

Investigation on Effective Procedural Law Based on Crime, Criminal Acts, and Criminal Suspect

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Abstract

According to the basic principle of law, anyone should be considered innocent in law before finding himself guilty by the court. The principle of presumption of innocence is mainly manifested in two aspects: firstly, the accusing party takes the burden of proof. Secondly, it protects the fundamental rights of citizens, especially those suspected of crimes rights of persons and defendants. This research will explore how the state initiates criminal prosecution based on criminal suspicion regarding the basic principle of presumption of innocence. Also, this article illustrates the difference between criminal suspicion and crime and criminal facts, conducts a conceptual analysis of criminal suspicion, and discusses the classification and proof of crime suspicion to describe the three main types of criminal suspicion manifested in procedural law. Firstly, the concept of a criminal suspect has been defined to understand the crime that endangers society and should be punished according to the law. Secondly, the identification and proof of criminal suspect are investigated based on investigative, procedural organs and whether the presumptions about the crime and the perpetrator are correct. Finally, the effect of the criminal suspect in the procedural law has been observed for a free citizen turns from a native person to a criminal is that he has a criminal suspicion, and the investigation and prosecution agency suspects that he has committed a crime. The research has practical implications in the principle of presumption of innocence. It effectively protects the lawsuits of criminal suspects and defendants only by clarifying the difference between criminal suspects and criminal facts but also criminal suspects and criminals at the legislative level and in judicial practice.

Keywords: Criminal Suspect, Criminal Identification, Criminal Prosecute, Judicial Review, Procedural Law.

1. INTRODUCTION

In a modern society ruled by law, conviction is the only way the state realizes the right to punish [1]. Conviction is a negative evaluation and conclusion made by every country on the individual as a member of the law. The direct consequence of conviction is generally that the state imposes a particular penalty on the offender according to law, leading to the freedom, property, and loss of life rights. Conviction is the most severe violation of the rights of citizens by state power [2]. This violation must meet two essential conditions:

- The accusing agency has sufficient evidence to prove that the person has committed a crime prohibited by the criminal law. A judge adopts this

evidence and meets the standard of proof, which is sufficient for the judge to find that the person is legally criminally responsible [3].

- The conviction must be made by a neutral judge through lawful and due process in an open and impartial setting. According to this, no other state organ or individual has the power to convict. Before the court convicts anyone, he is legally innocent and enjoys the legal right to prosecute to protect his legal innocence [4].

The value of the presumption of innocence is to preserve the subject of every citizen facing public power. If the government wants to take coercive measures such as restricting

personal freedom and infringing on property rights against a freedman, it must provide legal and reasonable reasons. Even if a freedman has become a criminal suspect or defendant, he can still reasonably expect. He will be effectively protected by the legal process and remain legally "unbounded" until a court finally establishes his guilt [5]. If he desires, he can use all lawful means to fight with the government until the court makes a final judgment following the law [6]. Therefore, in the stages of the investigation, prosecution, and trial, those involved in criminal proceedings are only citizens suspected of a crime and have not yet been identified as criminals [7]. Just because there is only suspicion of a crime, the government cannot mix this suspicion. It is impossible to suspect someone of a crime without any basis and make them a criminal suspect [8].

The reason for the state's investigation agency to initiate criminal prosecution is not a crime but a criminal suspicion [9]. But this kind of criminal suspicion is not simple speculation or purely subjective. The constituent elements are the guidance, doubt, and speculation about someone committing a criminal act to determine the illegal facts [10]. This suspicion and speculation are the sources of citizens who are finally convicted of crimes and bear criminal responsibility. On the other hand, such doubts and inferences enable the criminal proceedings to be launched smoothly and combat crimes quickly and effectively [11].

In the Indian subcontinent current "Criminal Procedure Law" does not distinguish between criminal suspects and criminal facts and the concepts of criminal suspects [12]. Many researchers from home and abroad use these concepts confusingly. Criminal suspects should be filed for investigation following the jurisdiction. To collect criminal evidence and seize criminals, investigators may investigate the body and articles of criminal suspects and persons who may be criminals or has criminal evidence in residence and other related places [13]. It is still the case at the legislative level and in judicial practice. There is a bounded presumption that the party is there, and there is never a presumption of innocence. Suppose anyone cannot accurately understand the nature of criminal suspicion [14]. In that case, anyone cannot abide by the principle of presumption of innocence and cannot

implement the protection of the human rights of criminal suspects.

The purpose of this research is to analyse the concept, nature, classification of criminal suspects and their effects in procedural law to establish the theory of presumption of innocence in legislation and resolve the view of presumption of innocence. Make it into concrete legislation and judicial practice, let it play its due role in criminal proceedings and effectively protect the rights of criminal suspects and defendants.

2. THE CONCEPT OF CRIMINAL SUSPICION

A crime is an act that is prohibited by the state stipulated in the substantive criminal law. A crime is a fact constituted by a judge adjudicated by a judge through criminal procedures and constitutes a crime specified in the criminal law [15]. A criminal suspicion is a pre-determination of the existence of the crime before the judgment is made. Doubt and suspicion that a crime exists and is committed by someone, such suspicion of a crime is not factual innocence, nor legal guilt [16]. These three concepts are interrelated and different from each other. Also, it is necessary to analyze and compare them one by one.

1) *Crime*

Crime is a concept that is closely integrated with substantive criminal law. Every country has criminal laws, and criminal laws of all countries use the idea of crime [17]. However, different countries have different legislative methods for crime, and some countries provide a combination of form and substance. In the Indian subcontinent, a criminal means combined legal features and essential features. Everything that endangers national sovereignty, territorial integrity and security splits the country, overthrows the regime of the people's democratic dictatorship and the socialist system, disrupts social order and Economic order, violation of state-owned property or property collectively owned by the working people, violation of the privately owned property of citizens, violation of citizens' rights, democratic rights and other rights, and other acts that endanger society, shall be punished by criminal punishment under the law [18]. If the circumstances are minor and the harm is not severe, it is not considered a crime.

2) *Criminal Facts*

Criminal acts can be divided into narrow and broad categories in criminal law. In the "narrow" sense, the crime facts are the objective circumstances of the crime, such as harmful behaviours, harmful consequences, and accompanying [19]. The criminal activities include both subjective and objective aspects in the broad sense. If there is no criminal psychology, there is no criminal fact [20]. There is no difference in the actual content between the illegal attributes defined by the criminal procedural law field and those defined by criminal law. But it is close to a broad definition in extension, and the time, place, means, consequences, motives, and purposes of the crime are related to the basic facts of conviction and sentencing [21]. It can be evident that no matter what viewpoint is adopted, the general premise of the crime facts is that the behaviour has constituted a crime, and only the facts have met the crime. Elements can only become part of the criminal facts [22]. The illegal facts are a highly integrated synthesis of many aspects surrounding the composition of the crime stipulated by the criminal law [23]. So, the criminal facts must meet the elements of the crime, and a judge can only determine this fact. The constitution of a crime is different from the act of the crime; the former is stipulated in advance by the law, while the latter is a specific fact. However, the connection between the two is also apparent [24]. Only when the particular facts conform to the statutory crime constitution can they become criminal facts. Only when the crime is constituted can no one be held criminally responsible, and the perpetrator can be held criminally accountable only when the specific acts meet the elements of the crime. The judge determines the consistent relationship between the two. In the investigation, prosecution, and even trial stage, the criminal suspect or defendant is only suspected of committing a crime and has no illegal facts [25].

3) *Criminal Suspect*

Speaking, the so-called "suspect" means there is a possibility of being related to a particle thing, such as suspected of specific facts and suspected of a particular behaviour [26]. Criminal suspicion refers to a person possibility of being suspected of committing a

crime. Therefore, a criminal suspect is the possibility of a crime. First of all, crime is a concept in substantive law, and the overall purpose of criminal law is to clarify what a crime is and what constitutes a crime to protect legitimate rights and interests. The concept of procedural law, whether it is the investigation of crimes or the trial of criminal cases, is always based on the existence of criminal suspects [27]. Harmful behaviour to others and such illegal conduct is prohibited by express law and should be punished. A criminal suspect is a state in which a person is in, which is uncertain and possible at any time has been changed. However, this state is not unfounded. It is still a gestation based on some objective fact [28].

- Principal criminal suspects are compulsory measures that seriously violate personal liberty and property. The purpose of the investigation is to find out whether there is a criminal suspicion and decide whether to file a public prosecution. According to the evidence collected, more and more evidence shows the connection between the facts of the case and the elements of the crime. When the suspects in the case can be locked as one or a few specific people, they are regarded as having significant Suspicion of a crime. Suspicion of a simple crime does not involve restrictions on the rights of citizens because a simple crime is only the basis for starting an investigation. However, a notable crime is suspected of restricting or stripping a car of the suspect's rights [29].
- Taking a case to court for litigation must require the specificity of the defendant and the specificity of the facts and charges to be prosecuted. This kind of criminal suspicion has been specified to form an actual criminal suspicion, and the procurator organ must initiate a public prosecution. It must be a real criminal suspicion. The prosecution's suspicion of criminal behaviour has been confirmed by evidence that when prosecutors file a public prosecution, the criminal suspicion must be substantial enough, and it can be roughly seen that there may be a guilty verdict (painful) "the so-called substantial nature". The sufficiency of a criminal act means that

the basic fact that someone has committed a criminal act has been proved by evidence and fully meets the elements of the crime in the substantive law, and legal responsibility needs to be investigated. However, this kind of definite criminal suspicion is sufficiency is different from the judgment. The sufficiency standard is too high because the sufficiency of evidence collected by official investigators is set too high. Therefore, the litigation may remain unresolved because the objectives of the proceedings are difficult to achieve [30].

- According to the different stages of litigation, criminal suspects are divided into criminal suspects in the investigation stage, criminal suspects in the prosecution stage, and criminal suspects in the trial stage. The subject's assumptions about the offender and the criminal behaviour are not mutually exclusive. The investigation and judicial organs' suspicion of crimes based on the evidence only provides the basis for their litigation and cannot constrain other organs. The investigation organ believes that there is a simple criminal suspicion, so it starts criminal proceedings and believes the existence of significant criminal suspicion. Hence, it implements coercive measures focused on their actions. In the same way, prosecutors examine the evidence collected by the police with the eyes of innocence, which has a considerable supervision and restraint effect on the police. After reviewing the evidence provided by the police, once a preliminary approval is formed, the procuratorate will create its judgment on the suspect and think that there is a real suspicion of a crime to public prosecution, the judge is naturally a firm executor of the presumption of innocence unless the public prosecution facts brought by the prosecutor are sufficiently substantiated to the extent that the judge can rule out a reasonable conviction of the crime. Judges do not follow prosecutors' suspicions of a crime and do not find someone guilty just though they are indicted [31].

3. INVESTIGATION PROCESS

1) *Conditions of the Investigation Process*

Article 35 of Bangladesh "Criminal Procedure Law" stipulates the conditions for filing a case. According to this provision, it can analyze the prerequisites for starting an investigation procedure in Bangladesh that include:

- The existence of criminal facts.
- The need to imitate criminal responsibility, these two conditions must be present to initiate the reconnaissance procedure.

A criminal fact is a fact that a judge determines through a court hearing in the form of a judgment that meets the elements of a crime. When the court determines that the case is through the trial of a criminal case, the factual details related to conviction and sentencing can be transformed into criminal facts. When filing a case, the public security and judicial personnel believe that the facts of the case are suspected of a crime, and there is a criminal suspect. After the case is filed, the criminal suspicion is strengthened or reddened due to further collection of evidence. Investigating agencies and prosecution agencies have no right to determine the facts of a crime. This provision confuses the suspect with the facts of the crime [32].

It is unnecessary to use the need to investigate criminal responsibility as a condition, and there is no need to pursue criminal responsibility, so there is no need for criminal prosecution. To explore criminal responsibility, the purpose of filing a case for investigation is not a condition for filing a case. Combining the purpose and the conditions often leads to the wrong direction of the investigative organs in judicial practice [33].

The design of the procedure should serve the purpose of the procedure. For this reason, the legislator should design the pattern of the procedure focused on establishing the procedure. The goal of the procedure is to realize the criterion for evaluating the pros and cons of a procedure design effectively. The primary purpose of the criminal investigation procedure is to find out whether there is a criminal suspicion promptly. And decide whether to refer it to the public prosecution department. The purpose of the state's establishment of criminal investigation procedures is to detect cases through the activities of investigative organs and maintain social security and order. Therefore, the

initiation of criminal proceedings must meet the objective of quickly handling criminal cases without unreasonably infringing on citizens' rights. According to the simple crime, the initiation of criminal proceedings on suspicion satisfies these two requirements. On the one hand, the initiation of the investigation must be based on the existence of a criminal suspicion, which is based on facts and not based on the guesswork of the investigators. It is a provision of the law and cannot be left to the investigators' discretion [34].

According to the nature and manifestation of power, police powers can be divided into police administrative powers and police criminal powers. Criminal powers refer to the state entrusts to police agencies and police officers by law to control criminal crimes. The police department belongs to the administrative department, and the police power also belongs to the executive power. However, the criminal power of the police is dual. The official investigation can be regarded as an administrative procedure. Still, it differs from the purely administrative procedure and must follow a code of conduct that is roughly equivalent to judicial procedure. Also, it is subject to judicial review and repression. Therefore, the investigation procedure has the dual characteristics of administrative and judicial procedures. In Bangladesh, "Police Law" stipulates that the task of the police is to maintain national security and public social order and prevent, stop and control illegal and criminal activities. The stipulations of sexuality make the police's task vague between the administrative purpose and the criminal purpose. Therefore, there is a particular overlap between the two goals in the police's law enforcement activities. They are resulting in the public security organs using the two different powers in practice, which infringes the legitimate rights of some citizens. For example, the police can easily expand from the administrative field to the criminal field in the administrative inspection. If this expansion is allowed, many people who are only subject to the administrative inspection must be prepared to become criminal suspects at any time and maybe punished for administrative reasons. Taking simple criminal suspicion as a condition for the initiation of investigation can prevent this kind of executive power from being protected [35].

First of all, the prosecution is started based on simple criminal suspects. Its purpose is to ensure the randomness and rapidity of the start of the investigation to ensure the mysterious cases are dealt with quickly and timely prevent further damage and losses caused by the delay of the investigation. When the police perform their administrative law enforcement duties, they discover signs or clues of a crime. For the investigation, such clues have already constituted the basis for a simple criminal suspicion (that is, a clue in a criminal case). The police then enter the stage of criminal investigation and perform the investigation. After a simple criminal suspicion arises, the behaviour of the police is the investigation behaviour that enters the judicial process, and they can no longer use the pretext of administrative behaviour to carry out investigation behaviour. It is necessary to fulfil the obligation to inform and protect the right of the criminal suspect to prosecute [36].

The initiation of the investigation generally does not cause a severe infringement on the fundamental rights of citizens. The violation of their basic rights starts with the application of compulsory measures. Still, the basis for applying mandatory investigation measures is a serious crime that is much higher than simple criminal suspicion. The judiciary strictly controls criminal suspicion and the degree of such criminal suspicion, so this avoids the mixed-use of the state's right to prosecute and prevents citizens' rights from being violated without reason [37].

2) *Identification of Criminal Suspects*

A criminal suspect refers to a person suspected of a crime but has not been prosecuted, that is, the criminal imagined during the investigation. "A criminal suspect is a person who is suspected by investigators to have committed a criminal act based on the evidence identified. A criminal tying a suspect in criminal proceedings is a legal concept but not equivalent to the suspect. Therefore, it can only be determined as a criminal suspect by the investigative agency under specific legal procedures or in compliance with certain legal requirements and cannot be determined by other agencies or individuals [38].

After a certain period of investigation by the debt investigation department, the preliminarily determined suspects generally have the following two situations:

- A suspect with confirmed evidence is called a criminal suspect.
- The second is an unconfirmed suspect, a simple nostalgic object, and the investigative department determines the direction of the investigation.

After investigation, it is believed that someone can commit a crime, but no confirmed evidence has been found and collected. It has committed criminal acts. After a criminal case occurs, there may be many simple suspects related to the case, but a determined criminal suspect is a specific person or persons after investigation. Therefore, the key difference between a simple suspect and a criminal suspect is whether they have direct evidence to prove it. Investigative practice shows that reviewing a suspect is a dynamic process. Investigators often start from the suspect's basis of "no martyrdom" and conduct a comprehensive review of the suspect until the criminal suspect is identified and the case is announced. When a citizen is recognized as a criminal suspect, his personal, property and other rights will be legally restricted. Criminal proceedings are the demands of the public to stabilize the social order and the demands of the accused to protect their rights and interests or avoid life and punishment. There is always a tense relationship between the state's restrictions on individual rights and the individual's demands to realize their rights. However, the development trend of modern criminal proceedings requires the protection of individual rights and interests and the operation of state power following legal procedures. It is not necessary to the fundamental purpose of the criminal justice system to achieve social control determines those criminal proceedings must ensure the effectiveness of the exercise of state power. Even if he is presumed innocent, the accused person can't enjoy the same rights as the general public. The determination of criminal suspects is discussed as an essential issue because a person who is determined to be a criminal suspect is legally innocent despite protecting the presumption of innocence [39]. However, he is still different from ordinary citizens, and there is an obligation to act under investigation.

- Firstly, the main part of identifying a criminal suspect can only be the

investigator who has the right to investigate.

- Secondly, there must be direct and exact evidence to determine the identity of the criminal suspect.

A criminal suspect may appear before the investigation procedure of a criminal case based on surrendering and reporting the case. It may also be determined by the evidence collected after a long period of a secret investigation by the investigative authority. In any case, since the determination of a criminal suspect requires solid evidence, the criminal suspect must be a specific person/person. The suspect is still legally innocent, and he is only in a state of criminal suspicion. Such a suspect may be pushed at any time, which remains uncertain. On the other hand, the specificity of the criminal suspect requires that the person identified as a criminal suspect is obliged to be investigated. At the same time, the uncertainty of the nature of the criminal suspect requires that the behaviour of the investigative organ must comply with the law [40].

Investigators will investigate many people related to the case when investigating a criminal case. If the police only conduct general inquiries and collect extensive clues, such interrogation will not affect the person's rights being interrogated. However, once the investigation behaviour affects the rights of the person under investigation, protect the human rights of citizens, especially the right to defense. The procedure for identifying criminal suspects, such as interviews by investigators, is not simple. To collect clues and obtain evidence of the guilty confession of the interviewee through this kind of interview. This kind of interview is an interrogation, which can only be carried out against the criminal suspect. And the rights he enjoys must be informed. The investigative agency can investigate criminal suspects recognized by general legislation. Its purpose is only to listen to the confession or collect evidence from imaginary criminals and to decide whether they are suspected of committing a crime or not and whether they should be prosecuted. Suppose there is no procedure for determining the criminal suspect. In that case, the investigators may regard the interrogation of the criminal suspect as a general questioning, thus not informing the criminal suspect of his rights and depriving the criminal suspect of his right to know and defence [41].

The purpose of the criminal suspect determination procedure is to protect the criminal suspect's right to know and let the parties involved in criminal proceedings know their procedural status and the procedural rights they enjoy. It is unnecessary to set up a particular procedure to determine a criminal suspect. But to inform the criminal suspect of individual identity during the first interrogation or implement investigative measures that violate civil rights. Such notification should first be in writing and announced to the criminal suspect. After confirming that he knows and understands his litigation status and the litigation rights he enjoys, let him next sign the decision or notification since the criminal suspect is a specific person. The content of the decision or notification must be specific. In addition to the basic information of the suspect's name, gender, and age, the crime and the rights he is suspected of committing should also be stated [39].

4. PREMISE OF CRIMINAL SUSPICION

Article 35 of Bangladesh "Criminal Procedure Law" stipulates: To collect criminal evidence and seize criminals, investigators may search the articles, residences and other relevant places of criminal suspects and persons who may hide criminals or criminal evidence. In Bangladesh, search is not an independent compulsory measure, but it is still a compulsory measure in the investigation that seriously violates citizens' property and privacy rights. This measure is mainly carried out on legally innocent suspects to collect evidence. It has the suspicion of "punishing" compulsory measures and has the color of obvious presumption of guilt. The difference between a criminal suspect and a criminal is the difference in terms of title and the difference in the stage of litigation. The greater difference is that the two have different legal statuses and litigation rights. The suspect is legally innocent, but the criminal is legally guilty. The implementation of compulsory measures that violate the basic rights of citizens is a means to ensure the smooth progress of the lawsuit against criminal suspects, and it is subject to many restrictions. If it is a criminal, it is punished instead of coercive measures. If neither of the two can be clearly distinguished in legislation, there will

be more violations of citizens' rights following the law in judicial activities.

1) Purpose of Implementing Coercive Measures

Coercive measures in criminal proceedings include physical coercion such as arrest and detention and physical coercion such as search and seizure. The purpose of illegal coercive measures refers to the measures taken by state organs participating in criminal proceedings following legal procedures to collect and preserve criminal evidence, send criminal suspects or defendants to the case for trial, and ensure the execution of future sentences of guilt. Various coercive methods limit fundamental human rights. Criminal coercive measures are indispensable to the normal conduct of criminal proceedings in any country. Criminal coercive measures in our country are illegal coercive measures in monkey justice, which specifically refer to coercive measures restricting or depriving personal freedom to ensure the smooth progress of criminal proceedings. However, whether it is a compulsory punishment of a person or a thing, the primary purpose is to collect and preserve evidence, prevent criminal suspects and defendants from evading investigation, prosecution or trial, prevent them from creating obstacles to litigation, and ensure smooth litigation. As far as its inherent nature is concerned, coercive measures will inevitably infringe on personal liberty or other fundamental human rights. Therefore, coercive measures are indeed a kind of evil for criminal proceedings. The setting of coercive measures does not contradict the principle of presumption of innocence. The focus of presumption of innocence sets a threshold for the treatment of the accused; that is, he should not be treated as a guilty person, and the measures taken against him should not at the same time, the presumption of innocence does not exclude the state from making certain restrictions on the rights of the accused based on reasonable grounds to ensure the regular progress of the proceedings.

The enforcement of coercive measures is both procedural and substantive. In terms of procedure, it is a procedural act and an essential procedural content in the entire criminal procedure. In terms of substance, coercive measures interfere with the fundamental rights of citizens. Therefore, from

the needs of human rights protection, the application of coercive measures must be controlled within the minimum necessary. Human rights thought in modern times has been developed mainly around the control and rationalization of coercive measures in criminal proceedings. In this sense, it can be said that the history of criminal proceedings is also a history of continuous and reasonable restrictions on coercive measures.

2) *The Enforcement of Compulsory Measures*

Coercive measures directly restrict or deprive criminal suspects and defendants of their liberty, which means that a legally rich-position citizen loses his aspirations or the necessary conditions for engaging in normal social activities. However, although criminal suspects are legally innocent, they still cannot enjoy all the rights enjoyed by ordinary citizens. They must endure all investigation behaviours, including coercive measures, after being identified as criminal suspects. Therefore, the premise of implementing compulsory measures is not to be guilty but to be suspected of a crime. Those who are subject to coercive measures are not criminals but suspects. Different degrees of criminal suspicion become the essential elements for implementing different coercive measures.

It is the embodiment of the principle of proportionality. One of the basic principles that the state must follow when intervening in people's lives is the principle of proportionality, that is, the "means" of the state's intervention in the people's fundamental rights must have a significant relationship with the "purpose" to be achieved, which is in proportion. Like the natural sciences, the principle of proportionality is a special golden section in law, representing harmony, art and science. It is also a reflection of civilization evolution. The seriousness of the suspected crime is adapted to the personal danger of the criminal suspect. Different degrees of criminal suspicion leads to various compulsory measures, which is the concrete embodiment of the principle of proportionality. The overall purpose of the mandatory dimensions is unified to ensure the smooth progress of the proceedings to preserve evidence and criminal suspects. However, in specific cases, different coercive measures are taken according to particular purposes, and the degree of violation of the rights of criminal suspects and

defendants is also different. Therefore, we cannot require that the criminal suspects in each compulsory measure have reached the level of principal criminal suspects. On the other hand, different coercive measures infringe on the rights of the accused in various degrees, so the basis for their requirements will also be different. Coercive measures that seriously violate criminal suspects' personal, liberty, and privacy rights and defendants require a higher degree of criminal suspicion than other measures. The specific internal activities of this proportionality principle include the principle of suitability, necessity and proportionality in a narrow sense.

Secondly, it is the embodiment of protecting the human rights of criminal suspects and defendants. In criminal proceedings, different coercive measures are implemented according to the degree of criminal suspicion and personal danger of criminal suspects. This adaptive relationship itself reflects the protection of human rights. In a specific criminal case, whether a specific criminal suspect should take coercive measures and what kind of coercive measures should be taken must be determined after comprehensively considering the degree of criminal suspicion. Moreover, implementing each necessary step provides a series of litigation rights for criminal suspects and defendants to protect their legitimate interests.

When expounding the classification of criminal suspects, the criminal suspects are divided into simple criminal suspects, major criminal suspects and real criminal suspects according to the degree. The criminal suspicion based on the implementation of compulsory measures cannot be simple criminal suspicion because compulsory measures are essential measures that violate the fundamental rights of citizens and cannot be implemented based on simple criminal suspicion established by indirect evidence. The above also discusses that according to the principle of proportionality, different coercive measures require different degrees of suspicion. Specifically, coercive measures that seriously infringe upon citizens' liberty and property rights, such as quick arrest, wax bond, search, and seizure, must reach the level of severe criminal suspicion. The level of criminal suspects required for relatively minor violations of citizens fundamental rights, such as arrest warrants, can range from simple

suspicion to serious suspicion. The degree of criminal suspicion is a subjective judgment based on an objective basis. The suspicion and speculation of the criminal suspect that the villager has committed a crime based on the evidence identified by the investigation and pro-curatorial organs. This judgment must meet the conditions the prosecution agency to make such suspicions is to have specific evidence of the existence of the facts of the case. Evidence of the factual reality of such a case is the basis for initiating compulsory measures. It is also the fundamental basis for obtaining a writ signed by a judge in the future. This evidence shows that specific mandatory measures need to be taken according to the evidence identified. The investigators who make such judgments are based on the knowledge of a reasonable general person.

Doubts and assumptions about criminal facts and perpetrators bring efficiency and facilitate litigation. However, such doubts and assumptions are still subjective judgments, and they are also a kind of power conferred by the law on the debt digging agency. This assumption of distance contributes to litigation efficiency, and it is human nature to use this assumption as a means to achieve their ends. Since criminal suspicion is a subjective judgment, it may be wrong. Such suspicion and speculation are uncertain and may be overturned. On the other hand, distance is a power that may be used. Therefore, judging the degree of criminal suspects is a trap that must be strictly restricted and paid tribute to prevent the public from straying into the legal net. The essence of power restricting is to avoid influence from being cut off by presetting various powers' limits and scope of authority. When every state organ illegally exercises power, it will immediately attract the strong force of other state organs with power to achieve a balanced power operation. In the process of implementing coercive measures, the power of the investigative agency to judge the degree of criminal suspicion must be authorized in advance and reviewed by another state agency. The civil law system of pre-trial judges in the Department of Justice (especially the free and red-carried judges system established when France revised the Code of Criminal Procedure in 2000) and the "habeas corpus" system of the common law system. Strict restrictions are imposed on the

personal freedom of the village citizens. And this censorship authority should be held by a neutral judicial authority. Article 5, paragraph 3, of the Huan Chau Convention on Human Rights, states: "Anyone who is arrested or detained shall be brought immediately before a judge or other official authorized by law to exercise judicial power and shall be entitled to be tried within a reasonable time or Released pending trial." Apart from the courts, what is the van garden of "other officials authorized by law to exercise judicial power"? In the judgment of the table, he must be independent of the executive, and the party's independence and neutrality are the main elements of the examination in question. At the time of the decision to detain, circumstances indicate that the officer may subsequently represent the prosecution in criminal proceedings. It is also the basis for launching coercive measures. A neutral judge needs to examine whether the evidence held by the investigative agency is sufficient to justify the need for coercive measures. This is essential that the judge can agree with the investigators on the crime by examining the evidence, behaviour, suspicions and speculations of the perpetrator.

The reason for applying coercive measures to criminal suspects is that it is essential for suspected criminals to protect the procedural rights of criminal suspects, especially when they are subject to coercive measures. The procedural control of the operation of the investigative power or the rational allocation of the investigative power, due to the influence of various subjective and objective factors, the investigation of infringement, which is a violation of the use of coercive measures, still cannot be overcome or eliminated. It is essential to protect civil rights to provide adequate relief to victims of violations by illegal investigations. The litigation system should reduce/reduce the occurrence of tortious acts as much as possible. On the other hand, based on tortious acts, procedural relief rights should be granted to the victim and the accused person to protect the infringed person.

- First of all, protect the right to know. The so-called right to know means citizens have the right to know what they should know. The state should confirm and preserve the right of citizens to know and obtain information, especially government information, to the greatest extent possible. The right to know

reflects the citizen's demand for information interests. In criminal proceedings, the meaning of the right to know is that the participants in the lawsuit are informed of the relevant information of the case following the provisions of the law, what kind of litigation status they suit, and what type of litigation rights they enjoy. The prosecution agencies and judicial agencies representing the state are obliged to guarantee the realization of this right. The protection of the right to know of criminal suspects and defendants is a requirement of due process, and it is also a specific human right in litigation. The suspect and the defendant are only those who have the suspicion of committing a crime, and they are still innocent in law, and the state cannot cancel their public protection. The investigative agency chooses the person suspected of committing a crime among citizens. If some people may have committed crimes for a particular reason, the investigative agency must tell them everything that interests these citizens. And prove these probable causes legally as soon as possible. Especially when compulsory measures to restrict or deprive citizens of their fundamental rights are implemented, it is even more necessary to protect citizens' right to know. When making an arrest, if it is an expedited arrest with an arrest warrant authorized by the court in advance, the expedited arrest warrant must be presented to the criminal suspect and the accused person's name. Also, the reason for the arrest and the major suspects of the alleged behaviour should be informed. Facts on suspicion and arrest the Canadian Charter of Rights and Freedoms provides that anyone arrested or detained has the right to be promptly informed of the reason for his arrest and the right to be informed without delay and to retain a lawyer. In a quick legal arrest, the arrested person not only enjoys the right to know the above mention rights. But the police should identify themselves and inform the suspect that they have been arrested. Inform the suspect of the facts of the

suspicion and the content of the writ to be issued. As an example, Canadian law stipulates that a search warrant signed by a judge must be presented during a private search, and the search warrant must state the charges against matters, the place to be searched and the name of its owner or occupant, the evidence to be searched, the date of issue and the name of the judge.

- Secondly, it is ensured that when a criminal suspect, defendant, or lawyer is dissatisfied with the judge's decision to approve the remand, they can appeal to the higher court. If the defendant believes that the remand has exceeded the statutory time limit, they can ask the judge to contact the remand or change it. As long as the criminal suspect, defendant or defense lawyers believe that the detention is illegal or violates their constitutional rights, they can appeal against the morning detention. If the court finds that the application of compulsory measures is illegal after trial, it may decide to revoke the mandatory measures and release the criminal suspect or defendant. According to the application of the criminal suspect, the defendant or his defender, or following his authority, exclude the confessions made by the criminal suspect or defendant during the period when the compulsory measures were illegally taken and do not allow the accused to be charged. The party used it as evidence to indict the suspect and the defendant of guilt.

5. PROSECUTE ON CONFIRMED CRIMINAL SUSPICION

Based on the principle of ignoring the case, there will be no trial if there is no indictment. Initiating a public charge means that the prosecutor initiates a criminal proceeding after completing the investigation of a specific case and requests the court to try it. It includes both substantive elements and formal elements. The substantive part is that the threshold of suspicion required by the public prosecution must be an actual criminal suspicion. Such a criminal suspect is not a simple suspicion and speculation of a crime, nor is it definite guilt. Because the prosecutor's judgment on the probative force of evidence when deciding to

prosecute still has particular uncertainty. The basis for indictment is not that he has committed a crime but that he is suspected of committing a crime, and prosecuting a criminal suspect is not the defendant's guilt. The final result of innocence is found. The basis for indictment is that the prosecutor's indictment has reached the statutory threshold required by the public prosecution. The substantive criteria for filing a public prosecution are as long as the prosecutor believes that the suspect has committed a crime based on the evidence and is likely to obtain a guilty verdict at trial. The formal requirements for filing a public prosecution are the indictment and evidence with a detailed record of the suspected criminal suspect. The charge should record the specific crime against the particular defendant filed with the specific court and fix and express his suspicions about the criminal suspect in writing.

1) Judgment Criteria for a Real Criminal

First of all, the pro-curatorial organ's suspicion of a crime is based on its judgment and is not subject to the investigation organ's judgment on the suspect. The pro-curatorial organs should carefully examine the basis of criminal suspects, and only through the examination believes that there is a real criminal suspicion. In future trials, this evidence is sufficient to contradict the presumption of innocence and believe that the judge will make a guilty verdict based on this evidence to file an indictment.

Secondly, many factors need to be considered whether a real criminal suspicion is established. The most important of which are the following levels: First, whether the evidence of a suspected crime can be used in court means whether the evidence has evidential capacity. Suppose the judge may exclude the evidence because the collection method is illegal or the law prohibits its use. In that case, the prosecutor's expectation of conviction may no longer be established, and the determination of a definite criminal suspicion cannot be formed. Second, whether the evidence on which the crime is suspected is reliable or not. That is, what is the probative force. Is it possible for the judge to believe that the defendant has indeed committed the alleged crime beyond a reasonable doubt? When measuring the reliability of the suspect gang, such a general formula can be used.

Finally, the prosecutor has the discretion to prosecute a case. This power of prosecution does not mean that the prosecutor can determine whether to prosecute a case according to the degree of criminal suspicion. The basis of prosecution discretion is that the criminal suspect has reached the standard of prosecution, which means the prosecutor believes there is a real criminal suspicion. But, according to other considerations such as policies, it can be determined not to prosecute. Suppose the prosecutor's suspicion of a crime does not reach a real criminal suspicion level. In that case, the prosecutor's only option is not to prosecute, and there is no room to be planted. If the prosecutor's suspicion of the crime has not reached a certain level, he is not sure that the judge will make a guilt sentence. Under such circumstances, deciding to prosecute is an illegal act that violates the criminal suspect's rights. Suppose the defendant is acquitted by the court or ruled back to prosecute. In that case, he can sue the prosecutor for malicious prosecution, pursue legal responsibility for infringement or abuse of power, and demand compensation from the state.

2) Judicial Review of Confirmed Criminal Suspects

The prosecution is a unilateral action by the complainant, and the launching of the right of public prosecution directly threatens the fundamental human rights of individual citizens. The basis for instituting a public prosecution is the suspicion and speculation of the procuratorate that expressly undertakes the case on the facts of the crime and the perpetrator. To prevent the prosecutor from unfoundedly deciding to prosecute or maliciously prosecute, the rule of law country generally requires that after the decision to prosecute a serious criminal case, the entity shall Judicial review shall be conducted before the trial, and professional judges or magistrates shall review whether the evidence of the accusation meets the statutory standard of proof. "Article 35 of Bangladesh "Criminal Procedure Law" stipulates: After the people's court has reviewed the case for which a public prosecution is initiated if the indictment contains clear facts of the alleged crime and is accompanied by a list of evidence, a list of witnesses, and copies or photos of the main evidence, the people's court shall decide to

open a trial. It means that for a case prosecuted by the procuratorate, the court does not have the power to review whether it meets the statutory standard of evidence before the trial. With the procedural supervision and restriction of the procedural control and restriction, it is difficult to prevent the public prosecution organs from wrong and turbulent prosecution. It is also impossible to protect the accused's fundamental personal freedom and rights.

To protect the rights of the accused. When filing a public prosecution, the procuratorate's judgment on a criminal suspect is a subjective perception based on objective evidence. Judicial review must be conducted on the degree of criminal suspicion. If an unruly person is made to accept a criminal trial by mistake, even if the defendant is declared innocent after the trial, the prosecution itself has caused significant damage to his spirit, reputation, property, person, family, employment, etc. The three parties determine whether the extent of the defendant's alleged crime has reached the standard of public prosecution. It can filter out cases that do not meet the conditions for prosecution and prevent citizens from being unreasonably prosecuted.

When filing a public prosecution, the fairness of the lawsuit and prevent the ambush trial, the so-called ambush trial means that one party to the suit has particular key evidence, and the other party is at a loss. To prevent an ambush trial, in the judicial review of public prosecution standards, both parties participate together to understand each other's evidence and prepare for court proceedings.

Save litigation costs and improve litigation efficiency. Through the review, cases that should not enter the trial stage of the court are excluded, which can not only save the national litigation resources but also reduce the litigation burden of the parties.

The nature of the judicial review of criminal suspects is that the review does not resolve whether the defendant is guilty in advance but rather determines whether there is a criminal suspect, which means whether there is an appropriate and reasonable basis for the accusation against the defendant. There are two types of review. One is the "trial filter type" in the civil law system. The objects filtered by the judicial review process include cases and evidence. Through this filtering, many misdemeanor cases or cases that do not

meet the court conditions, such as insufficient evidence, are stopped outside the formal trial process. Second, the public prosecution review type of the Anglo-American law system uses a neutral third party to review the legality of the prosecution's prosecution as a party from the evidence, focusing on protecting the defendant and avoiding groundless prosecution. At the same time, various countries have different regulations on the organization, content, specific procedures and processing after the review. This article does not discuss this in detail. However, no matter what type of judicial review of public prosecution standards, it is a transitional stage connecting public prosecution and trial. The control of the neutral judicial power over the public prosecution power protects the legally innocent defendants.

6. CONCLUSION

The protection of the human rights of criminal suspects and defendants in criminal proceedings is a valid extension of international human rights theory and constitutional practice in criminal proceedings. It is the development trend of the system of criminal proceedings. The principle of presumption of innocence is put into practice throughout the entire criminal procedure. The establishment of each litigation system is premised on the principle of presumption of innocence.

- First of all, criminal suspects and criminal facts should be distinguished, and the formulation of legislation should be more and more strict and standardized to avoid misleading.
- Secondly, in judicial practice, criminal cases should always be handled from the presumption of innocence perspective, and we should always be vigilant to avoid treating criminal suspects as criminals.

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