

The use of science and technology in keeping criminal records essay sample

[Government](#), [Military](#)



1. Introduction

This study examines the use of science and technology in maintaining criminal records, criminal background records information enables state to instantly identify persons who have criminal records.

The laws state the means in which criminal records can be maintained that seem to be very out-dated, the only thing the laws state is ensuring that the criminal records should be maintained, Tanzania police force has a department called the Criminal Investigation Department (CID) which general responsibility of this department are prevention of crime, the efficient investigation and detection of serious crimes and incidents, the collection collation of all information regarding crime in the country so that the inspector and government may be kept informed in all matters of criminal interest, the maintenance of close and effective liaison with all branches of the force and in particular with general duties branch, the maintenance of criminal records and statistics, the provision of advice and assistance in all investigation giving rise to difficulty or doubt and seeking of legal advice as may be necessary in the light of its function of investigation and prosecution of suspects. s. 36(5) of the police and auxiliary act states that, Subject to the provisions of subsection (10), a person having the custody of measurements, prints, recordings, photographs or samples and each person having the custody of copies of measurements, prints, recordings, photographs or samples shall destroy them.

In the case of a person who is in lawful custody upon a charge of committing an offence, if the prosecution of that person is not proceeded with; or where

the prosecution is proceeded with, but he is acquitted. in the case of a person referred to in subsection (2), if those measurements, prints, recordings, photographs or samples, as the case may be, are no longer required for the purpose of facilitating the investigation. s36 5

1. 2 Background of the Problem

The problem of none use of science and technology in maintaining records it has almost five decades since independence, what wonders the most is why this is not seems as a huge problem which had led to the rise of other many problems in criminal matters. Crime and violence which have been resulted partly from a none performing police, have eroded public trust and cooperation, weakening the social contact between the force and citizen, but police they have no important thing as to help them work effectively to a large number of people as in Tanzania, arms are not the only things that can bring to effective work but the system indeed and its effectiveness. The police remain in their station houses(reactive style) and wait for the victim to report crimes while there have no even a single computer or internet service or any program that will help them to know the criminal behaviour record of the person that brought to the station they always ending up without the right conclusion and in fact they let the criminal to walk away and this led to continuity of crimes in our societies. But if they could know the criminal record of the suspect this could bring the seriousness in handling his case.

1. 3 Statement of the Problem

Criminal Record maintaining is very initial thing in police work, it ensures non repeatedly of crimes, police they should make sure that they are not dealing

with the same people who do criminal acts in different places. They should make sure they have professional, modernisation and community policing that support maintenance of peace and tranquillity by reducing incidence of crimes and fear of crime, justice administration, rule of law and good governance and public safety in the country. The reformed police force must earn community confidence and trust, recognition and acceptance by its professional response to crimes and incidents in application of Morden talents, technology and equipment All crimes are recorded in the police station book, and information collated at district level on a monthly basic. A series of summary tables is sent from district HQ to region a few days after the end of the month. Regional office collates this information into summary tables for the region and transmits this to the HQ in Dar Es Salaam by around the 8-10 of each month. Some detail of specific offences is collected: eg. the sex of murder and rape

1. 4 Objective of the Study

The study intends to explore the performance in science and technology as a tool contributes to Tanzania police force efficiency. Try to underscore strengths and weakness of an evolution scheme as applied and suggest employment, police force gets more of work force, transforming the human inputs into tangible outputs at the lowest possible cost as such the study is concerned with upholding productivity by the use of science and technology. Evidence will be used in this use of technology as well will help to avoid corruption and easy in accessing details of a person in case of employment. Criminal records will enable criminal justice agencies in making decision on

pre-trial release, carriers criminal charging, determinate sentencing and correctional assignment this is by keeping Criminal details, Arrest data, Conviction data, Details of wanted persons, Details of fingerprints recorded at scenes of crime also to give Good conduct certificates to those who have no criminal records in case they are needed

1. 5 Hypotheses

In course of conducting this research the following hypotheses were formulated. First is lack of funds and budgetary problems which led to lack of innovation of science and technology in maintaining criminal records. Secondly, it seems there is weakness in laws governing police that do not seem the important of maintaining criminal records by the use of science and technology as to the current era.. Thirdly lack of knowledge to the law enforcers human resource that they seems they are not able using the systems of science and technology in maintaining criminal records.

1. 6 Significance of the Study

This study is significant in the legal field in the following ways. It will help in wrong statistics of the criminal records in case that the same people committing crimes but it been counted as new crimes, will help Searching for matches for criminals as an aid to investigation, Issuing good conduct certificates to those who do not have criminal records, Searching for matches to SOC evidence on fingerprints, etc. Providing courts with previous conviction data as an aid to sentencing in court There is potential, in some geographical areas for this to be moved to electronic capture in the near future.

1. 7 Literature Review

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1. 8 Research Methodology

Different methods of data collection were used in collecting data, that is to say, both primary and secondary tools for collection of data were employed.

1. 8. 1 Interviews

Both structured and unstructured interview were used but their use depended entirely on the kind of respondent. In this methods various people were interviewed this includes police and none police to see the opinions of where the problems are, a total number of 20 polices were interviewed and 15 individual were interviewed.

1. 8. 2 Documentary review

In this method various libraries where relevant literature to the area of study can be found were regularly visited. The library of University of dar es salaam especialy law collection and east Africana section were visited for the purpose of reading various statutes and books, articles which are relevant.

CHAPTER TWO LEGAL FRAMEWORK IN MAINTAINING CRIMINAL RECORDS 2. 1

Introduction

Criminal records maintaining is the system established by law, and was for the purpose of maintaining statistical records, knowing the criminals addicts so as to avoid the repetition of criminal acts by the same person and to determine punishment in judicial agencies. The legal framework in this chapter deals with the laws that issues the maintaining of criminal records.

2. 2 Constitution of Tanzania.

The Constitution of Tanzania does not define the police. Although article 146

of the document requires a transfer of authority to regulate the enforcement of law and public safety of the people, but it does not require the police to be responsive, representative or accountable under its law.

2. 3 Police force and auxiliary act 2002

The Police Force and Auxiliary Act of 2002 established the police force as well as regulations defining the police and their activity, the focus of the act was to prevent and control crime. S. 10 states, " Every officer in charge of a police station shall keep a general diary or occurrence book in such form as the Inspector-General may from time to time direct, and shall record therein all complaints and charges preferred, the names of all persons arrested and the offences charged against such persons, and shall also keep such further books and records and shall render such returns to the Inspector-General as he may from time to time direct". s. 10 Any police officer in charge of a police station or any police officer investigating an offence may take or cause to be taken. measurements or, prints of the hand, fingers, feet or toes, recordings of the voice, photographs, samples of the handwriting, of any person who is charged with an offence, whether such person is in lawful custody of the police or otherwise where such measurements, prints, recordings, photographs or samples, as the case may be, are reasonably believed to be necessary for the identification of the person with respect to, or for affording evidence as to the commission of an offence for which he is in custody or charged.

Any police officer in charge of a police station or any police officer investigating an offence may take or cause to be taken measurements prints

of the hands, fingers, feet or toes, recordings of the voice, photographs, or samples of the handwriting, of any person who is not charged with any offence where such measurements, prints, recordings, photographs or samples, as the case may be, are reasonably believed to be necessary for facilitating the investigation of any offence. this is according to S. 36 of police and auxiliary act

2. 4 Criminal Procedure act

59.-(1) Any police officer in charge of a police station or any police officer investigating an offence may take or cause to be taken measurement of prints of the hand, fingers, feet or toes of, or recordings of the voice or, photographs of, or samples of the handwriting of any person who is charged with an offence, whether such person is in lawful custody of the police or otherwise where such measurements, prints, recordings, photographs or samples, as the case may be, are reasonably believed to be necessary for the identification of the person with respect to, or for affording evidence as to the commission of an offence for which he is in custody or charged. (2)

Any police officer in charge of a police: station or any police officer Investigating an offence may, take or cant a to be taken measurements, prints of the hands, fingers, feet or toes of recordings of the voice, photographs of or samples of the handwriting, of any person who is not charged with any crime where such measurements, prints recordings, photographs or samples, as the case may be, are reasonably believed to be necessary for facilitating the investigation of any crime (3)

No person who is charged or who is not with any crime charged; shall be entitled to refuse or object to having his measurements, prints, recordings, photographs or samples taken, and where he so refuses or objects, the police officer concerned may take such reasonable steps, including the use of reasonable force, as may be necessary to secure that the measurements, prints, recordings, photographs or samples as the case may be, are taken.

(4) Any person who refuses to have his measurements, prints, recordings, photographs or samples taken as required under sub-section (1) and (2) is guilty of an offence and shall be liable on conviction to a fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding twenty-four months or to both such fine and imprisonment. (5) Subject to the provisions of subsection (10), a person having the custody of measurements, prints, recordings, photographs or samples and each person having the custody of copies of measurements, prints, recordings, photographs or samples shall destroy them-

(a) in the case of a person who is in lawful custody upon a charge of committing an offence- (i) if the prosecution of that person is not proceeded with; or (ii) where the prosecution is proceeded with, but he is acquitted; (b) in the case of a person referred to in subsection (2), if those measurements, prints, recordings, photographs or samples, as the case may be, are no longer required for the purpose of facilitating the investigation, (6) There shall be established at a place to be approved by the Minister responsible for criminal investigations, an office to be known as the Criminal Records Office for the preservation, comparison and indexing of finger-

print or forms. (7) The Criminal Records office shall, subject to the general supervision of the Inspector-General of Police, be under the control of a senior police officer, expert in comparison of fingerprints who shall be appointed from time to time by the Attorney-General by notice published in the Gazette. (8) Completed finger-prints forms shall be sent to and preserved at the Criminal Records Office. (9)

All finger print forms shall be of the prescribed pattern. (10) Notwithstanding the provisions of sub-section (5) it shall be lawful to retain all records obtained pursuant to sub-sections (1) and (2) of this section in respect of any person with regard to whom a removal order under the Township (Removal of Undesirable Persons Ordinance) or an expulsion order under the (Expulsion of Undesirable Persons Ordinance) has been made and has been cancelled or rescinded. s. 142 (2) A certificate in the form prescribed by the Director of Public Prosecutions given under the hand of an officer appointed by the Director of Public Prosecutions in that behalf, who shall have compared the finger prints of an accused person with the finger prints of a person previously convicted, shall be prima facie evidence of all facts set forth in it provided it is produced by the person who took the finger prints or the accused. 204.-(1) Any document under the hand of an officer appointed for that purpose by order of the Director of Public Prosecutions, which purport to be a report upon any fingerprint or any photographic representation fingerprints submitted to him for examination or comparison shall be or receivable in evidence in any inquiry trial other proceeding under this Act and shall be evidence of all facts stated, that document.

2. 5 Penal code act

The penal code act has also shown the importance of maintaining criminal records as due to s. 275 of the act states “ if the offender, before committing the theft had been convicted of theft punishable under s. 265 he is liable to imprisonment for fourteen years”. This shows that we need very good criminal records in order to meet this evidence that will enable appropriate decisions of the court. Its not easy for an offender to admits as he has previous conviction and according to civil procedure act if the court ask the accused of either he had previous conviction and denied then they will start to investigate, the investigation can only be accurate if there is an accurate data of the criminal record of the accused.

CHAPTER THREE

CHALLENGES FACING POLICE IN USE OF SCIENCE AND TECHNOLOGY IN MAINTAINING CRIMINAL RECORDS IN TANZANIA

3. 1 INTRODUCTION

Revealing the laws which govern police and the criminal records, it reviews the challenges that face in the use of science and technology in maintaining criminal records. Criminal records starts when the person is accused till the conviction but all these records useful because no one is guilty under the law until he has been proved guilty but this should not mean that they should not keep the records when the person is charged, due to this all records should be kept and to those found not guilty the records should be destroyed, but when proved guilty then the police station should have the criminal record of that criminal and then should be sent to head quarters this

is according to the police and auxiliary act . This means the stations should contain facilities to do this work and this is the use of science and technology as to the current era of Globalisation.

3. 2 Weakness of the government in planning the best

These weakness spoken by the some respondent that sometimes the government fails in planning for the best to their citizen on the fact criminal acts have a lot of negative impacts to the citizen, in a place like Dar Es Salaam every day more than thousands criminal acts occur this includes reported and non reported crimes as to all criminal acts according to penal code, in these facts there are crimes which are sent to the station and they are let go either because the respondent fail to accuse him to court or other main problems, or due to fines and corruptions no connection even between example Ilala and Kinondoni a system that is intergraded between police but it links from the head quarter in such a way when all the data of the criminal addicts who were proved guilty in any offence and either were imprisoned for short time or left by paying fine can be found in an integrated system.

This is not an easy task though other countries uses this system even in traffic offences such as Vienna Australia, in fighting with poverty government should ensure that the police force is given all the important things to make it do its work well this includes the use of science and technology. (6) There shall be established at a place to be approved by the Minister responsible for criminal investigations, an office to be known as the Criminal Records Office for the preservation, comparison, and indexing of fingerprint forms. (7) The Criminal Records Office shall, subject to the general supervision of the

Inspector-General, be under the control of a senior police officer, expert in comparison of fingerprints, who shall be appointed from time to time by the Attorney-General by notice published in the Gazette. (8) Completed fingerprints forms shall be seen to and preserved at the Criminal Records Office, all fingerprint forms shall be of the prescribed pattern. (10)

Notwithstanding the provisions of subsection (5), it shall be lawful to retain all records obtained pursuant to subsections (1) and (2) of this section in respect of any person with regard to whom a removal order under the Township (Removal of Undesirable Persons) (Ordinance or an expulsion order under the Expulsion of Undesirable Persons Ordinance) has been made and has been cancelled or rescinded.

3. 3 Lack of funds and budgetary problems

The use of science and technology and the use of ICT needs capital to make it work, The police force has serious budgetary constrains, these problems affect the efficiency and effectiveness of the police in terms of its management and well programmarise administration and above all the ability to discharge its missions, in particular budgetary constrains have brought about persistent shortages of personnel, inadequate skills and mobility problems. There seems to have been a welcome increase in the availability of up to date computing hardware and software recentlly, this is quite patchy. Officers at HQ, both in the statistics department, the criminal records office, small arms database, etc all seem to have good modern computers and more are expected. However, many of these computers seem underused, reflecting the need for more training of staff to be able to

use computers more effectively. Still they are not enough to fulfil a good system of criminal records maintaining.

3. 4 Lack of training

It's a hard task which needs skill and studying in using science and technology, not only that but it needs someone smart and clever to fulfil it with great ambition which will lead to positive results, in this current era when crime is becoming more and more sophisticated the police need new skills in order to meet the challenges of crime, this new skills may be transmitted to police officers through training in the use of science and technology such as the maintaining these criminal records which is advantageous in investigation, the level of skills of police officers therefore leaves a lot to be desired.

Unfortunately a low level of professional skills makes difficult to fulfil what the laws needs. as to s. 10 of police force and auxiliary act. There is access-based software to input details of serious crime onto the computer system. Although this system has great potential, it seems to be underused, as only one officer is trained to use it who has other duties. Once other officers can use this database so that all serious crime is input to this database, then this will reduce the amount of work in summarising and adding up data on serious offences and lead to positive criminal data. However, the database itself can be improved, if certain new variables about the crime are recorded as individual attributes, rather than in text form as at present.

3. 5 Lacuna in Laws governing police

Looking to the police force and auxiliary act in s. 36(3) “ No person who is in lawful custody or who is charged but not in lawful custody, shall be entitled to refuse or object to having his measurements, prints, recordings, photographs or samples of his handwriting taken, and where he so refuses or objects, the police officer concerned may take such reasonable steps, including the use of reasonable force, as may be necessary to secure that the measurements, prints, recordings, photographs or samples, as the case may be, are taken.” While the law states the above but it didn't show the responsible part that will assure that all the instruments will be found on the station for this work, these things which used in criminal record such as cameras, recording tapes and print machines are not their and no one to be blame while the laws needed the use of technological things though not as for current era such as computer to be used in keeping the criminal records.

3. 6 Problem in human resource

This is a big challenge to our police force, what is being believed is that police should be someone strong with power to control peace, though these can be the facts but the important things to police is to be intelligent because the criminals are person who are also very intelligent and in some crimes such as in cyber crimes, the criminal use their top mind to do these, the problem of human resources comes to the fact the police posts are given to the failures and with evidence, if you get high grades they do not consider, as to the fact that the police force is for the failures, this led to the fail of using science and technology in maintaining criminal records just

because the person who are in post they have no that skills to integrate with the system such as computers which also needs a lot of smartness otherwise you can erase all the work. Staff needs have some basic training but it is recognised that more could and should be done. This will vary according to the needs of the officers concerned. In headquarters there is an eventual need for both more training of existing staff and for more staff who are qualified in records maintaining, statistics and IT.

3. 7 The adopted system from colonial era

This is also a big challenges to our police, the use of excessive power even to smaller offences as a fact that they are doing their duty but this oppose their duty and responsibilities, the duty and work of police is to make sure safety of the citizen and their property, instead of doing their work in using more brain but they use more physical power, this is said to one of the police that many of the police want the citizen to be afraid of them and that's even a smaller argument they will think that they have been disrespected, this system made the police to belie science and technology can not be used in such important thing such as record maintaining but instead they are ready to beat the criminal in order to confess while if they could have the records of the past acts they could count as the first evidence.

3. 8 Conclusion

The chapter have reveal the problems facing the police that led to the failure of using the science and technology in maintaining criminal records though the laws states that they should have some of the equipment which are also in combination of science and technology but they fail to fulfil the Morden

world by not stating other very useful technological equipment including the system it self of integration of the database to all the station and the supply of data such as eg. aris2 of the university of Dar Es Salaam which enable students to sign in and know different academics how it works in an organise manner.

CHAPTER FOUR

CONCLUSION AND RECOMMENDATIONS 4. 1 Introduction

Visits were made to some local stations/offices to determine what is available, what IT systems exist and what plans there are for the future. The following was discussed: Move from paper to automated data capture need to identify appropriate software and hardware, need to link information between local offices and HQ/centre. Need to review existing data capture forms, Improve outputs and annual reports Improve awareness of statistics amongst policy makes we the lack of trained personnel in data collection and IT, the lack of computer equipment - particularly locally, we discussed the need to improve links between police local stations and districts, regional and headquarters.

4. 2 Recommendation

Records are still sent from local police offices in paper format. Lack of both qualified and clerical staff, hardware and software; mean that the criminal records cannot be processed efficiently. There are very few properly designed data collection instruments. Most criminal records are compiled by hand from summary records kept of individual crimes, court proceedings or offender records. There are very few field visits or other mechanisms to

check the completeness and accuracy of data by the high post responsible unless it occur a big problem but it's not a daily routine. Thus no-one can be sure that the data at present used are accurate However, there is a need to develop criminal records on outcomes as well statistics, Tanzania is a very large country and difficult to collect 100% criminal records. This calls for more use to be made of sampling techniques, in a structured way: eg of police stations be provided technological instruments to use in their work through net working.

There should be more frequent meetings, to discuss mutual progress,, work towards common classifications, express common needs for statistics and to improve publication, Very few police stations have received any IT equipment here talking of regional level. There is a need to amend the law as to meet the current era of science and technology, the use of science and technology will also help, to have professional, modernisation and community policing that support maintenance of peace and tranquillity by reducing incidences of crime and fear of crime; justice administration, rule of law and good governance and public safety in the country. The reformed Police Force must earn community confidence and trust, recognition and acceptance by its professional response to crimes and incidents in application of modern talents, technology and equipment.

Data collection forms should be designed and instructions issued so that all stations, districts and regions work in the same way, more computers are needed for data capture, at least in the main police forces and the current old-fashioned methods of capturing statistics by radio and fax should be

replaced by networked computers. There should be local visits to check the data. Eventually all data should be entered locally and use made of it locally as well as at HQ, More use should be made of the serious crime data being entered onto the Access database. This requires more staff trained in the data entry and more staff who could make use of the data once stored, IT advice and training on the analysis of such databases should be enhanced more data should be shared with other criminal justice agencies. Police would benefit from a study visit to other neighbouring jurisdictions also internationally as to get new knowledge: eg their problems are similar to those in Nairobi and both countries could learn from each other.

4. 3 Conclusion

The world have change in many locations but in things which touches people life should be looked on every change as win it and make it up-to-date, the police force and auxiliary act 2002 have 10 years since was last appealed I think its time now to repeal it and make it up-to-date, in the fact that the criminals they always come with new techniques, maintaining criminal records by which will help to decrease of rate of criminal acts and get correct statistical records, its true that people who do criminal acts they always do it repeatedly they sometimes pass through police station and being accused but if we could have the well integrated system the crime rate could be decreasing day to day and left peace in our societies.

However, there is much to do. Most data collection is still based on paper records and much of the use of computers is very limited consists of using them for document management, by recording statistics on WORD or EXCEL.

There is little documentation for criminal data recording, although the well disciplined staff, especially the law enforcement officers, undoubtedly follow their verbal instructions well. Many documents are similar to those from in the 1960s and need updating and improving. The Tanzanian Police Force also maintains a criminal records office at headquarters, where all records of all criminals throughout the country are received. This system is associated with the recording of fingerprints for identification and, in total there are around more than 1 million records of all criminals who have come to notice since 1958.