are usually lost because of poor management of crime scene by either first responders or the investigators, leading to losing essential evidence that will prove or unwell who the actual perpetrator of the crime was.

The establishment of all forensic investigation is based on the aptitude of the crime scene investigator to diagnose the prospective and prominence of physical evidence, large and small, at the crime scene.<sup>2</sup> Crime scene is the location or place at which a suspected crime occurred,<sup>3</sup> that is to say that crime scene allows for criminal investigation to take place, by identifying, collecting, analysing and presenting the evidence at a court trial.<sup>4</sup> One of the guiding principles in forensic science as postulated by Edmond Locard, an authority in the field of forensic science is that every contact leaves a trace; these traces are usually the physical, biological or trace evidence collected from a crime scene for onward transmission to the laboratory for scientific examination.<sup>5</sup> Recording and documenting the crime scene in a allows the court to have a true reflection of the crime scene in a

<sup>1</sup> Walmak Gupar, Ph.D

State University, Jalingo) Email: walmakgupar@suniversity.edu.ng or waldenigeria@gmail.com

Yohanna Gloria Nakop, Ph.D<sup>2</sup> Candidate, LL.M, B.L, LL.B (Legal Practitioner Yohanna

Datau & Co) Email: gloriayohanna8@gmail.com

Linda Malchit Daze, Ph.D<sup>3</sup> Candidate, LL.M, B.L, LL.B (Legal Practitioner Yohanna

Polytechnic, Burkin-Ladi) Email: lindadombin@gmail.com

Walmak Gupar, Ph.D Candidate, B. LL.M, B.L, LL.B, DRS (Lecturer I Faculty of Law, Taraba

<sup>1</sup> Bureau of Justice Assistance, U.S Department of Justice, *Law Enforcement Executives Can Do Positively: Impact Homicide Investigation Outcomes* <www.bja.gov> www.dhchap.org> accessed 1<sup>st</sup> October, 2019

<sup>2</sup> H.C Lee and T. Palmbach and M.T. Miller, *Crime Scene Handbook*, (Academic Press, 2003) @ p. 594

<sup>3</sup> J.N. Gilbert, *Criminal Investigation*, 6th edition, (6<sup>th</sup> edn, Upper Saddle River, 2004) @ p. 594

<sup>4</sup> K. Imman, and N. Rudin, *Principles and practices of criminalistics*, (Open University Press, 2001) @ p. 197

<sup>5</sup> Ngbonwaji Daniel Nke, 'An Evaluation of the Challenges of Forensic Investigation and Unsolved Murders in Nigeria' (2012) (6) *African Journal of Criminology and Justice Studies*

small and manageable size.<sup>5</sup>

Most of the developed countries of the world have come to terms with the importance of crime scene management in forensic investigation in identifying and prosecuting perpetrators of those criminal acts and are doing everything within their powers to ensure that they improve on their crime scene management technique. However looking at the provisions of section 4 of the Police Act which saddled the Nigerian Police Force with the responsibility of detecting, preventing crimes and apprehending offenders and preserving law and order in Nigeria, over the years in view of the powers enjoyed by the Nigerian Police Force, the perpetuation of criminal activities in Nigeria without the Police knowing or able to detect who the perpetrators of such criminal acts were or preventing the perpetrators from committing such crimes which ranges from cybercrimes, money laundry, rape, robbery, armed robbery and of recent terrorism and kidnapping left a lot to be expected from the Nigerian Police in terms of crime prevention and detection and crime scene

The inability of the Nigerian Police to conclusively detect who are the perpetrators of this nefarious acts, especially where the perpetrators of such acts have flee from the scene of crime and innocent persons are labelled as perpetrators of such act or where the police are unable to fish out the perpetrators of the criminal act and the case has turned cold, it has become a thing of concern that warrants a research on how the Nigerian Police are able to effectively manage crime scene in forensic investigation in Nigeria so as to enable us know whether the Police in Nigeria have skills and technical know-how in carrying out their duties of crime detection and prevention by following standard operation procedure of investigation by the use of forensic technology, because the success of every investigation that leads to successful prosecution and conviction of the culprit is dependent on how effectively the crime scene is managed by the responders and investigators of the criminal act. With the recent and current developments in criminal investigation in the developed world today where most crimes are detected and the identity of the perpetrators of such crimes are detected through forensic investigation, how equipped and knowledgeable are the Nigerian Police Force in crime scene management so as to aid First Responders and Investigators managing crime scene, so that evidences that will aid forensic investigation will not be damaged?

In trying to embark on this research and to resolve and unravelled the problems been faced by the Nigerian Police not able to carry out their duties of preventing and detecting crimes in the cause of carrying out investigation of crimes in Nigeria, the researchers will embark on doctrinal research on CRIME SCENE MANAGEMENT IN FORENSIC INVESTIGATION: A CASE STUDY OF THE NIGERIAN POLICE FORCE.

## 2.0. Conceptual Clarification

### 2.01. Crime Scene:

"Crime scene" refers to any scene of incident that contains records of past activities,<sup>7</sup> or "Crime scene" can be referred as a place, including the surrounding areas of where an alleged offence was committed and where items with evidential value can be collected.<sup>8</sup> A crime scene is any physical scene, anywhere that may provide potential evidence to an investigator. It may include a person's body, any type of building, vehicles, places in the open air or objects found at those locations.<sup>9</sup>

### 2.02. Forensic Science

Forensic science is the application of scientific methods and philosophies to provide evidence to legal or related investigations and determinations<sup>10</sup>. An author describes forensic science as any scientific and methodical understanding that is applied to the investigation and assessment of evidence, to assist courts in resolving questions of facts in court.<sup>11</sup> Forensic science is the application of natural sciences to matters of the law. In practice, forensic science draws upon physics, chemistry, biology, and other scientific principles and methods. Forensic science is concerned with the recognition, identification, individualization, and evaluation of physical evidence. Forensic scientists present their findings as expert witnesses in the court of law.<sup>12</sup> Forensic Science is the application of the methods

<sup>7</sup> United Nations Office on Drugs and Crime, *Crime scene and Physical Evidence: Awareness for Non-forensic Personnel* (United Nations, 2009).

<sup>8</sup> SAPS Strategic Management, 2013. *In Analysis of the National Crime Statistics 2012/13* <https://www.arrivative.co.za/ckfinder/userfiles/files/national%20crime%20situation.pdf> accessed 10<sup>th</sup> July, 2014.

<sup>9</sup> Law enforcement and prosecution, *Crime scene investigation* <[https://www.unodc.org/documents/human-trafficking/Toolkit-files/08\\_58296\\_tool\\_5-9.pdf](https://www.unodc.org/documents/human-trafficking/Toolkit-files/08_58296_tool_5-9.pdf)> Accessed 9th June, 2020.

<sup>10</sup> W. J. Tristone, and K. A. Savage and L. A. Clark, *Forensic science*. (ABC-CLIO, 2006) @ p. 6

<sup>11</sup> P. White, *Crime scene to court: the essentials of forensic science*. (Cambridge: Royal Society of Chemistry 2010) @ p. 2.

<sup>12</sup> Midwest Forensics Resource Center at the U.S. Dept. of Energy, <<https://www.all-about-forensic-science.com/definition-of-forensic-science.html>> Accessed 9th June, 2020.

and techniques of the basic sciences to legal issues. As you can imagine Forensic Science is a very broad field of study. Crime Laboratory Scientists, sometimes called Forensic Scientists or, more properly, Criminalists, work with physical evidence collected at scenes of crimes.<sup>13</sup>

According to Singh<sup>14</sup> the following can be outlined as the basic meaning regarding the word "forensic":

- It refers to the application and use of science in criminal investigations and court proceedings.
- It includes forensic science, which deals with laboratory analysis, as exhibits/physical evidence collected at a crime scene are forwarded to a forensic science laboratory for analysis.
- Forensics is the application of both scientific and matrix skills to solve legal enquiries and criminal allegations.
- It is a field that is applied to law, in order to determine the modus operandi (methods and techniques) used by criminals when committing crimes.
- It includes the use of scientific investigative methods and techniques, in order to ensure that a thorough investigation is done in order to provide scientific evidence to prove the facts of a case and present such findings before a court of law.
- It is the process of applying and using scientific methods and techniques to conduct effective and accurate crime scene reconstructions.

### 2.03. Criminal Investigation

Criminal investigation is defined as a logical, objective legal inquiry involving possible criminal activity<sup>15</sup>, or it is defined criminal investigation as the process of discovering, collecting, analysing and presenting evidence in a court of law, to determine what happened and who is responsible.<sup>16</sup> Criminal investigation refers to the process of collecting information (or evidence) about a crime in order to: (1) determine if a crime has been committed; (2) identify the perpetrator;

<sup>13</sup> California Criminalistics Institute <https://www.all-about-forensic-science.com/definition-of-forensic-science.html> Accessed 9th June, 2020.

<sup>14</sup> Sharma Singh, *An Evaluation of the Role of Forensic Science in Crime Scene Reconstruction*, submitted in accordance with the requirements for the degree of Magister Technologiae in the subject Forensic Investigation at the University of South Africa, 2018).

<sup>15</sup> J.N. Gilbert, *Criminal Investigation* (9<sup>th</sup> ed. Prentice Hall 2010) @ p 34

<sup>16</sup> K.M. Hess and C.H. Orthmann and S. Lado, *Management and Supervision in Law Enforcement*, 7<sup>th</sup> ed, Cengage Learning, 2016) @ p 8

(3) apprehend the perpetrator; and (4) provide evidence to support a conviction in court.<sup>17</sup>

### 2.04. Crime Scene Management

Crime scene management skills are an extremely significant task component of investigation because evidence that originates at the crime scene will provide a picture of events for the court to consider in its deliberations. That picture will be composed of witness testimony, crime scene photographs, physical exhibits, and the analysis of those exhibits, along with the analysis of the crime scene itself.<sup>18</sup> Crime Scene Management is an accessible introduction to the common forms of evidence that may be encountered at a scene of crime and the techniques used for recovery of that evidence.<sup>19</sup>

### 3.0. Crime Scene Management in Forensics

A scene crime investigation is any location that may be associated with a committed crime<sup>20</sup>. Scene of crime investigation involves the use of science, physical evidence, deductive reasoning and inter-relationship to gain explicit knowledge of the series of events that surround the commission of a crime<sup>21</sup>. The number and type of professional(s) responsible for investigating a scene and collecting evidence largely depends on the type of crime and the resources of the law enforcement agency<sup>22</sup>.

Crime scene is one of the main sources of Physical evidence, because the victim of crime, the suspect and his environment are sources of gathering evidence<sup>23</sup>. The narration of a victim of crime sometimes cannot be depended on or the confession of suspect who may, retract such statements in court during trial, but physical evidence of crime obtained at the crime scene and which can be associated with the crime committed have been very reliable and helpful in resolving difficult problems in Criminal Investigation<sup>24</sup>.

<sup>17</sup> Police: Criminal Investigations, <https://law.jrank.org/pages/1654/Police-Criminal-Investigations-Criminal-investigation-defined.html> Accessed 9<sup>th</sup> June, 2020.

<sup>18</sup> Rod Gehl and Darryl Plecas, *Introduction to Criminal Investigation: Processes, Practices and Thinking* <https://pressbooks.bccampus.ca/criminalinvestigation/chapter/chapter-8-crime-scene-management/> Accessed 9<sup>th</sup> June, 2020.

<sup>19</sup> Raul Sutton and Keith Trueeman, *Crime Scene Management: Scene Specific Methods* <https://www.wiley.com/en-us/Crime+Scene+Management%3A+A+Scene+Specific+Methods-p-9781118687444> Accessed 9<sup>th</sup> July, 2020.

<sup>20</sup> U.S Department of Justice, *Crime Scene Investigation: A Guide for Law Enforcement* (2013), Horden Publishers (Nig) Ltd, 2007) @ p. 25

<sup>21</sup> A Simplified Guide to Crime Scene Investigation, <[www.Forensicsciencesimplified.org/csl/how.html](http://www.Forensicsciencesimplified.org/csl/how.html)> accessed 27<sup>th</sup> August, 2016

<sup>22</sup> Momodu, Op cit @ p 25

<sup>23</sup> Ibid

<sup>24</sup> Ibid

Every incident, be it a crime, accident, natural disaster, armed conflict, or other, leaves traces at the scene. The goal of the subsequent investigation is to correctly interpret the facts, reconstruct the events and understand what happened. Due to the transient and fragile nature of those traces, their reliability and the preservation of their physical integrity depend to a very large extent on initial actions at the scene of the incident. Evidence integrity can be achieved with very limited means by observing a key set of guiding principles. Acting with care and professionalism throughout the crime scene investigation process is critical for the admissibility of evidence for court purposes as well as for human rights inquiries and humanitarian action.<sup>25</sup> Crime scene can be classified into Secondary and Primary crime Scene. It is primary where it is the actual place where the criminal act occurred, or the place where the criminal act is perpetrated and it is secondary where it is not the place where the criminal act occurred, but the perpetrator (s) of the criminal act actually had an interaction with place in preparation or after the criminal act.<sup>26</sup>

A wide variety of physical evidence can be collected at a scene that is derived valuable ("probative") for collection and investigation and they are as follows<sup>27</sup>:

- a. Biological evidence (e.g., blood, body fluids, hair and other tissues)
- b. Latent print evidence (e.g. fingerprints, palm prints, foot prints)
- c. Foot wear and tire track evidence
- d. Trace evidence (e.g. fibres, soil, vegetation, glass fragments)
- e. Digital evidence (e.g. cell phone records, internet logs, emails/ messages)
- f. Tool and tool mark evidence
- g. Drugs evidence
- h. Firearm evidence.

### 3.0.1. Arriving at the Scene Initial Response/Prioritization of Efforts

One of the most important aspects of securing the Crime Scene is to preserve the Scene with minimal contamination and disturbance of Physical evidence<sup>28</sup>. The initial response to an incident should be

<sup>25</sup> United Nations Office on Drugs and Crime Op. cit @ p.1.

<sup>26</sup> Sherman Singh Op. cit @ p. 42.

<sup>27</sup> A simplified guide to Crime Scene Investigation Op. cit @ p. 25.

<sup>28</sup> Crime Scene Investigation: A Guide for Law Enforcement, Chicago: Ill. 2016.

<sup>29</sup> Crime Scene Investigation - accessed 27<sup>th</sup> September, 2016 <<https://www.hill.gov/.../Crime-Scene-Investigation>>

expeditions and methodical<sup>29</sup>. The initial responding officer(s), upon arrival shall assess the Scene and treat the incident as a Crime Scene. They shall promptly, yet cautiously, approach and enter the crime scene, remaining observant of any persons, vehicles, events, potential evidence, and environmental conditions.

The initial responding officer(s) should:<sup>30</sup>

- a. Note or log dispatch information (e.g. address/location/time/date/type of all, parties involved)
  - b. Be aware of any persons or vehicles leaving the crime scene.
  - c. Approach the Scene cautiously, scan the entire area to thoroughly assess the scene and note any possible secondary Crime Scenes
  - d. Be aware of any persons and vehicles in the vicinity that may be related to the crime.
  - e. Make initial Scene and ensure officers safety before proceeding.
  - f. Remain alert and attentive. Assure the Crime is on-going until determined to be other wise
  - g. Treat the location as a Crime Scene until assessed and determined to be otherwise
  - h. Safety direct additional responding units into the area. From the aforementioned, it is important for the initial responding officer(s) to be observant when approaching, entering, and exiting a Crime Scene.
- The safety and physical wellbeing of officers and other individuals in and around the Crime Scene, are the initial responding officer(s) first priority. The initial responding officer(s) arriving at the Scene shall identify and control any dangerous situations or persons<sup>31</sup>.
- The initial responding officer(s) should<sup>32</sup>:
- a. Ensure that there is no immediate threat to other responders, scan area for sights, sounds and smells that may present danger to personnel (e.g. hazardous materials such as gasoline, natural gas). If the situation involves a clandestine drugs laboratory, biological weapons, or radiological or chemical threats the appropriate personnel/agency should be contacted prior to entering the Scene.
  - b. Approach the Scene in a manner designed to reduce risk of

<sup>29</sup> Ibid

<sup>30</sup> Ibid

<sup>31</sup> Ibid

<sup>32</sup> Ibid

harm to officer(s) while maximizing the safety of victims, witnesses, and others there.

c. Survey the Scene for dangerous persons and control the situation.

d. Notify supervising personnel and call for assistance/back up. From the aforementioned the control of physical threats will ensure the safety of officers and others present.

After controlling any dangerous situation or persons, the initial responding officer(s) next responsibility is to ensure that medical attention is provided to injured persons while minimizing contamination of the Scene.<sup>35</sup>

In trying to ensure that those who need medical attention got the desired attention they need, the first responding officer at the Scene of Crime Should<sup>34</sup>.

- a. Assess the victim(s) for signs of life and medical needs and provide immediate medical attention.
- b. Call for medical personnel
- c. Guide medical personnel to the victim to minimize contamination/alteration of the Crime Scene
- d. Point out potential Physical evidence to medical personnel, instruct them to minimize contact with such evidence (e.g. ensure that medical personnel preserve all clothing and personal effects without cutting through bullet holes, knife tears) and document movement of persons or items by medical personnel.
- e. Instruct medical personnel not to "clean up" the Scene and to avoid removal or alteration of items originating from the Scene.
- f. If medical personnel arrived first, obtain the name, unit and telephone number of attending personnel, and the name and location of the medical facility where the victim is to be taken.
- g. If there is a chance the victim may die, attempt to obtain "dying declaration". In some instances finger print aid shoe impression of medical personnel may need to be taken for elimination purpose.
- h. Document any statements/comments made by victims,

suspects, or witnesses at the Scene.

- i. If the Victim or suspect is transported to a medical facility, send law enforcement official with the victim or suspect to document any comments made and preserve evidence.

From the above mentioned assisting, guiding and instructing medical personnel during the care and removal of injured persons will diminish the risk of contamination and loss of evidence. Safeguard evidence, such as a weapon, that is taken into custody.<sup>35</sup>

Having done all the aforementioned so as to ensure that the Crime Scene is not contamination tied the responding officers is also expected to control, identify and remove persons at the Crime Scene, and limiting the number of persons who enter the Crime Scene and the movement of such persons is an important function in protecting further the Crime Scene<sup>36</sup>. This he do by ensuring that maintaining safety at the Scene, identify all individuals at the Scene, such as suspects, bystanders, victims; family, friends and law enforcement, medical and other assisting personal.<sup>37</sup>

Having identified unauthorized and non-essential personnel from the Scene, he try his best to exclude them from the scene of crime, especially law enforcement officials not working on the case, politicians and media.

Also defining and controlling boundaries provide means for protecting and securing the Crime Scene. The numbers of Crime Scene are determined by their location and the type of Crime.<sup>38</sup> The initial responding officer(s) at the Scene shall conduct an initial assessment of the extent of the Crime Scene(s) and the established and control its boundaries.

It should be noted that person should not smoke, chew tobacco, use telephone or bathroom eat or drink, move any items from the scene including weapons (unless necessary for the safety and well-being of persons at the Scene), adjust the thermostat or open windows or doors (maintain Scene as Found) and established boundaries of the Scene.<sup>39</sup>

After securing the Scene of Crime from contamination and ensuring that medical personnel and other persons on the Crime Scene do no contaminate the Crime Scene, the initial responding officers shall turn over control of the Scene and brief investigator(s)

<sup>35</sup> *A Simplified Guide to Crime Scene Investigation* Op Cit @ p. 35; *Crime Scene Investigation*, A

*Guide for Law Enforcement* Ibid.

<sup>36</sup> *Crime Scene Investigation: A Guide for Law Enforcement*, Ibid.

<sup>37</sup> Ibid.

<sup>38</sup> Ibid.

<sup>39</sup> Ibid.

<sup>40</sup> Ibid.

taking charge. He also assist the controlling the Crime Scene and establish further investigative responsibilities<sup>40</sup>.

All activities conducted and observation made at the Crime Scene must be documented as soon as possible after the event to preserve information. The initial responding officer(s) at the Crime Scene must produce clear, concise documented information encompassing his or her observation and actions<sup>41</sup>. This documentation is vital in providing information to substantiate investigative considerations.

Having turned over the Crime Scene to the investigator(s) in charge, the next time or action is setting up a location where Crime Scene investigation activities can be held, and investigating team meeting can be held, and such meeting is very valuable<sup>42</sup>. The investigator(s) in charge shall set up a location where Crime Scene investigation activities can be coordinated, media meeting can be held, and team meeting can occur<sup>43</sup>.

The investigator(s) in charge in setting up a location where the Crime Scene investigation activities can be coordinated should<sup>44</sup>:

- a. Set up a temporary command post in a location where media can take necessary photographs without jeopardizing the Scene (and evidence) security.
  - b. Notify investigators or appropriate department(s) (such as Homicide) of information gathered at the Crime Scene and discuss details of the Scene.
  - c. Notify Communication Department (Dispatch) of phone numbers at the command post
  - d. Ask communication department (dispatch) to notify surrounding agencies and send teletypes regionally and nationally where a suspect has fled the Scene. These should include the description of the suspect, vehicles involved and contact information for the person these agencies should contact if they locate the suspect
- Arriving at the Scene of Crime the investigator(s) in charge shall identify and Scene witnesses to Crimes, interview them at the Scene, and process them according to department regulations<sup>45</sup>. The timely interviewing of witnesses is crucial to the solution of a Crime Scene.

<sup>40</sup> *Ibid*

<sup>41</sup> *Ibid*

<sup>42</sup> J. Ashcraft, *Crime Scene Investigation: A Reference for Law Enforcement Training* (Washington, D.C. 2004), 1 *Revis*, *Crime Investigation: A Guide for Law Enforcement*, (Washington D. C. 2000)

<sup>43</sup> *Ibid*

<sup>44</sup> *Ibid*

<sup>45</sup> *Ibid*

When possible the supervising officer should establish the status of each victim and suspect.

From all that is said Crime Scene investigation and in trying to main the integrity of the Scene and for evidence that are obtained at the Scene to be admissible in evidence, it is important for the initial responding officer to observe entering and exiting a Crime Scene, the control of physical threats, instructing medical personnel to safeguard the Scene against contamination control movements of people at the Crime Scene, establish the boundaries at the Scene of Crime, document information about his observation at the Scene, establishment of command post for critical communication at Crime Scene and timely separate interviewing of witnesses at the Scene to obtain information about any Crime

### 3.0.2. Preliminary Documentation and Evaluation of the Scene

a. *Conduct Scene Assessment*: The investigator(s) in charge should assess the Scene for the determination of the type of incident to be investigated and the level of investigation to be conducted. He does that by identifying specific responsibilities, share preliminary information and develop investigative plans in accordance with departmental policy and local state and Federal Law<sup>46</sup>.

The investigator(s) in charge in carrying out preliminary documentation and evaluation of the scene of crime he should<sup>47</sup>:

- i. Concise with the first responder(s) regarding observation/activities
- ii. Evaluate safety issues that may affect all personnel entering the Scene(s) (e.g. blood-borne pathogens, hazards)
- iii. Evaluate search and seizure issues to determine the necessity of obtaining consent to search and or obtain a search warrant.
- iv. Evaluate and establish a path of entry/exit to the Scene to be utilized by authorized personnel.
- v. Evaluate initial Scene boundaries
- vi. Determine the number/size of scene(s) and prioritize
- vii. Establish a secure area within close proximity to the Scene(s) for the purpose of consultation and equipment staging

<sup>46</sup> *Ibid*

<sup>47</sup> *Ibid*

- viii. If multiple Scenes exist, establish and maintain communication with personnel at those locations.
- ix. Establish a secure area for temporary evidence storage in accordance with rules of evidence/chain of custody
- x. Determine and request additional investigative resources as required (e.g. personnel/specialized units, legal consultation/prosecutors/equipment).
- xi. Ensure continued Scene integrity (e.g. document entry/exit or authorized personnel, prevent unauthorized access to the Scene).
- xii. Ensure that witnesses to the incident are identified and separated (e.g. obtain valid ID).
- xiii. Ensure the surrounding area is canvassed and the results are documented.
- xiv. Ensure preliminary documentation/photography of the Scene, injured persons and vehicles.

From the aforementioned Scene assessment allows for the development of a plan for the coordinated identification, collection and preservation of physical evidence and identification of witnesses. It also allows for the exchange of information among law enforcement personnel and the development of investigative strategies.

**b. Conduct Scene "Walk-through" and initial Documentation.**

The Scene "walk-through" provides an overview of the centre Scene, identifies any threats to scene integrity, and ensures protection of physical evidence. Written and Photographic documentation provides a permanent record. A "walk-through" should only be completed if there will be no disturbing of evidence. There may be the need for immediate do limitation and collection of evidence prior to the walk through<sup>45</sup>.

The investigator(s) in charge shall conduct a walk-through of the Scene and shall be conducted with individuals responsible for processing the scene. During the scene walk-through, the investigator(s) in charge should ensure that he observes the following procedures:<sup>46</sup>

- i. Avoid contamination the Scene by using the established path of entry
- ii. Consider whether Personnel Protective Equipment (PPE)

should be used.

- iii. Prepare preliminary documentation (e.g. notes rough sketches) of the scene as observed
- iv. Identify and protect fragile and/or perishable evidence (e.g., consider eliminate conditions, crowds/hostile environment), Ensure that all evidence that may be compromised is immediately documented, photograph and collected.
- v. When involved in the initial walk through, note the condition of the scene. Record relevant observations, which may include things such as
  - a. Ceiling
  - b. Doors, including entry and exit points: Are they open, closed, locked or forced open? On which side was the key?
  - c. Windows: Are they open or closed? Is there broken glass? Were they locked of forced open? Lights: on or off? If left on, which light were on?
  - d. Shades or shutters: open or closed?
  - e. Floors/rugs
  - f. Interior lighting conditions
  - g. Odors: Cigarette Smoke, gas, powder, perfume, etc.
  - h. Description of perpetrator (when present
  - i. Description of crime-related people present
  - j. Description of emergency medical or search-and rescue personnel present
  - k. Weapons observed
  - l. Furniture present, including location relative to victim, as applicable and overall Scene.
  - m. Signs or activity: meal preparation, dishes in sink, condition of housekeeping (clean, dirty or items in disarray) appliances left on, television/stereo left on (note the channel) etc.
  - n. Date and time indicators: Mail, newspapers, dates on milk cartons, stopped clocks, spoiled foods, items that should have been hot or cold, but are at room temperature.
  - o. Temperature of the room and environmental conditions.
  - p. Develop a general theory of the Crime. From the aforementioned conducting a Scene walk-through provides the investigator(s) in charge with an overview of the entire Scene. The walk-through provides the first opportunity to identify valuable and/or fragile evidence and determine initial investigative procedures, providing for systematic examination and documentation of the Scene<sup>47</sup>. Written and

<sup>45</sup> *Crime Scene Investigation: A Reference for Law Enforcement Training* Op.cit. at p. 26

<sup>46</sup> *Simplified Guide to Crime Scene Investigation*, Op.cit. @ 26

<sup>47</sup> *Ibid*



photographic documentation records the condition of the Scene as first observed, providing a permanent record.

### 3.0.3. Processing the Scene

In processing the Scene, it is important to determine the team composition. It is essential to a successful investigation to select a team of trained personnel to perform in Scene processing, based on the type of incident and complexity of the Scene<sup>51</sup>.

Also the investigator should while processing the Scene should ensure contamination control and preventing cross-contamination at single or multiple scenes which is essential to maintaining the safety of personnel and the integrity of evidence. The investigator(s) in charge shall require all personnel to follow procedure to ensure scene safety and evidence integrity. The investigator(s) should minimize contamination by being safe, clean and careful to ensure the welfare of personnel and the integrity of the evidence<sup>52</sup>.

In processing the Scene the investigators after they must have ensured that they prevent the Crime Scene from contamination, documentation of the Crime Scene follows; assessment of the Scene determine what kind of documentation is needed (e.g. photography, video, sketches, measurements and notes). It is important that the Investigator in charge should ensure documentation of the Scene, as a well-documented Scene ensures the integrity of the investigation and provides a permanent record for later evaluation<sup>53</sup>.

Furthermore, the investigator in charge should ensure that they prioritize collection of evidence to prevent loss, destruction or contamination. The investigator(s) in charge and the team members shall determine the order in which evidence is collected, because prioritization provides for the timely and methodical preservation and collection of evidence<sup>54</sup>.

After the investigator must have prioritized the collection of evidence, he should embark on Crime Scene search and there are four methods of search which are as follows<sup>55</sup>:

- a. Lane or strip search are accomplished by the searchers walking in parallel along defined lanes in the same direction
- b. Grid Search: is a lane search that is conducted by completing a lane search in one direction and then completing a lane in

<sup>51</sup> *Crime Scene Investigation: A Reference for Law Enforcement Training* Op.cit. at 27

<sup>52</sup> *Ibid.*

<sup>53</sup> *Ibid.* at p. 33.

<sup>54</sup> *Simplified Guide to Crime Scene Investigation*, Op. cit. Pp. 50 and 51.

<sup>55</sup> *Ibid.* 52.

one direction and then completing a lane search in a perpendicular direction. While it takes twice as long as a lane searches, it provides a more thorough search of an area.

c. Zone search. This involves dividing the area to be searched into adjacent zones. The smaller the size of the zone, the more methodical the search can be. Zone searches may be done by multiple searchers per zone.

d. Spiral search: This involves a spiral into (inward) or out from (outward) a Crime Scene. A practical disadvantage with outward spiral searches is the evidence may be destroyed as the searches move to the centre of the Crime Scene area to begin their outward search.

Further, the investigator(s) should collect preserve inventory, package, and transport and submit evidence. The handling of physical evidence is one of the most important factors of investigation and detailed Crime Scene evidence collection can lead to the reconstruction of a Scene to determine if a Crime has been committed, and the identification of suspect(s) and to the successful completion of the investigation.<sup>56</sup>

### 3.0.4. Completing and Recording the Crime Scene Investigation.

In completing and recording the Crime Scene Investigation, it is important for the investigator(s) should establish Crime Scene debriefing team, because it enables law enforcement personnel and other responders to share information regarding particular scene findings prior to releasing the scene<sup>57</sup>. It provides an opportunity for input regarding follow-up investigation, special request for assistance, and the establishment of post-scene responsibilities. The law Enforcement Personnel and other responders shall participate in or initiate a Crime Scene debriefing to ensure the Crime Scene Investigation is complete and to verify post-scene responsibilities. The Crime Scene debriefing is the best opportunity for law enforcement personnel and other responders to ensure that the Crime Scene Investigation is complete<sup>58</sup>.

Also while completing and recording the Crime Scene Investigation, the investigator(s) should perform final survey of the Crime Scene. This final survey of the Crime Scene ensures that evidence has been collected and the Scene has been processed prior to release<sup>59</sup>. In addition, a systematic review of the Scene ensures

<sup>56</sup> *Ibid.* at p. 55.

<sup>57</sup> *Ibid.* at p. 157.

<sup>58</sup> *Ibid.* at p. 158.

<sup>59</sup> *Crime Scene Investigation: A Reference for Law Enforcement Training* op. cit at 47.

that evidence, equipment, or materials generated by the investigation are not inadvertently left behind and any dangerous materials or condition have been reported and addressed.<sup>66</sup> The investigator(s) in charge shall direct a walk-through at the conclusion of the Scene Investigation and ensure that the Scene investigation is complete. Conducting a Scene walk-through ensures that all evidence has been collected, that materials are not inadvertently left behind, and that any dangerous materials or conditions have been reported and addressed.

After performing the final survey of the Crime Scene, Documentation of the Crime Scene should be the next thing the investigator should do, by completing reports and other documentation pertaining to the Crime Scene Investigation into a "case file" provides a record of the actions taken and evidence collected at the Scene. This documentation allows for independent review of the work conducted.<sup>68</sup> The investigator(s) in charge shall ensure that reports and other documentation pertaining to the Crime Scene Investigation are compiled. This procedure will ensure that reports and other documentation pertaining to the Crime Scene Investigation are compiled into a case file by the investigator(s) in charge of the Crime Scene and allow for independent review of the work conducted.<sup>69</sup>

Finally, the investigator(s) needs to acknowledge specialized Crime Scene Circumstances.<sup>70</sup> While all Crime Scene Investigation pose their individual complexities, some situations may involve a typical Crime Scene locations or requirements for which law enforcement personnel and other responders should be aware. Law enforcement personnel and other responders shall vigilantly prepare for Crime Scene Investigation in specialized circumstances requires the application of techniques that have been adapted for unusual conditions.

**3.0.5. Parcelling and Forwarding of Exhibits to Forensic Laboratory**  
The most important in the parcelling and forwarding of exhibits to the forensic laboratory is container seal.<sup>71</sup> This is because detailed care that must be taken to ensure exhibits are not contaminated, disturbed or destroyed at collection, packaging, preservation and

<sup>66</sup> Ibid. at p.14  
<sup>67</sup> Ibid. at p.15  
<sup>68</sup> Ibid.  
<sup>69</sup> Ibid.  
<sup>70</sup> Ibid.  
<sup>71</sup> Ibid.

during transit cannot be provided in a single textbook and even when provided, according to Momodu,<sup>65</sup> circumstances may necessitate making some changes in the handling of exhibits by the investigator. Collection, parcelling and forwarding of exhibit to forensic laboratory is delicate exercise, because the exhibits taken at the scene might not survive until such exhibits reached the laboratory.<sup>66</sup>

In this situation, such exhibits should not be lifted or detached until suitable containers have been provided.<sup>67</sup> Exhibits of interest to forensic experts include blood (whether liquid or dried), saliva (whether liquid or dried), organs from dead bodies, documents, (whether burnt or not), firearm cartridges and bullets, weapons, hair, flake or semen, finger nails scrapings, broken glasses, clothing, paints chips, etc and each of these items have their pattern of collection and packaging.

From the aforementioned parcelling and forwarding of exhibits to forensic laboratory is very important in carrying out investigation, because if the exhibit obtained in a scene of crime is not properly packaged to be forwarded to a laboratory that is best suited to analysed such exhibit, such exhibit will be contaminated and would be of no effect in prosecuting the perpetrators or it will result in not identifying the perpetrators of such crimes.

**4.0. Forensic Science Services and the Crime Scene Investigation Process**

The role of forensic science services 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 others presentation of the findings to judges, prosecutors, lawyers and others in need of the factual information. From the first responders should have an 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.

Crime scene investigation is a process that aims at recording the scene as it is first encountered and recognizing and collecting all physical evidence potentially relevant to the solution of the crime. The first responder(s), be they law enforcement officers, human rights officers or anyone else, play a critical role in the entire crime scene investigation process. Their initial responsibilities are to preserve

<sup>65</sup> Ibid. at p.18  
<sup>66</sup> Ibid.  
<sup>67</sup> Ibid.

the integrity of the scene and the evidence. Furthermore, they are responsible for the early documentation of the crime scene, its evidence and all activities at the scene. As in the majority of cases first responders are non-forensic personnel, adequate training to carry out these tasks is critical.

Under ideal circumstances, crime scene investigators who have received full-fledged forensic training quickly take over the work at the scene. However, there are situations that may require first responders (who are normally not expected to further process the scene) to carry out some basic recovery procedures before the arrival of the crime scene investigators, if there is a risk of the evidence being destroyed, lost or contaminated.

In situations where there is no prospect for the crime scene to be processed by crime scene investigators, the responsibilities of the first responder might have to be extended beyond preservation and documentation activities. These situations typically occur if the crime scene is in a remote location, if skilled crime scene investigators are not easily available, or if the criminal justice system response is not adequate. (Source UNODC)

### 5.0. Crime Scene Management in Nigeria

In practice, policing in Africa is much less clearly defined than in Western countries, and its definition probably needs to be broadened beyond the activities of formal groups. In Nigeria, for instance, policing must be understood in relation to the activities of the Nigeria Police Force, the military (some of whom may be deployed as special police units), some eight or more paramilitary units, various palace guards, numerous quasi-official units in various states, and Bakassi Boys, Oodua People's Congress (OPC) who drive around in police vehicles and are financed some state governors; provide vigilante-style policing.<sup>68</sup> As a result it is difficult at one time to decide whether operations such as the Nigerian military's Operation Sweep in Lagos during 1996-1998, described as an anti-crime measure, should be understood as a policing or a military action. However the purpose of policing in Nigeria has not fundamentally changed in recent decades so it also represents a laboratory for Security Sector

### Reforms (SSR).<sup>69</sup>

It provides a laboratory for us to think about the role policing may play in SSR and it illustrates some of the ways in which the police interact with other actors in the security sector. Looking back at police reform in post-colonial states provides a useful perspective<sup>70</sup>. Its time span also provides us with an opportunity to identify the factors systematically preventing or inhibiting fundamental change in policing (many of which apply to transitional states in other regions). From an examination of police reform in the post-colonial states of sub-Saharan Africa it is clear that African police forces evolve, not in the sense of a linear progression towards a Western model of catching criminals and being publicly accountable but through adapting to political developments and accommodating regimes<sup>71</sup>.

As a result, historical inheritance, socio-political pressures, personal ambition, political contingencies, and institutional resilience have shaped them much more than any aid programme in carrying out investigation.<sup>72</sup> Based on this record, Security Sector Reform programmes have yet to engage with the nature of the political power inhibiting effectiveness of the police investigation<sup>73</sup>. There is no doubt that, since the mid-seventies, Nigeria has been experiencing what is referred to in criminological literature as a "crime-problem"<sup>74</sup>. A situation where crime, in terms of incidence and seriousness, passes from the normal or tolerable level to the pathological state is worth calling a social problem, which requires a multiple task on the part of the police, the community and government<sup>75</sup>. The task of crime prevention is hazardous and tedious exercise. Not only must the police officers be intelligent, brave and assiduous at duty, the organization must provide the wherewithal with which the police officer must do the task.<sup>76</sup>

The Nigerian police force is charged with the responsibility of maintaining law and order and internal security especially as they affect protection of lives and property of the entire populace in

<sup>68</sup> A.D. Ikunolu, 'Intelligence Information and Policy in Nigeria: Issues and Way Forward' (4)(17) *Uralorast Soyol Abstraktar Dergisi, The Journal of International Social Research*.

<sup>69</sup> *Ibid.*

<sup>70</sup> *Ibid.*

<sup>71</sup> *Ibid.*

<sup>72</sup> *Ibid.*

<sup>73</sup> E. Odekunle, *Overview of Policing in Nigeria: problems and Suggestion in Crime and Policing in Nigeria* (ed. Clean Foundation Publication Nigeria, 2004)

<sup>74</sup> *Ibid.*

<sup>75</sup> *Ibid.*

<sup>76</sup> S. Kemp, 'Colonial "Aren Boys" Made Juvenile Delinquents on Lagos Island' (2006) *Paper Presented at the Conference Africa Past, Present and Future, Africa: Studies of the UK Political Violence and Human Security, Cambridge 11-13 September, 2006, OJSMAH, Youth, thesis submitted to the Department of Peace Studies, University of Bradford, 2008*

addition to other functions that will enhance tranquility and harmony in the society<sup>77</sup>. But unfortunately, the effort of the police in curbing crime and protecting lives and property has been quite inadequate thereby attenuating the confidence of the public in the Police<sup>78</sup>. This aggravated mistrust between the police and members of the Nigerian public adds to the mystery of unsolved murders and other unresolved crimes<sup>79</sup>.

This nation has degenerated to a level where life is seemingly worthless and where serious crimes such as murder and other crimes continue to remain unsolved by the criminal justice system and the Nigerian Police Force<sup>80</sup>. This according to some analysts could be due partly to the complicity of the government and massive cover ups and complete ineptitude by law enforcement officials in resolving most of these heinous crimes<sup>81</sup>. Accordingly so long as crime is kept under control and within limits, it can be said that society is kept good governance<sup>82</sup>. Unfortunately in Nigeria today, crime and politics are twin brothers. Crime is on rampage ravaging even law and order. Tragically, even though the existing laws are adequate to tackle the menace, the government does not have the political will to investigate and the Police force lack the capacity to carry out investigation to its logical conclusion.<sup>83</sup>

The accusation of the police not being able to solve many cases of murder, armed robbery, kidnapping, theft etc. lies in the way cases are handled in the criminal investigation department.<sup>84</sup> 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,<sup>85</sup> with crime scene management and forensics investigation.

The persistent security problems and the inability of the Nigeria Police Force (NPF) in ensuring security and safety of life and property in the country by way of carrying proper investigation are worrisome.

<sup>77</sup> D.N. Nle, 'An Evaluation of the Challenges of Forensic Investigation and Unresolved Murders in Nigeria' (2012)(6) *African Journal of Criminology and Justice*.

<sup>78</sup> *Ibid*.

<sup>79</sup> *Ibid*.

<sup>80</sup> *Ibid*.

<sup>81</sup> *Ibid*.

<sup>82</sup> *Ibid*.

<sup>83</sup> *Ibid*.

<sup>84</sup> C.E. Chijioke, 'Crime and Criminal Investigation in Nigeria: A Study of Police Criminal Investigation in Enugu State', (2013) (1) *International Journal of African and Asian Studies* - An Open Access International Journal

The sources of security challenges in the country are numerous and cannot be blamed on one part of the system alone<sup>86</sup>. They vary from the government to the police down to the people in the society. On the part of the police, there are many inadequacies and problems which stand as obstacles responsible for its abysmal performance. Most Nigerians describe police as a motley crowd of lazy, inefficient, corrupt uniformed men and women contributing to the perpetrating of crimes such as mass killing, intimidation, rape, extrajudicial killings/summary execution and other heinous crimes against citizens they are paid to protect, due to their inability to carry out proper investigation.<sup>87</sup> It is also common with the police to falsely label innocent people as armed robbers, while the real criminals are working freely in the society doing what they know to do best due to lack of proper investigation<sup>88</sup>. They falsified post mortem result and to worsen the matter, people either criminals or none criminal disappear from their custody without good explanations and families of the innocent victims are faced with extortion<sup>89</sup>.

The Nigeria police Force in their annual report noted that the police is handicapped because of combination of factors that plagued them, among which are; lack of resources, poor government support, poor condition of service, lack of appropriate and adequate training and ill-equipped workforce. Coped with this are the issue of police extortion and corruption and other vices common among the police system which contributes to their lack of efficiency<sup>90</sup>. Section 4 of the Police Act, specified the functions of the Nigeria Police Force as: the Police shall be employed for the prevention and detection of crime, apprehension of offenders, the preservation of law and order, the protection of life and property, and due enforcement of all laws and regulations with which they are directly charged, and perform military duties within or without Nigeria as may be required of them by, or under the authority of this or any other Act. According to Critchley<sup>91</sup> the police was founded to deal with social problems. However, the following are some of the factors militating against the efficiency of the police in carrying out their responsibility.

<sup>86</sup> N. Adegoke, 'The Nigerian Police and Challenges of Security in Nigeria', (2014) (3) (6) *Review of Public Administration and Management*

<sup>87</sup> S.O. Ummunwanigbo, and E. Aluforo, 'Challenges and Solutions to Ethno-Religious Conflicts in Nigeria: Case Study of the Jos Crises', (13) (5) *Journal of Sustainable Development in Africa*

<sup>88</sup> Ikeji, 'Extrajudicial Killing and Police Brutality, the Way Out', *The Nation Newspaper*, 27 August, 2013. <http://www.thenationonline.ng> accessed 8<sup>th</sup> September, 2016

<sup>89</sup> *Ibid*.

<sup>90</sup> *Ibid*.

<sup>91</sup> Critchley, T. A. "A History of the Police in England and Wales". (London: Constable).

From the abysmal problems bedeviling the Nigerian Police Force in terms of proper investigation of criminal offences in Nigeria, is co-terminus with the problems facing the Nigerian Police Force leading to poor management of crime scene, which makes investigation of crimes difficult leaving a lot of criminals on the streets thereby making the rate of crime uncontrollable, while innocent citizens are incarcerated in prisons and Police Cells due to lack of proper crime scene management skills which leads to loss of physical evidence or traces left by the culprits that will eventually lead to unveiling the perpetrators of the criminal act which lead conviction. This eventually has made the Nigerian Police Force incapacitated to live up to the expectation of the provisions of section 4 of the Police Act.

### 6.0. Conclusion

It has been established that for there to be proper investigation of any criminal offence, the reconstruction of the crime scene to establish who the perpetrators of the criminals acts were is necessary, because crime scene management is the bedrock of any criminal investigation, because it is the interaction of the investigator(s) with the place where that actual criminal act is committed. For there to be any lead in criminal investigation that will lead to arrested and detention, it depends on the amount of physical evidence available at the crime scene that will lead to unveiling who the perpetrators of the criminal acts were, by way of forensics, eye witnesses or anything that will established that such a person actually commits the offence and no other.

Unless there is proper management of crime scene by investigators vital evidence to establish the commission of a criminal offence and who the culprit were will be lost. For there to be proper management of crime scene to ensure that physical evidence that will lead to the unveiling who the perpetrators of the criminal act by way of forensics, there is need to train Police Officers/ Investigators in the act of crime scene management. Failure to train officers in the act of crime scene management will be detrimental to forensic investigation of criminal offences.

The Nigerian Police Force according to Section 4 of the Nigerian Police Act is charged with the responsibilities of investigating, detecting, preventing the commission of crime and apprehension of criminals. Despite enormous powers bestowed on the Nigerian Police Force to enable Police Officers carry out their duties of Policing efficiently, several problems such as corruption, lack of motivation,

lack of training and inadequate funding has led to poor performance by the Nigerian Police Force in carry out their duties of investigation of crimes and apprehension of criminals. These problems have translated into why most crimes are unresolved in Nigeria, even where there are abundant of physical or trace evidences at the crime scene to establish who the perpetrators of the criminal offence were. This is because: Police Officers are not trained adequately to appreciate the management of crime scene for possible forensic investigation. From the aforementioned, for there to be proactive investigation base policing there is the urgent need for the Nigerian Police Force to train officers and men of the Police Force in art of crime scene management and forensic investigation. So that Police Officer will know what to look out for in a crime scene that will aid in the investigation of the crime to unveil the actual perpetrators of the criminal act. Where there is proper management of crime scene, this will go a long way in aiding the Nigerian Police in determining who the perpetrators were by the use of forensics.

### 7.0. Recommendation

In view of the topic under consideration, we recommend the following:

1. There is need for an overhauling of the Nigerian Police Force to ensure that officers of the Nigerian Police Force are grounded in the art of crime scene management to aid in forensic investigation and these fit can only be achieved through of training all Police officers, irrespective of their position or status in the force, on the art of crime scene management in forensic investigation, this will go a long way in ensuring that officers of the Nigerian Police Force are grounded in the art of managing crime scene to aid forensic investigation.
2. There is no crime without trace, and most criminals in Nigeria are not that sophisticated to cover their tracks while carrying out criminal activities, therefore it is not enough that officers of the Nigerian Police Force are trained in the art of crime scene management, they should also be trained on what to look out for as physical evidence in the scene of crime, so as to ensure the preservation of those evidence to aid forensic experts.
3. The rate of crime and unresolved crimes in Nigeria can only be resolved where there is massive investment in criminal investigation, to ensure that officers of the Nigerian Police

Force who usually act as first responders, are equip with the necessary equipment to cordon a crime scene, this because they are the first to have contact with the crime scene, and without the necessary equipment to preserve the crime scene, evidence on the scene of crime scene will be contaminated, which will make it difficult for investigators to apprehend and unravel the perpetrators of these crimes.

4. Officers not train in the art of crime scene management and forensic investigation should not be engaged in the investigation of any act of criminality where the suspects have evaded the scene and it would require persons with certain skills to unravel who the culprits are.<sup>92</sup>

## LIABILITY FOR OFFENSIVE PUBLICATION ON SOCIAL MEDIA IN NIGERIA

Antom Vanen Lawrence<sup>1</sup>

### Abstract

This article examines the legal responsibilities of offensive materials on social media in Nigeria. The gradually taking over from other print media in this media have resorted to publishing damaging remarks on other Users including non-users. In 2014 the media published a false report, the "hot water" for curing Ebola", a dreaded disease that was rampant in the country by a Liberian. This resulted in monumental and material resources, there were reports of deaths and challenges. The users of this media often times published cases that are ongoing in court which is prejudicial. Assembly recently introduced a bill which was referred to as "social media bill" which Nigerians rose against it. That have been called for determination here are that, remedy in law for these offensive publications on the social platforms? can the social media be left without a govern

### Introduction

Law is an essential twine that a civilized society would. It is essential in all communities. In an orderly law abiding people can plan ahead, work in safety and do business. Most modern societies order means stability. The government takes place in form of laws. Laws are rules of conduct enforced by the courts. Laws provide boundaries so that citizens where and when they are committing an offence. One of the objects of the law is to safeguard the rights of citizens in daily life. The freedom of speech, the right to fair trial, freedom etc.<sup>1</sup>

Law is perceived by the positivists as the command of the naturalist, as the universally accepted