

Five Ps. - A "mantra" for result oriented investigation

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Crime under the Indian Penal Code and under Special and Local Laws has increased tremendously since 1951. While crime under I.P.C. in 1951 was 6,49,778, it was 16,04,449 in 1990, thus registering a percentage increase of 146.9% ! A look at the daily incidence of crime is quite scary - one IPC crime every 19.30 seconds, one Spl. and Local Laws crime every 2 minutes, one dacoity and robbery every 14 minutes, one murder every 15 minutes, one theft every 1.30 minutes, and so on. Statistical information can be used by the three wings of the Criminal Justice Administration for tighter laws, tough policing methods, greater surveillance and a more punitive justice machinery to protect the public. But, for the Police Investigator, more incidence of crime means a lower public image and laborious investigation. Every country has Result-oriented investigation as one of the performance indicators. One of the indicator of efficiency in investigation is the number of cases charge sheeted by the officer. More the number of cases charge sheeted, better is the performance. There is a need for systematic approach to investigation for producing better results leading to detection of the case and laying a perfect charge sheet.

The 5 Ps. mantra:

The author has evolved a systematic approach to investigation called the 'Five Ps.' Police Investigators should constantly recollect and remember the Five Ps, before and during the investigation of the case- recollecting the 'Five Ps.' like a "mantra". The Five Ps. are

- 1) Professional Competency
- 2) Planning
- 3) Pressure handling
- 4) Perseverance
- 5) Patience

Professional Competency:

By professional competency is meant a set of competencies required by the police investigator i.e. having requisite or adequate abilities or qualities. No Police Officer can afford to 'pretend' that he/she has the required professional competencies. Merely having a police job and being in a position to investigate the case only gives him/her the authority to investigate a case but will not earn him/her the respect of more professionally competent officers and supervisors. An officer lacking professional skills will leave much to be desired. *What then are the Professional Competencies required for a police investigator to do a professional job?*

✦ Thorough knowledge of the laws and procedures: Unless an Investigator has thorough knowledge of the laws and the procedures like searches, seizures, taking an arrested on Police remand, etc., he or she would have the greatest stress to contend with rather than solve the problems in detecting the case. Hence, the Police Investigator should inculcate the habit of keeping himself/herself abreast of changes in the laws and procedures and also following the various judgements.

✦ Substantial hands on experience of having applied this knowledge into practice which enables him/her to plan, prepare and operate, in arresting absconders, tracking suspects, applying correct sections of law, etc.

✦ Having the required skills for appropriate and result-oriented investigation (like drafting F.I.R., Panchanama, interviewing witnesses and interrogation, crime scene observation, etc). An investigator becomes skillful only when he/she constantly updates his/her knowledge and makes note of the legal requirements and applies this in practice to such a degree of perfection that the actions of the

Investigator like searches, seizures, etc., are done without the conscious effort of thinking.

✦ Strength of character, commitment and will power required for doing a professional police job. Although these are qualities required by any individual in any sphere they are even more essential for the police. This reminds me of an observation made by a psychiatrist which is quoted below:

"It should not be very hard to persuade a policeman to agree that his job requires him to have the ability of a superman. As a matter of fact choosing this profession he has elected to be a superman - ready to act more forcefully, bravely, and more law abiding than the average man". (Dr. Karl Menninger in "A Psychiatrists World", 1950).

While supermen have supernatural powers, the ordinary policeman/officer needs to learn the nitty gritty of his job from a scratch. Working on the job and learning both from his successes and failures and more importantly ensuring he/she does not repeat the mistakes.

Second "P" - Planning:

Planning is the key for achieving better results. Planning, to be more effective, has to be done at two vital stages of investigation: Planning before the First Information Report is filed and Planning after the formalities of registering a case are completed and preliminary action has already been taken. For Planning before the FIR is registered the Investigating Officer has to quickly gauge the situation and plan for several actions based upon the type of case. These actions should be done simultaneously while the legal formalities of registering the case, observing the scene of offence, etc are being done. He/she should invariably carry his/her tools for field investigation. These tools are white papers, carbon papers, notebooks, pens, pencils, copies of all required proforma like FIR, inquest, summons to panchayatdars; First Aid Kit, Scientific Aids Kit containing camera, sufficient batteries, flashlights, fingerprinting lifting kit, etc. In sensational cases it would be best if another

inspector assists the Investigating Officer in such activities like tracking and interrogating suspects to ease the burden on the Investigating Officer.

Once a case is entrusted to a police investigator his/her first task would be to study the case in detail and draw up a Plan of Action (P.O.A.) for systematic investigation. The Plan of Action should cover all aspects of the case like interviewing witnesses, interrogation of suspects, collection of oral and material evidence. As one keeps complying with the various points in the Plan of Action they can be ticked off and new points may be added to the Plan of Action if need be. This way investigation still remaining to be done will be known at any point facilitating pursuing the case on a continuous basis. The Plan of Action may be written in the following format:-

**Plan of Action in Cr. No.: _____ u/
s _____**

- 1) Date of Offence
- 2) Place of Offence
(Hamlet/Village, Mandal, Dist.)
- 3) Names of **Accused** cited in F.I.R.
(Arrested accused with asterisk and date of arrest).
- 4) Names of **Witnesses** cited in F.I.R.
(Examined Witnesses with asterisk and date of Examination).
- 5) Investigation yet to be done
 - a) Names and addresses of Accused to be arrested.
 - b) Names and addresses and points to be asked of each of the witnesses yet to be examined.
- 6) (a) Reports from Doctors received.
(b) Reports from Doctors yet to be received.
- 7) (a) Reports from Experts (FSL, GE QD, etc) received

(b) Reports from Experts (FSL, GE QD, etc.) yet to be received.

8) Important Points to be kept in mind

(Write briefly on each)

- a) Motive established or not.
- b) Modus Operandi - established or not.
- c) Alibi to be verified
- d) Reconstruction of scene.
- e) Who should be interrogated and main aspect to be elicited
- f) Any other aspect relevant to the case.

It is imperative that the Plan of Action is written by the I.Os and later discussed with the immediate superior. It should invariably be approved by an officer of the rank of Addl. S.P/Superintendent of Police. This creates a feeling of involvement and induces team spirit - more importantly this creates a sense of responsibility and supervisory officers become more accountable.

A Plan of Action gives a direction and thrust to the investigation with a clear focus on the evidence to be collected. It is easy for Investigating Officers to pursue each item on the Plan of Action and easy to maintain continuity when I.Os change.

Planning is the fulcrum on which the entire investigation stands. *Failing to plan is planning to fail.*

Third "P" - Pressure handling:

It is not all smooth sailing for the Police Investigator investigating a case. He/she has to contend with several problems and pressures .

✦ Lack of sufficient and appropriate knowledge of law and procedures and deficiency in skills like systematic and scientific interrogation, use of scientific aids in investigation, etc., ranks as the number one pressure point for the investigator. When once the Investigator is professionally competent in this a considerable amount of pressure is taken

off his/her shoulders for he/she brings in all that is appropriately required .

✦ Pressure for results from elected representatives, private person and Superiors has to be dealt with politely and firmly.

✦ Media Pressure:- With the advent of several T.V. channels the competition for survival has revolutionized the electronic media. Their reporters are everywhere and there is tremendous pressure from them to cull out every bit of news from the Investigators. In sensitive and sensational cases it is all the more challenging to face the media. The Superintendent of Police supervising cases should not shy away and leave the press and media to write what they had heard from people, which will unnecessarily make matters worse with people speculating and raising doubts on the credibility of the police. Handling the media deftly, politely and keeping the interest of the case in view would actually enhance the image of the police. Learning to handle the media must become one of the priorities of the Senior Police Officers.

✦ Time Pressure :- Time available after arresting a suspect for producing him/her before a Magistrate is only 24 hours. And if a police investigator wants to take the accused on police remand, the procedure is cumbersome and requires the investigator to produce sufficient reasons for grant of further remand and also an obligation to produce upto date Case Diary, etc. The time limit and the procedures are a legal requirement. Officers should respect the law and procedures and should not give scope to either circumvent the law or even appear to be doing so.

✦ Work Pressure:- Work pressure stems from

1. Lack of adequate staff
2. Lack of adequate infrastructure like vehicles, room for interrogation, etc.,
3. More cases per I.O. than he/she can handle.
4. Pressure for quick results.

While the lack of staff, infrastructure and number of cases per Investigator are all to be taken in their stride it is the pressure for quick results that brings in the tension which makes many a Police Investigator stray.

"Several Police Officers under pressure of work and driven by a desire to achieve quick result, leave the path of patient and scientific interrogation and resort to the use of physical force in different forms to pressure the witness/suspect/accused to disclose all the facts known to him/her. While law recognizes the need for use of force by the police in the discharge of their duties on some specified occasions like apprehending a violent bad character who resists the arrest; use of force against an individual in their custody, in his loneliness and helplessness, is a grossly unlawful, most degrading and despicable practice that requires to be condemned in the strongest terms, and we do so" (NPC, Para 27.26, Fourth Report, June, 1980.).

Fourth "P" - Perseverance :

Cases have to be pursued to their logical conclusion. For this to happen I.Os have to pursue each case. The persuasion has to be done by going through the investigation remaining in the Plan of Action. When once an item on the Plan of Action has been done the I.O. has to pursue the remaining item. While doing so it is possible that a new angle or new points would come up which should be added to the Plan of Action.

The role of the supervisory officer in pursuing the case is of paramount importance. He or She should constantly monitor the investigation, for which he/she should have a check list of pending U.I. Cases and speak to the I.O's on a daily basis as to what is the investigation being done for the day. This is possible in such departments as the C.I.D. and A.C.B. It may also be possible for District Superintendents of Police in sensational cases and important cases.

I.O's can inculcate the habit of perseverance discussing their experiences with experi-

enced officers, watch video C.Ds. on investigation, reading books on ace investigators known for their intelligence and tenacity like Sherlock Holmes, Hercule Poirot, etc. This will motivate the I.Os about the need for pursuing cases.

A classic example of perseverance is the life of two living animals - the ant and the badger. The ant is a work alcoholic. It is constantly on the move in summer looking for food to be taken and stored for the coming rainy season and winter. The amazing thing is that it can carry 20 times its own weight. With single minded determination it pursues its objective of storing enough food to last the winter. A disruption by breaking its rhythmic movement is only a temporary set back. It finds other ways and continues its trek. It comes back again and again despite its set backs with a single minded determination which is a classic lesson in perseverance.

A badger is a robust, short legged animal known for its exceptional sense of smell and hearing with which it pursues its prey relentlessly by digging with its long front claws, finding its food which is prairie dogs, lizards, rabbits, rodents, etc. It is worthwhile for the police investigators to study a bit of the lives of these two animals known for their relentless pursuits. In the USA and UK an investigator known for relentless pursuit of a criminal is affectionately referred to as "badger".

Fifth "P" - Patience:

Patience is a virtue. It is also a requirement for the police investigator especially while in field work, during observation of the scene, during searches, while interviewing witnesses, interrogating suspects and accused. Lack of professional skills, not learning to handle pressure and lack of adequate planning may induce behavioural changes which could make the investigator to lose his cool. The investigator who learns how to think constantly, listens more, plans appropriately and executes them with a flourish, is more likely to succeed than the investigator who rushes things and does

not have patience. Operational work like observation of the scene and interrogation take up considerable time. Only an investigator who plans and prepares himself for such, will have less tension and pressure and will inculcate the habit of patience. For example, for Interrogating a suspect it is generally seen that the Investigator straightaway starts asking questions without any preparation. This generally delays results which plays on the Investigator who loses his/her patience and vents his/her anger on the hapless and defenseless suspect. This can be avoided if thorough planning is done before interrogating. Planning and preparation for the interrogation would entail the following actions by the investigator:

- Having a clear list of suspects to be interrogated
- Main points on which the Investigator has to focus
- Preparation of a room and infrastructure like tables, chairs, tape recorder, video camera, water, etc., in the room,
- Selection of the interrogation team,
- All interrogations to be recorded in writing in a proforma which is already available with the Investigators.

Once the above aspects are ready the actual interrogation should start. I personally believe in the Two tier system of interrogation i.e., interrogation done of a single suspect in two stages. The first stage of interrogation is done by a Head Constable or Sub-Inspector or Inspector depending on the type of suspect. In this stage all the closed ended questions, which actually form the columns of the first two pages

of the interrogation report can be filled up. This itself takes considerable time and leaves quality time to the actual Investigating Officer of the case to interrogate the suspect in the second stage thoroughly and with more focus. This two tier process is quite successful and reduces the scope for Human Rights violations. While the subject of interrogation is so vast that it merits a separate article, I only wanted to focus on the approach an Investigating Officer can take to reduce his/her chances of losing his/her cool by giving an example of what can be done in a more systematic way.

Merely repeating the Five Ps as done in reciting mantras does not automatically result in detection and charge sheeting a case. The Five Ps system is an attempt at simplifying an otherwise complex nature of investigation. Each one of the Five Ps is like a sub-system and only when all these sub-systems work in tandem and complement each other can the overall investigation have a focus. When any one of the Ps becomes an obstacle the wheel of investigation gets clogged. Much also depends upon the Investigating Officer to acquaint himself/herself with the required professional competencies, acquiring the skills to quickly plan and execute different activities required for investigation with a clear focus and perseverance like a "badger" . It is only when Police Officers are willing to change their approach and attitude that better results would follow. They should constantly think of different angles and have a clear picture of the Crime Scene. Edward de Bono stated that, "*the human mind does not want to be bothered with a route different than the known pattern*". It is this ability to perceive things differently that would make all the difference to the case.

Our lives improve only when we take chances -- and the first and most difficult risk we can take is to be honest with ourselves.

Walter Truett Anderson