

'We need more experts in forensic science'

PETALING JAYA: There are insufficient specialists in forensic science who can be considered as expert witnesses in court, says a criminologist.

Universiti Sains Malaysia Associate Prof Dr Geshina Ayu Mat Saat said other bodies can also be roped in to address the lack of such specialists.

"Academic and research institutions should also be part of the new criminal justice system for a more holistic approach to justice and punishment by using scientific rigour, innovations, new knowledge, empirical findings and policy making," she said in an interview.

Geshina, who is also a psychologist, said for Malaysia, primary evidence are statements - victim, witness, suspects, experts, while other types of evidence are generally deemed as secondary evidence.

She said there is an urgent need to incorporate forensic science, including behavioural sciences

such as criminology, victimology, penology, linguistics and forensic psychology.

"Crimes are getting more complex and no longer fit into simple categories. This is why there is a need to implement forensic science in Malaysian law-related agencies.

"This includes criminal and victim behaviour, technology innovations, contemporary policies and laws and also societal interest in justice and punishment," she added.

She also said experts working in government agencies are preferred over those working in private labs because they have a reduced possibility of a conflict of interest.

She said curriculum and training alone does not address current problems.

Forensic science and investigation training in Malaysia for police officers should be improved, she added.

Geshina said many police agencies around the world acknowledge

the strengths and benefits of applying forensic science and have progressed to accepting outcomes of forensic science as part of primary evidence.

In terms of evidence, she said in many cases, there is insufficient evidence or too much time had passed for materials to be still viable for forensic investigation.

"Many times, the trauma of crime victimisation inhibits reporting to anyone until years go by. These are reasons why prompt reporting is vital."

Lawyer Joel Chua said that having an expert in any form of crime involving forensic behavioural science or forensic linguistics would definitely improve the chances in solving a crime.

Forensic behavioural science provides an in-depth look into violent criminal minds by studying their behaviour.

Forensic linguistics is the application of linguistic knowledge,

research and methodology that can help solve wiretap cases, identify ransom notes, text, tweets and emails.

He said these areas of science are equally important to get safe convictions, especially when the court has to form an opinion on behaviour or linguistics.

"To say that these areas of forensic science are important to get convictions would not be accurate as it can also help acquit individuals wrongly accused of a crime," he added.

Chua said forensic behavioural science and forensic linguistics both fall under the broad category of science.

Evidence on behaviour and linguistics, if tendered in court, has to be tendered by an expert as stated in Section 45 of the Evidence Act 1950.

"When tendering such evidence in court, the expert must be competent. Such experts should have skills

through academic qualification or experience or both so that he has the adequate knowledge to express opinions on matters under inquiry," he said.

Asked about the legal avenue for the expert to use forensic behavioural science or forensic linguistics in Malaysia, he said the expert must also be able to give his grounds of opinion as seen in Section 51 of the Evidence Act.

Chua explained that cases normally commence based on facts and direct evidence, as such these areas of science are used to assist in proving or disproving a case.

In cases where behaviour and linguistics are an issue, he said expert opinions would be admissible to furnish the court with scientific information which is outside the experience and knowledge of the judge.

"The purpose of an expert is to assist rather than compel the final judgment," he said.