



# **Law & Order Administration**

**ABHISHEK BAPLAWAT  
AMIT VERMA**



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*Abhishek Baplawat, Amit Verma*

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## CHAPTER 1

### ROLE OF LAW ENFORCEMENT AGENCIES IN SOCIETY

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#### ABSTRACT:

In every society, law enforcement organizations are essential for protecting the rule of law, preserving order, and fostering safety. This study examines the law enforcement community's varied function in modern society. It looks at their roles, obligations, and difficulties in carrying out their tasks. The main organizations entrusted with protecting public safety, stopping and looking into crimes, and implementing the laws passed by governments are law enforcement agencies. They defend the rights and welfare of people while acting as the watchdogs of civil order. They often serve as an obvious representation of legitimacy and justice in this setting. Law enforcement organizations are responsible for more than just deterring crime; they also engage the community, settle disputes, and respond to emergencies. They are intended to develop a sense of collaboration and trust among the residents of the areas they serve. Their ability to handle a range of problems, from petty disagreements to intricate criminal investigations, depends on this trust. However, in order to serve and protect the public, law enforcement organizations must overcome several obstacles. Numerous debates and requests for change have been spurred by issues including racial profiling, excessive use of force, and police brutality. Finding the ideal balance between preserving public safety and upholding individual rights continues to be difficult.

#### KEYWORDS:

Crime Prevention, Investigation, Law Enforcement, Police Brutality, Public Safety, Traffic Enforcement.

#### INTRODUCTION

Law enforcement is the system of individuals and institutions tasked with supporting the rule of law, enforcing law and order, and ensuring the safety and security of communities. It includes a broad variety of responsibilities and tasks meant to stop, look into, and handle crises and criminal activity. In the criminal justice system, law enforcement agencies play a critical role at all levels of government, including municipal, state, and federal. Here are a few significant elements of law enforcement:

**Public safety and crime prevention:** Police personnel are tasked with keeping the streets safe by patrolling, maintaining a visible presence to discourage crime, and reacting to emergencies. Their main objective is to avoid crimes happening in the first place.

**Investigation and Evidence Gathering:** After a crime is committed, law enforcement officials launch investigations to collect evidence, pinpoint suspects, and create prosecution cases. This might include conducting witness interviews, gathering tangible proof, and data analysis[1], [2].

**Arrest and Detention:** Law enforcement officials have the right to detain people who they suspect of committing crimes after they have been arrested. Additionally, they have the right to hold anyone for interrogation in the course of criminal investigations.



**Traffic Enforcement:** To maintain road safety, police officers often enforce traffic regulations. They could write tickets for traffic offenses such as speeding, dangerous driving, and others.

**Community Policing:** Community policing is an approach to law enforcement that places an emphasis on fostering good connections between police and the communities they serve. This facilitates problem-solving locally by fostering trust and encouraging cooperation.

**Emergency Response:** Response to crises, such as natural disasters, accidents, and violent incidents: Law enforcement organizations are a vital component of the first responder network.

**specialist Units:** To deal with certain sorts of crimes and circumstances, several law enforcement organizations have specialist units including SWAT squads, K-9 units, narcotics units, and cybercrime units.

**Training and Professional Development:** Law enforcement personnel get extensive training to provide them with the abilities and information required for their positions. Training includes topics including legal processes, dispute resolution, and weapons competency.

**Accountability and Oversight:** Many law enforcement organizations have internal affairs departments and external oversight committees that look into allegations of wrongdoing and abuse of power in order to guarantee openness and accountability.

**Use of Force:** When it's essential to defend themselves and others, law enforcement officials are permitted to use force. Policies controlling this are rigorously evaluated, and the use of force must be reasonable and within the parameters of the law.

**Legal and Ethical Requirements:** Law enforcement personnel are required to respect strict legal and ethical requirements. Discipline or criminal charges may be brought in response to violations of these criteria.

**Criminal Justice System:** To guarantee the impartial and just administration of justice, law enforcement agencies collaborate closely with other branches of the criminal justice system, such as judges, prosecutors, and defense lawyers.

A key element of preserving social order and public safety is law enforcement. While officers are often requested to deal with difficult and hazardous circumstances, they also play a crucial part in fostering collaboration and confidence among communities. To safeguard individual rights and advance justice, effective policing requires a balance between law enforcement power, accountability, and community involvement[3].

### **Indian Law Enforcement Organizations & Indian Police**

Early British India's rules were mostly based on religious sources. The fact that there were various penalties for the same offence for persons with different religious identities is evidence that these rules were ad hoc and contradicting in character. It was obvious that these rules needed to be institutionalized and standardized in order for the British Empire to operate effectively on the Indian subcontinent. The process of enacting new laws has always been dynamic and takes a variety of administrative, religious, and social considerations into account. In light of this, the Charter Act of 1833 announced the formation of India's first-ever law commission, which was led by Lord Macaulay. The Indian Penal Code, or CrPc (criminal process code), should be codified, according to the panel. This commission established a standard for future law

commissioners and was followed by four more. The Indian Penal Code, Indian Contract Act, Transfer of Property Act, etc. are only a few of the significant goods that these law commissions have produced. In terms of defending its political and socioeconomic interests, India has made significant progress. In terms of security concerns, foreign aggression, internal aggression, money laundering, corruption, the protection of the public interest, etc., India confronts a wide range of difficulties both domestically and outside. India has a large number of law enforcement organizations that fall under the purview of the Ministries of Home Affairs, Defense, Finance, etc. to guarantee a secure and peaceful environment.

- a. India and its law enforcement organizations: India primarily has the following significant law enforcement organizations, which carry out their tasks in cooperation with the legislative bodies.
- b. The Division of Enforcement (DE).
- c. the DRI, or Directorate of Revenue Intelligence.
- d. The NCB (Narcotics Control Bureau).

#### **FIU, or Financial Intelligence Unit.**

India also has a number of investigating agencies that cooperate with the enforcement as well as a legislative branch in addition to these organizations:

- a. Internal Intelligence (Intelligence Bureau (IB))
- b. External Intelligence Division (RAW) of Research and Analysis Wing

#### **NTRO, the National Technical Research Organization**

- a. Agency for Defense Intelligence (DIA)
- b. CERT, or Computer Emergency Response Team

#### **Organization for National Technical Research**

- a. Agency for Defence Intelligence
- b. Cooperative Cipher Bureau
- c. Information on Revenue Directorate
- d. Radio Monitoring Service for All of India
- e. Direction of Signals Intelligence
- f. Center for Aviation Research
- g. Agency for Air Intelligence

#### **The Navy's Directorate of Intelligence**

- a. Directorate of Income Tax (Criminal Investigation and Intelligence)
- b. Directorate General of Tax Investigation
- c. National Investigation Agency, a key organization battling terrorism

#### **The CBI is the Central Bureau of Investigation.**

#### **Indian police Challenges**

1. According to its written constitution, India has a strict legal system that guarantees the protection and security of every individual. To carry out this duty, the police are essential. An essential component of the government that interacts with citizens directly is the police. It is

recognized as an internal force whose primary duty is to safeguard residents from internal dangers while also assuring growth and advancement.

2. Through the maintenance of law and order, it also serves as a tool for upholding the state's unity and integrity. Only in an atmosphere of peace and tranquility can one appreciate the fundamental rights listed in Part III of the constitution. The way that policing is done and the numerous components that are part of it need to adapt as society changes.
3. The demands placed on the Indian Police have increased. They manage traffic, make VIP arrangements, accompany dignitaries, and conduct festival tasks. Along with these duties, the Police must also take preventative actions to safeguard the safety of a vulnerable segment of society. Effective police keeps the public at ease throughout the states.
4. Although Indian police go above and beyond the call of duty in providing their services, they nonetheless get harsh criticism from the general public and the media. Unusual work schedules, antiquated procedures, difficult working conditions, and political and administrative intervention in transfers and postings are some of the key challenges that our police force must contend with on a daily basis[4].

### **Indian Police System Reforms**

Reforming the police in Indian states has been attempted in the past. Six significant committees have been formed, and they have offered the following themes:

1. Committee Gore
2. National Commission of Police
3. Reforms by the Riberio Committee on Police
4. Police Reforms Committee under Padmanabhaiah
5. Ministerial Committee on National Security
6. sMalimath Committee on Criminal Justice System Reform

The following were some of the committees' major accomplishments:

1. All around the nation, the police training curriculum will be restored.
2. However, the Riberio committee's five key recommendations which centered on State security, choosing the DG Police, and complaints against the Police weren't followed through on.
3. The National Police Commission concentrated on matters pertaining to the constabulary, administration, and welfare programs for police families. Additionally, it concentrated on ways to lessen political and executive pressure on the police.

### **CBI, the Central Bureau of Investigation**

1. The CBI was founded in 1941 as a Special Police agency to look into accusations of corruption during the Second World War. Later, it was formally established as the GoI's agency to look into allegations of corruption in different government ministries. The Delhi Special Police Establishment Act of 1946 strengthens the CBI.
2. The CBI was founded by the government in 1963 with the authority to roam freely and conduct investigations via offices of the federal and state governments in order to look into issues of high-level corruption, to stop dishonest military procurement procedures, to stop black selling of necessities, etc.
3. Cases the CBI has handled include:

4. Incidents of anti-corruption
5. Economic offenses
6. Special offenses like terrorism and abduction are included.
7. Suo moto investigations are only permitted in Union Territories.

### Challenges to Come

**Political meddling:** The legitimacy of CBI is often questioned as a result of excessive political meddling, which is sarcastically referred to as "the caged parrot speaking in its master's voice."

**Loss of Credibility:** A number of incidents, including the Bhopal gas catastrophe, the Bofors affair, the Hawala scam, and the Noida double murder case (2008), have cast serious doubt on the CBI's ability to conduct fair investigations. These have brought to light the extent of managerial failures and murky regions inside the investigative organization.

**Lack of Accountability:** Because the Central Bureau of Investigation is not covered by the Right to Information Act, questions are raised about the efficient use of monies granted and the length of time it takes to resolve cases, among other things.

**Restricted Access:** It is considered to be a major obstacle when dealing with corruption charges involving high-level officials since prior consent of a Joint Secretary level officer with the central government is necessary before initiating an inquiry or probe.

### What Jobs Do Law Enforcement Personnel Have in USA?

The responsibilities of law enforcement officers vary depending on the kind of officer and the organization they work for. Types of law enforcement officers include:

- a. **General Law Enforcement Officers:** The majority of law enforcement professionals wear uniforms. They patrol and respond to requests for assistance. They could control traffic at a fire scene, look into a break-in, or provide first aid. Community policing is receiving increased attention from urban police departments. In community policing, an officer establishes connections with area residents and enlists their assistance in battling crime.
- b. **Detectives:** In most circumstances, detectives don't wear uniforms. They are in charge of gathering information and assembling evidence to investigate criminal offenses. Most detectives have a particular area of expertise, such as murder, grand theft, or drugs. Cases are given to detectives. They continue to investigate these cases up until an arrest, a conviction, or the case's dismissal.
- c. **Sheriffs and deputy sheriffs are county-level law enforcement officials:** Typically, sheriffs are elected to their positions. Their responsibilities are comparable to those of county or municipal police chiefs. Deputy sheriffs carry out a range of tasks. Patrol, call response, criminal investigation, and administration are among their responsibilities.
- d. **State police officers:** State police officers are sometimes known as highway patrol officers or state troopers. They have authority over the whole state. Safety in motor vehicles is their principal duty. They help at accident sites and enforce traffic rules and regulations. They also look into offenses involving motor vehicles and other traffic incidents.
- e. **Agents of the Federal Bureau of Investigation (FBI):** FBI agents are the criminal investigators for the federal government and are in charge of looking into infractions of

more than 260 laws. They often carry out delicate national security inquiries. Organized crime, widespread corruption, fraud against the government, bribery, abuses of civil rights, bank robberies, air piracy, terrorism, and foreign counterintelligence are some of the offenses they look into.

- f. **Drug Enforcement Administration (DEA) officers:** The DEA is the principal domestic drug enforcement agency, and DEA officers both enforce domestically applicable drug laws and coordinate and carry out international drug investigations on behalf of the United States. Some DEA officers use covert methods to penetrate illicit drug networks.
- g. **U.S. Deputy Marshals and Marshals:** The U.S. Marshals Service is the country's first and oldest law enforcement organization. They carry out many different tasks, such as judicial security, fugitive investigations, witness security, prisoner services, prisoner and alien transit, asset forfeitures, serving court papers, and other unique operations and initiatives [5], [6].

## DISCUSSION

### Indian Law enforcement

Law enforcement, investigative, and intelligence organizations functioning under several Ministries include the Enforcement Directorate, Central Bureau of Investigation, and Narcotics Control Bureau. Do they perform comparable roles? Do they collaborate on the case investigations at the same time? These are some of the most important queries that come to mind. The Ministry of Home Affairs' National Crime Bureau (NCB) is the primary organization in charge of looking into all drug-related matters. It is based in New Delhi. With its headquarters in New Delhi, the CBI is an investigative body that was established in 1941 with a primary emphasis on corruption-related inquiries. Additionally, it looks into matters like crimes, violations, and foreign issues. The Ministry of Personnel, Public Grievances and Pensions is responsible for it. Fighting economic crimes in India is the responsibility of the Enforcement Directorate (ED), a law enforcement and economic intelligence organization. It is within the purview of the Indian government's Ministry of Finance's Department of Revenue [7].

### Central Agency: Central Bureau of Investigation

The best organization in India, the Central Bureau of Investigation, looks into cases that are really severe and come from all around the country. The Ministry of Personnel, Public Grievances and Pensions, which is led by a Cabinet Minister and directly answers to the Prime Minister, occurs to have this entity under its purview. M. Nageshwar Rao is the CBI's acting director at the moment. The CBI is situated in New Delhi's CGO Complex, next to the Jawaharlal Nehru Stadium. The CBI was established by the Indian government in 1941 as the Special Police Establishment. Its main responsibilities at the time were to look into bribery and corruption that had place in the Indian War and Supply Department during World War II. The company was started by D. P. Kohli, who served as the CBI's director from April 1 to May 31, 1968. In addition, the CBI has a successful Anti-Corruption Division that has prosecuted cases against Chief Ministers, Ministers, Government Secretaries, CMDs of Banks, Financial Institutions, and others. The Supreme Court of India has also condemned the CBI for acting like a "caged parrot speaking in its master's voice". Whatever the party in power at the Center, this assertion has been made owing to its excessive political meddling. At the moment, Rishi Kumar Shukla is the CBI's director. The Delhi Special Police Establishment Act of 1946, as amended by the Lokpal & Lokayukta Act of 2013 and the CVC Act of 2003, states that the Appointment

Committee, on the recommendation of the Selection Committee, appoints the Director of this Investigation Agency for a minimum of two years.

The members of the selection committee are:

- a. The chairman will be the prime minister.
- b. If the leader of the opposition party in the Lok Sabha is not present due to a lack of sufficient membership strength, the leader of the opposition party with the single-largest representation in the Lok Sabha.
- c. The Chief Justice of India or a Supreme Court justice whom the Chief Justice recommends as a member.

The committee considers the departing director's views when making suggestions. A certain number of candidates are submitted to the appointment committee by the selection committee established in accordance with the Delhi Special Police Establishment Act, 1946, and one of those names is chosen as the CBI director. The Central Vigilance Commissioner, who also serves as the Selection Committee's Chairperson, is joined by the Vigilance Commissioners, the Secretary to the Government of India in charge of the Ministry of Home Affairs, the Secretary for Coordination and Public Grievances, and members of the Cabinet Secretariat.

### **Agency for Economic Intelligence's Directorate of Enforcement**

Recently, the CBI interrogated actor Rhea Chakraborty, who was then placed in judicial custody under the NDPS Act while being investigated by NCB. The CBI also provided assistance in a number of cases, including the notorious Unnao Rape Case, in which a UP MLA was found guilty, the INX Media case, the murder of Bhanwari Devi, the murder of Aarushi Talwar, and many others. For the sake of investigating crimes and cases involving money laundering, the CBI and ED often collaborate. Since the Enforcement Directorate (ED) has other goals that are largely related to preventing money laundering in India, the Central Bureau of Investigation (CBI) is the primary investigative police agency in that country. In charge of preventing economic crimes and upholding economic laws, the Enforcement Directorate is a law enforcement organization. The Director of Enforcement is in charge of the Directorate of Enforcement, which has its headquarters in New Delhi. Special Directors of Enforcement are in charge of the five regional offices, which are situated in Mumbai, Chennai, Chandigarh, Kolkata, and Delhi. Bangalore, Ahmedabad, Chandigarh, Chennai, Kochi, Delhi, Panaji, Jaipur, Guwahati, Hyderabad, Jalandhar, Kolkata, Lucknow, Mumbai, Patna, and Srinagar are the locations of the Directorate's Zonal Offices. One of them is the Joint Director. Sh. Currently serving as NCB's director general is Rakesh Asthana.

A Deputy Director is in charge of the Directorate's Sub-Zonal Offices, which are located in Bhubaneswar, Kozhikode, Indore, Madurai, Nagpur, Allahabad, Raipur, Dehradun, Ranchi, Surat, Shimla, Vishakhapatnam, and Jammu. The Sushant Singh Rajput Death Case, the INX Media Scam Case, the YES Bank Case, the 2G Case, the Mumbai Airport Development Scam Case, and several more high-profile cases are just a few of the ED's top cases[8].

### **Drug Trafficking and Narcotics Control Bureau**

The NCB, or Narcotics Control Bureau, is an Indian Federal Law Enforcement agency that was founded in 1986 with the goal of enforcing the Narcotics Drugs & Psychotropic Substances Act by preventing the illicit sale, use, and misuse of drugs. Its goal is to put the NDPS Act into effect.



The Indian Police Service or the Indian Revenue Service official who serves as the Director-General of NCB. It collaborates with the Central Bureau of Investigation (CBI), Central Economic Intelligence Bureau (CEIB), State Police Department, Customs and Central Excise/GST, and other Indian intelligence and law enforcement organizations.

- a. Intelligence, Enforcement, and Coordination is the NCB's slogan.
- b. NCB's goal is to prevent and fight illegal drug misuse and consumption.
- c. NCB's mission is to work for a drug-free society[9]–[11].

## CONCLUSION

In summary, law enforcement organizations have a variety of important roles in society that are crucial to preserving law, order, and justice. These organizations are in charge of maintaining the law, defending the safety and rights of residents, and making communities feel secure. While preventing and investigating crimes is their major duty, they are also responsible for helping in times of need, enforcing traffic laws, and promoting good neighborly relations. The work of law enforcement organizations is not without its difficulties and conflicts, however. The necessity for continual reform and accountability within these institutions has been emphasized by problems like police brutality, racial profiling, and power abuse. One of society's continual challenges is finding the proper balance between upholding law and order and upholding individual rights. It is essential for law enforcement organizations to participate in community policing, foster public trust, and conduct transparent operations in order to guarantee that they successfully meet the demands of the community. To address the problems and critiques that have surfaced, ongoing training, supervision, and adherence to ethical norms are also essential.

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## CHAPTER 2

### COMMUNITY POLICING: BUILDING TRUST BETWEEN POLICE AND COMMUNITIES

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#### ABSTRACT:

The goal of community policing, a proactive approach to law enforcement, is to foster mutual respect, cooperation, and trust between police agencies and the communities they serve. The main goal of community policing, as explored in this study, is to build trusting relationships between law enforcement officials and local residents. A major departure from conventional, top-down law enforcement methods is represented by community policing. It places a strong emphasis on collaboration between locals and police, with the dual objectives of raising neighborhood standards of living and boosting public safety. Community policing acknowledges that communities may actively participate in reducing crime and disturbance rather than seeing them as only the recipients of police services. The development of trust is essential for community policing to succeed. Police officers interact with residents of the neighborhood, pay attention to their concerns, and collaborate to handle problems ranging from minor crimes to more serious threats to public safety. Initiatives aiming at bridging ethnic and social gaps, neighborhood gatherings, and community outreach programs are often used in trust-building activities. Each community's particular requirements and features are taken into account while developing community policing techniques. Law enforcement organizations try to comprehend the unique difficulties that various communities experience and create strategies that are attentive to these issues. This strategy decreases the likelihood of prejudice and discrimination while simultaneously enhancing the efficacy of police.

#### KEYWORDS:

Building Trust, Community Policing, Enforcement Organizations, Law Enforcement.

#### INTRODUCTION

In the United States, community policing has been used as a legal technique since the early 1980s. What does "community policing" really mean? The majority of those working in the field of public safety have probably heard the phrase before. Community policing is usually understood to be a concept of law enforcement that permits police to consistently patrol the same area in an effort to forge closer ties with the local populace. Instead of reacting to occurrences after they occurred, this enables public safety personnel to interact with local citizens and deter crime.

#### What distinguishes community policing from conventional police?

It focuses on fostering a safe social environment and involves residents in determining which criminal activities they are most affected by. This helps create a precise law enforcement priority list that is shaped by the people who live in the area. It also encourages residents to work with law enforcement to keep their own community safe. Community policing, in its most basic form, establishes a working relationship between local authorities and citizens. Residents are more

likely to assist law enforcement in achieving their objectives the more engaged police enforcement is with the citizens they have sworn to protect [1], [2].

### **What are the advantages of a successful community policing system?**

- a. A more positive perception of the local police force among the populace
- b. Greater knowledge of the requirements of people and their expectations of the police;
- c. Greater confidence between law enforcement and the public;
- d. Accurate information about criminal activity in communities provided by residents;

### **Community policing: What is it?**

An unwritten agreement between the police and the community known as "community-oriented policing" enables them to collaborate actively in order to prevent, identify, and creatively address localized crime and disorder in order to maintain their neighborhood free of criminal activity. Community policing is more than a program; it is a way of thinking that promotes a cordial interaction between the police and the general people in the effort to reduce crime and build up resources for addressing pressing community issues. Three elements make up the general notion of community policing: community relationships, organizational structure, and problem-solving, which shape its comprehension and use in various ways. Energy, trust, and patience are necessary for the internal-external mobilization and engagement of the community in order to obtain the optimal combination of these three components. For police officers and their team to win the public's trust, a gradual relationship-building process is essential, and social institutions may help. And it only accelerates the process when everyone takes responsibility for their part [3].

Despite successful performance of obligations toward maintaining law and order, interactions with police may be time-consuming and expensive, according to surveys done by the Centre for the Study of Developing Societies and the India Police Foundation, respectively. Credit is due in large part to the British-perpetuated Police Act of 1861. Both studies also noted that communities that have implemented community policing approaches have significant levels of public participation. Community policing was also advocated by the National Police Commission (1977) and the Padmanabhaiyah Committee (2000) as an essential component of police operations. The Mohalla committee in Maharashtra, Janamaithri in Kerala, Friends of Police in Tamil Nadu and Gujarat, and Maithri in Andhra Pradesh are just a few examples of community policing programs that have generally yielded the desired outcomes. In India, community policing practices follow decentralization and proactive problem-solving strategies to combat not just terrorism but also its philosophy. However, Islamic extremism lies at the heart of India's radicalization, which is not a hoax. Community policing initiatives provide a wall between the general people and the planned events that give rise to violent extremism [4].

### **Aiming to Combat Radicalization**

Uttar Pradesh is included in the list of hotspots for terrorism-radicalization along with Gulf-backed ISIS influence in Kerala and proxies in Jammu and Kashmir. In recent arrests of al-Qaeda members and widespread appeals from ISIS to join the "caliphate" in Delhi, Gujarat, Tamil Nadu, Karnataka, Maharashtra, and Telangana, the National Investigation Agency (NIA) claimed finding weapons, explosives, and conducting surveillance on people. India is seen as one of the possible locations where this radicalization and terrorist issue might coalesce, leading to further

polarization and inaccurate impressions of security agencies. Not to minimize the problem of young disillusionment, but terrorists prey on people's or communities' anxieties and deficiencies. And it won't be long until radicalization turns into a violent deed.

The emergence of a new class of "hybrid terrorists" in the Kashmir Valley locals who mostly conduct their operations online and about whom the police have no prior information speaks volumes about the general disengagement of youth and local support for militancy. The push and pull elements are reversed when the community is involved in combating radicalization and young alienation, providing a solid foundation for building resistance and bolstering search and other essential hard power activities. So that the public may cooperate in the process of deradicalization even after loved ones have been apprehended. Operation Sadbhavna and other WHAM programs, which were started by the army to win over hearts and minds and reduce the trust gap in Jammu and Kashmir, have undoubtedly been a success. The Jammu and Kashmir police force has also started to recognize that public support is necessary for police effectiveness. The personnel is being trained in community policing and the creation of police-public partnership groups by the Sher-i-Kashmir Police Academy [5], [6].

### **Counter Terrorism**

Lt. Gen. VK Ahluwalia of the Indian Army's Central Command remarked in the Global Terrorism Index, 2017, that combining governmental components to combat terrorism and insurgencies requires an integrated strategy with civil society's support. The 2008 Batla House incident and the 26/11 Mumbai attacks are just two instances of how a lack of participation by the general public in crime prevention not only fosters mistrust but also hinders the investigation and gathering of data in violent crimes, which could have helped link terrorist activities. To increase the effectiveness of counterterrorism programs, community-oriented policing depends on the involvement, confidence, and support of locals in their development. From social media, "neighbourhood watch," and institutions, locals are a tremendous source of insight. The general population, who are almost often the first responders, maintains a careful eye on local risks and weaknesses that authorities may miss and aids in their identification. The strategy enhances intergovernmental and interagency collaboration, i.e., aids in developing comprehensive solutions.

In order to increase anti-terror preparation, Delhi Police has been implementing civic engagement programs like Nigheban, Eyes & Ears, Yuva, and other outreach applications, to mention a few. Following rumors of a terrorist attack during the festival season the previous year, Delhi police met with RWAs, the Aman committee, and stakeholders in the "eyes and ears scheme." The Janamaithri Suraksha Project, the primary community policing program of the Kerala Police, has also been used to combat terrorism and radicalization. A road map for the future is provided by their Vision 2030 plan, which places a focus on the use of technology to improve police-community interactions, particularly along coastal lines. On the other side, Odisha maintains coastal security with the assistance of the local fishing community at more than 18 maritime police stations [7], [8].

Evidently, community policing in counterterrorism has helped to lessen the impact of a violent assault. Mumbai's Mohalla neighborhood, built on a similar concept, acts as a focal point for communication between the police and other groups, especially for the promotion of communal peace. It does this via regular committee meetings, festival celebrations, and amenities for kids and teenagers. In a same vein, Punjab police established community policing after the Pathankot

incident. Additionally, they have expanded the parameters of their SAANJH initiative for post-terrorism stability. Community-oriented policing is essentially an alternate kind of police that is open to the community it serves and inclusive. It enables criminal control without adding to the workload for security personnel. When it comes to battling radicalization and terrorism in India, "democracy in action," it is primarily confined to the state and district levels. To determine their share of responsibility for counterterrorism, the public has participated in information collection and cooperative activities. While community policing must first address the fears that already exist in a community in order to resist radicalization. It functions more like a support network. Although WHAM programs in Jammu and Kashmir have therapeutic effects, these programs have a short lifespan owing to a lack of opportunity and ongoing war actions. Additionally, community policing initiatives were launched in other states with the intention of fostering connections that have now developed into a counterterrorism tool. Internal security issues are handled in large part by the police, and anti-terror units need to be educated in community engagement strategies alongside conventional operators. India's enormous efforts to create a symbiotic connection between the people and security personnel in order to battle the terrorist ideology on a large scale hence stand to be an effective instrument [7]–[10].

## DISCUSSION

### Building Trust between Police and Communities

For successful law enforcement and a peaceful society, it is crucial to develop trust between the police and the community. It improves community safety, promotes teamwork, and creates a feeling of security. The following techniques may be used to increase community and police trust:

- a. **Policing tactics:** Implement community policing tactics that place an emphasis on communication between law enforcement officials and neighborhood residents. Officers need to interact with locals, go to neighborhood activities, and take part in community meetings. This promotes a favorable, accessible perception of police enforcement.
- b. **Transparency:** Encourage openness in how law enforcement operates. Be transparent about decisions, procedures, and policies. By explaining the police's procedures, you may foster confidence and de-mystify their activities. Hold law enforcement personnel responsible for their conduct. Establish precise procedures for receiving and looking into misbehavior accusations. It sends a message that misconduct will not be tolerated when officials are made to answer for their deeds. Make certain that law enforcement employees get training in cultural competence and sensitivity. Officers are better able to appreciate and comprehend the different origins and experiences of community members because to this training. Procedural justice, which emphasizes fairness in dealings between the public and the police, should be highlighted. Respecting others, allowing them a chance to be heard, and offering them clear answers are all part of this.
- c. **Body cameras:** Provide cops with these so they may document encounters with the public in an unbiased manner. Both cops and community members may benefit from more openness and accountability as a result. Use instructional programs, school resource officers, and youth outreach projects to interact with young people. Young people's impressions of law enforcement may be shaped by developing good connections with them from an early age.

- d. **Community Advisory Boards:** Create community advisory councils or boards with members from various backgrounds. These committees may provide suggestions about community issues, police procedures, and policies. In order to limit the use of force and encourage peaceful settlement of disagreements, officers should get training in conflict resolution and de-escalation tactics.
- e. **Feedback and Active Listening:** Pay attention to the worries and comments of the locals. Law enforcement organizations should change their procedures in response to community requirements.
- f. **Solving Issues:** Work with the neighborhood to identify and resolve particular issues. By displaying a dedication to resolving problems that are important to residents, this method to problem-solving contributes to the development of trust.
- g. **Recruitment Diversity:** Work to increase diversity within the law enforcement community. It is more probable that a diverse police force will comprehend and connect with the community they serve. Engage in good public relations activities, such as community outreach events, safety fairs, and campaigns that emphasize law enforcement's dedication to the general welfare.
- h. **Public Education:** Inform the general public about their rights and obligations when interacting with the police as well as the function and duties of law enforcement.

It takes dedication, open communication, and teamwork to establish trust between the police and the community. People feel safer and work together better when law enforcement organizations actively try to build and maintain confidence [11].

### Importance Community Policing

Building trusting connections between police officers and the communities they serve is a key component of the idea and technique known as "community policing" in the field of law enforcement. This strategy is crucial for a number of reasons:

**Increased Public Safety:** People are more inclined to assist law enforcement by reporting crimes and sharing information when there is confidence between the police and the community. By working together, crimes may be prevented and solved more quickly and efficiently.

**Crime reduction:** Rather than only reacting to occurrences, community policing focuses on tackling the underlying causes of crime. Police are better able to detect and solve underlying problems like poverty, drug addiction, and mental health difficulties that might influence criminal behavior by collaborating closely with community people.

**Enhanced Problem-Solving:** Police and locals may collaborate to identify and rank problems and worries in the area. This cooperative approach to problem-solving may result in customized solutions that take into account the particular requirements of each community. Trust between the police and the community is essential in averting and defusing situations that might escalate into civil unrest or violent clashes. Effective community policing may ease tensions and encourage amicable dispute resolution.

**Increased Officer Safety:** Officers are less likely to experience hostility or opposition while doing their responsibilities when they are well-known and respected in their communities. As a result, their level of safety while on job is increased.

**Accountability and openness:** Increasing openness in law enforcement operations is a common component of community policing. Police misbehavior and abuse are less likely to occur when they interact with the community because they are more likely to be held responsible for their acts. Work closely with various groups to acquire cultural competency, which helps police personnel better serve the public. They are able to address the needs and worries of various groups in a more efficient and polite manner as a result [12].

**Creating Positive Role Models:** When young people connect positively with police officers, they might find positive role models in their neighborhoods. This may alter how they see law enforcement and discourage them from committing crimes.

**Improved Community Well-Being:** Residents' feelings of safety, security, and wellbeing are all influenced by the police and their interactions with the community. This promotes a happier, healthier community as a result.

**Public legitimacy:** People are more inclined to willingly obey the law when they perceive the police to be reliable and legitimate. This lessens the need for harsh punishment and promotes a feeling of fairness in the community.

In inference, community policing is essential for developing enduring bonds of trust and collaboration between law enforcement organizations and the communities they serve. Together, the police and the community can build neighborhoods that are more inclusive, resilient, and safe [13], [14].

## CONCLUSION

In conclusion, community policing is an essential method of law enforcement that places an emphasis on fostering trust between the public and the police. It acknowledges that successful police entails building strong relationships, honest communication, and cooperative problem-solving between officers and the community they serve in addition to traditional law enforcement. The capacity of community policing to close the gap between law enforcement organizations and the many communities it serves is what makes it successful. Police may promote a feeling of collaboration and respect between the community and themselves through interacting with community members, learning about their particular needs, and include them in decision-making processes. Community policing has the ability to lower crime, increase public safety, and raise communities' standard of living in general. It encourages proactive approaches to crime prevention and gives communities the tools they need to actively participate in their own safety. Community policing's implementation does present certain difficulties, however. It involves a lot of dedication and training on the part of law enforcement professionals, as well as persistent attempts to get beyond previous skepticism and mistrust in certain areas. Additionally, it necessitates a dedication to openness and accountability to guarantee that police activities are in line with community standards.

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## CHAPTER 3

### USE OF FORCE POLICIES: BALANCING OFFICER SAFETY AND CIVIL RIGHTS

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#### **ABSTRACT:**

It is essential for law enforcement to employ force in order to protect the law and ensure public safety. However, achieving the difficult balancing act between preserving civil freedoms and rights and guaranteeing police safety is a difficult task.

The relevance of use-of-force rules in modern police is examined in this study, as well as the continuous attempts to reach this balance. Within law enforcement organizations, use of force regulations serves as standards that specify the conditions under which officers are permitted to use force while doing their jobs. In order to ensure that officers have the resources they need to protect both themselves and the public and to uphold the values of proportionality, need, and accountability, these regulations are designed to offer clear and uniform standards.

The legal, moral, and practical implications of using force must be carefully considered in order to strike a balance between officer safety and civil rights. Officers must get training on how to diffuse tense situations whenever feasible and when force is absolutely necessary. The concept of necessity states that force should only be used after all other acceptable options have been explored, whereas the principle of proportionality states that the quantity of force employed must be proportionate to the danger being faced.

#### **KEYWORDS:**

Administrative Procedures, Force Policies, Law Enforcement, Pain Techniques, Police Department.

## **INTRODUCTION**

The use of force policy acknowledges the need for ongoing examination of law enforcement's use of force. The use of force is a significant duty, even at its most basic level. Every country has their own built-up rules, however in general more or less means similar. For instance, The policy's objective is to provide UCLA Police Department officers instructions on when to use force reasonably. Each officer is required to apply these standards to make such judgments in a professional, unbiased, and reasonable manner, even if it is impossible to determine exactly how much or what kind of acceptable force should be used in any given circumstance. This policy manual is intended to function in conjunction with the administrative rules and policies that apply to the whole university. In the event of a discrepancy between this policy manual and the University wide Police Policies and Administrative Procedures, the more recent policy manual, whether it relates to legal requirements, administrative processes, or other matters, must take precedence.



## **Philosophy**

Both the general public and the law enforcement community have serious concerns about the use of force by law enforcement officers. Daily interactions between officers and the public are many and diverse, and when necessary, an officer may use force to carry out his or her duty. Officers need to be aware of and really appreciate the boundaries of their power. This is particularly true for officers who must overcome opposition while carrying out their duty. The Department values and upholds the dignity and worth of every human life, without discrimination. It is also acknowledged that granting officials the right to use reasonable force while safeguarding the general welfare requires a thorough weighing of all human interests [1], [2].

## **Policy**

The Department's policy is that officers should only use the minimum amount of force necessary to bring a situation under control, given the facts and circumstances that were known to them at the time. A reasonable officer present at the time of the occurrence must be considered when determining whether the force employed was justified. Any understanding of reasonableness must take into account the reality that police officers often have to make split-second choices about how much force is appropriate in a given scenario when things are stressful, unpredictable, and fast changing.

It is acknowledged that each officer must be given well-reasoned discretion in assessing the proper use of force in each event given that no regulation can realistically forecast every conceivable circumstance an officer would experience in the field. Although minimizing injuries to all parties is the ultimate goal of any law enforcement interaction, nothing in this policy mandates that an officer must actually suffer bodily harm before using appropriate force. The seriousness of the crime in question, the suspect's threat to the officers' or other people's safety, and whether the suspect is actively resisting arrest or trying to flee should all be taken into account when determining whether the use of force was reasonable [3].

## **Use Of Force to Implement a Detention**

Any peace officer may use reasonable force to complete the arrest, prevent escape, or overcome resistance if they have grounds to think the individual to be arrested has committed a public infraction. If the person being arrested resists or threatens to resist, a peace officer making or attempting to make the arrest need not retreat or give up; nor shall the officer be deemed the aggressor or forfeit his or her right to self-defense by using reasonable force to make the arrest, prevent escape, or overcome resistance. Penal Code 835a states that an arrest is made when a person is really restrained or turns over custody to an official. The apprehended individual could be subjected to whatever constraint is appropriate for their arrest and imprisonment [4].

## **Aspects Used to Judge the Reasonability of Force**

A variety of considerations should be taken into account when deciding whether or not to use any degree of force and when assessing whether an officer used reasonable force. These elements consist of, but are not limited to:

- (a) The person being confronted's behavior (as the officer at the moment reasonably saw it).

- (b) Factors affecting the ratio of police to subjects (age, size, relative strength, skill level, injury or weariness, and the number of officers to subjects);
- (c) (c) the impact of drugs or alcohol on the subject's mental ability.
- (d) Weapons' close proximity.
- (e) The subject's capacity for resistance while being restrained and how well the subject has been confined.
- (f) If the time and circumstances permit, the availability of other choices (what tools are fairly accessible to the officer in the given situation).
- (g) The gravity of the alleged crime or the cause for making contact with the person.
- (h) The officer's education and experience.
- (i) The potential for harm to the general public, police, and suspects.
- (j) Escape risk.
- (k) Additional urgent situations.

It is acknowledged that officers are required to make snap judgments and that the amount of time they have to assess and react to changing conditions may have an influence on their choice. Although there are many levels of force, each officer is required to only use the level of force necessary to effectively carry out the legal law enforcement purpose in line with this policy. However, it is acknowledged that there may be situations in which officers erroneously assume that using any of the typical instruments, weapons, or techniques offered by the Department would be impracticable or inefficient. Officers may find it more efficient or practical to improvise a response to the fast-changing circumstances they are facing. In these situations, however, the use of any improvised equipment or procedure must nonetheless be objectively justifiable and used only to the extent necessary to achieve an acceptable goal of law enforcement [5].

## **Definitions**

Active aggression refers to a threat or overt act of attack (either verbally or physically), paired with the current capacity to carry out the threat or assault, which ostensibly suggests that an assault or damage to a person is imminent. Bracing, tensing, pushing, or vocally declaring a desire to avoid or prevent being brought into or maintained in custody are all examples of actively resisting evasive bodily motions used to overcome an officer's effort to maintain control. Force is any physical effort used to restrict, control, or get rid of someone else's resistance. Understanding the facts and circumstances of each unique situation is necessary for the reasonable use of force, including the gravity of the crime at hand, whether the suspect poses an immediate threat to the safety of the officers or others, and whether the subject is actively resisting arrest or attempting to flee from capture. It is acknowledged that officers are required to make snap judgments and that the amount of time they have to assess and react to changing conditions may have an influence on their choice. Physical acts of passive resistance that do not impede an officer's efforts to subdue a person. For instance, a subject who does not make any physical contact (such as by locking arms) with other people and stays in a sitting, standing, limp, or prone posture. A person in handcuffs complies with the definition of passive resistance if they are either:

- (a) in a sitting, standing, or prone position as instructed by the officer, and
- (b) not acting in a way that is reasonably likely to harm them, resist their restraints, or have them removed. A person who has linked arms with another person when they are both seated or standing is not acting passively but rather actively to impede. Passive resistance is no longer regarded as being present when a subject exhibits behavior that an officer interprets as a threat or actual act of active resistance, such as flailing, kicking, elbowing, headbutting, biting, shoving, jerking, pulling away, twisting, or other actions [6], [7].

### **Applications From Forces**

In the subsections below, a few force applications are given. Other uses of force, such as the SafeWRAP, control devices, and the ECD, are detailed in turn in Policy Manual sections 306, 308, and 309.

### **Applications for the Deadly Force**

While the use of a handgun is clearly constituted deadly force, the officer may also consider the use of other means to be deadly force if they reasonably believe it would significantly increase the chance of death or very severe harm. The following situations justify the use of lethal force:

- (a) When an officer has a reasonable belief that there is an immediate danger of death or severe bodily harm to themselves or others, they may use lethal force;
- (b) An officer may not use deadly force to stop a fleeing suspect unless the officer has reasonable grounds to believe that there is an imminent or future risk of serious bodily harm or death to any other person and the officer has probable cause to believe that the suspect has committed or intends to commit a felony involving the infliction or threatened infliction of serious bodily harm or death. Wherever possible, a verbal warning should come before the use of lethal force in certain situations.

### **Nondeadly**

### **Applications From Forces**

Nondeadly force is defined as any application of force that is not reasonably expected and intended to cause a considerable risk of death or extremely severe harm. Each officer is given the tools, instruction, and abilities necessary to aid in the capture and detention of suspects as well as the defense of other police and members of the public. Leg restraints, control devices, and the ECD are examples of non-lethal force uses, as are those outlined in Policy Manual sections 306, 308, and 309, respectively [8], [9].

### **Compliance With Pain Techniques**

Techniques for managing a person who is physically resistive or actively resisting may be particularly successful when they include pain compliance. Officers may only utilize pain compliance measures for which they have received departmentally authorized training, and only when they genuinely feel that doing so would help them accomplish their intended goal of good law enforcement. When using any pain compliance approach, officers should take into account all relevant factors, including but not limited to:

- a. If the approach is not employed, there is a risk of harm to the officer(s) or others.
- b. The possibility of the person under control suffering a significant harm.
- c. The extent to which the administration of the pain compliance approach may be regulated based on the degree of resistance.
- d. The kind of the alleged offense.
- e. The degree of resistance shown by the relevant person(s).
- f. The urgency with which the issue must be resolved.
- g. If time allowed, more viable options (such as passive protestors).
- h. Once the officer deems that compliance has been attained, any pain compliance approach must be stopped being used.

### **The CAROTID RESTRAINT**

A skilled cop may be able to rapidly control a violent person by using the carotid restraint hold in the correct way. The carotid restraint hold is only permitted in the instances listed below because to the risk of injury:

- (a) The officer must have completed carotid restraint training that has been authorized by the department.
- (b) The carotid restraint is only allowed to be used where it is objectively appropriate to do so in order to avoid seriously injuring or killing an officer or another person.

### **Using the carotid restraint results in**

- (a) Paramedics or other certified medical staff, such as EMS1, must immediately evaluate any individual who has been rendered unconscious by the use of the carotid restraint.
- (b) The officer must disclose that the subject has been put in a carotid restraint hold and whether or not the subject lost consciousness to any institution receiving custody or anyone in a position to provide care.
- (c) Any officer using the carotid restraint must alert a supervisor right away if it is used or attempted to be used.
- (d) The officer must fully describe the use or attempted use of the carotid restraint in all relevant records [10].

### **Commentary On Use of Force**

Any use of force including the use of oleoresin capicum (OC) greater than that necessary for an unresisted Department-approved search or handcuffing must be documented. Any use of force that causes an injury or a pain complaint must also be recorded. Depending on the circumstances, any use of physical force by a member of this Department must be quickly, thoroughly, and precisely recorded in an appropriate report. According to Departmental policy and/or law, the use of certain weapons, such as chemical agents, may need the filing of supplementary report forms.

### **Duty of an Employee to Report Use Of Force**

In any instance when reportable force is used, officers are required to verbally notify their immediate supervisor (in this section, referred to as a Sergeant or an OIC). Employees who see reportable force must inform their supervisor right away. The supervisor will decide whether or

not the witness(es) has to submit a separate report. Every time a reportable force event takes place, the Offense/Arrest report must include all information pertaining to the use of force. The report must include mention of the verbal notice as well as the supervisor to whom it was delivered. The narrative of the arrest report makes note of this notice under the Use of Force notice section. Only if there is a reportable use of force is this extra part included. Partners included; each aiding officer who used force must produce a separate, supplementary report outlining their actions. Each officer who reports the use of force in a report must include a thorough account of the suspect's conduct that justified the use of force, the precise force employed in response to those acts, the suspect's reaction to the use of force, and the manner in which the suspect was ultimately subdued. Any injuries or complaints of injuries, as well as any medical care or refusal of care, must be included in the report and any supplemental reports and memos that are necessary. A reportable force event and subsequent Use of Force package are included in the case being presented, and the investigating detective must make sure the District Attorney or City Attorney is aware of this. When the criminal case is filed, the Use of Force package most likely won't be finished. The Field Operations Captain will provide the investigating detective a redacted copy of the report, pictures, and videos after reviewing the Use of Force package. As part of discovery, copies of these items will be sent to the prosecutor. The person to whom the materials were supplied and the date must be noted on the case package [11], [12].

### **Medical Attention for Persons Who Have Been Hurt by Force**

Any individual who has a visible injury, has stated a complaint of an injury or ongoing discomfort, has been rendered unconscious, or has declared a need for medical attention must have it before being booked or released. Depending on the type and severity of the subject's injuries as first determined by the officer, medical aid may take the form of an examination by firefighters, paramedics, EMS1, hospital staff, or medical professionals in a detention facility. When possible, another officer and/or medical staff should observe any such person who rejects medical assistance. The denial must be clearly noted in the relevant records. Any denial should, if at all feasible, be included in any audio recordings of the interaction or interview with the person. People who display extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond physical capabilities, unusually high pain tolerance, or who need a prolonged physical encounter with multiple officers to bring under control may be at an increased risk of sudden death and should be examined by qualified medical personnel as soon as is practical. After such an incident, anybody displaying indications of discomfort must have medical clearance before being booked.

### **Delivery of Suspects**

The supervisor must notify the Field Operations Captain as soon as possible that the suspect is being treated or examined after an officer used force whenever a suspect on whom force was used is taken to a medical facility for examination or treatment before being booked or housed in a custody facility. The Watch Commander or Field Operations Captain must make arrangements to conduct the suspect interview at the booking location when a suspect needs to be taken directly from the field to County USC Medical Center, IRC, or Twin Towers for booking. This

interview must follow the guidelines outlined in Policy Manual 300.8 Reporting Use of Force Supervisor's Responsibilities.

### **Assistance Medically**

The following situations require the transfer of a suspect to a medical institution for examination/treatment by medical personnel:

- (a) Strikes his or her head on a hard object or receives a blow to the head or face as a consequence of an officer using force, no matter how slight the head or face damage may seem to be. The police officer conveying the defendant must let the doctor know that the suspect hit his or her head;
- (b) Whether or not the person is rendered unconscious, is restrained with a carotid restraint or another kind of neck/throat restraint. Whether or not the subject was made unconscious while being restrained using a carotid restraint, the officer carrying him or her must tell the medical team;
- (c) Receives a hit by a projectile fired by a specialist weapon (such as a bean bag round, etc.);
- (d) Receives an oleoresin capsicum spray and reasonably seems to need medical attention (or no field medical clearance is obtained);
- (e) Displays injuries that seem to need medical attention;
- (a) f) Claims any injury and asks for medical attention, whether or whether there are any obvious wounds;
- (f) Claims that they were the victim of severe force, regardless of whether they seem to be hurt or need medical attention;
- (g) Has the Total Appendage Restraint Procedure (TARP) been used if the suspect seems to need medical attention and a field medical clearance cannot be obtained;
- (h) Gets a charge from an ECD and if it seems reasonable that the subject needs medical attention.
- (i) Individuals who display excessive agitation, aggressive conduct that is unreasonable, and

There may be an increased risk of sudden death in people with profuse sweating, extraordinary strength beyond apparent physical characteristics, unusually high pain tolerance, or who need a protracted physical encounter with multiple officers to bring under control. These people should be examined by qualified medical personnel as soon as is practical. Any person displaying symptoms of distress after such an interaction must have a medical clearance before being booked.

### **Responsibilities of the Supervisor in Medical Treatment**

Transporting the arrested person to the proper medical institution will clear up any uncertainty about the necessity for medical care. If the detained individual declines medical care in any of the aforementioned scenarios, he or she will be taken to a hospital and compelled to directly advise the medical professionals of their decision. The identity of the medical professional to whom the suspect communicated his or her rejection and the name of the medical staff member approving booking must both be included by the officer conveying the suspect in the relevant



report. Additionally, an attempt should be made to get the medical team to fill up a report on the suspect's admission and note that the suspect declined medical attention. The suspect will be sent to the County USC Medical Center Jail Ward or the proper custodial medical institution for treatment, medical evaluation, and/or housing if the medical staff determines that the suspect should be treated despite his or her refusal.

### **Reporting Use of Force Is A Responsibility Of The Supervisor**

Any event involving reportable force requires rapid action from the Watch Commander or immediate superior, who must also notify the Field Operations Captain as soon as practicable. The Watch Commander is required to take notes during the arrestee's questioning and, if practical, to take pictures of the individual, paying close attention to any known or purported areas of damage. Before taking pictures of injuries covered up by clothes, the Watch Commander should get the suspect's permission. In the reports, make note of approval or rejection. When it's feasible, the supervisor should also record the interview on video. The Watch Commander must inquire about any injuries the arrestee may have, their kind, and whether or not they need medical attention while speaking with the individual about use of force occurrences. Whether or whether the person who was arrested seems to have any injuries, these questions must be asked. Policy Manual Section 300.6, Medical Care. A Use of Force package [Use of Force Package] with the findings of his/her study and a recommendation as to whether further action or investigation is necessary must be sent as quickly as practicable by the patrol supervisor to the Field Operations Captain. When approving reports, supervisors must make sure that all necessary details are included. It is important to pay close attention to the specifics of the use of force, the suspect's actions that justified it, the type of force used in retaliation, the suspect's reaction to the use of force, the outcome of the use of force, and the officer's mental state. Any injuries or complaints of injuries, as well as any medical care or refusal of care, must be included in the report and any supplemental reports and memos that are necessary. The Watch Commander or other responsible party will make sure that all pertinent details about the use of force are included in the reports. The supervisor is responsible for making sure that a copy of all authorized reports involving the use of force is sent right away to the patrol supervisor in charge of the force review for inclusion in the Use of Force package [5], [8], [10], [11].

## **DISCUSSION**

### **Important Force**

(a) Reportable force is considerable if any of the following are present:

- i. Suspect force was used to inflict the injuries.
- ii. Complaint of pain or harm brought on by force.
- iii. A claim or indication of wrongdoing in the use of force.
- iv. Any use of force larger than control holds, come along, or takedowns that have been allowed by the department.
- v. Using an ECD.

(b) The Watch Commander or immediate superior shall take the following actions in cases of significant force:

- i. Find and speak with any prospective witnesses, including Department employees, and record their statements. This includes anyone who may have seen the occurrence but are claiming not to have. The Watch Commander or, in the instance of an OIS force/shooting response team response, the OIS team supervisor, should assess the proper extent of the witness canvass required to adequately capture the force incident in cases involving extremely large numbers of prospective witnesses.
  - ii. If applicable, take pictures of the situation in settings that are as similar to those from the force event as feasible.
- (c) In specific circumstances, such as when ECD probes affect female breasts or genitalia, images may not be taken.
- i. It's crucial to keep track of any ECD use documentation.
  - ii. When the arrestee is transported to a medical institution for assessment, question the attending physician or other medical staff about the amount and character of the arrestee's injuries—or lack thereof—and whether the injuries are compatible with the level of force described.
  - iii. If there are any injuries, take pictures of the officer.
  - iv. If at all feasible, the supervisor should determine the following in events involving the Total Appendage Restraint Procedure (TARP), ECD, or carotid restraint, and this information should be included in the memo (Use of Force package):
    - a. The length of time the subject was subjected to an ECD, the carotid restraint, or TARP restraint on the suspect.
    - b. The name of the paramedic/EMT who responded to the incident, as well as the emergency medical services unit.
    - c. The suspect's mode of transportation and the body position(s) in which he or she was positioned during the transit.
    - d. How long the transport phase lasts.
    - e. Observations of the suspect's psychological and physical state both before and after the use of force.
    - f. Any recent drug use by the suspect or any indicators that they have heart or respiratory conditions (such as asthma, bronchitis, or emphysema).
    - g. Obtain a copy of each camera's footage from any that may have caught the event.
  - h. The Watch Commander's or immediate supervisor's role must be restricted to alerting the Field Operations Captain, locating witnesses, and appropriately preserving the scene and evidence if the force used falls under one of the categories necessitating an OIS force/reaction team response. Consult Section 310 of the Policy Manual for further information.
- (d) A supervisor is nonetheless required to conduct as many of the aforementioned tasks as are feasible in the event that they are unable to reach the site of an occurrence involving the alleged use of force.



### **Little Important Force**

(a) Reportable force is less substantial if it just consists of one or more of the following, and there is no evidence of wrongdoing, no damage, and no complaints of discomfort.

- i. Techniques for searching and handcuffing the subject met with resistance.
- ii. Come along or take down controls must be allowed by the department.
- iii. If the use of OC results in merely pain and no injuries, it is not regarded as considerable force.
- iv. the WRAP restraint being used.

(b) In situations involving less significant reportable force, the Watch Commander or immediate superior shall:

- i. Inform the Field Operations Captain right away.
- ii. Query the suspect or detained person.
- iii. Fill out the front page of the supervisor's report on the use of force, and then attach a copy of the offense/arrest record that contains any supplementary reports that detail the events.

### **Force Package for Use**

For any reportable use of force occurrence that was not looked into by an OIS force/shooting response team, the Watch Commander or immediate supervisor is required to put up and submit a Use of Force package to the Field Operations Captain. The following components must be included in the use of force package:

- (a) Face sheet for the Supervisor's Report on Force.
- (b) Use of Force in Supervisor's Memorandum (narrative).
- (c) A copy of the offence/arrest report and any relevant supplemental reports.
- (d) A recording of the suspect and/or witness interviews conducted by the watch commander on audio or videotape.

When using substantial force, additionally mention:

- (a) A copy of the daily shift roster for the shift(s) in question.
- (b) A copy of any relevant medical records or reports.
- (c) Color copies of images and/or videos depicting the suspect's injuries or purportedly injured regions. Original disks/film booked into the property (copies of the booking photos may also serve as good proof).
- (d) Any further information considered relevant or necessary to assist the investigation into the event, such as Communications Center telephone and radio records, more pictures, witness or business videotapes, etc. The Field Operations Captain will get the Use of Force packet to evaluate and approve. The Support Operations Captain must keep the Use of Force package for a period of five years. Retention period may be extended in cases of litigation.

### **Duty of a Field Operations Captain**

All Use of Force packages and the related research must be evaluated by the Field Operations Captain. If more action or inquiry is required, the Field Operations Captain will decide what

needs to be done. He or she may start an administrative inquiry if further investigation is necessary. In any situation needing more inquiry, the Field Operations Captain must see to it that the officers who used force are informed as soon as is practical. The Watch Commander or supervisor must provide copies of the Force Review Packages to the Field Operations Captain as soon as they are ready in all instances of use of force when the Field Operations Captain is informed when a suspect is taken to the hospital for medical attention. All Use of Force documents involving a considerable amount of force must be sent to the Assistant Chief of Police by the Field Operations Captain [10], [12]–[14].

### CONCLUSION

In conclusion, use of force rules creation and execution pose a significant problem for law enforcement organizations across the globe. To ensure that police operations are fair, accountable, and consistent with the fundamentals of democracy and the rule of law, it is crucial to strike a careful balance between officer safety and civil rights. Protecting both the safety of law enforcement personnel and the public's basic rights is the main objective of use of force rules. When faced with immediate threats, police must have the tools required to defend both themselves and other people, but any use of force must always be proportionate, necessary, and executed with the greatest moderation. Making sure that use of force guidelines is enforced consistently and equitably requires accountability and openness at all times. The urgent need for reform and enhanced scrutiny of use of force rules has been made clear by recent instances of excessive force and police misconduct. Law enforcement organizations must interact with their communities, pay attention to complaints, and establish regulations that take into account the various needs and expectations of the population they serve. De-escalation strategies, crisis intervention, and non-lethal alternatives to force should be emphasized in police training. Strong supervision procedures, such as independent investigations and civilian review boards, are also essential for holding law enforcement responsible for any misbehavior or excessive use of force. Rebuilding trust between the police and the communities they serve is made possible by these approaches.

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## CHAPTER 4

### CRIME PREVENTION STRATEGIES: FROM NEIGHBORHOOD WATCH TO CCTV

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#### **ABSTRACT:**

A key component of law enforcement and community safety is crime prevention. The different crime prevention techniques are examined in this study, from neighborhood-based projects like Neighborhood Watch programs through the use of Closed-Circuit Television (CCTV) technology. It looks at their success, advantages, and difficulties in light of improving public safety. Crime prevention techniques include a broad range of tactics, including preemptive steps meant to lessen the likelihood of criminal activity. Initiatives to engage the community, like Neighborhood Watch programs, enlist the help of the locals in keeping an eye on their surroundings. As the eyes and ears of the police, these initiatives foster a sense of community and urge citizens to report any questionable activity. CCTV (closed-circuit television) systems have grown in popularity as a weapon in the fight against crime. In order to watch and record activity, these systems make use of cameras that are thoughtfully positioned in public locations, governmental structures, and commercial spaces. CCTV provides law enforcement agencies with real-time monitoring capabilities as well as useful evidence in criminal investigations, acting as both a deterrent and a way to improve situational awareness.

#### **KEYWORDS:**

CCTV, Crime Prevention Strategies, Criminal Justice, Law Enforcement, Police.

#### **INTRODUCTION**

Since the dawn of civilization, crime has existed in societies. Everyone else exhibits conduct that is at odds with our set of moral principles. A community may always minimize crime, but it cannot completely eradicate it. It is known as crime prevention when a country or community engages in practices and plans that might stop crime from occurring in the first place. With the use of numerous methods and the implementation of various plans and programs, crime prevention tries to lower crime in a society. The UNODC also outlines fundamental guidelines for crime prevention that must be adhered to on both a national and international level. Crime prevention may occur in many different ways, and it should be done so through a variety of tactics. The safety and security of the population is one of the main benefits of crime prevention for a society [1], [2].

To prevent crime from occurring in the future in a society is what is meant by the word "crime prevention." It is an effort to curtail or prevent the commission of an unlawful conduct. For a country's population to live in a safer environment, crime prevention is crucial. A nation's policing efforts to reduce crime may be either proactive or reactive. Police who practice proactive crime prevention work to prevent crimes from occurring in the first place, whereas those who practice reactive police work to address crimes after they have already happened. Reactive policing often puts a financial strain on the Indian court system and makes it difficult for the average person to obtain justice. Law enforcement organizations place a high priority on

crime prevention because it gives the public a feeling of security and protection. The expenditures associated with a crime and the pain that a victim endures are reduced when a crime is prevented. Police should take a more active role in activities that might prevent crime since they are the most important factor in crime prevention and have the ability to stop it locally. Everyone has a duty to prevent crime; it is not only the police's job [3], [4].

### **Criminal Justice in India**

Every day that goes by, crime rates in India rise, placing a heavier pressure on the court system as it tries to handle the backlog of past criminal cases. India requires efficient crime prevention policing since the criminal cycle has become unstoppable. In India, reactive policing is most often seen, meaning that our legal system only reacts to crimes that have already occurred. India is seeing a rise in crime as a result of this inadequate police. To prevent crimes from happening and to lower the rising crime rate in a nation like India, proactive policing should be used. This would lessen the pressure on the court system. It also entails researching crime patterns and educating local populations on crime prevention. If crime prevention is not implemented locally, it may be implemented widely. Since they can routinely watch their surroundings and foresee the possibility of a crime, the police play a critical role in local crime prevention. India, a developing nation, uses cutting-edge techniques and technology to improve its prospects for economic success. India is a developing nation, yet despite this, it is often observed that it is in the forefront of technology breakthroughs, especially with regard to the investigative work of the police. Technology developments are unavoidably necessary for a successful decrease in crime since localized crime prevention is only possible with sufficient police resources.

The police or law enforcement authorities may prevent crime by carrying out tasks like these: -

#### **1. Surveillance:**

One method of preventing crime that is also seen to be beneficial is police monitoring. Deterrence, which instills dread in criminals that authorities are watching them and are always there, is how surveillance prevents crime. However, if a crime takes place in an area that isn't well-monitored, it helps the police since it provides them with information for an investigation and/or alerts them that a crime has taken place. The most effective surveillance method is CCTV, which may be utilized for prosecution since it can be used as evidence in a criminal case. But crime might also move to an area where there is no monitoring, so it is up to the authorities to stop it there.

#### **2. Offender Monitoring**

Offender monitoring is a different method of preventing crime. The information in the Offender Tracking System regarding inmates or previously convicted offenders makes it simple for police to apprehend the real offender. However, India continues to struggle with the technology needed to maintain the offender monitoring system, and as a result, criminals often escape prosecution. Improved technology in an offender monitoring system may boost public safety.

#### **3. Analysis of crime**

Crime analysis is the examination of police-recorded crime information. Crime analysis is useful in preventing crime because it reveals the "pattern" that a crime follows. Police are able to predict a potential criminal's next step. Basic crime data are calculated as part of crime analysis,

and this information are represented geographically using mapping software. Police agencies use crime mapping and data geocoding extensively, especially in regions with high populations [5].

### **Basic Crime Prevention Principles**

Strategies and actions used in crime prevention work to lessen the incidence of crime and the negative consequences that follow. Effective crime prevention ensures people are safe in society and prevents victimization. Additionally, it lowers the price tag for the legal system. The United Nations Office on Drugs and Crime (UNODC) actively supports both domestic and international crime prevention. Additionally, UNODC urges its members to improve the crucial elements and frameworks for crime prevention. In its capacity as a defender of United Nations principles and norms on crime prevention, UNODC supports methods, actions, and programs that also encourage involvement from society. Its "United Nations Guidelines for Crime Prevention" have outlined the following fundamental tenets for crime prevention:

**Executive Branch Leadership:** In order to establish and sustain successful crime prevention measures as well as an institutional framework for their execution, government leadership is crucial at all levels.

**Inclusion and socioeconomic development:** Education, health, employment, and other social and economic policies should all take crime prevention into account, with a particular emphasis on at-risk communities, families, and young people.

**Coordination and Partnerships:** To address the root causes of crime, collaboration and partnerships across government agencies are necessary, and they should also be a key component of crime prevention. Partnerships might be between NGOs, businesses, or community groups.

**Sustainability and Accountability:** Plans and strategies for preventing crime can only be successful if they are supported by enough money, and responsibility for their execution, assessment, and funding should be created.

**Database of Knowledge:** The development of comprehensive information of crime, its issues, and its causes should serve as the foundation for crime prevention strategies, policies, and initiatives.

**Human rights, the rule of law, and a culture of lawfulness:** The rule of law must be upheld at all times when it comes to preventing crime and maintaining the law in all member states, which is a must.

**The interdependence of things:** Through national crime diagnosis, the connections between domestic and foreign crimes should be properly considered.

**The Differentiation:** The idea of difference ensures that the various requirements of males, women, and vulnerable individuals are properly taken into account by crime prevention initiatives.

### **Crime Prevention Methods**

Today, any country should place the highest focus on preventing crime. A nation must devote its available resources to crime prevention initiatives and methods in order to combat the rising crime rate since no country can do it by reacting after the fact. Crime prevention may be divided

into three separate categories, which are also thought of as three alternative interpretations of the term. These are what they are:

### **Punitive Preventive Measures**

In punitive crime prevention, the prospect of punishment is meant to deter criminal activity. Because of the dread of punishment or the possibility of it, the majority of potential criminals have refrained from committing a crime. Special and general punitive prevention are additional categories for punitive crime prevention.

When an offender is punished in a manner that prevents them from committing further crimes, this is known as special punitive prevention. In order to prevent him from doing the crime again, it requires a kind of negative conditioning in which the suffering that results from punishment serves as a lesson. It is a control measure as opposed to a preventative one. When the threat of punishment, rather than the actual punishment, is recognized, this is known as general punitive prevention. It is the fundamental meaning of prevention, and specifically punitive prevention, since the threat of punishment deters illegal activity because the offender would be aware of the suffering involved. We may thus draw the conclusion that the key to deterring crime is the harshness of the penalty. It instills terror in the minds of potential offenders and, in some cases, delays the commission of a crime [6], [7].

### **Correctional Prevention**

Corrective prevention is a kind of prevention that is predicated on the idea that criminal conduct results from certain variables, much like human behavior, and that this behavior motivates a person to engage in criminal activities. The definition of prevention is the elimination of the conditions and triggers that result in criminal activity. Corrective prevention may be implemented in a particular circumstance when criminal activity is expected or it can be done generally as a precaution for the benefit of the whole community.

### **Mechanical and Protective Precautions**

The idea of mechanical prevention is totally distinct from the ones previously mentioned. There is no danger of punishment or criminal activity present; instead, barriers have been set up to make it difficult for potential offenders to commit crimes in the first place. To make it hard for the perpetrator to commit a crime, barriers like greater police protection, improved security measures, etc. are put in place.

### **Crime Prevention's Advantages**

The reduction of crime has several positive effects on both society and the individual. Even if the crime prevention efforts are unsuccessful, a negative scenario cannot be created. Among the advantages of crime prevention are:

- a. Citizens' safety and security
- b. Falling crime rates
- c. A greater feeling of accountability among public servants and residents.
- d. Community involvement for local level protection.
- e. Saves money since one may avoid paying for the expenditures associated with the legal system.
- f. Enhances quality of life.



## DISCUSSION

### Challenges in Preventing Crime

Every day, crime rates rise, whether in India or somewhere else, and although the legal system works to punish the guilty, new crimes continue to be committed. There are many causes of crime, and there hasn't been a straightforward strategy to get rid of them since in a community, every other activity may be linked to criminality. However, the police's acceptance of crime prevention measures does not ensure that crime will be stopped or even decreased. To prevent crime from the very foundation of society, it is necessary to include and inform the general population about the actions and initiatives for preventing crime. The most important components of crime prevention are safety and citizen protection. Even though it is the responsibility of the government and police to safeguard the populace, crime cannot be stopped if everyone is not participating. Everyone should be concerned with crime prevention, not only the police. Local communities should routinely monitor their surroundings and deal with any crime directly. Because it serves as the seed for more serious crimes, local governments must address crime prevention. The general population should also be informed about the conditions and issues in society. People's feeling of accountability and individuality grow as a result. As a result, crime prevention is crucial for ensuring public safety [8], [9].

To reduce crime in society, police have to be innovative. Even though the newest technology is accessible in India, the police have not used the available tools to effectively and widely combat the issue of crime prevention. Police personnel favor the conventional method of crime prevention because they lack the training and expertise to employ current technologies. The police in every country must make innovative policing their top priority if they want to reduce crime more quickly.

### Strategies for Preventing Crime

Only by implementing certain tactics and actions that might prevent crime can a country accomplish crime prevention. These tactics are crucial for deterring crime since they provide a well-thought-out and adaptable method of doing so. Crime prevention refers to the efforts made to deter criminal activity, and implementing these tactics strengthens such efforts. Among the tactics that may be employed to prevent crime are:

#### Situational Criminal Justice Prevention

The scenario or setting in which a crime might take place is the main focus of the situational crime prevention method, which also places a special emphasis on certain crimes. It is a preventative strategy that seeks to lessen "opportunities for crime" rather than to improve society. Changes to the physical environment and processes may fundamentally increase the danger and effort required for the commission of a crime while also reducing the chances for a crime for the offender. The opportunity theory has led to the situational crime prevention technique. This theory focuses on the chances and inducements that an environment offers a criminal to persuade them to commit a crime. Additionally, criminal activity occurs in certain areas that are known as "hot-spots" for crime rather than randomly occurring wherever. When crime-prevention measures are implemented in a hotspot, situational crime prevention may also result in crime displacement, when perpetrators just relocate to another location. However, situational crime prevention strategies do not often result in crime displacements, and when assessments are done



methodically and deliberately, it is possible to demonstrate the effectiveness of these strategies in preventing crime [10], [11].

### **Prevention of Developmental Crime**

Criminal conduct that develops over time and has the potential to result in crime is referred to as developmental crime. The goal of the developmental crime prevention method is to become involved from a young age in order to stop criminal behavior in the future. Young people are better able to avoid taking hazardous paths that would ultimately lead to criminal behavior when they grow up in a healthy and pleasant environment. This tactic is used in order to help children from an early age make better decisions and to help prevent crime, which is caused by behavior resulting from traumatic events in the past. Developmental crime prevention aims to stop criminals from acting impulsively because of their environment, which includes criminal conduct. This plan aims to make everyone's neighborhood safer.

### **Prevention of Community Crime**

Situational and developmental crime prevention are both used in the community crime prevention approach. The capacity of communities to control the social factors that contribute to crime is the main emphasis of community crime prevention. The fundamental goal of community crime prevention is to take efforts to alter the structure or culture of the resident communities in order to reduce crime.

Among the many sorts of tactics are modifications to urban planning, neighborhood enforcement, peer pressure, etc. Police and community members must both contribute equally to the effort needed to prevent crime in the community. It improves a community's capacity to handle issues that might result in crime or violence [12]–[18].

## **CONCLUSION**

In conclusion, crime prevention techniques provide a varied approach to boosting public safety and lowering criminal activity. These tactics range from neighborhood-based projects like Neighborhood Watch programs to technical solutions like Closed-Circuit Television (CCTV) monitoring. Residents are given the confidence and attentiveness to take a proactive part in preventing crime and preserving neighborhood security when communities are engaged via programs like Neighborhood Watch. Such initiatives may foster solid social ties, boost community trust, and foster a sense of safety among all participants. On the other side, installing CCTV surveillance may help law enforcement agencies by giving them access to visual proof, discouraging prospective offenders, and speeding up reaction times to occurrences. However, careful usage, stringent laws, and the defense of individual privacy rights are necessary for it to be successful. These methods must be balanced. Technology should not be the only tool used to prevent crime, since a high dependence on monitoring may raise issues with civil rights and privacy. On the other hand, community-based tactics may be more successful when paired with the right resources and backing from the law.

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## CHAPTER 5

### CRIMINAL JUSTICE SYSTEM: FROM ARREST TO INCARCERATION

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#### ABSTRACT:

An intricate and multidimensional institution, the criminal justice system is essential to upholding law and order in a society. From the first arrest through the final detention of those found guilty of crimes, this study explores the many steps in the criminal justice system. It illustrates the crucial elements and difficulties of this system. The criminal justice system is made up of many interrelated phases, each with distinct goals and duties. Typically, the procedure starts with the arrest of those who are accused of committing a crime, then law enforcement authorities look into the case. Charges may be brought after gathering evidence and speaking with witnesses, depending on the information at hand. The accused joins the judicial system once accusations are brought against them, and they are then entitled to due process and legal counsel. This stage includes court appearances, such as arraignments, pretrial hearings, and trials when the guilt or innocence of a defendant is established via the presentation of evidence. After a guilty conviction, the court will sentence the defendant, which might result in fines, probation, or jail. The criminal justice system has a number of difficulties, including problems with fairness, openness, and effectiveness. Racial imbalances at different phases of the process, disparities in arrest rates, and discriminatory policing are all causes for worry. Additionally, discussions regarding reform and alternatives to imprisonment have been sparked by overcrowding in prisons, high recidivism rates, and the expense of sustaining the criminal justice system.

#### KEYWORDS:

criminal breach, Criminal Justice, CRPC, IPC, Investigation.

#### INTRODUCTION

Protecting society from lawbreakers and criminals is the main goal of criminal law. To do this, the law threatens potential offenders with penalties and works to ensure that those who actually breach the law get the just consequences for their crimes. As a result, criminal law encompasses both substantive and procedural (or adjective) criminal law in its broadest definition. While procedural law implements substantive criminal law, the latter defines offenses and specifies consequences for them. Therefore, the criminal process code, also known as Indian Penal Code and the Crpc, i.e., Ipc being both procedural and substantive. However, as times change, so do social norms, and members of this society must adapt to these changes in order to remain a part of the same community. This may be done by making compromises or in any other manner. In an uncivilized culture in the past, there was no such thing as criminal law. Every man was vulnerable to assault at any time, either on his person or possessions. Attacker either lost the battle or outmatched his adversary. Criminal justice's predecessor was "a tooth for a tooth, an eye for an eye, a life for a life". As time went on, the victim decided not to murder his foe but to take recompense. After then, a sliding scale was established for paying for common offenses. A system like that gave rise to outdated criminal legislation [1], [2].

Application of these principles was first left to the parties themselves, but over time, the State began to take on this role. From the time of Manu, the seeds of criminal law were planted in India. Assault, theft, robbery, fabrication of evidence, defamation, criminal breach of trust, lying, adultery, and rape are among the offenses Manu has identified. In exchange for the king's protection, his people paid taxes and gave him fealty. If the monarch was too busy to handle it personally, a judge was given the case. If a criminal was punished, the money instead went to the king's treasury rather than being handed to the party who had been harmed. Later, with the introduction of western law, the passing of numerous charters and commissions, and the establishment of British rule, Indian society succumbed, or perhaps we should say adjusted or aligned itself to the adversarial system of justice dispensation that still exists today, though with numerous modifications that have been made to it repeatedly to meet the demands of the changing times.

In order to address the numerous issues that our judicial system is facing today problems that are covered in chapter one one has to be open-minded, responsive, and broad-minded. Since it is obvious that a change in our criminal justice system is needed and there is a need to uphold recourse to alternative dispute resolution methods even in criminal cases instead of making a major change, we must first examine the typical elements of a trial and the process used by our courts or system for the administration of criminal justice and its flaws, which are discussed further. At the outset of this chapter, the researcher would like to note that due to time constraints and the nature of the topic chosen, he has restricted the scope of his study to a few specific offenses only. He will be discussing these offenses, the gaps in the administration procedure followed, and which specific ADR technique can be used to address the problems mentioned in order to produce a fair and quick trial [3], [4].

### **Administration of Criminal Justice Process**

In our nation, the administration of criminal justice is separated into three phases: the investigation, the inquiry, and the trial. The 1973 Criminal Procedure Code outlines the steps that must be taken during an investigation, inquiry, and trial for any offense that violates the Indian Penal Code or another legal provision. Now, there are several fundamental terminologies that one needs understand before talking about the administration process. These phrases are;

1. recognized offenses.
2. Infractions that are not crimes.
3. Inquiry.
4. Investigation.
5. "Cognizable Offense" and "Cognizable Case" are defined as follows in Section 2(c) of the Code: -

A "Cognizable Offence" is a crime for which a police officer may make an arrest without a warrant in line with the First Schedule or any other currently in effect statute, and a "Cognizable Case" is a situation in which this is permitted. Whereas section 2(l) defines "non-cognizable offence" as an offense for which a police officer lacks the power to make an arrest without a warrant and "non-cognizable case" as a situation in which this is the case. "Investigation" includes all proceedings under this Code for the collection of evidence conducted by a police officer or by any person (other than a Magistrate) who is authorized by a Magistrate in this behalf. Section 2 (g) and section 2 (h) define "Inquiry" and "Investigation" respectively [5]–[7].

As a result, in order for a disagreement to be settled, the case in question must pass through the three phases of an inquiry, an investigation, and a trial. Once this process is complete, the judge issues the court's judgment, which determines the case's conclusion. Although the aforementioned procedure seems straightforward and easy on paper, in practice it is complicated and time-consuming, which undermines the fundamental goal of the criminal justice system, which is to provide fair and prompt justice, and calls for immediate modification [8].

## DISCUSSION

### **Following are the three phases: investigation, inquiry, and trial.**

The police's first step, known as an investigation, often begins when a First Information Report (FIR) is filed at the station. According to Section 154, any information on a crime that is reported to the police must be put in writing, have the informant sign it, and be recorded in the relevant register. Without a Magistrate's order, the responsible official must examine the facts and circumstances of the matter in accordance with Section 156(1). A magistrate has the authority to order an investigation if there is information concerning the commission of a crime. In these situations, the citizen is saved the hassle and cost of looking into and pursuing the matter.

According to Section 157 of the Code, a police station's officer-in-charge is required to go to the scene to investigate the facts and circumstances of the case and, if necessary, take action to find and apprehend the offender if he or she is suspected of committing an offense based on the FIR's statement, the magistrate's instructions, or some other source. It primarily entails determining the facts and circumstances of the case, which encompasses all of a police officer's efforts to gather evidence: arriving at the scene, determining the facts and circumstances, locating and apprehending the suspected offender, gathering evidence pertaining to the commission of the crime, which may include questioning various people, including the accused, obtaining their written statements, searching locations, or seizing property. According to section 173 of the code, a police report that is submitted to the magistrate at the completion of the investigation process is essentially the investigation officer's judgment based on the information gathered. The second stage is an inquiry conducted in accordance with sections 177 to 189 of the code, which entails a magistrate determining that the facts are true after receiving a police report or a complaint from another party. The third step is the trial. The judicial determination of a person's guilt or innocence occurs during a trial. Criminal trials are divided under the Crpc into three groups with distinct processes: warrant, summons, and summary trials [9], [10].

According to Section 2(x) of the Crpc, a "Warrant-case" is a case involving an offense that is punishable by death, life in prison, or a term of imprisonment longer than two years. A warrant case involves offenses that are punishable by death, life in prison, or a term of imprisonment longer than two years. Sections 238 through 250 of the law govern the trial of warrant proceedings. For the trial of warrant cases, the Crpc stipulates two different forms of process, i.e. Both cases that were brought about because of a police report and those brought about because of a complaint may be tried by a magistrate. In regards to instances brought about by police reports, it stipulates that the magistrate should release the accused after reviewing the police report and any supporting documentation. The magistrate hears the prosecution and gathers evidence in cases that are brought without a police report. The accused gets released if there is no case. After formulating the accusation, the magistrate conducts a normal trial if the accused is not released. Trials for offenses carrying the death penalty, a life sentence, or a sentence of more than seven years are brought before a session's court by a magistrate once they have been committed or sent

to the court [11]. A summons case is any case involving an offense that is not a warrant case, which includes all cases involving offenses that have a maximum sentence of two years in jail. There is no need to construct a charge in circumstances involving summonses. When the accused individual arrives in accordance with the summons, the court provides the accused with "notice"—the content of the charge. If the magistrate believes it is in the interests of justice, the court has the authority to turn a summons case into a warrant case. Sections 251-259 of the Crpc deal with the requirements pertaining to the steps that must be taken in a summons case. Sections 260 to 265 of the Crpc deal with summary trials. The procedure is as stated; the high court may authorize first-class magistrates to try specific offenses in a summary manner, whereas second-class magistrates may only do so if the offense carries a fine or a term of imprisonment of no more than six months. No conviction in a summary trial may result in a sentence of imprisonment for a period longer than three months. Each case that is conducted hastily in which the accused declines to enter a plea of guilty has the magistrate record the content of the evidence and issue a judgment with a short description of the reasons for the finding. The details of the summary trial are recorded into the court's record [12]. The trials in all three of the aforementioned techniques have certain characteristics that may approximately be divided into the following separate stages:

### **1. Charge framing or notice delivery.**

A trial is now being launched. At this point, the judge must evaluate the evidence in order to determine whether or not an accusatory case has been established on its face. The court forms the charge and moves on with the trial if the evidence put before the court reveals a serious suspicion against the accused that has not been adequately explained. If, however, the judge determines that there is insufficient justification for proceeding, after reviewing the case file and any supporting documents and speaking with both the accused and the prosecution, the judge discharges the accused and notes their reasoning.

The phrase "not sufficient ground for proceeding against the accused" means that the judge must use his or her judicial judgment to evaluate whether the prosecution has established enough evidence to warrant a trial. The idea that, although a strong suspicion may not be enough for the court to find the accused person guilty at trial, it could be enough to draft a charge against them may help explain the situation. The accused is given a reading of the accusation and an explanation. If the defendant enters a guilty plea, the judge must record it and may, in his discretion, find him guilty; but, if the defendant enters a not guilty plea and requests a trial, the case goes to trial. After the charge has been laid forth, the trial process begins, and the phase before that is known as inquiry. Following the investigation, the charge is created, and following the creation of the charge, the accused's trial begins. A charge is nothing more than the formalization of the allegation leveled against a defendant who will stand trial for a particular offense. It outlines the alleged crime that was committed [13].

### **2. Evidence from the prosecution being recorded**

The prosecution is requested to question its witnesses in front of the court after the framing of the charge. The witness statements are made under oath. This is known as the main examination. All witnesses called by the prosecution may be subjected to cross-examination by the accused. According to Section 309 of the Crpc, the process must also be conducted as quickly as feasible. In particular, once the witness examination has started, it must continue every day until all the witnesses present have been questioned.



### 3. Statement of the defendant

The accused may be questioned by the court at any time throughout the investigation or trial in order to get an explanation for any circumstances that may be used against them in court. After reviewing the prosecution's evidence, the court must, however, examine the defendant if it implicates him or her. Before the accused offers a defense, there will be an unassisted interview with witnesses. This questioning is to provide the accused a chance to reasonably explain any evidence that may be used against them.

### 4. Defense information

If the judge determines that there is no evidence that the accused committed the crime after hearing the prosecution and defense arguments and reviewing the prosecution's evidence, the judge must enter an order of acquittal [9]. If the accused is not exonerated for lack of evidence, however, a defense must be entered and supporting evidence must be presented. There may be witnesses available from the accused who are ready to testify in favor of the defense. According to the law, the accused individual is also a qualified witness. The accused may request a court order requiring the production of any document or object and the presence of any witness. The prosecution cross-examines the witnesses he supplied. Following the recording of his statement, the accused individual has the right to offer evidence if he so chooses. The prosecution cross-examines the witnesses he presented. Most accused people don't present the defense's case. One of the main causes of this is because India adheres to the common law system, in which the burden of evidence in a criminal trial rests with the prosecution and the standard of proof is beyond a reasonable doubt.

### 5. Final defenses

This is the trial's last phase. According to the Crpc's requirements, once any defense witnesses have finished testifying, the prosecutor must summarize the prosecution's case before the accused has the opportunity to respond. Section 234 of the code provides for the same thing.

### 6. Judgment

Following the completion of the prosecution and defense's closing arguments, the judge issues his ruling in the case. The Crpc also has comprehensive rules for the compounding of offenses, which are pertinent to highlight at this point. The Indian Penal Code lists a number of offences that can be amended by the designated aggrieved party without the court's permission in Table 1 and a number of offences in Table 2 that can only be amended with the court's permission. Compounding an offense also ends a trial. With the court's approval, an accused may also be removed from prosecution under the Crpc at any point throughout the trial. Discharge occurs when the accused is permitted to leave the case before the charge is filed; acquittal occurs when the accused is permitted to leave the court after the charge has been filed. The process described above is how a criminal case is resolved through a trial. Although it appears straightforward and simple, the six steps have many inherent flaws that cause delays and impede a speedy trial. Additionally, the state or the defendant has the right to appeal to an appellate court and may also ask the Supreme Court for permission to file a special leave petition. The following are some issues with our trial process that prevent cases from being resolved quickly:

The Criminal Procedure Code's sections 161 and 162, which state that statements of witnesses questioned during an investigation are not admissible and may only be used by the defense to

contradict the statement's maker and that an accused person's confession is also not admissible, provide an explanation for why investigations, despite being the cornerstone of the criminal justice system, are not trusted by the laws and courts themselves. Although they cannot be used as evidence, the first utterances often have more probative value. It is well known that police often employ third degree techniques during investigations, and there are also claims that in certain instances, they attempt to hide the truth and present false evidence in court due to factors like corruption or outside influences—whether political or otherwise. Without addressing the fundamental issue of fortifying the foundation, the guilty will continue to avoid justice, and sometimes even innocent people may be accused and punished.

Additionally, there is a lot of misuse of bail and anticipatory bail provisions, and due to political and executive interference, police are directed to other tasks that are not up to par. The public at large is uncooperative due to the police officers' public image, and there is a lack of coordination with other sub-systems of the Criminal Justice System in crime prevention, adding to the agony. It could be appropriate to note that the rank of the IO conducting an investigation also affects the caliber of the inquiry. In this nation, a station house officer (SHO) must have at least the sub inspector (SI) level. However, personnel with the rank of Inspector are in charge of some of the most significant police stations. It has been noted that lower-level officials, such as HC and ASI, etc., manage investigations in the majority of cases.

In general, the police station's top personnel, especially the SHOs, refrain from conducting their own investigations. The quality of the investigations suffers as a consequence. Therefore, it is imperative that we solve the issues and enhance the investigating agency. Additionally, the difference between cognizable and non-cognizable offenses is not understood by the average person. The perception is that anybody who has been the victim of an offense should go to the police station for assistance. The police telling him that it is a non-cognizable offense and that he should go to the magistrate since he cannot accept such a charge is highly unjustified and embarrassing.

Thirdly, if the prosecution apparatus is uninterested or ineffective, no matter how thorough and diligent the investigation of a criminal case may be. The prosecution's poor performance is one of the widely acknowledged reasons for the demise of many cases. In practice, the accused, who has a lighter burden of proof, hires a very competent attorney, whereas the prosecution, who has a heavier burden of proof to prove their case beyond a reasonable doubt, is frequently represented by people of poor competence. As a result, it is only natural that the defense is successful in casting doubt on the judge's mind.

Fourth, frequent adjournments on the most tenuous of justifications are the most well-known issue with how the courts operate, notably in the trial courts. The public's trust in the courts has significantly decreased as a result of this disease. Case disposition delays are a result of adjournments. They also put the parties and witnesses through hardship, trouble, and cost. The witness is there to help the court administer justice but has no interest in the outcome of the case. For this, he forgoes his time and convenience. He must return to court many times if the matter is postponed. He will undoubtedly feel angry and upset. Repeated adjournments undermine the right to a speedy trial because they allow the opposing side the chance to intimidate or pressure him into telling the truth.

Fifth, serving summonses on the accused is one of the main reasons why a criminal case is delayed even before the trial even begins. Different types of service are allowed under the Code



of Criminal Procedure. According to Section 62 of the Code, summonses must be served by a police officer, or, if specific regulations are established by the State Government, by any court official or other public employee. Unfortunately, many State Governments have not created regulations that would allow service to be provided by means other than police personnel. Since the Criminal Procedure Code already permits alternative methods of service, such as registered mail for witnesses, it ought should provide serving of process on an accused person through courier or fax where such options are available.

The second area that requires special attention for improving the quality of justice is prescribing necessary qualifications for judges.

Our country has a low judge population ratio, which causes the pendency of work to increase and the judges to take a long time to deliver judgments. This again adds to the expansion of the time frame of a case to be decided from its intuition point. The researcher has undertaken research on this topic in order to provide or seek a remedy for the aforementioned issues, as well as to try to break free from the old colonial shackles. The main research question is whether using ADR techniques in certain criminal cases would result in the speedy resolution of cases without necessitating a significant infrastructural change. For the same reason, the researcher has c Due to a lack of time and the fact that compelled compromise is not feasible in all criminal instances, the researcher has taken on the task of proposing the following:

Adding more offenses to the list under section 320(1) from the list under section 320(2), i.e., offenses that must be compounded with the court's permission should now be permitted to be compounded without the court's permission when both parties agree to settle the dispute and refer the matter to mediation rather than going through the trial process as usual.

1. Instead of a traditional court trial, all maintenance and family conflict cases under Section 125 Crpc will be sent to mediation utilizing the family group conferencing approach.
2. In instances governed by Section 323 of the IPC, the victim-offender mediation technique is used. HURT.
3. In instances governed by Section 379 of the IPC, the victim-offender mediation process is used. Theft.
4. Using the early neutral assessment approach or victim-offender mediation in instances of criminal breach of trust handled under sections 405–408 of the IPC.

#### **sending mediation requests in defamation cases covered by IPC section 499.**

For the sake of conciseness, the researcher will divide the scope of introducing ADR techniques into two chapters, the first of which will discuss introducing ADR techniques in the substantive criminal law, i.e. section 320 and section 125 of the Code of Criminal Procedure. Each segment would be dealt with by IPC and treated as a sub-subpart of the following chapters;

#### **The section's content and its justification.**

Which ADR approach should be utilized to resolve the conflict and match the dispute resolution procedure that would result in a fair and quick trial. A body of case law outlining the delays brought on by applying the standard trial process to that specific portion and demonstrating how using a particular ADR approach would address the issue, as well as any instances where the courts have already suggested or integrated the adjustments [10], [12]–[14].

## CONCLUSION

In conclusion, the criminal justice system, which includes all phases from arrest to jail, is a complicated and comprehensive structure created to protect the ideals of justice, maintain public safety, and guarantee the rights and wellbeing of all parties involved. It is an essential part of any civilization that is able to operate, but its efficiency and justice are always being evaluated and improved. During an arrest and the ensuing phases of the criminal justice process, it is crucial to carefully strike a balance between the need for law enforcement to safeguard society and each person's rights. While arrests are required to bring criminals to justice, it is crucial that they be done legally, with respect for each person's rights, and without bias. Justice is ultimately decided at the pre-trial stage, which includes bail and the right to a fair trial. The fairness of the system depends on guaranteeing that suspects have access to legal counsel and are presumed innocent unless proved guilty. Justice is centered on the trial process, which depends on evidence and due process. It is the setting in which the prosecution and defense present their arguments, and it is also where unbiased judges or juries reach verdicts. Fair trials are necessary to protect individual rights and maintain public confidence in the legal system.

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## CHAPTER 6

### JUVENILE JUSTICE: TREATING YOUNG OFFENDERS DIFFERENTLY

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#### ABSTRACT:

Recognizing the special requirements and circumstances of young offenders, the juvenile justice system functions as a separate institution inside the larger criminal justice structure. The concept and guiding principles of juvenile justice are examined in this study, with a focus on the significance of treating juvenile offenders differently from their adult counterparts. The foundation of juvenile justice is the idea that young criminals, often teenagers under the age of 18, should be dealt with via a different system that focuses on rehabilitation rather than the same harsh punishments as adults. This strategy is based on the knowledge that adolescents are through a formative period of development, are vulnerable to influences, and are rehabilitable. The idea of customized justice is fundamental to juvenile justice. The juvenile justice system strives to discover the underlying reasons of a young offender's conduct and treat them via rehabilitative programs, in contrast to the adult system, which often concentrates on punitive measures and revenge. These interventions could take the form of counseling, therapy, educational initiatives, and volunteer work. Juvenile justice also aims to strike a balance between responsibility and the chance for repentance. With an emphasis on diversion programs and initiatives to avoid recidivism, young offenders are often not subjected to the same legal repercussions and sentence as adults. The objective is to provide young people the tools and assistance they need to effectively reintegrate into society and contribute as contributing members of society.

#### KEYWORDS:

Educational Initiatives, Indian Juvenile, JJS, Offender's Conduct, UN Convention.

#### INTRODUCTION

The world's citizens have accepted the juvenile justice system (JJS), which promotes children's whole development. Reforming the rebellious and caring for the unprotected youngster are the main priorities. A youngster should be rehabilitated and brought back into the family as far as is practical. The special court will use the *parens patriae* principle when making decisions about children who have broken the law. The paper assessed the JJS in India in light of international standards and constitutional theory. A Latin proverb that aptly describes India's juvenile justice system is "*Nil Novi Spectrum*," which means that nothing on earth is brand-new. Since the beginning of time, there has been a general assumption that juveniles should be treated leniently because, according to one school of thought, young people tend to respond to serious and prolonged frustration with aggressive approaches [1], [2].

It has also been noted that the number of crimes committed by youngsters between the ages of 15 and 16 has dramatically grown over the last several years. Early life experiences, dominating masculinity, upbringing, economic chaos, lack of education, etc., are the general propensity or psychology underlying the commission of the crime or the causes of crime. The exploitation of children between the ages of 6 and 10 as tools for doing illegal or illicit acts in modern society is

a source of shame. Kids may be seduced cheaply because their thoughts have an innocent and naive quality that makes them easy to manipulate. The Children Act of 1960, which predated the Juvenile Justice Acts of 2015, 2000, and 1986, was intended to put into practice the international responses to the juvenile justice issue by establishing a uniform policy that safeguarded a juvenile's interests and rights and took into account the care, treatment, rehabilitation, and overall development of a child.

The Indian government is obligated to propose new, progressive, and stronger legislation for the nation's juvenile system in light of recent events in the worldwide community and the advent of juveniles' participation in crime. As a consequence, the Parliament approved the Juvenile Justice Act in 1986, the Juvenile Justice Act in 2000, and most recently, the Juvenile Justice Act in 2015. Justice V.K. Krishna Iyer, a former Chief Justice of India, once said that we need a criminal code since children are the father of men and if we disregard their underdevelopment, we would be responsible for a number of sins and mistakes linked to abandoning them.

The number of crimes committed by minors under the age of 16 has grown over the last several decades. The child's rearing environment, the economy, illiteracy, and parental care may all be contributing factors to the rising crime rate. These are some of the fundamental explanations. The most upsetting aspect of all is that kids these days, particularly those between the ages of 5 and 7, are exploited as tools for crime because their minds are still so innocent and susceptible to manipulation [3].

On December 16, 2012, the terrifying "Nirbhaya Delhi Gang Rape Case" horrified the whole country and sparked a number of discussions among the legal community and leftists. The participation of the accused, who was just six months away from being 18 years old, was the primary motivating factor and topic of discussion. The Indian Parliament created a new law called as "Juvenile Justice (Care and Protection), 2015" as a result of the accused's participation in the horrible crime of rape, which compelled the country's legislation to change. The Act's introduction has superseded the previous juvenile rules and brought about some very significant modifications. One of the notable modifications is that minors between the ages of 16 and 18 should be prosecuted as adults [4].

### **According to the Juvenile Justice Act of 2015 and other statutes, a child and a juvenile are defined as**

A "child" is often defined as a person under the age of 18 who lacks the maturity to discern between good and evil. In the contemporary period, the majority of nations have accepted the concept of "doli incapex," which refers to understanding that the conduct one is undertaking is illegal. The criminal code further specifies that only children between the ages of seven and twelve may be found guilty, provided that the crime they committed was severe and that they knew or had acquired the necessary understanding to grasp the repercussions of their actions [5].

A "child" is defined as a person who is under the age of 18 under sub-section 12 of Section 2 of The Juvenile (Care and Protection) Act, 2015. The Act divides the word "child" into the following two groups: -

1. "Child In Conflict With The Law", And
2. The phrase "Child In Need Of Care And Protection"
3. The young offender who committed the crime and he or

She is referred to as a "child in conflict with law" if, at the time of the offense, her age was under 18 years old. "Child in need of care and protection" is the second sub-category, which refers to a kid as described in Section 14 of the Act. Children Act of 1960: According to Section 2(e) of the Act, a "child" is defined as a boy or girl who has not reached the age of sixteen or eighteen.

**UN Convention:** The 1989 UN Convention on the Rights of the Child states that a "child" is any human being under the age of 18 unless the child's legal majority is acquired earlier. History must be consulted in order to comprehend the current situation of the juvenile justice system (JJS) in India. In India, the JJS first appeared under the British Raj. Juveniles were handled by families and society at large prior to the British rule in India. Those turbulent times when juvenile issues weren't treated as a distinct system are long gone. The fact that the youngsters were imprisoned without a trial in the past is evident. They were imprisoned in the same facility as experienced offenders. Penologists in the nineteenth century recommended the same punishment for both juveniles and adults. History demonstrates that children were transported, hanged, and locked up much like adult offenders. The Indian Constitution established distinct treatment for women and children, which helped to address the issue of juvenile criminals over time. To build a robust JJS in India, the assumption that is reported in the social environment is assumed. This article attempts to assess India's specific handling of juveniles in light of both international norms and its constitutional ideology [6].

### Concept and Meaning

Juvenile refers to any young individual who still exhibits the traits and nature of a kid, according to its etymology. Delinquency is defined as failing to uphold social standards, shirking your responsibility, committing a crime, or engaging in any other wrongdoing. Justice may refer to a concern for peace and sincere regard for others as well as for justice, fairness, and equity. It is a morally correct notion that seeks to balance unjust conduct and treatment. The administration of justice for criminal cases includes a system known as juvenile justice. This system was put in place for children who are too young to be held accountable for crimes. The commission of an act against society by young people is known as juvenile delinquency. The word "juvenile justice" refers to what is just, just, and equitable for children and young people in developing their social identities. The term "Juvenile Justice System" refers to a procedure used to address issues affecting children and society. JJS's major goal is to protect children by using proper therapy and by fostering a culture that promotes the development of a good self-concept. JJS is a socio-legal strategy to foster an environment for the management of juvenile offenders [7].

To handle young offenders fairly and enable them to live peaceful, moral, and democratic lives, almost all civilized nations have enacted juvenile justice laws. JJS is applicable to those who are under the age of 18. Juvenile court, a court that is kid-friendly in character, is where juvenile justice is delivered. This System's primary objective is to take corrective rather than punitive actions. The juvenile court takes action for foster care and lenient treatment via specific institutions if a youngster commits a crime or any wrong young person becomes delinquent. so that young offenders might discover a way to live a good life.

### Effects of the Nirbhaya Case

Many people are aware that there is a distinct justice system for juveniles nowadays (after the Nirbhaya case). Many individuals are still unaware of how JJS works. After the Nirbhaya event,



individuals became nostalgic and showed their hostility for the court's ruling. They urged that the juvenile defendant in the Nirbhaya case get a death sentence [8].

The new legislation (Juvenile Justice Care and Protection of Children 2015) was enacted in India amid raucous applause in the Indian parliament. It is a thorough provision for kids who have been determined to have broken the law. It also addresses the issue of children who need protection and care. The government of India ratified the Convention on the Rights of the Child (CRC) on December 11, 1992. This legislation was created in consideration of the CRC and other relevant international agreements. In accordance with international agreements and constitutional guidelines, it is the state's duty to treat children kindly and in their own best interests. For minors who commit adult crimes, such as major crimes like murder, rape, robbery, and dacoit, however, there is a strong public desire for tougher punishment. Such children should get adult-style punishment. Of course, there is divisive language surrounding juvenile offenses, and public skepticism of the current JJS has grown. Several attempts have been made since the passage of our constitution to comprehend the JJS's ideology, and as a result, several legislations have been passed. However, all of the attempts are mediocre and need further thought. The terrible problems that exist in our JJS must be noted by the Juvenile Justice Administration's stakeholders. Intellectuals criticize poorly thought-out policies and the waste of enormous amounts of valuable resources [9].

### **Juvenile justice system development**

The idea that children are not as mature as adults led to the development of the juvenile justice system across the globe. They were unable to comprehend the nature and effects of their actions. This theory is founded on the legal doctrine of *doli incapax*, which states that minors lack the mental development necessary to develop criminal intent. Therefore, it is impossible to hold a youngster accountable for unlawful behavior. Typically, the term "adult" refers to a person who has attained mental maturity. A person is considered mature psychologically if they have a set of abilities that are the result of both cognitive growth and the way they interact with their environment. The environment of the kid has some impact on how their cognitive capacities develop. The child's capacity for more abstract reasoning allows for a distinct understanding and interpretation of the universe. It should be emphasized that there is no universal agreement on what constitutes a youngster or a kid. The requirements for reaching maturity vary depending on the legislation in question. The new juvenile justice laws reflect a change in policy.

It is a highly progressive Act that mandates institutionalized care and protection in line with the parents patriae ideology. The only change that has been seen is the trend to penalizing offenders engaged in significant crimes. Punishment is an exception to the JJS policy that is used for the socialization and reformation of the young person. JJS has a casual hearing style, which sets it apart from regular criminal courts. The current juvenile Justice statute of 2015 had significant revisions. The Juvenile Justice Care and Protection of Children Amendment Bill was approved by Rajya Sabha. The social welfare and child rights are the cornerstones around which the juvenile justice system is built. The JJS's main priorities are reformation and rehabilitation. It is done to provide the kid chances to express his individuality. In the end, the objective is to go forward and establish a very equitable society. The nation's future resources are its children. They need to develop their personality from negative to positive. We must close the enormous gap between theory and practice, nevertheless, by taking into account the prior experience. We

must create an effective juvenile justice administration and infrastructure throughout this process. We must make the ambitions included in the new law a reality.

### **The distinction between a juvenile and a child**

A minor is someone who is under the legal age of eighteen years old or someone who is under the age of full legal duty and responsibility. A juvenile is someone who is between the ages of sixteen and eighteen, but a kid accused of a crime is not prosecuted as an adult and is instead transferred to the kid Care Center. A young person suspected of committing a crime is considered a juvenile offender and is prosecuted in adult court. Although both terms have the same meaning in a generic sense, there is a distinction in the context of their legal significance. Minor denotes children and teenagers, while juvenile denotes either immature people or juvenile criminals.

### **Concerns Around the World for Juvenile**

The United Nations General Assembly adopted the Convention on the Rights of the Child on November 20, 1989, which establishes a set of standards that must be followed by all States parties in order to protect the best interests of children. International instruments and conventions have made significant contributions to the issue of children's rights and the prevention of child abuse.[8] The United Nations and UNICEF have always placed more emphasis on the development of children. The following are the international agreements and conventions that all UN member states have ratified to safeguard children's rights:

1. 1.Beijing Rules, which are the UN's Minimum Standards for the Administration of Juvenile Justice
2. 2.Guidelines established by the UN to prevent juvenile crime (Riyadh Guidelines)
3. 3.Havana Conventions, United Nations Regulations for the Protection of Children Deprived of Their Liberty
4. 4.Vienna Guidelines for Action on Children in the Criminal Juvenile System

### **System of juvenile justice in the U.K.**

The Children Act of 1908 allowed for the establishment of juvenile courts in England for the first time. These courts' main responsibility was to give adequate care and protection to juvenile offenders, as well as to take all necessary measures to eliminate any unfavorable circumstances from their environment and to assure their reformation via education and training.

1. The Children and Young Offenders Act of 1933 grants the Juvenile Courts civil investigative authority in certain significant instances. The Act also mandates that juvenile courts alone be used to try any child or young person who has committed the offence. The Act also authorizes the construction of remand homes.
2. The new Act that also addresses the rights of juvenile offenders was included in UK legislation. The Criminal Justice Act of 1948, sometimes known as the Act, gives juvenile criminals a certain level of protection by placing them in detention facilities.

### **System of juvenile justice in the U.S.A.**

In comparison to other countries, the U.S.A.'s juvenile courts operate more simply and efficiently. The trial of offenders is conducted in an informal manner by American courts. The police officer in charge of the case initially has complete option to either retain the juvenile offender in custody of the children, release him right away, reprimand him, or do both. The



Juvenile Courts must be contacted by the police in order to inform them of the case and turn the issue over to them. After a court trial, juvenile offenders are either transferred to Children Homes or Certified Schools, depending on the court's ruling. According to the juvenile justice system in the United States, a juvenile is only prosecuted as an adult when their age is near to maturity in accordance with the law or when they have committed several offenses and have been shown to be a risk to society [10].

## **DISCUSSION**

### **Indian juvenile justice system's history**

Around the 18th century, a global movement for the particular treatment of juvenile offenders began. This trend has since spread to many developed nations, including the United Kingdom and the United States. Before this, juvenile criminals received the same treatment as adult offenders. And on November 20, 1989, the General Assembly of the United Nations approved the Convention on the Rights of the Child for the same reason. The goal of this treaty is to safeguard the interests of young offenders. According to the Convention, juveniles cannot be the subject of legal proceedings or court trials in order to safeguard their ability to reintegrate into society. The Juvenile Justice Act of 1986 is repealed and replaced by new legislation as a result of the Convention. As a result, the Juvenile Justice (Care and Protection of Children) Act, 2000, was created by Indian legislation. The Juvenile Justice Act of 1986, which replaced the previous Children Act of 1960, was designed to put into practice the principles set out in the U.N.'s Standard Minimum Rules for the Administration of Juvenile Justice. The aforementioned Act, which included 63 Sections and 7 Chapters, was extended to the whole of India with the exception of the State of Jammu and Kashmir in November 1985. The Act's main goal was to provide neglected young offenders with care, protection, therapy, development, and rehabilitation. The Act's primary goals were:

1. The legislation essentially established a consistent framework for juvenile justice throughout the nation in a manner that safeguards young people's rights and interests.
2. It discusses the equipment and infrastructure needed for the protection, development, and rehabilitation of young offenders.
3. It outlined the fundamental guidelines for the effective and impartial administration of criminal justice in the event that terrible crimes were committed by young criminals [11], [12].

### **2000 Juvenile Justice Act**

With the intention of protecting children, the Act was passed in the year 2000. The above-mentioned was changed twice: first in 2006 and again in 2011. The changes were intended to close implementation gaps and loopholes. Additionally, the alarming "Delhi Gang Rape Case" occurrence and the rise in juvenile criminal cases in recent years have compelled lawmakers to pass new legislation. The Act's main flaw was that it had inadequate legal protections, and India's broken juvenile justice system also made it difficult to stop juvenile crimes there. The Juvenile Justice(Care and Protection) Act, 2015 quickly took its place.

### **India's current juvenile justice system**

In an effort to address the issue of juvenile delinquency, India, like other nations, has developed legislative measures that expressly and notably deal with the rights and protection of juvenile

offenders. The three fundamental presumptions upon which the Indian juvenile justice system is built are as follows :-

- 1) Instead of having juvenile offenders convicted in court, they should be disciplined in the greatest methods possible.
- 2) they need to be given a chance to change instead of being punished by the law.
- 3) Trials for children who have violated the law [should be based on non-penal therapy via the communities] upon the social control organizations, for example. Special homes and homes for observation.

### **2015 Juvenile Justice Act**

The Juvenile judicial act of 2000 was superseded with the Juvenile Justice act of 2015 because a more powerful and efficient judicial system that prioritized both deterrence and reformative measures was required. There were arguments made in the Parliament that the juveniles should be allowed greater room for transformation, reformation, or betterment and that is only feasible when there is a unique judicial system. The attitude to juveniles should be distinct from that of adults. Therefore, the Juvenile Justice (care and Protection of Children) statute, 2015, which was the new statute, centered on an approach to adjudication and resolution of cases that was favorable to juveniles [13].

#### **Some of the key characteristics include:**

The definition of a kid is provided in Section 2 (12) of the Juvenile Justice (Care and Protection of Children) Act, 2015, which means that a child is someone who hasn't reached the age of 18, or is younger than 18. The Juvenile Justice (care and protection of children) Act of 2015's Section 2 (13) refers to "Child in conflict with law" and the Act's definition of "Child" is "Child in need of care and protection."

The various aspects of offenses were clearly distinguished, leading to the creation of classifications designating the offenses as heinous, severe, and minor. If a juvenile between the ages of 16 and 18 commits a crime, certain guidelines have been established that allow for an adult trial following a thorough examination of their mental competence.

- (a) The establishment of juvenile courts, which meant that distinct courts were to be created that would solely hear juvenile offenses, such as the NDPS courts, courts handling POCSO, etc.
- (b) By taking into account the following points among the numerous specified in Section 2 (14) of the Juvenile Justice (Care and Protection of Children) Act, 2015, the concept of "Child in Need of Care & Protection" was elevated to another level with the advent of the 2015 Act:

By taking into account their basic needs through proper care and protection, development, treatment, and social integration, and by adopting a child-friendly approach in the adjudication and disposal of matters in the best interest of children, the aims to consolidate the laws relating to children alleged and found to be in conflict with the law and children in need of care and protection.

The statute also emphasizes the rehabilitation of young offenders via different institutions and daycare centers [14], [15].

## CONCLUSION

In conclusion, juvenile justice emphasizes the necessity to handle child offenders differently from adult criminals as a unique and crucial part of the larger criminal justice system. The fundamental tenets of juvenile justice are based on the notions of intervention, rehabilitation, and the knowledge that young offenders are often more receptive to positive change. Young offenders are at a special developmental period, and their behavior is often affected by a variety of elements, such as family, environment, peer pressure, and a lack of life experience. The juvenile justice system aims to provide young offenders options for development, education, and rehabilitation rather than concentrating only on punishment in light of these vulnerabilities. The juvenile justice system's attempts to steer young offenders away from a life of crime center on diversion programs, counseling, and educational initiatives. These strategies place a higher priority on resolving the root causes of criminal conduct, such as drug misuse, mental health conditions, and interpersonal conflicts. Furthermore, the secrecy rule in juvenile trials aims to shield young offenders from the long-term repercussions of a criminal record, which can hurt their chances for the future. By committing to give adolescents a second opportunity, we acknowledge that they have the capacity to grow up and make wiser decisions as they enter adulthood.

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## CHAPTER 7

### MIRANDA RIGHTS: UNDERSTANDING THE RIGHT TO REMAIN SILENT

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#### ABSTRACT:

Miranda rights, which were established as a result of the famous Supreme Court decision *Miranda v. Arizona* (1966), have become an essential part of American criminal process. The relevance and ramifications of the right to stay quiet are examined in this study, together with the wider context of Miranda warnings in the criminal justice system. In order to protect their Fifth Amendment right against self-incrimination, people in police custody are given a set of instructions and protections known as Miranda rights.

The right to stay quiet, the right to counsel, and the warning that anything spoken may and will be used against the person in court are the three basic components of the Miranda warning. These protections are meant to safeguard suspects from coercive police questioning techniques and guarantee that any comments made are voluntarily given. Particular emphasis is placed on the right to silence in Miranda warnings.

It gives people the power to decide whether or not to talk with law enforcement and shields them from being forced to implicate themselves. People may avoid saying anything that might be used against them in court by exercising their right to keep quiet. The use of Miranda rights is not without difficulties and disputes, however.

The Supreme Court has debated problems relating to voluntariness, exceptions to the Miranda rule, and when and how the warnings must be given. Additionally, there is ongoing discussion regarding whether Miranda rights provide sufficient protection in a variety of situations, such as during interrogations of minors who are being held in a facility or of people who have intellectual impairments.

#### KEYWORDS:

American Criminal Process, Constitution, Court, Law Enforcement, Miranda Rights.

#### INTRODUCTION

Miranda warning, a principle of American criminal process that safeguards a person's rights while they are being arrested. Members of law enforcement are required by law to inform suspects of various rights guaranteed by the U.S. Constitution when they are brought into custody and questioned. Suspects must be informed of their rights to remain silent, that anything they say can be used as evidence, that they have the right to speak with an attorney before and during any interviews with law enforcement, and that if they can't afford one, one will be provided for them, according to the U.S. Supreme Court's ruling in *Miranda v. Arizona* (1966). The precise wording used in the Miranda warning given by law enforcement personnel may fluctuate according on the jurisdiction, but as long as these rights are mentioned, minor linguistic variations are allowed. The Miranda warning often also states that even after first consenting to speak, the suspect has the right to stop the questioning at any moment [1], [2].

## Goal and foundation

The Miranda warning is a precaution to control the depth of police questioning. It aims to stop false confessions and those made under duress as a result of, for instance, protracted interrogations. This speech-giving procedure is now referred to as "Mirandizing" the suspect. At any time, suspects may choose to waive their Miranda rights and talk with law enforcement (with or without an attorney present), and the majority of suspects do so. The Fifth and Sixth Amendments serve as the foundation for the Miranda warning and rights. The Fifth Amendment safeguards a suspect's right to keep quiet instead of making a statement that might be used against them in court. The right to be present before and during a police questioning is protected under the Sixth Amendment. A suspect's approach to a dialogue with law enforcement personnel may be informed by consulting an attorney, who is typically more knowledgeable about the nuances of law than a layman. This knowledge may also influence whether or not certain inquiries are answered [3].

## Arizona v. Miranda

The Supreme Court handled a series of four merged cases that all included people being interviewed for a considerable amount of time without being told of their rights. The first of these cases was *Miranda v. Arizona* (1966), the court case from which the rights and warning derive their names. Because Ernesto Miranda was not informed of his right to refuse to speak with law enforcement in order to avoid self-incrimination or that he could request legal representation during his two-hour interrogation, the Court decided that his confession to kidnapping and rape should have been excluded from consideration as evidence at trial. He was found guilty when his confession was used as evidence against him in court. This judgment was reversed by the Supreme Court. (Miranda was subsequently retried; this time, he was found guilty despite not using his confession as evidence.) The Supreme Court also reversed the convictions of the defendants in two other instances, *Westover v. United States* and *Vignera v. New York*. The Supreme Court of California had already reversed the fourth case, *California v. Stewart*, for like grounds, and the U.S. Supreme Court upheld that judgment. A precedent set in *Escobedo v. Illinois* (1964) influenced the findings in *Miranda v. Arizona* in part. In one instance, Danny Escobedo, the defendant, was detained and questioned for hours at a police station despite making many requests to meet with a lawyer. Escobedo's rights were violated, and the Supreme Court reversed his conviction, highlighting how crucial it is for suspects to have access to legal representation as soon as possible after their arrest. According to the Court's ruling, a suspect has the right to speak with a lawyer at the same moment when they become a particular focus of an inquiry rather than just a person of interest, as well as when the questioning process starts to elicit information or a confession from them [4].

## Criticism as well as legal issues

Some opponents of the Miranda warning claim that some suspects find it difficult to understand and that it is not always possible for suspects to use it while being held. Although they must read the Miranda warning, police personnel are not compelled to explain it. In the years after it was put into effect, both the named court case and the practice have faced legal challenges. Most notably, the Supreme Court reviewed whether Congress may override Miranda in *Dickerson v. United States* in 2000. The Court supported Miranda as a constitutional principle and referred to it as "part of our national culture."



### **The Miranda Rights are described**

Anyone who has seen a law enforcement-themed television program has heard a police officer recite the suspect's Miranda Rights. You have the right to stay quiet," the police will remark after taking the subject into custody. In a court of law, everything you say may and will be used against you. You have the right to counsel. One will be assigned for you if you cannot afford one. The Miranda warnings may be phrased differently from how it was stated above as long as the meaning is still clear. Additionally, the officer must make sure the suspect is aware of his or her rights. These rights must be translated if the suspect cannot understand English in order to ensure their understanding. As a consequence of the United States Supreme Court decision *Miranda v. Arizona*, Miranda Rights were established in 1966. The Miranda warning is meant to safeguard the suspect's Fifth Amendment right to decline to provide any information that might be used against them [5].

It is crucial to keep in mind that Miranda rights are not activated until after an arrest has been made. Before making an arrest, the officer is permitted to interview the suspect, but he or she must be made aware that leaving at any point is completely up to them. These responses may be used as evidence in court. Voluntary or spontaneous remarks made by the suspect while they are being detained may be used in court as evidence if they are not informed their Miranda rights. For instance, if the suspect begins making justifications for why they committed a crime, these remarks may be included at trial. Before being given the Miranda rights, a suspect's silence may be used against them. An innocent individual could, for instance, strive to provide an alibi or provide proof rather than remaining silent. The defense will attempt to use the suspect's silence as evidence against them in court. You may tell the officer that your lawyer advised you not to speak to law enforcement without first speaking to him or her if you are being investigated for a crime and desire to keep quiet before being Mirandized. Compared to just declining to answer questions, this seems less suspect [6].

## **DISCUSSION**

### **Miranda's Defense Against Self-Incrimination**

Knowing your rights is not always as easy to do as it would appear. The majority of us feel nervous or afraid when the police inquire. Nevertheless, it's useful to comprehend the particular process. You have the right to remain silent while dealing with the police. But first, you must understand how to make advantage of this privilege. The Fifth Amendment guarantees you the right to stay quiet when being questioned (interrogated). According to a US Supreme Court ruling from 1966, you have the right to keep quiet during an interrogation while making an arrest. The suspect should be informed of this privilege. Despite the fact that the prosecution is permitted to use whatever remarks you make about yourself, it might be a wise move to remain quiet in order to protect your legal interests. However, before being forced to make a statement if you are accused or given the opportunity to speak, you may consult with a criminal defense lawyer [7].

The topic of whether experimental procedures like narco-analysis tests and brain mapping tests violate Article 20's ban on self-incrimination has surrounded the legitimacy of these techniques for advancing investigations (3). In *Gobind Singh v. Health of Madhya Pradesh*, the court determined that a person's mental condition is protected under their "Right to Privacy." Later research in this area came to the conclusion that forcibly disclosing details of someone's private

life is against the Constitution's safeguards of rights under Articles 20(3) and 21. The Supreme Court rejected the High Court's reliance on the utility, reliability, and validity of narcoanalysis tests and other comparable tests as instruments for carrying out criminal investigations in the case of *Selvi v. State of Karnataka*, which concerned this subject. The Court found that requiring someone to submit to a polygraph, narco-analysis, or brain-mapping exam constituted a necessary compulsion. The subject is unable to choose whether or not to answer a question, therefore testimonial coercion has occurred, which is protected under Article 20 (3). As a consequence, the replies given during these tests are not knowingly and willingly offered. The Court determined that since the narco-analysis test was a severe and cruel treatment, it violated a person's right to privacy. a court that will only allow narco-analysis tests to be administered against a person's consent when it is very required for the public good [8].

### **When is the privilege to silence revocable?**

The Fifth Amendment guarantees you the right to stay quiet during a police questioning (interrogation) process. Your advocate is expected to inform you of your rights at the moment of the arrest. You must be really clear about what you want. That you are operating in compliance with your legal rights is not implied by this statement. The right to an attorney and the right to remain silent are among the Miranda rights that the suspect must be made aware of. As long as both the suspect and the police are aware of their rights, the police may attempt to interview the suspect afterwards. However, statements made during a period of quiet may be utilized as evidence unless the suspect has explicitly said that he wants to stay silent. The best way to exercise your right to remain quiet during an interview is to say, "I'm requesting my Miranda for the right to stay silent," since both silence and body language are used; there are other ways to make wise choices. For instance, you may say:

- (a) You are exercising your right to remain silent.
- (b) You only want to talk to attorneys.
- (c) You want silence.
- (d) You should first see a lawyer.

Even though precise wording is not required for the complaint, the Supreme Court has found that "it is sufficient for a reasonable police officer to interpret the statement as a request for counsel." The right to stay quiet protects statements that suggest purpose or potential future conduct, therefore they should be taken seriously. In contrast, the Supreme Court decided that the phrase "Maybe you ought to speak to a lawyer" is not an invitation since it is unclear. It is possible to read the phrase "I am willing to exercise my right to remain silent" as either an appeal or a commitment to exercise the right at a later time. You shouldn't wait to read your Miranda rights before protesting. You may use your rights if you are imprisoned before being told of them. It is not a difficulty to use your rights, especially if you have reason to feel that your complaint has not been heard or understood [9].

### **Invoking one's Miranda rights (right to stay quiet) by asking a lawyer:**

Using this privilege is as simple as saying, "I am requesting for my right to remain silent and my right to a Criminal Defense Attorney in x City xy (city in which you are detained), and I will not answer any further inquiries without counsel." You should have the choice to consult an attorney once you are aware of this. Make sure the government official is aware that you won't be able to avoid working with a criminal defense counsel if it is brought up. Because they feel guilty, many



individuals could feel scared while asserting their rights. Actually, the opposite is true. These rights become your defense and cannot be used against you in court if you explicitly acknowledge that you have them [9].

### **If the police do not respect your right to silence:**

The comments made by inmates in response to an incarcerated interrogation are normally not admissible as evidence in court without the Miranda warning. Police are not allowed to interview suspects without first advising them of their rights under the exception rule statute. This does not, however, mean that statements made in open court during criminal proceedings are forbidden.

Even if the statements cannot be used to establish a crime, the prosecution may nonetheless introduce them for other reasons, such as damaging the credibility of the defendant. To learn more about your rights, speak with a Kansas City, Missouri, criminal defense attorney. Many individuals may experience fear while exercising their rights because they feel guilty. In reality, the reverse is true. Other nations' rights to silence: The Fifth Amendment of the United States Constitution states that "No person shall be required to testify against himself in any criminal action." The aforementioned privilege currently has a wide meaning as a result of the several legal interpretations that have been attributed to it.

The privilege against self-incrimination protects both parties and witnesses in civil and criminal proceedings. It covers all disclosures, even those that serve as the last piece of evidence needed to prosecute someone or justify a criminal conviction on their own. It includes both written and spoken evidence. A basic principle of common law holds that no one who has been found guilty of a crime may be made to look for documents or other evidence that might be used against him. No witness, whether a party or a stranger, may, unless under exceptional circumstances, be asked to answer a question or produce a document that may expose the witness (or the witness' spouse) to a criminal prosecution, fine, or forfeiture. This privilege is intended to encourage people to testify in court by protecting them from injury or unnecessary difficulty as a consequence [10]–[17].

## **CONCLUSION**

In conclusion, the Miranda warnings, which include the right to silence, are a crucial protection in the legal system for defending the rights of anyone detained by the police. Fairness, due process, and the preservation of personal freedoms depend on an understanding of and adherence to these rights. A key defense against self-incrimination is the right to stay quiet, which was established by the U.S. Supreme Court in the *Miranda v. Arizona* judgment. It assures that people who are in custody have the chance to exercise their Fifth Amendment rights notwithstanding the possibility that they may be subject to pressure, intimidation, or confusion. Informing people of their right to stay quiet, their access to an attorney, and the repercussions of waiving these rights, the Miranda warning acts as an important reminder of their rights.

It gives people the power to decide for themselves whether to contact the police and whether to seek legal counsel. Although the Miranda warning is an essential safeguard, its implementation may be tricky, and its efficacy can vary depending on a number of variables, including as the clarity of the message, the specifics of the interaction, and the competence of the person being questioned. Miranda Rights must be respected and upheld by law enforcement officials in order

to prevent the removal of testimony obtained during interrogations under detention from court proceedings. This safeguard helps to guarantee that a person's rights are not violated or evidence gained under duress is not used against them in court.

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## CHAPTER 8

### CYBERCRIME AND LAW ENFORCEMENT: CHALLENGES AND SOLUTIONS

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#### ABSTRACT:

In the digital era, cybercrime has become a ubiquitous and dynamic menace that requires law enforcement authorities to quickly adapt in order to tackle this intricate and international criminal phenomena.

This study examines the complex issues that cybercrime raises as well as the cutting-edge techniques that law enforcement agencies are using to lessen its effects and improve cybersecurity. Hacking, data breaches, identity theft, online fraud, and cyberattacks on vital infrastructure are just a few of the unlawful actions that fall under the umbrella term "cybercrime," which includes a broad variety of similar behaviors. Since these crimes are often multinational, it is exceptionally difficult for law enforcement organizations to identify and apprehend cybercriminals.

The rapid development of cyber dangers is one of the biggest obstacles in the fight against cybercrime. Criminals constantly modify their tactics and take advantage of flaws in cutting-edge technology, necessitating the need for law enforcement to keep in front of the curve in terms of both prevention and reaction. Additionally, the internet's ability to provide anonymity makes it more difficult to identify and apprehend offenders. Law enforcement authorities are using a diversified strategy to deal with these issues. It has become crucial for private sector firms, cybersecurity professionals, and foreign law enforcement authorities to work together and share information. These collaborations make it possible to find and punish cybercriminals internationally by combining resources, knowledge, and information.

#### KEYWORDS:

Cyberattacks, Cybercrime, Data Breaches, Hacking, Identity Theft, Online Fraud.

#### INTRODUCTION

A crime involving a computer and a network is referred to as cybercrime or a computer-oriented crime. Either the computer was the intended victim of the crime or it was employed in its execution. Cybercrime is when a computer is used as a tool to perform crimes including fraud, identity theft, or invasions of privacy. The relevance of cybercrime, particularly over the Internet, has increased as computers have become indispensable in every sector of life, including business, entertainment, and government. The security and financial health of an individual or a country may be threatened by cybercrime. There are many different types of actions that fall under the umbrella of cybercrime; however, they may typically be categorized into two groups:

1. Crimes committed against computer networks or equipment. Different threats (such as viruses, bugs, etc.) and denial-of-service (DoS) assaults are used in these kinds of crimes.
2. Crimes that include the use of computer networks to carry out further crimes. These offenses include financial fraud, identity theft, and cyberstalking [1], [2].

### The several types of cybercrime:

#### 1. Internet terrorism

Cyberterrorism is the term used to describe the use of computers and the internet to commit violent activities that cause fatalities. This might include various acts that use technology or software to endanger the lives of people. Cyberterrorism is generally understood to be any act of terrorism carried out using computer or cyberspace resources.

#### 2. Internet extortion

When malevolent hackers repeatedly threaten or launch denial-of-service attacks on a website, email server, or computer system, cyber extortion takes place. These hackers demand a lot of money in exchange for the promise to halt the assaults and provide security.

#### 3. Electronic warfare

Cyberwarfare is the use of computers, online control systems, and networks for offensive or defensive purposes. Regarding the danger of cyberattacks, espionage, and sabotage, it includes both offensive and defensive actions.

#### 4. Internet scams

Internet fraud is a sort of fraud or deception that uses the Internet and may include information concealing or inaccurate information being provided in order to deceive victims into parting with money or property. Internet fraud is a term used to describe a variety of unlawful and criminal activities carried out in cyberspace rather than a single, separate crime.

#### 5. Internet stalking

This is a kind of internet harassment when the victim receives a deluge of emails and texts. As opposed to offline stalking, these stalkers in this instance utilize the internet to track their victims. To make the victims' life worse, they start offline stalking in addition to internet stalking if they observe that the former is not having the intended impact [3], [4].

## DISCUSSION

### Problems with cybercrime

1. **People don't know their online rights:** The majority of cybercrimes are committed by uneducated individuals who are ignorant of the country's government's implementation of their online rights.
2. **Anonymity:** Since those who commit cybercrime remain anonymous to us, we are unable to take action against them.
3. **Less cases are been reported:** Every nation in the globe is challenged by cybercrime, and the rate of cybercrime is rising daily as a result of individuals who don't even report cases of cybercrime. This presents a significant issue for both us and the government.
4. **Most crimes are perpetrated by well-educated individual:** It's not everyone's cup of tea to commit a cybercrime. The perpetrator of cybercrime is a highly skilled individual who is familiar with how to carry out the crime covertly.
5. **No severe penalties:** In every instance of cybercrime, there is no punitive penalty. However, there are instances when severe punishment is appropriate, such as when

someone engages in cyber terrorism. However, in other situations, there isn't a severe penalty, thus this element also encourages those who conduct cybercrime.

### Avoiding Cyber Crime:

The following are some ways that we may avoid cybercrime:

1. **Use a secure password:** Keep unique username and password combinations for each account, and avoid writing them down. Make your passwords complicated since simple ones may be quickly broken using techniques like the rainbow table attack and brute force assault. That refers to a string of special characters, numerals, and letters.
2. **Use reputable antivirus software on devices:** Always use reliable, cutting-edge antivirus software on your personal computer and mobile device. As a result, several virus attacks on devices are prevented.
3. **Be discreet on social media:** Always limit access to the data on your social media accounts to your pals. Make careful to exclusively associate with people you already know.
4. **Update the software on your gadgets:** When the system software is updated, update it simultaneously since older versions of the program might sometimes be vulnerable to attack.
5. **Utilize a secure network:** Public WiFi is a security risk. Avoid using these networks for business or financial operations.
6. **Spam email attachments should never be opened:** Email attachments in spam emails may cause a computer to get infected with malware assaults and other types of cybercrime. Never open an attachment sent to you by an unknown source.
7. **When it comes to internet security, software should be updated:** Operating systems also need to be updated often. When hackers take advantage of system faults, this might develop into a potential danger.

Society has benefited much from the development of digital technology, but it has also faced new difficulties, notably in the field of cybersecurity. Cybercriminals use the internet to engage in a broad variety of unlawful acts, including identity theft, fraud, and cyberbullying, making it an increasingly common problem in recent years. Governments now face a legal problem as they work to stay up with technical development and the changing nature of cybercrime. The legal problem of the digital age is complex because it not only entails the creation of new rules and regulations to fight cybercrime but also the implementation of existing laws in a technical environment that is always evolving. To properly investigate and prosecute these crimes, law enforcement authorities must keep up with the most recent technologies and strategies used by cybercriminals. Additionally, for law enforcement organizations to successfully combat cybercrime, there must be international coordination [5], [6].

The conclusion of this abstract is that the legal problem in the digital age is a complicated and continuing issue that needs regular examination and modification to guarantee that the law keeps up with technical improvements and adequately confronts the evolving danger of cybercrime. Cybercrime poses a serious danger to both persons and companies in the current digital era. As technology has advanced and our reliance on the internet has grown, cybercrime has proliferated and now presents a significant threat to law enforcement authorities all over the globe. Cybercriminals are continually developing new strategies to break security systems and steal important information, from phishing and identity theft to ransomware attacks and data breaches.

The emergence of cybercrime is one of the new issues that it has brought forth. Cybercrime is any illegal conduct that is carried out online or on digital devices. Hacking, identity theft, cyberstalking, and phishing are a few examples of cybercrime. Due to its frequent difficulty in being located and prosecuted, particularly when it includes cross-border activity, cybercrime poses a substantial legal issue. The problem of jurisdiction is one of the biggest obstacles to cybercrime prosecution. Since cybercriminals may operate from any location in the globe, it is challenging for law enforcement organizations to identify which nation's laws should be used to prosecute the crime. This is especially important when the victim and the offender are in different countries, since this may complicate the law and cause delays in the investigation and prosecution of the case. The problem of anonymity presents another obstacle in the fight against cybercrime. It might be difficult to identify cybercriminals since they often use aliases or proxy servers to conduct their business.

Cybercriminals may even exploit innocent people's identities to conduct crimes, making it difficult for law enforcement authorities to identify the true offender. Governments and law enforcement organizations are attempting to create stronger legislative frameworks and global collaboration to fight cybercrime in order to address these issues. Several laws and rules have been developed in recent years to handle different types of cybercrime. For instance, the Computer Fraud and Abuse Act and the Electronic Communications Privacy Act are only two of the laws in place in the United States to combat cybercrime. We shall examine the legal issues posed by cybercrime in the digital age in this essay [7], [8].

### **The Globalization of Cybercrime**

Cybercrime's global reach makes prosecution one of the major obstacles. Since cybercriminals may work from any location in the globe, it is challenging to find them and prosecute them. International collaboration in cybercrime investigations may also be hampered by the fact that various legal systems throughout the world may define what constitutes a cybercrime differently. Many nations have created international agreements and standards to fight cybercrime in order to solve these issues. For instance, the Convention on Cybercrime of the Council of Europe is a legally binding international agreement that establishes a framework for international cooperation in the investigation and prosecution of cybercrime. The pact has clauses that address critical infrastructure defense, criminalizing certain cybercrimes, and promoting global collaboration in cybercrime investigations. Even with established international agreements, it may take time and effort to investigate and prosecute transnational cybercrime. The way evidence is gathered and assessed may vary depending on the legal system and cultural norms, which can have an influence on whether or not a prosecution succeeds. Cross-border investigations may be made more difficult by disparities in resources, technology, and language.

### **The Problem with Digital Proof**

The nature of digital evidence presents another legal difficulty in the prosecution of cybercrime. It may be challenging to establish guilt beyond a reasonable doubt when using digital evidence since it is simple to change, remove, or disguise it. Furthermore, it may be daunting and time-consuming to analyze the large amount of digital evidence that is often used in cybercrime investigations. Law enforcement organizations have created specific methods and tools for gathering and analyzing digital evidence to solve these issues. For instance, the recovery and analysis of digital evidence is a part of the field of forensic science known as "digital forensics." To extract data from digital devices and networks, it often needs the employment of specialized



software and hardware. The admissibility of digital evidence in court may be a complicated matter that requires close attention to the rules of evidence, even with the use of specialist tools and methods.

### **Issues with Jurisdiction**

Another legal difficulty in pursuing cybercrime is jurisdiction. The ability of a court or other legal body to hear and consider a matter is referred to as jurisdiction. Because cybercriminals may operate from any location in the globe and their victims may be found in several countries, jurisdiction can be complicated in the context of cybercrime. Sometimes hackers intentionally choose victims in nations with weak cybercrime laws or law enforcement resources. Due of this, it may be difficult for victims to get justice and for law enforcement to bring cybercriminals to justice. Furthermore, certain nations can be hesitant to assist with cybercrime investigations or extraditions, particularly if the cybercrime is seen to have political motivations. Countries have created laws and processes for establishing jurisdiction in cybercrime proceedings to address these issues. For instance, the Cybercrime Convention has clauses addressing judicial jurisdiction and suspect extradition. In addition, several nations have passed extraterritorial legislation that enables them to punish cybercriminals who harm their nationals, even if the offenders are abroad.

### **Associated case law includes:**

#### **Aaron Swartz v. United States**

was a well reported incident in which a well-known American computer programmer and Internet activist was charged with breaking into the computer network of the Massachusetts Institute of Technology (MIT) and downloading millions of scholarly journal articles. Indicted on counts of wire fraud, computer fraud, and other related offenses, Swartz was taken into custody in 2011. The prosecution centered on Swartz's alleged theft of millions of scholarly publications from the online repository JSTOR, which he thought the general public should have free access to. Swartz downloaded the publications using his access to the MIT network, which sparked a federal inquiry and resulted in his imprisonment. The prosecution claimed that Swartz's activities amounted to theft of property and that by downloading several articles quickly, he had breached JSTOR's terms of service. Swartz's defenders countered that the allegations were disproportionate and that he was unjustly targeted because of his activism and advocacy for free and unrestricted access to information.

The case went to trial despite efforts to reach a plea agreement, and Swartz now faces a potential term of 35 years in jail and a \$1 million fine. Prior to the trial's conclusion, however, Swartz committed himself in January 2013, sparking a public uproar and demands for changes to the US criminal justice system. After Swartz's death, a number of groups and individuals argued that the rules governing computer crime and intellectual property had grown to be too strict and were being used to those who were only trying to encourage access to information. The case also brought to light the need for more openness and transparency in the US judicial system as well as the dangers of aggressive prosecutions and harsh punishments. There have been several initiatives to change US computer crime laws and advance improved information access in the years after Swartz's death. The case continues to serve as a heartbreaking reminder of the difficulties in prosecuting cybercrime and the need for more fair and open legal systems that can better handle the complex problems related to digital technology and intellectual property [9].



### **The scandal involving Pegasus spyware**

was a significant cyberattack that took place in July 2021 and targeted high-profile persons from a number of nations, including India, including politicians, journalists, activists, and writers. The assault made use of Pegasus spyware, a sophisticated piece of malware that can be used to remotely access and monitor a smartphone and was created by the Israeli business NSO Group. An worldwide collection of media outlets learned about the assault after they identified Pegasus infections on the phones of numerous well-known people. The spyware was able to access and take images, emails, and texts from phones. The assault sparked debate regarding the control of spyware and the function of organizations like NSO Group since it was generally seen as an infringement on human rights and privacy.

The Indian government first denied any participation in the assault, but subsequently admitted that its law enforcement agencies had acquired Pegasus malware from NSO Group. According to the government, the spyware was exclusively used for "national security" objectives, and all uses had been approved via the proper legal channels. The discovery, however, provoked massive demonstrations and demands for more accountability and openness in the use of monitoring technologies. The Pegasus Spyware Scandal is still going on, and the effects of the assault are probably going to last for a while. The NSO Group and the Indian government are the targets of many lawsuits, and the spyware sector is still being pushed for more regulation [10].

### **CONCLUSION**

In conclusion, the area where cybercrime and law enforcement overlap is complicated and changing quickly. Cybercriminals provide a variety of problems, from hacking and data breaches to identity theft and cyberterrorism. Law enforcement organizations must continuously adapt and create novel strategies to deal with these dangers. The fact that cybercrime is a global problem makes fighting it one of the main obstacles.

Because cybercriminals often operate beyond national boundaries, it is challenging for law enforcement to find and capture them. To successfully combat cybercrime, international cooperation and information exchange are essential. It is crucial to have global agreements and norms for cybercrime investigations. Additionally, there is a perpetual problem due to how quickly and constantly changing technology is. Law enforcement organizations must spend in training, knowledge, and technology to remain ahead of cybercriminals as they adopt new tools and strategies. This entails using data analytics, digital forensics, and working with cybersecurity professionals. A fine line must be drawn between pursuing cybercriminals and protecting people's civil freedoms. Law enforcement organizations are required to use their investigation authority responsibly and in accordance with the law. In the digital era, finding this balance between security and individual rights continues to be difficult.

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## CHAPTER 9

### POLICE ACCOUNTABILITY AND BODY CAMERAS

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#### ABSTRACT:

Modern law enforcement is now primarily concerned with police accountability. This study explores the crucial function that body-worn cameras (BWCs) play in improving accountability, faith, and supervision within police forces. It explores the wide-ranging effects of BWCs, including their advantages, difficulties, and ability to alter the dynamics of police and interpersonal relationships. Body-worn cameras have been widely used by law enforcement organizations as a tool for improving openness and accountability.

Officers may capture audio and video of their encounters with the public using these discreet, wearable devices, providing an unbiased record of occurrences. Holding cops and people responsible for their behavior during confrontations is the main goal. BWCs have the ability to lessen instances of police misbehavior and excessive use of force, which is one of its main advantages. Officers are more likely to follow established procedures and de-escalation strategies when they are aware that their actions are being filmed, which lowers the risk of tense situations. Similar to this, when citizens are aware of the camera's existence, they are often more cooperative, resulting in fewer conflicts.

#### KEYWORDS:

Body Cameras, Law Enforcement, Lawsuits, Police Accountability, Police Actions.

#### INTRODUCTION

The Nine Principles of Law Enforcement were created in 1829 by Sir Robert Peel, who is often recognized as the founder of contemporary police. They were handed to British law enforcement officials as basic guidelines. Nearly 200 years later, Peel's second principle is still relevant: The public's perception of the legitimacy of police actions continues to be a key factor in law enforcement's ability to effectively combat crime.

Peel stated that "the ability of the police to perform their duties is dependent upon public approval of police existence, actions, behavior, and the ability of the police to secure and maintain public respect." Recent civil unrest in many American cities after incidents of cops using deadly force illustrate the continued difficulties in preserving the public's impression of the legitimacy of law enforcement, especially when it comes to the use of force. Body-worn cameras have been suggested as a solution to these problems and a method to enhance law enforcement procedures more broadly. The device provides real-time information when utilized by police on patrol or other responsibilities that put them into touch with people of the community. It may be installed on an officer's eyewear or chest region. The capacity of body-worn cameras to provide law enforcement a surveillance tool to improve officer safety and effectiveness and prevent crime is another advantage. The United States has seen a fast spread of this technology.

Body-worn cameras were used by around one-third of American municipal police agencies in 2013. Additionally, the general populace continues to use technology. What does the study,

however, reveal? Body-worn cameras may aid law enforcement, according to recent studies, but more study is required to properly comprehend the technology's importance to the profession [1], [2].

### **Body-Worn Cameras Potential Advantages**

Body-worn camera proponents mention a number of possible advantages. more openness. First, body worn cameras may enhance law enforcement credibility by fostering more accountability and openness. Law enforcement is not widely trusted or seen with confidence in many areas. Questions regarding interactions between police and people of the community that often include the use of fatal or less lethal force aggravate this lack of trust. Video recorded during these contacts between cops and members of the community may provide greater proof of what happened and corroborate officers' and citizens' recollections of what happened. increased decorum. Body-worn cameras may also result in lower rates of complaints made against law enforcement and greater rates of public compliance to police directives during confrontations. When notified that the interaction is being videotaped, citizens often act differently toward cops. This "civilizing effect" might lessen the need for the use of force in certain circumstances and enhance relations between law enforcement and the public. faster conclusion. Body-worn cameras might speed up the process of resolving public complaints and lawsuits that accuse officers of using excessive force or engaging in other types of wrongdoing. When there is no video evidence and no independent or corroborating witnesses, investigations into incidents involving conflicting versions of the contact from cops and residents are often deemed to be "not sustained" and are eventually closed. This, in turn, has the potential to reduce public confidence in law enforcement and raise concerns about how accusations of abuse against police will be handled. Body-worn cameras' video footage might support the facts of the interaction and hasten the resolution. confirmational data. Captured video may potentially be used as evidence in arrests or legal proceedings [3].

Body-worn cameras' video footage, according to proponents, could be used to corroborate prosecution evidence, help document the frequency and nature of different types of crime, speed up the process by which officers must complete paperwork for case files, and result in more guilty pleas in court proceedings. chances for training. Body-worn cameras may also provide chances for training to enhance law enforcement. In order to improve professionalism among officers and new recruits, law enforcement trainers and executives may evaluate officer actions and conduct as seen on body-worn cameras via independent investigations or those brought on by requests for service. Finally, video evidence may provide law enforcement leaders the chance to apply fresh approaches and gauge the degree to which police perform their jobs in accordance with the designated initiatives [4].

### **Research Findings Right Now**

The number of studies analyzing the connection between the technology and successful law enforcement results has greatly lagged behind the growing usage of body-worn cameras by law enforcement organizations. Although early assessments of this technology had drawbacks, some significant recent research has advanced our understanding of the effects of body-worn cameras, as is explained below. Michael White, a researcher at the Office of Justice Programs Diagnostic Center, observed in a 2014 report that past analyses of body-worn cameras had shown a variety of advantageous results for law enforcement agencies. Early research done in the UK showed that wearing a body camera helped individuals feel safer and improved relations between police

and the public. Both the number of citizen complaints and crime were found to be declining. According to the research, using body-worn cameras increased the number of arrests, prosecutions, and guilty pleas. According to reports, using the technology helped cops conclude criminal cases more quickly and with less time spent on paperwork preparation, which led to fewer persons opting to go to trial. Body-worn cameras were supported by subsequent studies conducted in the United States, however some of them had questionable methodologies that cast doubt on the results. White claims that the few studies that were carried out between 2007 and 2013 had methodological flaws or were done in a way that called into question the independence of the study. For instance, a number of studies used inadequate control groups or had insufficient sample sizes when comparing cops wearing body-worn cameras to those who were not.

Some studies were carried out by the cooperating law enforcement agency without the use of an impartial reviewer. Last but not least, several of the studies narrowly focused on officer or citizen perceptions of body-worn cameras rather than other crucial outcomes, such citizen compliance and police or citizen conduct in situations requiring use of force. Scientific rigor increased throughout time, and investigations carried out by U.S. law enforcement agencies led to results that showed encouraging support for body worn cameras. For instance, researchers at Arizona State University in 2014 found that officers wearing body cameras were more effective in terms of making arrests, experienced fewer complaints against them than officers without wearing them, and had a higher percentage of citizen complaints resolved in their favor.

This research was supported by the Bureau of Justice Assistance's Smart Policing Initiative. In separate research done in conjunction with the Rialto (California) Police Department, it was shown that wearing bodycams reduced both police use of force events and complaints from the public against those officers. Additionally, Justin Ready and Jacob Young from Arizona State University discovered that cops who wore body cameras were more circumspect in their behavior and aware of potential supervisory review of video evidence. Additionally, contrary to early worries, it was discovered that cops wearing cameras had more self-initiated interactions with locals than officers not wearing cameras [5], [6].

Body-worn cameras have also been tested in recent randomized controlled trials, which are regarded as the gold standard in science for assessing programs. Because random assignment can separate a particular treatment of interest from all the other variables that impact any given result, these trials offer the best chance of obtaining reliable data among the different scientific procedures that are now accessible.

Barak Ariel and colleagues discovered in a worldwide, multisite randomized controlled experiment from 2016 that use-of-force occurrences may be connected to the discretion granted to police over whether body-worn cameras are engaged during officer-citizen confrontations. When cops turned on their cameras as soon as they arrived at the scene, the researchers saw a drop in use-of-force instances. On the other hand, when police officers wearing body cameras had the freedom to choose when to activate their cameras while interacting with citizens, use-of-force occurrences rose. Researchers from CNA tested 400 police officers from the Las Vegas Metropolitan Police Department in a randomized controlled study in 2017 with funding from the National Institute of Justice. The study team discovered that cops using body cameras received less use-of-force reports and civilian complaints than officers not wearing them. Additionally, compared to cops without body-worn cameras, officers who had them issued more arrests and citations [7], [8].

### More study is required

To assist close knowledge gaps in the existing corpus of research on body-worn cameras, further studies are being conducted. 14 studies have been completed, and at least 30 more are looking at the effects of body-worn cameras on different outcomes, according to researchers at George Mason University. The most frequently observed results are the impact of body-worn cameras on the quality of officer-citizen interactions as measured by the communication style, indications of procedural justice and professionalism, and misconduct or corruption; use of force by officers; attitudes toward body-worn cameras; citizen satisfaction with law enforcement encounters; perceptions of law enforcement and legitimacy; suspect compliance with officer commands; and criminal investigative. But there are still gaps in our understanding. The researchers from George Mason University emphasized the necessity to look at organizational problems with reference to body-worn cameras. For instance, adjustments to organizational policy and training have received minimal attention. More details are required on the role body-worn cameras may play in investigations into officer-involved shootings and other crucial occurrences, as well as the significance of video evidence produced by body-worn cameras in legal procedures. Law enforcement leaders continue to utilize the findings of current studies, which range in rigor and methodology, to make decisions on whether to use this technology in their organizations. Overall, research on body-worn cameras points to the possibility of useful applications for law enforcement. The full scope of its utility will, however, depend on how long research studies are conducted in order to keep up with the rapid acceptance and use of body-worn cameras by law enforcement agencies in the United States [9].

Body-worn cameras (BWCs) have been tested or put into use by the majority of American law enforcement agencies, including almost all medium-sized and large agencies. As a consequence, there are now millions of hours of BWC film spread throughout the nation's agency systems and cloud servers. However, BWC footage is significantly underused in comparison to its price. Law enforcement executives and academics have mostly concentrated on the extent to which these devices alter and inform investigative results like uses of force, attacks on officers, and complaints, even if the fundamental purpose of BWCs is to increase accountability, transparency, and legitimacy. Law enforcement organizations also utilize BWC material, although to a lesser degree, for more preventative objectives. Supervisors have the ability to manually access the BWC film of the cops, evaluate the effectiveness of their contacts with the community, and provide comments or take appropriate action. Few organizations have the resources or ability to evaluate video in a more thorough way; as a result, this is often only done on an as-needed basis or in reaction to a particular occurrence. As a result, a number of businesses are creating and testing fresh analytic tools that would enable agencies to thoroughly examine BWC film, hold officers responsible for their actions, and enhance performance. This article provides a summary of various analytical tools and their potential to make the most of BWC video [10].

Such analytical tools' underlying science is grounded on two complementary branches of artificial intelligence (AI). A subfield of computer science called "natural language processing" (NLP) transforms spoken and written language into useable data by translating between different languages, turning voice into text, and automatically summarizing massive amounts of information. Recent developments in NLP may further identify some of the underlying ideas, feelings, emotions, and social settings that are connected to speech (for example, examining internet reviews to ascertain how the general public feels about a certain item or business). Researchers have previously used NLP techniques to analyze BWC film to gauge respect and



pinpoint important aspects of contacts with the public, such whether or whether police introduced themselves, gave reasons for their stops, or requested permission to search people. For law enforcement agencies, several businesses have started creating and selling NLP-based analytical tools that can recognize signs of professionalism during community contacts from BWCs.

Computer vision (CV), a related area of research, uses AI to extract useful information from visual inputs rather than spoken and written communication. CV recognizes and categorizes things in pictures or videos, calculates the separations between objects, and analyzes movement patterns. The usage of CV is expanding in a number of significant societal fields, including transportation, healthcare, industry, and agriculture. When used with BWCs, CV can recognize important visual cues including body position, facial emotions, and physical distance that are present during encounters between the police and the community. These indicators may improve the recognition of crucial performance metrics linked to hostility, conflict, de-escalation, respect, and professionalism when paired with audio extraction from NLP. One business, Polis Solutions, is creating a multi-modal analytical tool that scans BWC video of police-community interactions and utilizes NLP and CV to provide measurements of rapport, respect, trust, collaboration, conflict, and coordination. Agency sergeants might be given access to current information on officer performance through data created by NLP and CV-based analytical tools, which would help them in their supervisory responsibilities. The front-line supervisors who hold officers responsible for their actions, evaluate their performance, and put different remedial interventions into place are often the sergeants. Therefore, the systematic evaluation and categorization of the BWC film of their officers would be quite advantageous to sergeants [11].

## DISCUSSION

### Police Accountability

In India, the occurrence of police violence, power abuse, and pretrial imprisonment has consistently been a severe problem of human rights breaches and has multiplied recently. The police are the most significant law enforcement organization tasked with stopping and identifying crime in a nation. The police have a responsibility to maintain peace and order in society. One often hears about the unlawful imprisonment and abuse of innocent people by the police. There is growing domestic and international pressure to safeguard and preserve some fundamental human rights for all people.

### Verbal and physical abuse

The father-son pair, P., recently died in custody in Tuticorin, Tamil Nadu. In addition to J. Benicks has highlighted the need of raising awareness about the preservation of inmates' human rights. When Jayaraj and Benicks were arrested for breaking the Covid-19 curfew hours, they passed away in detention two days later. The family believed they had been subjected to torture. The two were reportedly transferred to a government hospital on June 20, 2020, when they were discovered to be in poor condition and had blood drenched trousers.

The Madras High Court took *Suo moto* notice of the case and ordered the Kovilpatti Judicial Magistrate to conduct an investigation after the case aroused anger on and off social media as the gory facts came to light and quickly garnered national attention. The High Court said there was a murder case against the main accused based on a report by the local magistrate who was looking



into the killings. The court also highlighted the post-mortem report's listing of significant injuries and the eyewitness testimony of a female policeman at the police station. The five cops were detained some hours later. The police first refused to turn over the batons they had used to beat the two men, according to the magistrate, and the CCTV film of the incident had been deleted. The cops suspected of being involved in the fatalities were originally reassigned; but, when pressure for harsher punishment increased, they were suspended. No matter whether they were innocent onlookers who approached the police to file a complaint or those who had been detained, there have been many incidents of the police brutally handling individuals. For instance, Mohammed Rizwan was assaulted with lathis and rifle butts in April 2020 for leaving his house and trying to purchase cookies. After receiving such terrible treatment, he died from his wounds two days later. Legally, no police officer is permitted to physically assault somebody in order to make an arrest or require their presence at a police station.

### **Various Treatments**

Denying fundamental rights to those who are detained is a proven assault on human dignity and has the power to smother a person's individuality. By using a broad and wide construction of life and personal liberty, Indian courts have shown their vigilance against the violation of the human rights of people who are in custody. To preserve people's rights, obtaining a strong recourse for complaints against the police is essential. The National Crime Bureau reports that out of the approximately 54,916 complaints that were filed in 2015, only 16,308 were really investigated. Only 1122 police officers were subsequently charged with crimes, and only 25 of them have been found guilty. There doesn't appear to be any logical justification for the dismal conviction rates for police officers.

#### **1. Authority for Police Complaints**

In the historic ruling in *Prakash Singh v. Union of India*, the Supreme Court ordered, among other things, the establishment of a Police Complaint Authority (PCA) in every state by the enactment of suitable legislation after carefully examining previous precedents, cases alleging the abuse of authority by the police, and reports of numerous Commissions established to give recommendations for greater accountability of police in India. So, in order to replace the Police Act of 1861, the Ministry of Home Affairs established the Soli Sorabjee Committee in October 2006. The committee's task was to draft a model police bill that would be incorporated by all states in their own state-specific legislation. A comprehensive provision creating and governing agencies handling complaints against the police is laid out in the Model Bill.

The Court had established the fundamental minimum requirements for police supervision that the Bill had to provide. The Bill establishes a PCA with a chairperson who must be a High Court judge in retirement and five other state-level members. At the district level, a commission is also set up for improved management and efficient resolution of complaints against the police. The PCA is authorized to look into complaints alleging any type of misconduct against any police officer who holds the rank of Superintendent of Police or higher, as well as into complaints alleging misconduct against police officers who hold ranks lower than Superintendent of Police, including allegations of death, grievous injury, rape or attempted rape of a woman while she is in custody, extortion, taking of land and/or a house, severe abuse of authority, and any other misconduct. According to the Code of Civil Procedure, 1908, the Authority will have the same authority as a civil court with regard to subjects that the PCA is investigating. The Commission may also formally acknowledge the alleged mistreatment.

## 2. Compliance with the law

The constitutional and administrative laws that protect people's basic rights serve as the foundation for this obligation. A police officer who violates a person's right to life, liberty, protection from discrimination, freedom from arbitrary detention, and the right to move freely throughout the territory of India, among other rights, may be held legally responsible under the Constitution and may be ordered to compensate the victim for his harm or injury. The Apex Court awarded compensation to two women who had been tormented, agonized over, and harassed when they attempted to file a missing person report for their husbands in *Sebastian Hongray v. Union of India* (1984). Army personnel picked up these ladies and brought them to an army camp in Manipur; their missing husbands were never seen. Similar compensation was given for killing a nine-year-old kid in custody in *Saheli v. Commissioner of Police* (1990). In *Uttarakhand Sangharsh Samiti v. State of UP* (1996), it was determined that unlawful restraint and detention, the purposeful shooting of unarmed protesters, the planting of evidence to show false recoveries, rape, tampering with evidence, and harassment of a person cannot be said to be acts performed or purportedly performed in the performance of a police officer's official duties. As a result, those who were slain as well as the women who were raped or otherwise harassed by the police received exceptional damages.

## 3. The National Human Rights Commission's response

The National and State Human Rights Commissions are empowered to investigate allegations of human rights violations by anybody under the terms of the Protection of Human Rights Act, 1993, either on their own initiative or in response to a complaint brought to them. The NHRC has the jurisdiction to intervene in any legal actions brought against the police officer in accordance with this power and to provide suggestions in this respect. Custodial violence and death, fictitious encounters, police brutality, and situations involving women and children may all be brought to the NHRC for investigation. The Commission has often emphasized how lawlessness and disdain for the enforcing authority are fostered by the antagonistic behavior of law enforcement organizations. Strict action, including prosecution, against those who commit any type of custodial violence is one strategy to guarantee the decrease of such incidents. Additionally, the Commission has recommended disciplinary action against the corrupt officials and provided financial assistance to the victims or their heirs.

Because of the steadily rising number of instances of police brutality in India, there is an urgent need to take prompt action to prevent further violations of human rights. The cops taking the law into their own hands and abusing the legal system is completely unacceptable. Statistics indicate that there is a very low percentage of police accountability and conviction of such personnel. Abuse of legal procedures and powers by the police, who serve as the principal law enforcement agency and are a fundamental part of the State, is very harmful to democracy and may result in anarchy. To guarantee a free and impartial probe or inquiry into the issues of police atrocities, legislative and executive action is imperative. Officials who commit such heinous crimes often escape punishment. Senior police officers shouldn't defend those who commit crimes while in custody. Training and awareness programs should be used to establish a sensitive attitude toward human rights. By creating a fair and unbiased Committee to look into the subject, mechanisms should be devised to adequately examine the situation. The perpetrators of human rights violations must be promptly and effectively brought to justice; a simple suspension is not an acceptable response [12], [13].

## CONCLUSION

The use of body cameras in law enforcement is a huge step toward increasing police accountability and openness, to sum up. Through the promotion of trust and the assurance of responsibility for law enforcement acts, these tools have the potential to be advantageous to both the police and the communities they serve. Police officer-public encounters are recorded objectively and unedited by body cameras. This openness may aid in preventing wrongdoing, lessening the use of excessive force, and serve as an important piece of evidence in legal and criminal investigations. Body cams may also motivate cops to follow departmental regulations and preserve their professional standards. Body cameras provide the public peace of mind and the knowledge that contacts with police enforcement are being filmed. In especially among vulnerable populations that have previously dealt with concerns of police misbehavior, this may result in better community relations and higher confidence in the police. However, carefully considering regulations and processes, such as standards for camera activation, storage, access, and public disclosure of video, is necessary for the effective adoption of body cameras. As body camera video often records delicate and private moments, it is crucial to strike a balance between openness and privacy concerns.

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## CHAPTER 10

### IMPACT OF TECHNOLOGY ON MODERN POLICING

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#### ABSTRACT:

Modern police have been completely transformed by technology, which has changed how law enforcement organizations work, look into crimes, and engage with their communities. The various effects of technology on police are explored in this study, with a focus on the consequences for efficiency, transparency, and the changing difficulties and possibilities encountered by law enforcement in the digital era. The use of technology in police has resulted in substantial improvements in efficacy and efficiency. GPS technology, real-time data analysis, and computer-aided dispatch (CAD) systems let police enforcement react to situations more quickly and deploy resources more effectively. Agencies may now proactively identify crime hotspots, enhancing deployment methods and crime prevention efforts thanks to predictive analytics and machine learning algorithms. The widespread usage of body-worn cameras (BWCs) and dash cams in contemporary police is among the most revolutionary features of technology. These tools provide a factual record of police encounters, improving accountability and transparency. BWCs provide a way to track and assess police conduct, but they also support the criminal justice system by being used as evidence in investigations. Modern investigations now need the acquisition and interpretation of digital evidence. Criminal investigations have been transformed by forensic technology, such as DNA analysis, digital forensics, and face recognition software, which has resulted in more precise identifications and convictions. Tracking criminal activity and threats has also proved useful with the use of open-source information collection and social media monitoring.

#### KEYWORDS:

Body Cameras, CCTV, Communication Technology, GPS, Modern Policing.

#### INTRODUCTION

Before any other sector, law enforcement has always been at the forefront of evaluating new technology. Due to the many technical breakthroughs, technology is essential to contemporary police, and policing and technology have a long history of collaboration. These technical developments have made it possible for police departments to use cutting-edge strategies to use new technology as instruments to increase public safety and save lives. Communication and coordination are two of the most important ways technology has enhanced police. Since the police radio was first utilized in 1933, communication technology has made major advancements in the field of public safety. The police radio from 1933 has evolved into current two-way radios that keep officers in contact even in the most challenging circumstances. When cell towers are overloaded or there is an emergency, two-way radios still function to keep cops linked so they can continue to protect communities and save lives[1], [2].

Numerous additional technology developments, in addition to two-way radios, are essential to contemporary police. A collection of human knowledge, aptitudes, skills, experiences, and techniques is known as technology. It may be utilized to change, adapt, and utilise the resources

we already have to create tools, machines, products, and services that fulfill our wants and wishes. Because it fosters the development of the person, the country, and the whole planet, technology now has a particular position in everyone's life. It has already ruled over every sphere of life, including law enforcement in our nation. After accounting for vacancies, the real police strength in India, in the case of law enforcement, is 150 policemen per lakh population. The UN advises 222 police officers for every 100,000 citizens, nevertheless. As a result, the ordinary police officer has a heavy workload and extended workdays, which are detrimental to his efficiency and performance. Law enforcement organizations (LEAs) may use technology in a few different ways to increase their effectiveness and efficiency. In this case, technology may be a powerful force multiplier. Amazing new digital technologies are revolutionizing how law enforcement protects and serves the public, allowing institutions to combat crime more rapidly and successfully. It's critical to remain up to date on technology that supports law enforcement throughout the globe and to use it where it makes sense in the context of India [3], [4].

### **India's smart policing**

The government is promoting the concept of "Smart Policing," which is a new strategic approach that employs cutting-edge applications of analysis, technology, and evidence-based techniques to incorporate more "science" into police operations. The structural changes that would improve the Indian Police's effectiveness, modernity, accountability, dependability, and training with the use of cutting-edge technology were detailed. In 2014, the Indian Prime Minister introduced the concept of "Smart Police" to DGPs from State and Central Organizations in Guwahati.

### **Index of smart policing**

In a nationwide survey conducted by the Indian Police Foundation (IPF), the police in Bihar and Uttar Pradesh scored the lowest marks of any State when it comes to the notion of "sensitivity." The purpose of the IPF poll was to get additional information about how the public felt about the SMART policing initiative. The southern states outpaced the northern ones on the majority of enforcement indicators. In order of importance for total policing, the top five states are Andhra Pradesh, Telangana, Assam, Kerala, and Sikkim. The states with the worst police records include Punjab, Bihar, Uttar Pradesh, Chhattisgarh, and Jharkhand.

### **Technology's role in investigation and law enforcement**

The use of technology by law enforcement organizations nowadays has become more important since crime has evolved through time and become more complex and challenging to solve. Following are the primary functions of technology in law enforcement:

- (a) 1. Crime prevention and detection.
- (b) 2. Watching and monitoring.

### **Criminal Investigation and Prevention**

The three separate steps of crime detection are, in fact, the acknowledgment of a crime as having been committed, the identification of a suspect, and the collection of sufficient evidence to bring the suspect before a court. As opposed to that, criminal prevention is the process of anticipating, identifying, and assessing a criminal risk before taking steps to reduce or eliminate it. In India, crime detection and prevention are the responsibility of the police and other law enforcement organizations. The load on law enforcement authorities will decrease with the use of technology



in crime detection and crime prevention. Some of the technology resources that police may use to identify and stop crime include the following:

### **1. Biometrics:**

A biometric is a quantifiable biological (anatomical, physiological, and behavioral) and behavioral trait that may be utilized for automatic identification. Police have used fingerprints to identify suspects for more than a century. In addition to face recognition and DNA, the use of biometric (and behavioral) traits by law enforcement and the intelligence community is now growing.

They include voice recognition, gait analysis, iris identification, wrist veins, heartbeats, and even palmprints.

### **2. Police prediction:**

Predictive policing refers to the application of mathematics, predictive analytics, and other analytical techniques by law enforcement to identify potential criminal activity. Predictive policing analyzes data on the dates, places, and types of prior crimes to tell police strategists on where and when police patrols should patrol or maintain a presence in order to make the greatest use of resources or to have the highest probability of deterring or preventing future crimes.

Predictive policing techniques might mostly be categorized into four categories. As follows:

- (a) Those who foresee crimes,
- (b) People who foresee offenders,
- (c) Those who are aware of the culprits' identity,
- (d) Those who foresee victims.

Here are a few instances of predictive policing:

- i. Delhi's CMAPS (Crime Mapping Analytics and Predictive System) gathers data every three minutes from satellites run by the Indian Space Research Organization, historical crime data, and the "Dial 100" helpline in order to identify "crime hotspots," or locations where crimes are most likely to occur.
- ii. The Hyderabad police employ data from the "Integrated People Information Hub" to identify those who are more likely to commit crimes; this hub includes data on family members, biometric information from passports, address information, and even bank transaction information.
- iii. Predictive policing is used effectively in the United States as shown by PredPol. uses a machine learning algorithm to predict. The three data points—crime type, crime scene, and crime date/time—are taken into account when calculating the likelihood of a crime. PredPol is a data-driven approach to organize patrol activities. It calculates when and where certain crimes are most likely to occur. PredPol proactive patrolling aids in reducing victimization and crime rates.

By assisting national law enforcement agencies in EU member states, Europol, the EU's law enforcement agency, aims to make Europe a safer place. With Europol, one hundred of the best-trained criminal analyzers in Europe are employed. As a consequence, it now boasts one of the greatest concentrations of analytical capability in the EU. Analysts often employ contemporary techniques to support national authorities' investigations.



### 3. Data Integration:

Data and information are the most crucial elements of any study. Big data may be used to aggregate information from many different sources, including financial institutions, social media platforms, call detail records (CDRs), travel records, hotel stays, and criminal histories. This may help paint a comprehensive image of the perpetrator and allow for the establishment of ties with other criminals.

#### Watching and monitoring

The word "surveillance" describes the close observation of a person or organization, especially one that is under investigation or being watched. India, a developing country, has altered its information technology policy in a few ways, but much more has to be done. Crime analysis and monitoring bring together data from multiple governmental organizations that are collected from numerous heterogeneous sources in various formats and from diverse platforms, such as NCRB, India. To effectively control crime, police forces must use the most up-to-date technology for analysis, monitoring, and administration. The government may conduct surveillance in a variety of legal methods. The laws that govern this include the Information Technology (IT) Act of 2000, which handles data interception, and the Indian Telegraph Act of 1885, which concerns call interception. Both laws prohibit the use of surveillance by private parties and only permit the government to use it in certain circumstances [4]–[7].

Additionally, hacking is expressly forbidden under the IT Act. According to Sections 43 and 66 of the IT Act, data theft and hacking are, respectively, considered civil and criminal offenses. Section 66B of the law provides for a sentence of up to three years in prison for dishonestly obtaining a computer resource or communication that has been stolen. The information gathered by the Central Monitoring System (NCB) will only be accessible to government organizations like the Intelligence Bureau, Research and Analysis Wing (RAW), Central Bureau of Investigation (CBI), National Investigation Agency (NIA), Central Bureau of Direct Taxes (CBDT), and Narcotics Control Bureau. Who gave this authority and when such monitoring will occur are both unknown. Although there are mechanisms for electronic monitoring provided by the Indian court system, they are useless. In the Right to Privacy Bill, 2011, which was introduced to the parliament, the government also made an effort to define privacy, lay out the circumstances under which it has the right to conduct surveillance, and lay out the consequences for utilizing data obtained via surveillance improperly. This bill states that the only person who has the authority to approve surveillance is the Home Secretary of India's Ministry of Home Affairs [8], [9].

## DISCUSSION

### Surveillance Tools:

#### CCTV:

Major cities in India employ CCTVS on a widespread basis. If things are working, they can support law enforcement quite effectively. CCTV cameras positioned at toll booths and along highways have also helped investigators by seeing suspect activity. By monitoring public areas with CCTV, such as marketplaces, banks, hospitals, theaters, hotels, airports, train stations, bus stops, etc., it is possible to spot suspects and potentially dangerous conduct, such as the detonation of explosives and IEDs. For instance, in a recent case in Noida involving an

experienced Army Colonel who was allegedly assaulted, detained, handcuffed, and tortured on fictitious charges by an ADM, Muzaffarnagar, and his wife, the officer was granted bail during the first hearing after six days because CCTV footage amply demonstrated the arrogance of the ADM, his aides, and the police.

### **GPS (Global Positioning System):**

Law enforcement is increasingly using GPS apps. By locating a call and determining the quickest and safest route to it using GPS technology, police can assist people more promptly and efficiently. Police may map the locations of the traffic stops and collision investigations they undertake in order to more effectively aim their enforcement efforts towards lowering the frequency of traffic crashes. Additionally, crime analysts may use GPS technology to identify new trends in crime sites and organize shift staffing and patrol assignments.

### **Improvements to Body Cameras:**

A "body-worn system" is a camera attached to an officer's chest that can capture both audio and video. Both in the US and the UK, police officers wear body cameras. According to the US Bureau of Justice Statistics, the practice there allegedly began in 2013. Recording public interactions, occurrences involving police enforcement employees, and obtaining evidence at crime scenes are all tasks performed by body-worn cameras. Use of body-worn cameras has various benefits. A body-worn camera system, according to certain research, facilitates the observation of police behavior.

There is a tendency toward less violent incidents, and there are fewer public complaints against the police. They promote righteous, polite, and virtuous behavior. Additionally, it aids in gathering data for use in investigations, and the video may be used for training and self-evaluation. One feels safer thanks to the body-worn camera. In order to facilitate tougher enforcement of traffic regulations and to track "malpractices" by enforcement authorities in India, the Narendra Modi government is reportedly contemplating equipping police personnel with body-worn cameras and dashboard cameras.

The ministry's draft notice, Electronic Monitoring and Enforcement of Road Safety, modified the Central Motor Vehicle Rules of 1989. According to the notice, "Both the video and audio features of the body camera shall only be active when the law enforcement officer is on duty and the official shall warn the subjects that they are being recorded by the body camera." According to the plan, these body-worn cameras may be used to record an event's proceedings and as evidence in court against anyone who break traffic safety laws. They may also "assure that the law enforcement officer has punished the offending driver or person in accordance with the law's provisions."

Lal Bazar (the Kolkata Police headquarters) has urged all police officers responding to unnatural death situations to record the initial spot findings in their body cameras or cellphones in order to act as early evidence even before the forensic units arrive and help avoid potential legal issues down the road. When on duty, the officers must fasten the camera to their uniforms and activate it each time they pull over a suspicious vehicle or interview a suspect. They have also been told to record any heated conversations or disputes between neighbors. 500 body cameras for police stations would be purchased with around 1 crore from the Kolkata Police. Currently, one or two cameras may be found at most police stations [10].

**ALPR, or automatic license plate recognition:**

Software that automatically scans vehicle license plates by performing intricate optical character recognition on pictures is known as Automatic Number Plate Recognition (ANPR), sometimes known as Automatic License Plate Recognition (ALPR). Automated license plate readers (ALPRs) are rapid, computer-controlled camera systems that are typically installed on light posts, street poles, overpasses, mobile trailers, or attached to police cars. ALPR cameras are commonly used in conjunction with automated systems for enforcing speed limits and red lights as well as for collecting tolls on highways and bridges. Mobile ALPR cameras are available. These are typically installed on police patrol vehicles and allow officers to read license plates as they drive throughout the city while on duty. Usually, these cameras are turned on at the beginning of a shift and kept on until it ends. Mobile ALPR cameras are effective in photographing the license plates of moving vehicles as well as parked autos. Using a public parking lot as an example, a police car might instantly record the license plates of hundreds of vehicles.

The decoded vehicle plate, timestamp, and algorithm confidence level are produced by typical ANPR solutions after accepting an image as input. The picture is evaluated for real-time surveillance in as little as 20 to 50 milliseconds. ALPRs automatically record the time, date, and location as well as any visible license plate numbers. The data is then transferred to a central server, where it can also include images of the people inside the automobile. This tool may be used to find stolen automobiles, check for insurance, see if a vehicle has a pollution certificate that is current and legitimate, see if a vehicle is banned, and get the owner's name and contact details in case of an accident. With the use of ANPR technology in 2021, the Gurugram (Haryana) police were able to locate more than 50 stolen automobiles [11].

**Drones:**

Police are increasingly using drones, also known as unmanned aerial vehicles (UAVs), to capture aerial views for work at crime scenes, search and rescue operations, accident reconstruction, crowd surveillance, and other uses. To give regions being surveyed with GPS-enhanced accuracy, some of the more sophisticated models may be equipped with thermal imaging or 3D mapping technologies. Police drones and UAVs often include zoom cameras, which makes them very helpful for giving actionable, real-time information in high-risk, "armed and dangerous" situations. The number of drones used by Indian law enforcement agencies has continuously increased:

- a. The Delhi Police has admitted to utilizing drones that were bought from open markets during the violent riots that occurred in the city in February 2020 and the Delhi Assembly elections.
- b. Drones were used to monitor possible protests when the Ram temple in Ayodhya was being built, and the Indian Railways recently purchased several to closely monitor railway infrastructure.
- c. During the COVID-19 Pandemic, the Delhi police used drones to conduct surveillance and gather information in the form of pictures and videos to make sure people were following the lockdown rules. These surveillance drones might capture footage on SD cards and relay a live feed to the police officer operating the drone.

- d. The Mumbai Municipal Corporation and the Mumbai Police have begun using drones to check curfew violations in residential districts like Andheri and Dharavi.
- e. The drones used a mix of artificial intelligence, position mapping, and high-definition cameras to transmit alerts to the nearest police officer when the Punjab police in Amritsar used them to locate persons less than 6 feet apart.
- f. Similar drone programs were launched in Hyderabad and Kerala, where rented drones were even flown by private citizens as part of the monitoring activities. In Kerala, drones were used to record both thermal imaging and video, and the information was immediately delivered to the phones of the local police.
- g. In Chennai, the use of drones for surveillance has continued long after lockdowns were lifted [12].

### CONCLUSION

In conclusion, technology has had a profoundly revolutionary influence on contemporary police, altering both the practices and capacities of law enforcement. In their efforts to uphold public safety, prevent and investigate crimes, and foster community trust, law enforcement organizations have faced both possibilities and problems as a result of technology improvements. The improvement of efficiency and effectiveness is one of technology's most important advantages for contemporary law enforcement.

Using tools like data analytics, predictive policing algorithms, and geographic information systems (GIS), police enforcement organizations may now more effectively manage their resources, spot crime patterns, and take preventive measures to counter possible threats. With technology, communication and information exchange have both substantially enhanced. Law enforcement organizations may now quickly communicate vital information across jurisdictions, improving their capacity to react to crises, find offenders, and stop crimes that transcend borders. Dash cams and body-worn cameras have increased the accountability and openness of police enforcement encounters. These tools provide an unbiased record of interactions between police and members of the public, increasing trust and lowering the likelihood of wrongdoing. But the rapid use of technology in police has brought up significant ethical and privacy issues. Surveillance systems, face recognition technology, and the collecting and use of enormous quantities of data have all spurred discussions about civil liberties and the potential for misuse.

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## CHAPTER 11

### CRIMINAL PROFILING: SCIENCE OR STEREOTYPE

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#### ABSTRACT:

Criminal profiling, which is often presented as a forensic science method used to help law enforcement identify and capture offenders, is still a topic of interest and debate. This study explores the practice of criminal profiling, looking at its historical development, methodology, and the current argument over whether it is scientifically accurate vs whether it has the ability to reinforce preconceptions. Criminal profiling entails building criminal profiles based on behavioral, psychological, and demographic traits, as has been made popular by media representations. Investigators use profilers to help them eliminate potential suspects and comprehend the probable characteristics and motives of an unidentified perpetrator. However, there is discussion on the criminology's scientific basis for criminal profiling. Criminal profiling began to take shape in the early 20th century because to innovators like Dr. James Brussel, who gave important insights into criminal behavior. Psychological profiling, geographic profiling, and investigative profiling are all contemporary profiling strategies that each have their own procedures and presumptions. Critics claim that criminal profiling may perpetuate prejudices and biases when it is not supported by empirical facts, which may result in unfair trials. Instead of using scientifically verified concepts, profilers may unintentionally depend on anecdotal evidence, presumptions, or intuition, which might lead to tunnel vision when conducting investigations.

#### KEYWORDS:

Criminal Profiling, Forensic Science, Geographic Profiling, Geographical Theory, Psychological Theory.

#### INTRODUCTION

Not the offender must be eradicated; the crime must. This is the fundamental idea behind the reformatory theory of punishment, but does this exact item really occur in society? NO. Why? Because understanding HOW a crime is done is so frequent, why is it so difficult to comprehend WHY a crime is committed? There are several techniques to comprehend why a crime is conducted since numerous criminologists have sometimes offered numerous opinions about the causes of crime. Numerous more theories include the economic theory, the social theory, the psychological theory, the psychodynamic approach, the geographical theory, the biological theory, and the psychological theory. Additionally, they often prove to be quite beneficial in figuring out how crimes are caused. But is it still difficult to comprehend why a certain crime was committed? It is very challenging to grasp the mind of the criminal in such circumstances, particularly in those involving horrendous crimes, serial killings, or serial sexual predators.

Therefore, criminal profiling entails understanding a criminal's psychology as well as his behavior and criminal tendencies. With the aid of this particular technique, it is also possible to predict what crimes that specific criminal was likely to commit in the future. As a result, the criminal profiling approach has shown to be quite successful. In the case of Jack the Reaper,



criminal profiling was used for the first time. Basically, this occurred in the UK, where a serial murderer was murdering prostitutes in a certain pattern. Using this method, he was not only murdering the prostitutes but also sexually assaulting them and severing their private parts. The pattern to understand the mind of the offender was first used in the case of Jack the Reaper, even if this particular case is still open. That being said, not just the UK but also the US subsequently embraced this strategy. And in the event of a horrifying crime, this is particularly beneficial. Whether it involves a sexual predator, a serial murderer, or even terrorism, it is a crime [1], [2].

### **Profiling of criminals**

Criminal profiling is a field of forensic science that provides a mental window into an accused person. It is a common method for locating potential suspects by examining trends and is sometimes referred to as offender profiling or psychological profiling. Additionally, law enforcement organizations are able to forecast future crimes and victims thanks to deductive and inductive reasoning. Criminal profiling is often used in predictive profiling, pattern-based suspect identification, and offender profiling for sexual assault. Criminal profilers analyze an offender's possessions psychologically in order to create a social and psychological profile of the perpetrator. This aids in supplying techniques and recommendations to law enforcement authorities for questioning the suspect. Offender profiling may be defined as generally drawing conclusions about a suspect's emotional, psychological, physical, behavioral, and even professional qualities [3].

### **The Dramatic Evolution of Criminal Profiling**

It is thought that the third generation of investigative research is offender profiling. It all began with the analysis of hints, which was first carried out by Scotland Yard in the nineteenth century. The investigation into the crime itself came next. The idea of studying the offender's mentality then emerged. The first time profiling methods were used was in 1888, during the London serial murders. That was the time when a number of female prostitutes were killed in and around the Whitechapel neighborhood of London by an unnamed serial murderer known as Jack the Ripper. After murdering them, he would slice their throats and mutilate their abdomens.

Investigators assumed he had some surgical or anatomical expertise because of the proficiency and competence with which the victims' corpses were dismembered to take their internal organs. Finally, Thomas Bond, a police physician at the time, was requested to review the case and provide his conclusions. He investigated the case of the most horrifically dismembered victim and the postmortem reports of the earlier canonical killings. As a result, he was able to provide detectives a "profile" of the killer based on his method of operation and distinguishing personality qualities. According to the profile, the killer must have been a physically powerful guy who was also calm and brave. He was said to be prone to recurring episodes of sexual and murderous madness. Bond might also get to the conclusion that the killer could have Satyriasis-like deviant sexual behavior [4].

Psychological profiles and descriptions of criminal case studies were first published by forensically-inclined psychologists and psychiatrists who were interested in learning more about the criminal mentality. Early profile evaluations were largely supplied to mental-health experts for the purpose of study and theoretical debates, and were often targeted at assessing the psyche of persons for strategic benefits, such as the psychological assessment of Adolf Hitler during World War II.



Some claim that Dr. James A. Brussel, a psychiatrist with a practice in New York, used criminal profiling for the first time in the 1950s. The city struggled with horror every day from 1940 until 1956 as a result of Metesky detonating 37 bombs in various locations. For around 16 years, New York City battled to apprehend George Metesky, popularly known as "The Mad Bomber"! The authorities eventually turned to Dr. Brussel for assistance after becoming completely exasperated with their fruitless efforts to apprehend Metesky. Dr. Brussels was able to make some ground-breaking deductions from the crime scene photographs and the bomber's notes. The bomber was in his 50s, single, self-taught, foreign-born, paranoid, and residing in Connecticut with his sister, according to what he could infer. He arrived at these conclusions by combining logic and psychology. For instance, by understanding that paranoia often peaks around the age of 35, he was able to estimate the bomber's age. The bomber was thus most likely in his 50s 16 years after the first event. Most of Dr. Brussel's prophecies concerning Metesky came true when he was ultimately caught and detained by the authorities in 1957. What else? Even his amazing premonition that Metesky would be found by the police dressed in a buttoned double-breasted suit was accurate! [5].

### **Criminal Profiling Techniques: The "art" of Criminal Profiling Unraveled**

A criminal profiler is skilled in identifying suspects by examining a person's mental, psychological, and emotional traits. If you're wondering how they do it, it relies on two fundamental presuppositions: behavioral consistency and homology. By comparing parallels with previous events, behavioral consistency is sometimes utilized to connect a crime with few evidence to a specific culprit. The theory that similar crimes are perpetrated by similar offenders who share certain traits is known as homology. So, what do forensic specialists do in the absence of forensic evidence or eyewitness testimony? At that point, forensic profiling becomes useful. One of the profiling methods used for offender profiling is linkage analysis. This profiling methodology is described by Gerard N. Labuschagne as a behavioral analytic tool that assesses the likelihood that a string of crimes may be connected to a single perpetrator. It often plays an important part in the prosecution of repeat criminals. Linkage analysis is carried out by closely observing the offender's actions leading up to, during, and after the crime. This reveals his method of operation. It also looks at the offender's regular and fantasy-based actions, as well as the particular similarities in each event [6], [7].

## **DISCUSSION**

### **The Fundamental Methods of Criminal Profiling**

Four basic approaches geographic, clinical profiling, investigative psychology, and typological are the foundation of criminal profiling methodologies.

- a. **The geographical approach:** This method is used to infer relationships between crimes and theories about the residences and workplaces of criminals. This is accomplished by looking at trends in the time and locations of infractions.
- b. **The clinical method:** This strategy is mostly aimed towards criminals who are suspected to be experiencing dementia or other psychological abnormalities. The inquiry is based on knowledge from clinical psychology and psychiatry.
- c. **Investigative psychology:** This is a development of geographic profiling that makes use of well-established psychological theories and methods to anticipate the behavioral traits of offenders.

- d. **The typological method:** This strategy examines the characteristics of crime scenes in order to organize criminals into categories of recurring traits.

As a result, the crime scene is thoroughly examined as part of criminal profiling tactics, and similar patterns with earlier events are sought for. Criminal profilers eventually get to certain conclusions about the potential causes of the crime. Criminal profiling should not be confused with a technology that aids in locating the particular culprit connected to a crime, however. Instead, it aids in drawing inferences about who is most 'likely' to have committed that crime [8].

#### **Technique for Criminal Profiling: Top-Down Approach**

In the US, this method is widely used. The FBI conducted a series of in-depth interviews with 36 convicted sexually motivated killers in order to assemble it. It largely depends on a behaviorist viewpoint. It is based on the four essential elements listed below and is also known as the FBI technique.

- a. **Data assimilation:** This process includes collecting data from a variety of sources, including interviews, photos taken at crime scenes, police/pathology reports, etc.
- b. **Classification of the crime scene:** At this stage, profilers decide if the suspect exhibits characteristics of an organized or disorganized criminal. Being socially and sexually competent, having an IQ above average, being the firstborn in their family, working in a skilled profession, maintaining complete composure while committing the crime, and following the crime in the media after it has been committed are some characteristics that profilers associate with organized offenders. On the other side, disorganized criminals are characterized as having average intellect, a dismal employment history, being socially and sexually inadequate, residing close to the crime site, and exhibiting anxiety throughout the course of the crime.
- c. **Crime reconstruction:** The crime scene is recreated using the analyses performed in the preceding processes. This include figuring out victim behavior, the order of the crimes, etc.
- d. **Profile generation:** As a last step, profilers provide a generalized description of the offender that includes behavioral, demographic, and physical traits.

Despite being widely used, the accuracy of the FBI method is often questioned. This is due to the fact that it is based on interviews with manipulative criminals. However, because to its usage in high-profile serial cases, both its successes and failings have been well chronicled. The association between crimes and categories has also been the subject of several scholarly reviews [9], [10].

#### **Technique for Criminal Profiling: Bottom-Up Approach**

This more current style, supported by David Canter, is more common in the UK and is based on psychological ideas and procedures. This method largely depends on computer databases and makes no prior assumptions about the perpetrator. Based on patterns in the offender's conduct during the crime, it was developed.

As it is not predicated on prior knowledge, the "bottom-up" method is seen as being more scientific and logical. Instead, a researcher compiles all the data and, using it, develops a logical description. It searches for instances where the offense could represent the offender's typical conduct or personality. Interpersonal consistency and spatial consistency are two dimensions of

consistency that are highlighted by this method. Interactions between the victim and the perpetrator are referred to as interpersonal consistency. Additionally, spatial consistency is linked to the location of the crime's commission. This is based on criminal maps, or potential places where a criminal may carry out a crime. As a result, law enforcement organizations are guided by the connections between several kinds of data, including time, location, victim preference, etc [8], [11], [12].

### Creating a Criminal Profile

It is more of an art than a science to profile criminals. The precise blending of psychological and intellectual impulses with the specifics of the crime scene is necessary to create a criminal profile. Criminal profiling may be broken down into the following five stages:

- a. **Profiling inputs:** This entails collecting all available data on the incident in order to shed light on the "how" and "why" of the crime. The victim's background information, including work, friends, social standing, customs, and criminal past, must also be gathered.
- b. **Decision-making:** This stage entails categorizing the crime by kind and style using the data acquired in the preceding step. Answers to crucial questions are collected in this stage to determine a specific categorization. Many questions are posed, including: What would be the main driving force behind the crime, where did it occur, why the perpetrator may have picked the particular victim, and does the criminal seem to be amateur or professional. The FBI often use the top-down method to categorize convicts according to the kind of crime they have committed.
- c. **Crime assessment:** This step is completed once the aforementioned questions have been addressed and the crime and the perpetrator have been assigned a classification. This makes it possible to recreate the sequence of events leading up to, during, and after the crime. Determining the conduct of the victim and the perpetrator is also helpful.
- d. **The offender profile:** After gathering all pertinent data, a profiler might begin speculating on the nature of the offender. It contains all the details that define the criminal, such as age, gender, social standing, IQ, etc.
- e. **Investigative use:** This refers to using an offender profile in inquiries. Criminal profiling serves two crucial purposes in cases. First, the traits of the profile aid in focusing the search for the perpetrator for the authorities and investigators. Planning the interview of suspects also helps.

In a nutshell, the practice of criminal profiling entails a criminal profiler acquiring fundamental information. The kind, character, timing, and setting of the crimes; the victims chosen; the state of the crime sites; and communications from the suspect are among them. A suspect's age, race, mental condition, and other qualities are determined in addition to these by a number of additional criteria. A criminal profiler eventually stitches them into a "profile" [13], [14].

### IFF Lab, Incognito Forensic Foundation: A step toward tracing the origins of a crime

The foremost private forensic science lab, Incognito Forensic Foundation (IFF Lab), has its headquarters in Chennai and an office in Bangalore. It has a cutting-edge forensic laboratory as well as a roster of forensic professionals from all fields of forensic science. It is skilled at applying criminal profiling to assist law enforcement organizations in determining the motive behind crimes by using the profile of the offender(s). By using the most recent forensic

technology and criminal profiling methodologies, IFF Lab has extensive experience supporting the government and law enforcement agencies of numerous Indian states in the investigation of heinous and non-heinous crimes [15]–[17].

### CONCLUSION

Let's sum up by saying that criminal profiling is a complicated and contentious subject that mixes aspects of science and possible stereotypes. By examining behavioral patterns, motives, and traits related to criminal activities, it tries to help law enforcement authorities locate and detain suspects. Although criminal profiling has been depicted in the media as a highly precise and scientific method, experts continue to disagree over its efficacy and dependability. Criminal profiling is a procedure that combines psychological and behavioral analysis with forensic data, investigative expertise, and other factors.

Profiling has the power to shed light on criminal conduct and assist eliminate suspects when used carefully and with a firm basis in empirical study. However, there should be serious worry about the possibility of prejudice and stereotype in criminal profiling.

When generating criminal profiles, profilers may unintentionally depend on previous beliefs, personal prejudices, or cultural stereotypes. This may result in incorrect judgments, injustices, and the perpetuating of damaging stereotypes about certain demographic groups. The strictest ethical and scientific standards must be followed while doing criminal profiling in order to overcome these difficulties. Profilers must be properly trained, conscious of their own biases, and committed to conducting evidence-based analyses of every case they encounter.

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## CHAPTER 12

### DRUG POLICY AND LAW ENFORCEMENT: THE WAR ON DRUGS

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#### ABSTRACT:

In many nations, notably the United States, drug policy and law enforcement have been conducted under the banner of the "War on Drugs" for a very long time. This summary looks at the goals, outcomes, and evolution of the War on Drugs in relation to current drug policy debates. The phrase "War on Drugs," which was first used in the 1970s, refers to a thorough and aggressive strategy for preventing the manufacturing, sale, and use of drugs. Its main goals are to lessen drug misuse, break up drug cartels and trafficking networks, and lower the financial and social costs of drug-related crime and addiction. The War on Drugs has gone through several stages and techniques over the years, including severe law enforcement, legislation requiring minimum sentences, and international measures to thwart the flow of drugs. But detractors contend that this strategy often results in unintended effects including mass imprisonment, racial inequities in drug-related arrests, and the continuation of a cycle of addiction and punishment. With an emphasis on harm reduction, treatment, and prevention, drug policy needs to change from a punitive approach to one that is more balanced in recent years. Many jurisdictions have reviewed their drug policies, and some have decriminalized or legalized certain drugs while investing in treatment facilities.

#### KEYWORDS:

Drug-Control Organizations, Drug Enforcement, Law Enforcement, Narcotics, War on Drugs.

#### INTRODUCTION

The United States has waged a "War on Drugs" since the 1970s in an attempt to reduce the use of illicit drugs by harshly increasing fines, enforcement, and jail of drug offenders. The U.S. declared war on drugs in June 1971. Pres. Drug misuse was branded as the "public enemy number one" by Richard Nixon, who also expanded government financing for drug-control organizations and drug-treatment programs. To coordinate government efforts to combat drug misuse, the Office for Drug misuse Law Enforcement, the Bureau of Narcotics and Dangerous Drugs, and the Office of Narcotics Intelligence merged in 1973 to become the Drug Enforcement Administration. Up to Ronald Reagan's administration, which started in 1981, the War on Drugs was a very minor part of government law enforcement activities. Reagan significantly widened the scope of the drug war, and his preference for imprisonment over treatment resulted in a sharp rise in the number of people detained for nonviolent drug offenses from 50,000 in 1980 to 400,000 in 1997. His wife, Nancy, was the driving force behind the "Just Say No" campaign, a privately sponsored initiative to educate kids about the risks associated with drug use, which was launched in 1984.

Increased media attention to the crack epidemic that began in the early 1980s and the ensuing public unease about it were major factors in the War on Drugs' spread. Reagan's tough attitude on drugs was supported politically in part due to the growing concern about illegal drug usage. The Anti-Drug Abuse Act of 1986 was approved by the U.S. Congress, allocating \$1.7 billion to the



War on Drugs and establishing a number of "mandatory minimum" prison terms for different drug-related crimes. The massive difference between the amounts of crack and powder cocaine that resulted in the same minimum sentence was a notable aspect of mandatory minimum sentences: possession of five grams of crack automatically resulted in a five-year sentence, while it required possession of 500 grams of powder cocaine to do so.

Mandatory minimums resulted in an unfair rise in the imprisonment rates for nonviolent Black drug offenders and accusations that the War on Drugs was a racist organization since nearly 80% of crack users were African Americans. Early in the twenty-first century, popular support for the harshest components of the drug war declined due to questions about its efficacy and growing knowledge of the racial imbalance of the penalties it imposed. As a result, changes were made during that time, including the legalization of recreational marijuana in an increasing number of states and the passage of the Fair Sentencing Act of 2010, which decreased the disparity between the minimum sentences for crack and powder possession from 100 to 18 to 1. The penalties for several offenses connected to crack cocaine were further lowered under prison reform legislation that was passed in 2018. Although the War on Drugs is still officially ongoing, it is being carried out on a far less aggressive scale than it was in the 1980s [1], [2].

### **History of the War on Drugs**

Since the 1970s, the United States has waged a "War on Drugs" to prevent the use of illicit drugs by harshly increasing the penalties, enforcement, and imprisonment of drug offenders. The U.S. declared war on drugs in June 1971. Pres. Drug misuse was branded as the "public enemy number one" by Richard Nixon, who also expanded government financing for drug-control organizations and drug-treatment programs. To coordinate government efforts to combat drug misuse, the Office for Drug misuse Law Enforcement, the Bureau of Narcotics and Dangerous Drugs, and the Office of Narcotics Intelligence merged in 1973 to become the Drug Enforcement Administration.

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The history of drug policy and the "War on Drugs" is a complicated and diverse tale that spans decades and includes a number of ideologies, legal frameworks, and political movements.

Given that the US has been one of the most significant players in influencing international drug policies, here is a basic summary of the significant turning points in the history of the War on Drugs and drug policy in the US:

1. **Late 19th and early 20th century early drug regulation:** With the passing of the Harrison Narcotics Tax Act in 1914 and the Pure Food and Drug Act in 1906, the United States started to regulate pharmaceuticals. These early laws did not penalize drug use per se; instead, they sought to regulate the sale and distribution of certain substances, such as opiates and cocaine.
2. **The 1920s and 1930s were the Prohibition Era:** Illicit drug usage, including the use of marijuana and other drugs, started to become more prevalent during the period of alcohol prohibition. In 1930, the government Bureau of Narcotics was founded, which signaled the start of a more concentrated government effort to fight drug misuse.
3. **Nixon's War on Drugs Proclamation (1971):** In 1971, President Richard Nixon designated drug usage as the "public enemy number one" and launched a variety of initiatives, including laws and regulations. The Comprehensive Drug Abuse Prevention and Control Act of 1970 provided the foundation for the nation's present drug regulations.
4. **Reagan's presidency and the 1980s "Just Say No" campaign:** Under President Ronald Reagan, the War on Drugs witnessed a substantial uptick in the 1980s. The mandatory minimum sentences for drug crimes were introduced by the Anti-Drug Abuse Act of 1986 and the Anti-Drug Abuse Act of 1988, which caused a spike in imprisonment rates.
5. **The "Three Strikes" Laws and the Crack Cocaine Epidemic (late 1980s and 1990s):** The 1980s crack cocaine crisis prompted the adoption of strict sentencing regulations, such as "three strikes" statutes that required life terms for repeat offenders.
6. **Changes in Drug Policy (since the 2000s):** The faults and unforeseen repercussions of the War on Drugs have come to light more and more in the 21st century. Starting with California in 1996, several states decriminalized or legalized marijuana for both medicinal and recreational purposes. The opioid crisis in the 2010s led to a change in the way that drug addiction is treated, with a focus on harm reduction.
7. **Criminal Justice Reform (ongoing since the 2010s):** Advocates and decision-makers have been more vocal in their calls for criminal justice reform, which includes offering alternatives to jail and lowering the mandatory minimum terms for drug crimes.
8. **International Drug Policies (Continued):** Through institutions like the United Nations and the implementation of different drug control treaties, the United States has significantly influenced global drug policy [5], [6].

It's important to remember that drug laws have changed throughout time, and there is constant discussion over the most effective way to combat drug usage and addiction.

While some continue to support tough enforcement and punitive measures, others argue for a more public health-oriented strategy that emphasizes harm reduction and treatment.

The history of drug policy illustrates the difficulties and complexity involved in dealing with drug-related problems in society.

## Administration of Drug Laws

Drug policies, which are governmental restrictions that limit the manufacture, distribution, possession, and use of restricted narcotics, are mostly enforced by law enforcement. Drug laws are often created to address social, public health, and safety issues relating to drug usage and addiction. Depending on the particular regulations of a nation or territory, the role of law enforcement in drug policy might vary greatly, but it often consists of the following components:

1. Drug law enforcement is carried out by law enforcement authorities via the investigation and prosecution of drug-related offences. This covers actions including drug manufacture, distribution, possession, and trafficking. In drug-related matters, officers have the authority to carry out covert operations, carry out search warrants, and make arrests.
2. Law enforcement organizations often try to stop the illicit importation of narcotics across borders via interdiction and border control. This entails keeping an eye on border regions, entrance points, and transit routes in order to detain traffickers and confiscate illegal substances.
3. Drug task teams or specialist narcotics units are common in law enforcement organizations and are responsible for conducting only drug-related investigations. These teams may use informants, surveillance, and long-term operations to hunt down drug cartels and sellers.
4. Some law enforcement organizations take part in community policing initiatives to address drug-related concerns at the local level. With this strategy, community people are involved in helping to identify and treat drug issues as well as the root causes of drug misuse.
5. **Prevention and Education:** A few law enforcement agencies take part in community and school-based drug prevention and education initiatives. The public, in particular young people, is to be made aware of the risks of drug usage and addiction via these initiatives.
6. Law enforcement agencies may participate in diversion programs in certain jurisdictions, which provide treatment and assistance for people with drug use problems rather than locking them up. These initiatives put a strong emphasis on recovery and lowering recidivism.
7. **Asset forfeiture:** Law enforcement organizations sometimes have the power to confiscate money and other assets connected to drug-related offenses. This may apply to assets like cash, cars, and real estate. Asset forfeiture is used to stop drug trafficking and pay law enforcement activities.
8. **Collaboration with Other Agencies:** In the battle against drug trafficking and organized criminal networks, cooperation with other governmental organizations is frequent. Examples include the Drug Enforcement Administration (DEA) in the United States or international law enforcement organizations [7]–[9].

It's crucial to remember that different nations and areas may take quite different approaches to drug policy and law enforcement. While some countries place more emphasis on tough law enforcement and punitive measures, certain countries favor a harm reduction strategy that focuses on public health and treatment for drug users. There is constant discussion over the efficiency and influence of law enforcement on drug policy. A strong focus on law enforcement, according to critics, may result in problems like excessive policing, racial inequities in arrests, and the continuation of a cycle of imprisonment. Advocates contend that stringent enforcement is

required to stop drug-related criminality and safeguard public safety. In the end, law enforcement's involvement in drug policy is complicated, and the strategy used should ideally strike a balance between the needs of the public's health, safety, and individual rights while addressing the many problems associated with drug usage and addiction [10].

## DISCUSSION

### Regulations on drug policy

Drug policy refers to a collection of governmental rules, laws, and tactics that control the manufacture, sale, possession, and use of drugs inside a certain territory. These regulations were created to deal with a variety of drug-related concerns, such as public health, safety, addiction treatment, and criminal justice. Drug laws may change greatly across nations or regions due to various cultural norms, beliefs, and priorities. Here are a few important elements of drug policy:

1. **Drug Scheduling:** Depending on how dangerous or useful they are, pharmaceuticals are classified into several schedules or categories in many nations. The regulations and punishments for drugs in the strictest schedules are more stringent. For instance, the Controlled Substances Act in the US divides pharmaceuticals into Schedules I through V.
2. **Criminalization vs. Decriminalization:** One of the most important policy arguments is whether to make drug use and possession illegal or not. Criminalization is the process of treating drug use as a crime that carries the risk of arrest and incarceration. Contrarily, decriminalization refers to the treatment of drug usage as a civil or administrative infraction rather than a criminal one. The possession of tiny quantities of certain substances is no longer considered illegal in several nations.
3. **Legalization:** Legalization entails completely lifting the ban on certain pharmaceuticals, enabling their legitimate production, distribution, and use. Different nations have different policies regarding the regulation of drugs that have been made legal; some, like Uruguay and Canada, have legalized cannabis for recreational use, while others have chosen more stringent policies, such state-controlled sales.
4. Harm reduction is a public health strategy that places less emphasis on punishment and more emphasis on mitigating the harmful effects of drug use. The use of safe injection locations, needle exchange programs, and facilitating access to addiction treatment are among possible strategies.
5. **Medicinal marijuana:** The use of marijuana for medicinal reasons is now permitted in many nations and jurisdictions. For individuals with certain medical problems, this entails controlling its creation, transfer, and application.
6. Drug rules also determine the punishments and sentences for crimes using drugs. For more severe drug offences, they might include mandatory minimum terms as well as fines and probation. Sentencing and punishment laws have been the focus of debate and reform initiatives.
7. Drug policies often incorporate preventive and education initiatives with the goal of lowering drug misuse and addiction rates. These initiatives may be directed towards communities, schools, and the general public.
8. Global drug concerns are addressed via international agreements and organizations, thus drug policy are not only a matter for individual nations. An international agreement that tries to regulate and control the manufacturing and distribution of certain pharmaceuticals is the Single Convention on Narcotic pharmaceuticals of the United Nations.

9. **Evolving Approaches:** Drug policies are not set in stone; they may alter over time in response to shifting societal norms, new scientific knowledge, and requirements for public health. In recent years, certain nations and regions have turned in favor of more progressive, research-based strategies [11], [12].

Drug policy is a complicated and divisive topic, with numerous parties arguing for alternative strategies. The harmony of social ideals, personal freedoms, public safety, and public health influences drug policy in many countries.

### **Enforcement of drug laws' objectives**

The objectives of drug enforcement laws and organizations often center on attempts to restrict and lessen the creation, sale, and use of illicit narcotics. These objectives may include the following and vary from one jurisdiction to another:

1. **Reducing Drug Abuse:** Reducing drug abuse's prevalence in a community or culture is one of drug enforcement's main objectives. This includes initiatives to discourage people from taking illicit substances and to promote treatment and rehabilitation for those who are addicted.
2. **Drug enforcement organizations** strive to preserve public health and safety by halting the spread of drug-related illnesses (such as HIV/AIDS via intravenous drug use) and lowering the likelihood of drug-related crime and violence.
3. **Drug trafficking disruption:** Law enforcement authorities strive to destroy drug trafficking networks and organizations. This entails locating and detaining those responsible for the manufacturing, distribution, and smuggling of drugs.
4. **Interception of Drug Imports:** Intercepting and preventing the smuggling of illicit substances across domestic and international borders is another objective. This includes actions taken to keep an eye on and safeguard ports, borders, and routes utilized by drug traffickers.
5. **Drug Availability Reduction:** One of the main goals is to decrease the market's accessibility to illicit substances. Law enforcement seeks to make it more difficult for people to access illicit narcotics by upsetting supply systems and apprehending drug traffickers.
6. **Drug enforcement** strategies often aim to discourage drug-related criminal conduct by subjecting drug offenders to harsh legal fines and repercussions. The hope is that tough laws and the possibility of penalty would deter people from participating in drug-related activities.
7. **Asset Forfeiture** is a strategy used to take the assets and proceeds obtained from illegal drug-related activity. This not only acts as a deterrent but may also help support drug prevention initiatives and law enforcement organizations [13], [14].
8. Due to the fact that drug trafficking often includes **international criminal groups**, several nations work together to tackle it. Together, we must locate, catch, and break up these criminal organizations.
9. **Community Safety:** By lowering drug-related crimes like theft, burglary, and violence that are often linked to drug misuse and addiction, drug enforcement organizations seek to improve community safety.

**10. Prevention and Education:** To teach the public, especially young people, about the risks of drug usage and addiction, certain drug enforcement programs contain prevention and education components. These initiatives seek to lower the demand for illicit substances.

It's crucial to remember that drug enforcement strategies may differ significantly across jurisdictions and may evolve over time in response to changes in public opinion, scientific discoveries, and political objectives. The efficacy and social effects of various drug enforcement techniques are also still being debated, which has prompted proposals for alternate measures including harm reduction and treatment-focused policies [13]–[16].

## CONCLUSION

In conclusion, the "War on Drugs" has been a divisive approach to drug policy and law enforcement for a long time, especially in the United States. Although reducing drug consumption and trafficking has been its main objective, the strategy's efficacy has been hotly contested. Numerous negative effects of the "War on Drugs" have been seen, with communities of color often suffering the brunt of these effects. These effects include higher imprisonment rates, militarization of law enforcement, and inequities in drug-related arrests and sentencing. The fact that this strategy often focuses on punitive measures rather than addressing the underlying reasons of drug addiction and misuse is one of its major critiques.

Critics contend that a more all-encompassing and public health-focused strategy that incorporates treatment, harm reduction, education, and prevention may be more successful in decreasing drug-related damage and addiction. It has become more apparent in recent years that drug enforcement and policy need to be changed. In order to lighten the load on the criminal justice system and advance public health, several jurisdictions have moved their attention to decriminalization, diversionary programs, and rehabilitation. Furthermore, the conventional approach to drug policy has been put to the test by the legalization and regulation of certain substances, including cannabis, in a number of states and nations. These adjustments have brought in money, lightened the load on law enforcement, and made it possible to regulate drugs more methodically.

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## CHAPTER 13

### POLICE CORRUPTION: CAUSES, CONSEQUENCES AND PREVENTION

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#### ABSTRACT:

Police corruption continues to be a very troubling problem that threatens public confidence, damages the credibility of law enforcement organizations, and makes it difficult to uphold the rule of law. The numerous aspects of police corruption are examined in this chapter, along with their underlying causes, negative effects, and methods for stopping them. Police corruption, which is often characterized as the misuse of police power for individual or institutional benefit, may take many different forms, including bribery, extortion, embezzlement, and power abuse. For the purpose of developing efficient preventative measures, it is essential to comprehend the fundamental reasons of police corruption. The lure of financial gain is one of the main causes of police corruption. Due to financial constraints, inadequate pay, or a lack of internal safeguards, officers may accept bribes or participate in illegal activity. Additionally, corrupt corporate cultures that allow for or even promote unethical conduct may develop a corrupt environment. The effects of police corruption are extensive and harmful to both law enforcement organizations and the populations they are meant to protect. The social compact between the police and the public is broken when corrupt activities weaken public confidence. This distrust may make it difficult for people to work with law enforcement, discourage them from reporting crimes, and undermine the efficacy of police operations.

#### KEYWORDS:

Extortion, Financial Gain, Law Enforcement, Police Corruption, Police Power.

#### INTRODUCTION

An essential institution for social control that exists in some capacity in all civilizations throughout all eras is the police as a law enforcement organization. The police play a crucial role in modern society. Without an efficient, genuine, and honest police force, a society cannot function or advance in the current environment. In one way or another, corruption abounds in the police system. Every area of contemporary life has been affected by corruption. It has corrupted society's moral standards, and the police department is no exception. In reality, corruption in the police force is not a recent phenomenon, but ironically, the organization has seldom taken the problem seriously. I've covered the several forms of police corruption that occur, their causes, and some corrective actions that may be taken to stop it in this post. The article's foundation is drawn from secondary sources, including articles, books, journals, reports from police commissions, and other materials [1], [2].

Police power being abused for personal benefit is known as police corruption. Extortion (such as demanding money in return for not issuing traffic citations) and bribery (such as taking cash in exchange for not enforcing the law) are two examples. It costs a lot when police corruption occurs. A corrupt conduct is a crime, to start. The integrity of the police force is compromised by police corruption, and the public's perception of law enforcement is damaged. Third, corruption



shields illegal activities like prostitution and drug trafficking. Organized crime often makes a lot of money through protected illegal activity. The rotten apple hypothesis holds that a small number of dishonest, immoral police personnel are responsible for corruption. This argument is rejected by experts because it is unable to explain why corrupt personnel tend to congregate in certain police organizations but not others. Ineffective regulations that set moral standards also encourage corruption because they provide criminal groups a financial incentive to undermine law enforcement. For instance, drug enforcement always leads to narcotics corruption. The suppliers of these illicit products and services utilize a portion of their earnings to bribe the police, ensuring the survival of their criminal businesses [3], [4].

### **Police Corruption Types**

In essence, there are two main types of police corruption: external corruption, which deals with police interactions with the public, and internal corruption, which deals with connections between police officers inside the framework of the police department.

The following actions make up external corruption in the majority of cases:

1. Payoffs to police are given by fundamentally law-abiding people who break strict regulations or local laws, as well as by those who really require police protection and are ready to provide money to specific policemen or squads of officers. Businesses that sell alcohol, those in high-crime areas, people running any type of license-required business, companies that tow cars, lawyers who defend people charged with minor offenses where the majority of the state's evidence is police testimony, and people who repeatedly break traffic laws are just a few examples.
2. People who constantly break the law as a way to make money pay off the cops. For instance, drug pushers, prostitutes, and professional burglars.
3. "Clean Graft," which occurs when cops are compensated for services rendered or when they regularly get courtesy discounts.

These exterior corruption manifestations often follow the police department's established hierarchical structure. For instance, a liquor store owner must be confident that his payments to a single officer will ensure that the recipient either has the authority to order other officers not to bother the shop owner or shares the money with those who have command responsibilities in order to avoid being arrested by police investigating violations of the liquor laws. This is why businesspeople, who are especially susceptible to arrest for trivial statutory breaches, often adopt a highly structured system of distribution when paying money to the police. If the mechanism for sharing the collection's revenues becomes too onerous, a more complex one could emerge. A district commander who is aware that liquor store owners are readily collected from may simply impose a predetermined monthly fee on an officer who requests to be assigned to the police squad, regardless of the amount actually collected. Similar to this, persons in charge of choosing district commanders may demand a monthly fee in return for the appointment. There are sophisticated ways for the police to be corrupted by receiving funding from organized crime. Payments to the police often exhibit a high degree of organization because to the highly structured nature of large-scale bookmaking, drug dealing, and other kinds of organized crime. The commander who will instruct his subordinates not to bother certain enterprises may need to be paid in order to provide security for a syndicate's multiple wire rooms in an area. The commander will have to pay his officers or give them a share of the money they make in exchange. Protection is the gift given in every instance of external police corruption, whether it

takes the form of ignoring legal infractions or offering more police support. It doesn't take much clandestine effort to build an organized system of corruption since the police have great latitude in how they enforce the law. Exposure is unlikely since people who pay for the service are happy with it. Internal corruption develops as a consequence of individual officers' ambitions to enhance their working environments or advance in the police force. It might contain:

- a. Paying a fee to join the police department.
- b. Paying higher-ranking officers' money in exchange for better shifts or assignments.
- c. Compensation for selected vacation days.
- d. Strict adherence to a rule of silence on corruption in the external police.
- e. Compensation for advertising.
- f. Payment for a task that will result in substantial kickbacks.

Internal corruption is often not the focus of federal prosecution and receives little media attention. However, due to their frequent interdependence, the eradication of external corruption may also result in the eradication of several internal police corruption practices. As a result, extensive inquiries into and legal actions against external police misconduct may have a major effect on all facets of police corruption [5]–[7].

### **Police Corruption Causes**

Police corruption was pervasive in British India, according to historical analyses of police activity. Different factors might be at play. Government recruiting practices in India are flawed. The superior individual preferred not to participate in the early stages of its growth. Other contributing elements to police corruption include pay scales, nature and hours of duty, housing issues, and specific administrative and organizational issues. Additionally, it's a result of the corrupt politicians and public figures' expanding power.

A study claims that "the policemen's strength and quality have not kept up with the needs of a fast-growing economy and government. As a consequence, monitoring has declined and become ineffective, and corruption has grown accordingly. The ability of police to effectively enforce the law is severely constrained. The police discretion "to act or not to act" in relation to specific offenses under many of these laws, along with those ambiguities, provide plenty of opportunity for staff to engage in corrupt behavior while enforcing such laws. When determining whether the "Prevention of Sati Act" provisions may be pursued against the family of a widow who committed Sati of her own free choice, for instance, police discretion would take precedence over all other criteria. The same is true for a variety of other offenses that fall within the purview of several social laws, such as child labor, untouchability, immoral trafficking in women, indecent depiction of women, etc. The growing prevalence of corruption in the police when dealing with gender problems like dowry deaths, the exploitation of women, etc. is an equally unsettling trend. Numerous unnatural deaths that fit within the aforementioned criteria are left unsolved. For instance, 455 of the 714 unexpected fatalities of married women under 40 recorded in Bangalore in 1997 were burn deaths. These incidents were often labeled "stove burst" or "kitchen accidents" and then closed as accidents without further examination [8]–[10].

The immense authority given to a police officer on a daily basis while employment is the main cause of corruption in the police. In all circumstances today where police have discretion and are in a position to utilize that discretion, corruption is a regular element. Enforcement of the law on

prostitution is one such instance. According to the proverb "Power tends to corrupt, and absolute power corrupts absolutely," two cognitive characteristics of police viz. Police officers have plenty of opportunity to engage in corruption thanks to their discretion and authority. While carrying out the fundamental responsibilities of police, i.e., upkeep of law and order, as well as the investigation and prevention of crime. Police discretion, which has two edges and may be utilized or abused in a variety of law-and-order circumstances, is similar. Although the staff is required to utilize these special abilities precisely in line with the policies that specify processes and formalities, individuals who are overpowered and driven by selfish interests may abuse them in order to further their own interests. Such "deviant behavior" on the part of the staff manifests itself in many ways across several police disciplines. Bribe payments for positions and promotions in the Police department are a well-known occurrence. The outcome is that the Policemen who have already bought their way through strive to reclaim the money as quickly as possible, and corruption is used as a tactic to increase the return on "investment". The nation seems to have adopted corruption as its way of life. Despite the fact that police corruption is not as common as it is in certain other departments, its effects are more severe and its scope is rather vast.

The disease of police corruption often jeopardizes constitutional government and serves as a trigger for the violation of people's civil and human rights. The perception of the police as the most corrupt branch of the government is widely diffused due to the fact that bribe givers are often in trouble and the staff's ability to abuse or improperly utilize their discretion and authority to demand bribes. The formation of such an image, which is mostly the result of hearsay and media-fabricated tales, is further aided by the discrepancy between the empirical existential reality of the police and the public's cognitive impressions of it. In a democratic system, a police force with a tarnished reputation for corruption and partisanship is unable to uphold the rule of law with any degree of effectiveness [11], [12].

### **Police Officers in India Abuse Their Power**

The police are a security force whose responsibility it is to see that the law is, in essence, upheld. The police are the major institution responsible for upholding the rule of law in society; they have the authority to keep the peace, uphold the law, as well as to prevent, identify, and bring criminals to justice. Their responsibility is to protect everyone's safety and uphold the nation's honor. When any unlawful conduct has been carried out, the police are the first to be informed.

The duty of the police is to uphold each citizen's rights. However, the servants of the country now misuse this authority of law enforcement, prevention, and incarceration. One of the most serious issues facing the nation is the misuse of power and police violence they advocate. In recent years, India has seen several instances of police misbehavior and corruption. Now, it's important to distinguish between the two ideas of misbehavior and corrupt practice. Corrupt practices are the activities taken by police officers for personal gain, while misbehavior is the use of fatal amounts of physical force by the police. These offenses often include murdering or violently assaulting innocent persons without a court warrant or authorization from higher police officials. Police brutality is the term used to describe these offenses. Since the police have a responsibility to protect individuals and uphold their rights, police brutality and power abuse serve as an example of how the system has failed. But in this instance, our saviors became preppers and misused the extra authority they were granted. After doing an unlawful conduct, they often exploit their authority to escape punishment or moral and legal

accountability. Several instances of police violence have been reported from various regions of the nation. Despite Indian Penal Code provisions that prohibit it, inhumane methods of torture have often been employed on persons when they are in the custody of the police. These situations don't seem to get much notice because the police conceal them by defending themselves with false statements and assertions. While attempting to curb or eliminate crime from society, the police institutionalized it within their line of work. Furthermore, even fewer instances of these horrifying crimes are reported because people are afraid to criticize the police. Citizens who speak out against the police are silenced by the force of the police. You have to go to the police to submit a complaint, illustrating the difficulty and anxiety that the average person has while reporting such occurrences. This demonstrates how hard it is for the average person to get justice against their own "protectors."

A few examples of police misconduct include:

- i. Illegal Detention and Unjustified Arrest
- ii. Inaccurate searches and harassment
- iii. Sexual assault
- iv. Discrimination based on race

### **Corrupting The Police**

Corruption is the abuse of authority for personal gain. Corruption has always existed in society in one form or another. It has diminished society's moral standards, and the police department cannot be an exception. The misuse of police authority for financial gain, personal gain, or even career promotion by police personnel is known as police corruption. This abuse often occurs in return for a police officer not selectively pursuing an investigation or an arrest. Accepting monetary bribes in return for withholding information about organized crime or other criminal activity is one typical kind of police corruption. Even the police officers participate voluntarily in organized crime. Widespread corruption is a problem in India. India ranks 80th out of 198 countries on the corruption perception index, despite the fact that corruption is widespread around the globe; this suggests that there is still much that can be done to lessen the many forms of corruption that exist there. They are aware of the corruption that penetrates the police force on almost every level and in many different ways. Lower-ranking police personnel have also been caught as taking bribes, while high-ranking police officials have sometimes been identified as engaged in corrupt behavior. In India, there are several factors that contribute to police corruption. The fact that police personnel are given a great deal of authority for daily operations is a key contributor to police corruption [13], [14].

In all circumstances where the police have discretion and can use that discretion, police corruption is rife today. Enforcement of the prohibition laws is one such instance. A police officer has plenty of leeway to commit corruption thanks to their authority and discretion. They carry out essential police duties while having extensive authority. Law-and-Order employees have the ability to utilize or abuse police discretion in this circumstance. Government hiring practices in India are inadequate. Other elements that contribute to police corruption include wage arrangements, the nature and hours of the employment, housing challenges, and specific administrative and organizational issues. A research claims that despite the needs of a government and economy that are developing quickly, police quality and power have not kept up. The ability of the police to properly enforce the law is subject to several limitations. When carrying out such acts, authorities have various opportunities to use corrupt methods due to the

many uncertainties in these laws and the police's "do or don't" discretion about specific offences. Bribes are a common occurrence in the police department for posts and promotions. In order to maximize their return on investment, officers who have paid will want to recover their funds as quickly as possible. As a consequence, corruption is used.

### **In India, a few corrupt police officers**

1. S. Malaichamy, was an IAS official who received a five-year prison term for corruption. In 1971, his holdings increased dramatically, going from 46 lakh to 1.3 crore.
2. Nitesh Janardhan Thakur, has a net worth of 200 crores despite only serving for 12 years. In addition to houses, he also owned 10 high-end cars. He was able to leave the country via plane before being apprehended.
3. Couples Arvind and Tinoo Joshi, are incarcerated at the moment for their roles in corruption. They both had excessive assets and were IAS.
4. Neera Yadav, she was detained in connection with many land scams. She had been sentenced to two years in prison for corruption by the Supreme Court.
5. E.T.O. Suraj, during a search by the Anti-Corruption Bureau at his home, a case worth \$20,000 and goods worth \$30,000 were found. According to a source, he also owns multiple benami properties including an apartment in Dubai.

## **DISCUSSION**

### **Legal Responsibility of Indian Police**

In India, the police are very important to the smooth operation of society. The identification and advertence of crimes and conflicts across the nation is the responsibility of the police, a long arm of the law. Controlling and regulating the police is the responsibility of the state. Since the police are included as a State in the 7th Schedule under Article 246 of the Indian Constitution, the State Government is given the authority to oversee and regulate the police.

The misuse of authority, cruelty, and unlawful imprisonment by the police are the three most frequent ways that the police violate human rights in India. Several actions were made; however, they were unsuccessful in stopping the police from misusing their authority. In the case of *Prakash Singh v. Union of India*, both the state and the federal governments neglected to follow the Supreme Court's instructions. As a consequence, there was significant carelessness on both parts, which led to the police abusing their authority. In a recent incident in Tamil Nadu, the nation saw a death in custody after a father and his kid were detained for breaking Covid-19 regulations. P. In addition to J. Benicks passed away while being held two days following their release. The dead individuals were taken to a hospital in poor condition, with bloody trousers, according to the family members' claims, which were corroborated by other sources. According to reports, they were severely assaulted while being held, which caused severe injuries and finally led to their deaths. The Kovil Patti Judicial Magistrate was instructed by the Madras High Court to conduct an investigation and submit a report after taking into account the complexity and urgency of the issue. As a result of the injuries detailed in the post-mortem report and the eyewitness, who is a policeman at the same police station, it was determined that there had been a murder.

The CCTV video was also found to have been tampered with, according to the probe. The five police officers who were charged with murder were taken into custody right away. This tragedy



rocked the nation and increased the standard for human rights defense. Human rights are privileges that every person has by right of birth, regardless of caste, class, color, sex, or other characteristics. As a result, every human being has the right to enjoy these rights in their daily lives without being denied them. As a public servant, a police officer has a responsibility to treat the community's residents lawfully. Although various initiatives have been done to address the problem of power abuse, it is regrettable that this kind of public servant behavior still exists in a democracy like India [10], [12], [15].

In India, there is an alarming problem with police abuse of their authority that has to be addressed right now. Numerous measures have been attempted to curb this kind of behavior. For the purpose of receiving complaints from the public about issues with the police, a Police Complaint Authority was formed. As previously indicated, in the well-known case *Prakash Singh v. Union of India*, the Supreme Court ordered that a body called the Police Complaint Authority be established in each of India's states after considering the issue of police abuse of authority and findings from different commissions. The Police Complaint Authority is empowered to look into allegations of police misconduct involving any level of officer, including those above and below the rank of Superintendent of Police, including allegations of rape or attempted rape of a woman while she is in custody, illegal land or property transfers, serious instances of abuse of power, and grave injuries or fatalities. Similar to this, the Protection of Human Rights Act of 1993 gives the National Human Rights Commission the authority to act on complaints of human rights violations made by any person. The National Human Rights Commission has been granted the authority to take harsh action or bring charges against the police officer in cases of in-custody violence and fatalities, any unlawful conduct committed by the police, fictitious encounters, and problems with women and children, among other things.

Another approach to keep the police responsible is through submitting court petitions, which allow the court to immediately intervene in claims of police power abuse and penalize the officers involved. In this case, legal recourse against the police is available under civil, criminal, and public tort laws. First of all, public laws state that the police can be held accountable through the courts and punished for any violations of a person's fundamental rights, such as the right to life and liberty, protection against unlawful detention, equal treatment, etc., and that the state may also be charged with compensation for the act. Second, when it comes to criminal culpability, the Code of Criminal Procedure offers police personnel several protections against legal action. This freedom is granted to the police under Section 179, specifically Section 132. Last but not least, under private law, a state may be held responsible for damages if a police officer violates a person's basic rights [11], [13], [16].

### **Police Extrajudicial Killing**

The constitution itself also contributes to the issue since it has several flaws. Police murders committed outside of legal channels under the pretext of self-defense are one such loophole. There are no mysterious clauses or laws in Indian law that permit encounter killing, often known as "encounter." The Supreme Court has curtailed the use of excessive police measures in a number of judgments. According to statistics presented in the *OK Sasha* on July 26th, eight and two persons, respectively, were slain nationwide during 2020–2021 and rose to 151 during 2021–2022. In the guise of self-defense, the police officer flees the confrontation, the cases, and the investigation. The police are regarded as encounter specialists in a nation where encounter is illegal. Some of these cops are Pradeep Sharma, who had 104 encounters, and Paul Kayak, who

had 84 encounters. Day Kayak, who had run into 80 people, Vijay Alaska, who had run into 83, Ahin Wada, who had run into 63, Anent Dev, who had run into 60, Deepak Kumar, who had run into 56, Rajesh Kumar Panda, who had run into 50, Reindeer Singh, who had run into 50, Amitabh Cash, who had run into 36 there are a lot more names on the list. The case of Vikash Dubey was one of several encounter instances that shocked the nation. He was a mobster with a 30-year criminal past, and 62 charges, including 5 murder cases, were filed against him. He originally gained notoriety in 2001 for killing Santosh Shula, a BJP minister-level politician in Up. He gained notoriety a second time in 2020 when he murdered 8 police officers sent to apprehend him with the assistance of his fans.

He managed to fly to Ujjain after murdering 8 police officers. He was afterwards taken into custody in Ujjain. The story was being covered by the major media since the murder of 8 police officers was a significant matter. Additionally, the media tracked the police convoy that transported Vikash Dubey from Ujjain to Kanpur. The cops who were leading with Vikash Dubey's transport was abruptly halted at one point and resumed after a short period of time. Vikash Dubey was riding in a vehicle with police when it was involved in an accident. Vikash Dubey allegedly stole a firearm from a police officer following the incident, according to the police. When the police urged him to surrender, he reportedly fled to a neighboring field and refused, leading to a gunfight, according to the police. In an act of self-defense, the police squad murdered Vikash Dubey. The confrontation results in the scanning of 200 police officers. Vikash Dubey's encounter is thought to have been staged. This action by the Kanpur police is seen more as retaliation, which was also supported by the government.

Vikash Dubey's meeting sounded less like an original tale and more like something out of a Bollywood film. Local police officials also gave Vikash Dubey the information that he was going to be arrested when they went to his property. The Indian police are crucial to preserving the social norms of justice, equality, peace, and stability. The misuse of these vested rights granted to police personnel is not an exception. Its primary duty is to maintain and enforce laws designed to protect residents from all forms of crime and, in the event of a violation, to punish the offender. These authorities must function such that all Indian residents feel secure under their watch and unaffected by their presence.

Police should not use their "invisible hands" to forcefully express their anger and fury on suspects based on preconceived assumptions; instead, they should act in the best interests of health, morale, and safety. The answer to the question "Can We Prevent These Types of Incidents in the Future?" is yes, but only if there is a strong sense of equality in the eyes of these authorities, which must be developed to stop the violent deeds from being created. for any sort of social stigma, including racism, religious prejudice, or any other. It must cease being tortured in prison. The division of powers, which is a cornerstone of the Constitution, must also be acknowledged since judges, not police officers, have the authority to punish guilty parties or hold the accused accountable. Few actions are required to stop egregious cruelty in society, such as the hiring of criminal psychiatrists and police therapy in every area. The last thing a state should and should not do is compensate someone who has been tortured or lost a family member. This does not, however, prove that a human life may have a monetary worth. To guarantee that police personnel are abiding by the criteria outlined in the Act, police accountability must also be the main goal.



Additionally, the police officers are required to abide by the rules and regulations set down as a result of historical decisions that they will thereafter defend Dignity. of how the public views the police. Police uniforms are meant to convey a sense of authority and fairness. The number of fatalities in detention and instances of torture are rising again, and now is the moment to take action and stop it from happening further. Even if it is not completely eliminated, a considerable decrease will be made. Therefore, in order to make our society a safer place to live in, all people, the government, media, judiciary, and law enforcement must work together [9], [12], [15], [17].

### CONCLUSION

In summary, police corruption is a persistent and complicated problem with serious ramifications for communities, law enforcement organizations, and society at large. It results from a number of things, such as structural problems, moral failings, and private motives. The effects of police corruption may be disastrous, undermining public confidence, jeopardizing the fairness of the criminal justice system, and perhaps even resulting in injustices. Police corruption must be addressed using a multifaceted strategy that includes measures for accountability, detection, and prevention. The first steps in preventing corruption in law enforcement organizations include recruiting and training, emphasis on moral standards, and promotion of an ethical culture. Additionally, setting up efficient supervision structures like internal affairs departments and civilian review boards may aid in spotting and looking into cases of corruption. In order to combat police corruption, transparency and accountability are crucial. To prevent and resolve corruption, it is essential to put in place rigorous codes of conduct, support whistleblowers, and make sure that officials are held responsible for their deeds. Another crucial element in combating police corruption is community participation and trust-building. Communities who trust their law enforcement authorities are more willing to assist cops and report cases of corruption, making their environment safer and more responsible.

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