

**CRIME/OFFENCE**

## **INTRODUCTION :**

In law enforcement parlance, the violations of prescribed laws in Nigeria are classified as being either an offense or crime. It is however sometimes used synonymously to connote an unlawful act of omission or commission which is punishable by statute of the state or nation. The police and other law enforcement agencies derive the power to prosecute offenders predicated upon the violation of certain criminal laws which attract punishment such as: Court sentence, fine or both.

## **CRIME**

The word "Crime" is originally derived from the latin word "Crimen" meaning "accusation", "indictment" or "fault". The definition differs in different societies and can mean any act of legal wrongdoing which can be investigated and preceded by certain forms of punishment.

Statutorily however in Nigeria, Crime is defined as an act or omission which renders the person doing the act making the omission liable to punishment under the code or under the Act or law. It goes further to state that crime is only what the state through the legislatures has made it to be which must be carefully spelt under the law.

## **OFFENCE**

Legally speaking, **"Every crime is an offence. But not every offence is a crime"**. For instance, in the EFCC Establishment Act 2004, it is said that "any person who being a public officer in Nigeria who gives false information to an officer of the law during the official discharge of his duty is liable on conviction to a sentence of a term not less than 3 years and not more than 5 years". However, any person who in the course of a normal business transaction breached a certain kind of contractual agreement is said to have committed an offence of **Breach of trust**; which cannot be adequately captured as having committed a crime. Moreso, a traffic offender cannot be said to have committed any criminal offence etc. Succinctly put, an offence therefore can be said to be any act that constitutes a violation of what is adjudged to be right or wrong or natural.

Offence is therefore classified as either:

Criminal Offence

## Civil Offence

### DIFFERENCES BETWEEN AN OFFENCE AND A CRIME

Offence	Crime
Any person who violates prescribed norm or law is called an offenders	Violators are called Criminals
Normally deals with social norms of what is classified as wrong or right which maybe written as law/Statute or not	Crime is punished based on written laws or statute.
Maybe seen as a violation of criminal or civil law	Violation is always viewed from the perspective of Criminal laws
Only actions or behaviour that breaks the law is deemed as an offence.	Every action and behaviour that breaks the law is deemed criminal.
Any breach under offence is usually called infractions or infringement	Contravention of any law capable of attracting punishment is called Violations or breaking the law
Punishment is usually by payment of fine, damage etc	Punishment is usual by Court sentencing, fine, imprisonment etc

### **CRIMINAL OFFENCE**

Criminal offence is an unlawful act which is punishable by the state or constituted authority. It is further seen as “an act or omission which renders the person doing the act or making the omission liable on conviction to punishment”

### **INGREDIENT OF A CRIMINAL OFFENCE**

For a crime to be said to be criminal, it must have the under listed ingredients:

- (a) Is an act or omission
- (b) Proscribed by the state, and
- (c) Has punishment for its occurrence

### **LEGISLATIONS GOVENING CRIMINAL OFFENCE AND PUNISHMENT IN NIGERIA**

Itemized below are some of the Legislations governing Criminal offences and prescribed punishments in Nigeria:

- (a) The 1999 Constitution of the Federal Republic of Nigeria
- (b) Penal Code (For northern Nigeria)
- (c) Criminal Code (For southern Nigeria)
- (d) Other statute of the Federal Republic of Nigeria as passed by the National Assembly: EFCC Act 2004, FIRS Act, NDLEA Act etc.

**ELEMENTS OF A CRIMINAL OFFENCE:** Section 36 of the constitution of the Federal Republic of Nigeria guarantees the presumption of innocence of an accused person until found guilty of a criminal offence. The onus lies largely on the prosecution to be able to prove his case beyond reasonable doubt to the conviction of the presiding judge. Thus, the element of crime refers to the facts that must be established in order to prove criminal liability. Underlisted below are some of the basic elements which must be fulfilled before a criminal offence can be established against a suspect:

- (a) Actus reus (Physical element)
- (b) Mens rea (Mental Element)

- ❖ Actus reus: All crimes require the physical action in order to constitute a criminal offence. That is to say, a person cannot be punished for having criminal thought without acting upon it; otherwise called the “Guilty Conduct or act”
- ❖ Mens rea: This is the mental intention or state of mind of the suspect at the time of committing the offense which must be adjudged to be voluntary, purposeful and intentional. The mental element of a criminal act is sometimes referred to as “Guilty mind”.

### **CLASSIFICATION OF CRIMINAL OFFENCE**

Criminal offences are classified under the following Headings:

- ❖ Classification based on trial
- ❖ Classification based on punishment.

**FOR THE PURPOSE OF TRIAL:** Offences for the purpose of trial is further subdivided into: Indictable and Non indictable. Section 494 of the Administration of Criminal Justice Act (2015) defines an indictable offence as one that is punishable by an imprisonment of more than two years or a fine of **N40,000.00**. It is also not punishable on summary conviction. A non indictable offence on the other hand is punishable by an imprisonment of less than two years, a fine of less than **N40,000.00** and is punished by summary conviction.

**FOR THE PURPOSE OF PUNISHMENT :** Offences for purpose of punishment are further divided into:

- 1) Felony
- 2) Misdemeanour
- 3) Simple offence

FELONY: Section 3 of the Criminal Code provides that a felony is an offence which is declared by law to be so and has punishment without proof of previous conviction ranging from three years to the death penalty.

MISDEMEANOR: They are offences which have been described by the law to be a misdemeanour and are punishable by imprisonment ranging from less than 3 years to more than 6 months.

SIMPLE OFFENCE: Simple offences are those offences other than felony or misdemeanour. They are often punished with an imprisonment of less than 6 months.

### **CONSEQUENCE OF PUNISHMENT FOR A CRIME/OFFENCE**

- 1) Punishment must be unpleasant to the offender
- 2) It must be an offence, actual or suppose
- 3) It must be an offender, actual or suppose
- 4) It must be imposed by a state or constituted authority.

**THANK YOU....**

# FINGERPRINT- IMPORTANCE

# **WHAT IS FINGERPRINT**

## **INTRODUCTION**

The Police and other Law Enforcement Agencies have used fingerprint to catch and convict criminals for many years. It is generally agreed to play a crucial role in criminal investigation. This is because a person's fingerprints are unique and do not change during the course of their life. They can be used to quickly and efficiently confirm or disapprove a person's identity.

## **WHAT IS FINGERPRINT**

Fingerprint is the tiny ridges, whorls and valley pattern on the tip of each finger. It can also be said to be an impression or mark made on a surface of a person's fingertip for purpose of identification. Fingerprints are considered an infallible means of identification as no two fingerprints are exactly the same.

## **WHY ARE FINGERPRINT ESSENTIAL TOOL FOR CRIMINAL INVESTIGATION**

**UNIQUENESS:** Investigators rely on fingerprint evidence because of its distinctive and unique characteristics which can only

**PERMANENT:** The imprint on the fingertips of every person is permanent and indelible throughout his lifetime.

**DIFFICULT TO ALTER:** Fingerprint can rarely be altered.

**DURABLE:** Fingerprint can be secured and used as evidence after the commission of a crime even after so many years.

## **TYPES OF FINGERPRINT**

Below are types of the fingerprints in criminal investigation:

**WHORL:** This kind of fingerprint has spiral pattern.

**RADIAL LOOP:** This loop comes from the thumb side of the hand.

**DOUBLE LOOP:** This type of fingerprint impression comes with two loops going in two directions, but is actually a type of whorl.

**ULNAR LOOP:** The loop that comes from the pinky side of the hand.

**ARCH:** This is the most common type of fingerprint without any loop or specific pattern.

## **IMPORTANCE OF FINGERPRINTING**

1. **FOR PURPOSE OF IDENTIFICATION:** The Police and other law Enforcement Agencies across the world use fingerprinting for comparison against a known database to determine the identity of a person alleged to have committed an offence and to establish whether or not they have previous criminal record.
2. **TO LINK A SUSPECT TO THE COMMISSION OF A CRIME:** Fingerprint can be used as a viable tool to link a suspect to the commission of a crime at a particular location and time.
3. **TO DETERMINE ACCOMPLICES:** Fingerprint can be used to determine accomplices to the commission of a crime.
4. **TO CLEAR SUSPICION & AMBIQUITIES:** Usually at the crime scene, the Police and other law enforcement agencies are faced with alot of evidence from which to draw conclusion and narrow down their investigation. Fingerprint can be used as a tool to clear suspicious and doubt.
5. **TO AID THE COURSE OF INVESTIGATION:** Fingerprint serves as a guideline to investigators by assisting them to eliminate less important evidences and focussing on key areas that will help secure conviction in court.
6. **FOR BIOMETRIC PURPOSES:** Financial institutions, Schools and corporations now utilize fingerprinting as a means of biometric authentication method to verify the identity of their customers and employees.
7. **IDENTITY MANAGEMENT:** Fingerprint based method of identity management has helped reduced cases of identity theft etc.
8. **FOR FORENSIC EVIDENCE:** As a branch of forensic science, fingerprint evidence can be tendered and admitted in evidence in court during criminal trial.



9. SECURITY PURPOSE: Many security outfit and electronic gadgets now explore the use of fingerprint to secure their property through fingerprint enabled techniques.

## **LIMITATIONS OF FINGERPRINT IN CRIMINAL INVESTIGATION**

Fingerprint analysis as a tool for criminal prosecution is not foolproof and without limitations. Below are some of the limitations succinctly captured below:

- 1) Human error
- 2) Computer error
- 3) Dummy finger print
- 4) Security breach

**THANK YOU....**

# **INVESTIGATION TECHNIQUES**

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## **INTRODUCTION**

When a Criminal offence has been committed, it automatically becomes the duty of the police or any other law enforcement agency to determine who committed the offence; where the offence was committed, how it was committed and to establish the possibility of whether there were accomplices to the commission of the crime. The ultimate aim of any criminal investigation is to bring perpetrators to justice and secure conviction. But, the big question is how do law enforcement officers go about investigating these crimes? What are the strategies, techniques and modalities they adopt to apprehend and prosecute criminals?

## **WHAT IS CRIMINAL INVESTIGATION ?**

Criminal investigation is the systemic examination and analysis of facts gathered during the course of the investigation to identify, locate and prove the guilt of an accused person. Put differently, it can also be said to be the process of gathering evidence in order to determine if a crime has been committed; identify the perpetrators, apprehend the perpetrators and bring them to justice before a court of law. Evidence gathered during the course of an investigation must be sufficient enough to secure a conviction.

## **INVESTIGATION TECHNIQUES**

Investigation techniques are those strategies, modalities, steps and measures used by an investigator in solving a crime. More so, because of the dynamism of investigation, it is worthy of note that there are no two criminal cases that are similar; hence the different techniques adopted by the Police and other law enforcement agencies to crack a case. However, irrespective of the nature of the offence, investigators use the following basic techniques in tracking and prosecuting criminals:

**SEARCH & SEIZURE:** This method is utilized by investigators on reasonable suspicion of the commission of a crime. In this instance, the investigator obtain a duly certified search warrant from a magistrate authorizing him to search any property, vehicle or person. Any evidence linking the suspect to the commission of the crime is seized and classified as an exhibit. Seizure is the temporary takeover of all items or anything recovered during the

course of a search that can be used as evidence against the suspect in the court. However, it is basic requirement of law that search **MUST** be conducted on the authority of a signed warrant; otherwise evidence recovered therein might not be admissible as exhibit due to technicalities likely to faced during prosecution. Although, certain unforeseen circumstances can force an investigator to conduct search without a warrant. Conditions under which a search becomes legal without a warrant are:

- a) If a suspect freely and voluntarily consent to a search without a warrant,
- b) Exigent circumstances such as time constraint,
- c) Search incident to an arrest,
- d) If the crime is perpetrated in the presence of law enforcement agent

**INTERVIEW & INTERROGATION:** Interview and Interrogation is perhaps the most common technique of investigation. While interview is a less formal and a cordial means of conversation between an investigator and a witness to the commission of a crime aim at eliciting for evidence that will aid the course of investigation; Interrogation on the other hand is a formal and more intense means of questioning between an investigator and a suspect with the ultimate objective of obtaining confession.

**SURVEILLANCE:** This type of technique entails a close observation of people, behaviour and activities with the principal objective of gathering intelligence and/or prevention of crime. It ranges from physical observation to the electronic monitoring of conversation on phone etc.

**APPLICATION OF FORENSIC SCIENCE:** Investigators also utilize the application of forensic science as a technique for solving crime such as fingerprint analysis, crime scene photography, document and signature analysis for the detection of forgery etc.

**WIRETAPPING:** This technique entails the use of a concealed listening or recording device connected to a transmission line to eavesdrop on the conversation of any person suspected to be involved in any criminal activities. However, a court warrant is a necessary requirement of law before placing a wiretap on the phone or electronic gadget of any suspect.

**ANALYSIS OF FINANCIAL RECORD:** As a technique of investigation, analysis of Bank statements and other financial documents of a suspect also reveal valuable information that can assist an investigator.

**STATEMENT TAKING:** Having obtained a confession, investigators explore the technique of statement taking in order to make the suspect reduce his confession into writing. Because the court admits only physical, real, electronic and documentary evidence, the statement of the suspect can be tendered as exhibit in court. Statements are also recorded from Complainants, victims and witnesses to the commission of crime.

**UNDERCOVER/COVERT OPERATION:** Depending on the nature of a case, investigators explore the technique of covert or undercover operation to get firsthand evidence directly from the suspect by pretending to be a business associate, ally pursuing the same goal.

Other investigation techniques include:

1. Ballistic examination
2. Arrest
3. Polygraph
4. Use of informant etc

**CUSTODY AND MANAGEMENT OF CASE FILE**

# **CRIMINAL CASE FILE**

## **INTRODUCTION**

As soon as a criminal complaint is received by the Police Department or any other Law Enforcement Agency, a case file is immediately opened detailing such information as the name of the petitioner, nature of offence, where the offence was committed, who committed the offence, possible infractions, amount involved, case file registration number and diary of action detailing preliminary actions taken during the course of the investigation. The case file should be able to speak for itself at all times. This is because all the information and evidences gathered during the course of investigation into a criminal matter is contained therein. Operatives in the EFCC are basically charged with the responsibility of investigating matters bordering on Economic and Financial Crimes.

## **WHAT IS A CASE FILE**

Case file is defined as a record or organised retention system or container for the preservation of facts relating to a case. In the context of criminal investigation, case file is seen as a compendium or collection of all the facts and evidences gathered during the course of investigation into a reported case of crime. It contains a sequential account of all the steps taken by an investigator to crack a case.

A case file should be able to reveal at a glance the activities of the investigator from the time a complaint is received by the EFCC until the matter is concluded and the suspect charged to Court.

## **CASE FILE MANAGEMENT**

Case file management involves the process of organising, coordination, compilation, Handling, Care and Custody of the case file with the ultimate objective of unravelling a crime. Case file management is as important to the investigator as solving the crime itself. This is because an improperly managed case file might compromise evidences recovered during the course of the investigation and jeopardize the effort of the investigator at court.

The management of case file lies solely with the supervisor or team leader and the lead investigator in the matter. It is done at three levels during the investigation, namely:

- a. Preliminary/Complaint Stage

- b. Investigative Stage
- c. Prosecution Stage

**PRELIMINARY STAGE:** The supervisor must bear in mind that the essence of every investigation ought to be channelled in line with the complaint. He assigns roles and responsibilities on actions to be taken to the various members of the team. Most often than not, a case officer or lead investigator is assigned to compile the case file taking cognisance of introductory details like:

- a. Name of the complainant
- b. Nature of the Complaint
- c. Name of the investigators
- d. Place where the offence was committed
- e. Name of suspect
- f. Case file registration number etc

The supervisor also ensures that the file contains an index to show the content of the file at a glance. Standard procedure of case file division into various sections must be complied with. That is to say:

SECTION A - Which contains such details as Extract from the crime Diary, Letter of complaint, investigation report, Minute Sheet, Statement of the Complainant and Witnesses.

SECTION B - Statement of the suspect

SECTION C - Documentary Evidences

**INVESTIGATIVE STAGE:** At this stage, the supervisor must ensure that the operational target of the investigation is being achieved. He must call for regular briefing with the investigating team to appraise the progress of work done. He must vet the case file and give directives on pending matters. He must ensure strict compliance. All communication, directives and pending actions are captured on the minute sheet. It is also the duty of the supervisor to cross check the file occasionally to ensure that documents are properly filed, tagged and handled with the utmost care.

**PROSECUTION STAGE:** Having concluded all investigation, case file on any criminal matter should be sent to the legal and prosecution unit for advice and possible prosecution. The supervisor through the lead investigator and other members of the



team must ensure that investigation report adequately captures the offence committed.

## **CUSTODY OF CASEFILE**

Custody of case file must be with the case officer or lead investigator at all times. The case file must be kept in a file cabinet under the possession of the case officer under key and lock. Access must be restricted to prevent misplacement of vital documents and prevent unauthorized access to matters under investigation.