ABSTRACT

This paper identifies crimes of violence and discusses the importance of medico-legal examination, documentation and forensic evidence in the prosecution of violent crimes. The paper is divided into four parts. Part I discusses the challenges faced in prosecuting violent crimes in the adversarial trial procedure which heavily relies on eye witness/victim testimony in the search for the truth. The paper analyses the special challenges faced by victims of violent crimes in adducing evidence to assist the prosecution discharge the burden of proof. Part II argues that forensic evidence is expert evidence which is crucial in the successful prosecution of violent crimes especially where the victim is unable or unwilling to testify. Part III discusses the important role of forensic scientists as officers of the court in the search for the truth. The paper concludes by proposing a multidisciplinary approach to the management of violence and violent crimes.

KEYWORDS: Crime, Evidence, Forensic, Science, Violence

INTRODUCTION

Violent crimes are those which involve the use of force, intimidation, coercion, manipulation, duress and undue influence or control of the victim either during, immediately before or after the commission of the crime by the perpetrator. They include but are not limited to homicides such as murder, manslaughter, suicide and sexual offences such as rape, defilement, sexual assault, offences against the person e.g. common or aggravated assault causing grievous bodily harm. Domestic violence is particularly a violent offence which unfortunately is not recognized as a crime in many African jurisdictions. As a result, the management of domestic violence becomes difficult since it is not so defined by many African criminal codes/statutes. Unfortunately, domestic violence can take the form of mental, psychological, physical, sexual or even emotional and verbal abuse.

The first challenge to the management of violence through forensic science is the principle of legality in criminal law. For victims of violent crimes to receive justice from the adversarial system of trial which was inherited by most African countries, the act/omission
complained of must be defined by law as a crime and a penalty prescribed for it. In the absence of such statutory provision, any act/ omission that results into the use of force by an individual against another cannot be redressed by the criminal justice system. This is the principle of legality in criminal law.

Today, not many victims of domestic violence access justice from the courts in Africa since action amounting to domestic violence is not criminalized in many countries. The nearest that many countries have come is assault, assault causing grievous bodily harm which only recognizes physical forms of domestic violence as defined in various penal codes.\textsuperscript{4} The Sexual Offences Act 2006 in Kenya widened the definition of sexual offences\textsuperscript{5} and some acts of domestic violence may be prosecuted as sexual offences. This, however, still leaves out psychological, emotional and verbal abuse aspects of domestic violence.

The second challenge to management of violence through the use of forensic science is the legal requirement that a case be reported to the criminal justice system for the wheels of justice to start rolling.\textsuperscript{6} This presupposes knowledge of the fact that an action/ omission amounts to a crime, on the part of the public and the victim, on whom the system depends on to report the crime. It also assumes that everyone has access to police stations and is able to report their complaints, vulnerability, interference and or intimidation or manipulation or fear, either external or internal. Many violent crimes, however, go unreported due to several factors. Key amongst this is victim vulnerability, intimidation by the perpetrator or lack of knowledge when a crime has been committed against them.\textsuperscript{7} This is so especially in cases involving domestic violence, sexual assault and child victims of crime. In domestic violence cases, the dependence by the victim on the perpetrator, cultural practices and norms, socialization amongst others factors discourage victims of violent crimes from reporting to the police.\textsuperscript{8} Such victims may therefore suffer silently or even die as a result.\textsuperscript{9} The victims depend on a third party who has information that they are victims of abuse to report the case to the police.

Forensic scientists handling child victims are likely to come across evidence such as bite marks and burn marks which presuppose that the child may have been abused.\textsuperscript{10} The same can be said of victims of domestic violence and sexual abuse who may not report to any criminal justice agency but present themselves to the doctors for treatment. In order to manage the violence and help the child victim of domestic violence and sexual assault, it is in order that the report is made to the police to investigate and probably prosecute the perpetrator and protect the child victim.
Many medical practitioners or indeed forensic experts may not report such information for various reasons. This is compounded by the fact that there are no ‘mandatory reporting laws’ in most African countries. Mandatory reporting laws obligate any person who handles a suspected victim of crime to report to the police for investigations on reasonable suspicion that a crime may have been committed. This has helped especially in cases of the battered woman’s syndrome or the abused child syndrome cases in Britain and in the USA. Where mandatory reporting laws exist, forensic experts are very instrumental in reporting crimes which are subsequently investigated and the forensic evidence aids in not only protecting the victim/patient, but also in punishing the offender while assisting the criminal justice system in the search for the truth. In the USA and Britain, mandatory reporting has enabled the criminal justice system to enhance its efficacy in the dispensation of justice.

A fundamental question that needs to be addressed is how easy is it for a victim of spouse abuse dependent on the perpetrator, and subjected to cultural beliefs and socialization that wife beating is a form of discipline or show of love by the perpetrator, to report the abuse to the police? These are some of the challenges presented by the non-mandatory reporting statutes in most African countries.

The third problem faced in the forensic management of violence is lack of, inadequate or delayed investigation which may result into loss of crucial forensic evidence, especially in sexual assault cases. The traditional criminal justice system depends on the physical, circumstantial and the eye witness account to establish the guilt or innocence of the suspect. Lack of knowledge on what to do to preserve the scene of crime or forensic evidence leads to loss of or damage or interference with crucial evidence.

Whereas the public needs to know how to preserve crucial evidence e.g. blood, semen and saliva amongst many others, there is need for timely preservation and handling of forensic evidence during investigations. Due to its near certainty in establishing the link with the suspect and the victim, forensic evidence needs to be handled professionally and procedurally to ensure that all crucial details are not missed out. Crime scenes must be preserved and not interfered with, until all the investigations are complete. A lot of evidence is often lost at the scene of crime due to lack of knowledge, social stigma (in cases of sexual offences, domestic violence and child abuse where the victim takes a shower or washes the clothes leading to loss of crucial evidence.

Forensic experts therefore have an important role in educating the public on the need to know what is and how to preserve forensic evidence in any crime scene. This calls for
increased awareness on the public and enhanced capacity of forensic scientists to access crime scenes soon after crimes occur. Together with this, is the need to ensure minimal interference with the forensic evidence and increased capacity of the forensic experts in terms of numbers, skills and facilities. No doubt, poor investigations leads to poor prosecution and negates the search for the truth. Proper investigation and handling of forensic evidence has the potential of enabling successful prosecution, while enhancing the search for the truth.\(^{14}\)

Properly conducted forensic investigation is therefore a cornerstone of the forensic management of violence which assists in successful prosecution.

Prosecution is the fourth factor that presents the biggest challenge to the forensic management of violent crimes.\(^{15}\) After calling all the evidence from various sources, the state must discharge the evidential burden of proof beyond any reasonable doubt.\(^{16}\) This is indeed the key pillar of any criminal trial. The suspect is presumed innocent until proven guilty and is protected from self-incrimination.\(^{17}\) The prosecution therefore relies on circumstantial, physical and eye witness evidence to discharge the burden of proof. Quite often, doubts arise in the course of the trial, the benefit of which serves to set the accused person free. Circumstantial evidence alone may not be adequate in assisting the court arrive at the truth. Eye witness evidence too is characterized by so many challenges which include the witnesses’ ability to coherently and confidently narrate the details of the crime occurrence.\(^{18}\)

Depending on the vulnerability of an eye witness, especially the crime victim, eye witnesses’ accounts may not be very helpful in the search for the truth. Unfortunately, the criminal justice system attaches a lot of weight to an eye witness account in determining the guilt or innocence of the suspect. Failure of a witness, especially the crime victim to testify negatively impacts on the prosecution of violent crimes. There are however, several situations in which crime victims/ witnesses are unwilling or unsuitable to testify. This is especially so in sexual assault, domestic violence, child abuse and robbery with violence in which the perpetrator and the victim may have been the only witnesses to the crime. It is not rare to find violence not only used at the commission of the crime, but further threats of violence issued to the victim, should they report or narrate their ordeal even in court.\(^{19}\)

Such victims of crime find themselves at cross roads for they need to keep their part of the bargain and not give evidence in ‘exchange’ for their safety and risking their lives by giving evidence in pursuit of justice. Victims of such violence quite often opt for the former and could refuse to testify, change their earlier recorded or opt to withdraw the case altogether.
In some cases, the victims of violent crimes may fail to testify once in the witness box due to what psychologists call Post Traumatic Stress Disorder.\(^{20}\) Expecting such victims to narrate the details of the crime in an open/closed court, to strangers and in the presence of the perpetrator amounts to ‘institutional re-victimization’.\(^{21}\) Such victims may be unable to narrate the details of the crime which they wish to ‘forget’ and move on with their lives. However, the criminal justice systems in most African countries, Kenya included, are yet to take judicial notice of Post Traumatic Stress Disorder in violence related crimes. In such cases, the approach of psychology, psychiatry and forensic science may assist in the search for the truth. In such cases, forensic evidence saves the victim the agony of the due process and helps to facilitate their participation in court.

Tied to the challenge concerning successful prosecution of violent crimes is the need to protect victims of crime especially child abuse, spouse abuse, domestic violence and sexual abuse. Whereas the state has an interest in protecting all citizens and must respect the fair trial rights of suspects, it is not uncommon for the prosecution to drop prosecution of cases in which they perceive the evidence to be so weak with less chances of sustaining a conviction where there is no policy on mandatory prosecution.

Apart from weak evidence, there are concerns about compensation, cases being resolved outside court and consent to prosecute requirements in some cases, which may affect the initiation of or progress of a prosecution. Witnesses may also be intimidated into withdrawing complaints. In the absence on ‘no drop’ policy, many such cases are likely to be dropped by the prosecution due to their evidential weaknesses and the possibility of an acquittal rather than a conviction. Whereas the state is supposed to be concerned with the revelation of the truth rather than a conviction or an acquittal, the absence of the ‘no drop policy’ in most African countries, in the prosecution of most violent crimes has the effect of fewer cases reported being actually prosecuted. In such situations, apart from legislation of the ‘no drop policies’, forensic evidence plays a very crucial role in the search for the truth.

A further challenge in the management of violent crimes is the rules of evidence which have developed over a period of time and gained the status of rights, which in some jurisdictions are constitutionally protected. In Kenya, for example, an accused person has the protection of fair trial rights which are non-derogable.\(^{22}\) Such rights include the right to cross examine the witness, confront them and have the evidence adduced in their presence. The constitutional rights are criticized as adversarial to the victims of violent crimes while
protecting the suspect. In situations where the suspect and the victim are the only witnesses to the crime, the prosecution’s case has a higher chance of collapsing.

The irony of the evidentiary rules is that the suspect is presumed innocent until proven guilty and protected from self-incrimination by the constitution while the victim while the victim has an obligation to testify in the presence of the accused, be cross examined by him/her and must answer questions. The process of extracting the truth under the adversarial system of criminal procedure has been described by Omondi as an institutional revictimization of the violent crime victim, especially in child sexual abuse cases. Forensic evidence can be produced in such cases to save the victim from the trauma associated with testifying in the adversarial system of trial.

Where victims are able to testify, other challenges faced in the process of adducing the eye witness evidence include technicality of court procedures and language, court delays, unfamiliar court environment amongst others which make the court environment and testifying a terrifying experience for crime victims/ witnesses.

Corruption can also not be totally ruled out as having a negative influence on the prosecution process or presentation of evidence in court. Forensic evidence therefore plays a very vital role in ensuring that the search for truth is not unduly affected by external factors/ extraneous factors.

Another factor that affects the effective prosecution of violent crimes is the rule against double jeopardy. Entrenched in Kenyan constitution under article 50 (2) (o), the rule protects an accused person from being tried more than once on the same facts. If therefore, a suspect is tried and set free, double jeopardy protects him from a subsequent trial based on the same facts. However, as is discussed under the impact of DNA testing on criminal trials, new evidence that could previously not be reasonably be produced in court, if later discovered to have the potential likelihood to establish the guilt or innocence of one previously tried and set free, can nevertheless be allowed and the case re-tried. DNA testing is therefore changing the landscape in criminal trials, procedure and principles. Forensic evidence has today changed the notion of finality of court judgment.

In all the above discussions, the challenge is the prosecution’s duty to discharge the burden of proof which relies heavily on the eye witness account in court. In this respect, an eye witness’ testimony in the identification of the suspect as the one who committed the crime is a crucial part in discharging the burden of proof. Traditionally, courts have placed a
lot of emphasis on eye witness identification of suspects. In 1967, the United States Supreme Court first recognized the due process challenges to identification testimony.

The court for a long period took a hands off approach to eye witness identification. To dismiss eye witness identification testimony, the defendant must show evidence that the identification procedure was unnecessarily suggestive and with a high likelihood of misidentification.

Scientists who study memory refute common allegations explaining how memory functions, and in what instances memory can lapse. Memory accuracy is affected by duration, distraction, stress and other factors. Eye witness accounts of evidence are therefore subject to these factors which include errors of omission (failure to recall) and errors of commission (incorrect recall). Eye witness’ retrospective self-reports are the basis of identification testimony. The social desirability of the response, the need to appear consistent and reinterpretation of past events all affect such reports. Fortunately, the advancement in scientific technology and application has today improved the process of adducing evidence. Forensic evidence is arguably the greatest development in the application of science in the search for truth in any criminal trial.

Part II: The Role of Forensic Evidence in theProsecutorial Process

Forensic science variously refers to the application of scientific methods and techniques to investigate crimes and comprises of many disciplines. According to United States National Research Council’s Index, some scientific methods and techniques applied to investigate crimes include DNA controlled substances, blood types, microscopic analysis, bite marks, coroners’ reports, voice analysis, fingerprint, ballistic tests, handwriting, cause of death reports, poisons, firearms/ tools and digital evidence (gathering, processing and interpreting electronic documents, lists of phone numbers and call logs, Global Positioning System tracking, e-mails, photos among others). DNA has proved very useful in the management of crimes such as murder and rape. The application of DNA has led to the recognition that wrong people may be convicted, or and guilty people are set free in the absence of DNA application to crime investigation. This was the conclusion arrived at by the “Innocence Project 2013 in the USA which resulted in the face and profile of every person in the USA.”
Importance of DNA Profile Identification

One of the greatest forensic science contributions to criminal investigation and prosecution is the DNA profiling. Scientific advances in the testing of deoxyribonucleic acid (DNA testing) has aided in criminal prosecution and conviction. There are also instances where previously produced forensic evidence for purposes of DNA has been accessed to establish one’s complete innocence or guilt for crimes they were convicted for and sentenced. In affirming the contribution DNA to criminal prosecution, Judge Letting observed that:

Today it is widely acknowledged by forensic scientists that Short Tandem Repeat (STR) DNA testing can distinguish between two individuals on the planet, except identical twins. STR DNA testing can in certain cases establish to a virtual certainty whether a particular suspect did or did not commit a particular crime”.

STR DNA testing is therefore a high credit to the criminal justice system as it affords objective truth in establishing the guilt or innocence of crime suspects. Advanced technological application of DNA testing provides powerful evidence and has enhanced prosecutions and investigation of crimes. Today, it is easy to establish whether a biological tissue matches a suspect with near certainty. DNA testing has exonerated wrongly convicted people and confirmed the convictions of many upon appeal or review by a higher court. DNA testing is therefore very important at the appeal or trial stage. It saves time for both the prosecution and the court in discharging its burden of proof. DNA testing saves the victim of crime especially in robbery with violence, sexual assault, child abuse and domestic violence cases, from the traumatic experience of narrating the ordeal in court and trying to prove their innocence in an adversarial trial where the accused person/ suspects’ rights are more protected than those of the victims.

At post trial stage, the application of DNA testing must show that the application of the technology was impossible at the trial, by swearing an affidavit to that effect. When newly discovered evidence shows the innocence of a convict, such evidence entitles him or her to a retrial to establish his/ her innocence. A defendant who applies for a post-conviction DNA testing must show: 1) that the conviction rested primarily on eye witness identification evidence, 2) there was a demonstrable doubt concerning the defendant’s identification as the perpetrator and 3) that scientific testing would likely be conclusive of this issue.

The importance of DNA testing at trial cannot be overemphasized, especially as an entitlement to the discovery process. The accused person is presumed innocent as the prosecution bears the burden of proof beyond any reasonable doubt. DNA testing therefore
complements the discharge of the legal burden by the prosecution (state). The state must therefore undertake DNA testing in all deserving cases as it is a sure proof of establishing any links between the crime, crime scene, the victim and the suspect and his/her innocence.

Appeals/reviews based on DNA testing must have no time limits. While DNA testing has the potential of making the criminal justice system more effective, it obviously poses some challenges on the notion of finality of court decisions, especially if applied post-conviction. Court procedures must embrace the use of technology and appropriate legislation and court interpretation is necessary. Of importance are issues related to rights of accused persons/suspects and the obtaining of samples from them especially their body samples like saliva, blood, semen, vaginal swab/discharge. Some questions that arise concerning DNA testing are: Can one refuse to be subjected to the testing? What is the legal implication of such refusal? What of costs especially when a defendant applies for DNA testing?

**Access to DNA evidence by the defendant**

Justice Stevens observed that:

> While it is recognized that states have an interest in securing the finality of their judgements, finality is not a stand-alone value that trumps a state’s overriding interest in ensuring justice is done in courts and secured to its citizens. Indeed, when absolute proof of innocence is readily at hand, a state should not shrink from the possibility that error may have occurred. Rather, the system of justice is strengthened by recognizing the need for and imperative of, a safety valve in those rare circumstances where objective proof that the convicted person actually did not commit the offence later becomes available through the program of science. DNA evidence has led to an extraordinary sense of exonerations, not only in cases where the trial evidence was weak, but also where convicted parties confessed their guilt and where the trial evidence against them appeared overwhelming.35

Despite its almost conclusive nature, DNA testing, like other forensic evidence is not without flaws. Koppl argues that according to most legal and social science research across the ideological and scientific spectrum, forensic error occurs at significant rates both unconsciously and consciously (fraudulently). Forensic errors may occur in the laboratory, but as a precaution, the law requires authors of reports produced in court to be present for cross examination, described by Wigmore as the ‘greatest engine for discovery of truth’. 37 Forensic evidence report is therefore not just admissible in court without subjecting it to the veracity and scrutiny of cross examination. If found to be faulty, it can be dismissed to the
extent of the fault, but not before the court seeks a second opinion and a third from a more experienced and senior forensic expert, in case the second opinion differs from the first forensic report presented in court. It is appreciated that there are circumstances in which forensic evidence may be flawed hence the need to subject them to strict scrutiny through cross examination of the forensic scientist who prepared the report.

Possible flaws in forensic laboratory tests.

The first factor that may reduce the quality of forensic practitioners’ work today is monopoly. In many jurisdictions, including Kenya, every forensic laboratory monopolizes the evidence in their custody for forensic analysis. It is not likely that another laboratory may examine the same evidence. This has the effect of the possibility of the monopolizing laboratory being biased, fraudulent or not being accurate since there is no other check and balance to ensure they do the right thing. There are very few known forensic laboratories in Kenya. The police department, the major criminal investigating department of the government does not, to date, have what would amount to a standard forensic laboratory in the country. Quite often, samples of evidence have to be flown outside the country for testing. This has in some cases resulted into claims of sample tampering in the process of handling before it reaches the destined forensic laboratory.

The second factor is what Koppl calls dependence bias. In many jurisdictions, especially in countries with few forensic experts, most forensic laboratories are structured within the police department. They depend on the police budget for their functions. This dependence leads to a pro-prosecution bias, since the managers of forensic units answer to law enforcement agencies. Quite often therefore, many reports from such laboratories have an affinity for support for the prosecution are very rarely do they report in favour of the defendant. Where prosecution of suspects is meant to establish the truth, the over-dependence bias may blind the search for the truth in a forensic laboratory testing.

The third factor is poor quality control where there is no required programme of accreditation for forensic laboratories and a principal accrediting agency. Every country/region needs a professional organization, not an independent organization to ensure quality control measures that ensure public confidence in the process, procedure and results of forensic laboratories. In the absence of such programmes and agencies, the reports/evidence tends to be poor. This negatively impacts on the search for the truth in the justice system. Since forensic evidence report is expert opinion evidence, in most cases
unless opposed by an expert in the area, the courts often admit this as part of the evidence. This calls for high quality regulations to ensure their high quality.

The fourth factor is information sharing which might prejudice the search for the truth in the investigation and prosecution process. Forensic scientists, by virtue of their work become privy to information that is crucial to criminal trials. The sharing of this information with the investigating or the prosecuting arm of the criminal justice system, prior to the presentation time needs to be done cautiously. Left unchecked, the sharing of information between forensic scientists and the police/prosecution may result into a possibility of unconscious bias. Dishonest scientists may then freely act on their self-conscious biases. This process is referred to as information pollution and can negatively impact on the search for the truth, leading to the conviction of innocent individuals or release of guilty suspects, especially in jurisdictions where corruption has permeated the criminal justice system.

The fifth factor that may result into the forensic evidence flaws is the lack of division of labour between forensic analysis and forensic interpretation. It is not professional for the same forensic scientists who perform the laboratory tests to interpret the results as to whether the results implicate the suspect or not. It is not unusual for a forensic error to result from a false interpretation of a test that was properly conducted. The analyst and interpreter should be different people, with a third expert to confirm the findings. This calls for forensic legal experts who are very rare.

The sixth factor is lack of forensic legal representation to the defendant in certain cases whereas the prosecution has all the government forensic experts at their service. Defendants may have lawyers representing them, but who lack the requisite forensic expertise to challenge/interrogate forensic testimony. The result is lack of a balance between the veracity of the forensic evidence and the process of testing it.

The seventh factor that may result into flawed forensic evidence is the lack of competition amongst forensic counsel/lawyers. Since there are hardly forensic lawyers for ordinary defendants, there is little competition among forensic lawyers for clients. Even if a forensic lawyer is available, it may not be as rigorous and competitive as is the case in mainstream criminal cases.

Finally, the fact that forensic laboratories are almost universally publicly owned is yet another factor that may lead to flawed forensic evidence. Even in well-established jurisdictions such as United States, forensic laboratories are often organized under police agencies like the state police or Federal Bureau of Investigations. Competitive private
laboratories may have stronger incentives to produce more reliable work, but due to costs and expertise required, many laboratories are government owned leading to a monopoly which may compromise the quality of the report.

The Role of the Forensic Scientists in ensuring Quality Forensic Evidence in the Criminal Justice System

1. Recognize, collect and preserve physical evidence

The value of forensic evidence in today’s criminal justice system cannot be overemphasized. Forensic evidence today supplements and complements direct, circumstantial and physical evidence. Laboratory examination of physical evidence by forensic experts today occupies an important space in the criminal justice trial process.39

Forensic evidence assists in identifying the class and individual characteristics of the evidence from the victim, suspect and crime scene. A comparative analysis of the physical evidence, with the forensic evidence helps in establishing the guilt/innocence of a suspect. In this respect, forensic experts must recognize physical objects associated with a crime, collect it in an appropriate manner and preserve it properly for transmission to the laboratory for examination. If not recognized, collected and preserved in a proper manner, the evidence may become compromised or destroyed, negatively affecting the investigation process. Failure to preserve crucial evidence may result into erroneous conviction of an innocent party or the court’s inability to convict the guilty party. Failure to collect crucial evidence may also affect civil litigation for an injured party.

Forensic evidence adds the following advantages to the investigation process; helps in the reconstruction of the crime scene, determining whether or not a crime was committed, linking an individual with another individual, a crime scene or other crimes, providing investigative leads to investigators, providing facts to a court to assist in determining the guilt or innocence of the suspect, provides evidence to crimes such as homicides or rapes or defilement cases.40

2. Maintenance of Quality and Control of the Laboratory Analysis

The second role of the forensic scientist is to ensure that they maintain quality and control of the laboratory analysis. This is important since the laboratory analysis depends on the collection and submission of proper standards and control of each item submitted.41
3. Objectivity

Thirdly, the forensic scientist must be objective in regard to the recognition, documentation, collection and preservation of the evidence from the crime scene. The crime scene investigator’s primary role is to determine the facts as regards the events that took place at the crime scene. They must remain objective, while abstaining from gathering data to support a particular theory/incriminate/exonerate a suspect. Crime scene investigators must only gather relevant data, regardless of the impacts the facts may have on any theory or case. Any introduction of an element of bias is unscientific and unethical. Objectivity is thus an important aspect of the professional forensic investigation.

4. Legal and Scientific Requirements of Forensic Evidence

Fourthly, the forensic expert must ensure that the forensic evidence meets the legal and scientific requirements for it to be admissible in a court of law. Legal requirements include search and seizure laws, documentation of the crime scene and the collection of evidence, identification of physical evidence collected, chain of possession (chain of custody). Scientific requirements for evidence collection include; preventing contamination, preserving the condition of the evidence as found and collection of adequate comparison standards.

5. Highest Quality of Evidence

Fifthly, the forensic scientist must ensure and maintain the highest quality of the evidence and write an objective report which can stand court scrutiny.

6. Forensic Scientist as an Officer of the Court

The sixth point is that because of the knowledge of the facts about the crime under investigation, the forensic scientist is an officer of the court. He/ she owes the state a duty to give the evidence in court so as to assist the criminal justice system in managing crime. The forensic scientist is therefore a competent witness who has crucial information that the court needs to protect the innocent, punish the guilty and protect the larger society. The forensic expert must therefore be ready to give his/ her testimony in court when called upon to do so. In this regard, a forensic expert is not only a competent, but a compellable witness too. Failure to honour court summons may lead to a warrant of arrest.
As an officer of the court, the forensic expert has an obligation to tell the truth even if they do not believe in it. They must assist the court in the search for the truth.

**Conclusion**

In conclusion, the forensic scientist is a key player in the criminal justice system and must be well versed in the basic principles of criminal law and procedure, constitutional rights, human rights and ethical norms. It is therefore imperative that forensic scientists undertake basic courses in criminal law that can enhance the quality of their performance as officers of the court.

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