

2 Policing

INTRODUCTION

Policing and prosecution are twin concepts in the human security profile and the criminal justice delivery system the world over. The policing mechanism is germane to a peaceful society founded on the concepts of equity and justice. The arrest of criminals/felons and their subsequent prosecution by the state provide the deterrent factor.

In Sierra Leone, the Sierra Leone Police and the Office of the Director of Public Prosecutions are both at the heart of the government's attempt at creating an egalitarian society. Cognisant of this, this section of the work examines the institutional capacity and the challenges militating against effective policing and prosecution in Sierra Leone. Identification of the structural/institutional weaknesses of both bodies is used to proffer recommendations for making both institutions more effective.

THE SIERRA LEONE POLICE: A BACKGROUND

The evolution of policing in Sierra Leone predates the birth of Sir Robert Peel's Metropolitan Police in London in 1829. The Sierra Leone Police (SLP), as it is known today, had its beginnings in 1808 when Freetown became a Crown Colony. The objective was essentially to consolidate British territorial gains and to uphold her territorial hegemony. The period from 1863 to the late 1900s is referred to in the SLP's history as the 'political era of policing', a phrase used to reflect the inextricable link that existed between the police force and local politics.

During the colonial era, the objectives of the police were not in accord with contemporary global trends in policing, which are to combat criminal offences such as murder, rape, theft etc. Rather, the police was designed to stifle dissident voices among the local populace, to harass political deviants and to contain the militancy of minorities. In its approach to this task, which manifested itself in excessively harsh responses conditioned by the military orientation of the force at that time, the police was not a civil force.

Prior to the founding of the Province of Freetown (now Freetown) in 1787, social cohesion amongst the indigenous people of what is now known as Sierra Leone was the responsibility of the king's court orderlies, who enforced the court's punishment. This activity represented the earliest form of policing in the settlement.

A new dimension was added to the history of policing in Sierra Leone after the founding of the Province of Freetown for the resettlement of freed slaves from all over the world. Policing during this period was largely primitive: adult males were organised into groups of about 10 families for a rotational watch. The groups were vested with the collective responsibility of apprehending persons accused of having committed crimes. Their duty was also to ensure order in the province and to report suspicious movement. This form of policing was both community-based and community-oriented and played a pivotal role in the development of policing in Sierra Leone.

A corollary of the declaration of the settlement as a British Crown Colony in 1808 was direct British involvement and the consequent adoption of English customs, practices and law. Settlers assumed the status of British subjects in 1811. In 1863, the West African Frontier Force (WAFF) took over the function of maintaining order in the colony, a role it performed until 1906. Consequent on this, there arose a need to deploy British nationals to head up the emergent police force. Thus, by October 1894, a Captain VF Laphan from the British

Army was head of the police. In 1906, British citizen George Brook became the first police commissioner and in 1948 the Police Training School (PTS) at Hastings was established to train Sierra Leoneans. The first Sierra Leonean to head up the police was LW Leigh (1963 – 1969). It was during his tenure that parliament passed the Police Act of 1964 that established the Sierra Leone Police Force (SLPF), the forerunner of the SLP.⁷

It should be noted that the divisional system of today's SLP owes its existence to the leadership of Hon. PK Johnson, the first Inspector-General of Police appointed in 1906. Under the divisional arrangement, each division is commanded by a Chief Police Officer. A division is further subdivided into police districts under the command of an Officer Commanding District. Hon. Johnson was succeeded by Hon. James Bambay Kamara in 1987. His period of service remains as one of the lowest points of in the history of the SLP as corruption within the police reached an all-time high. His tenure was also characterised by gross human rights violations by the rank and file of the force.

The war instigated by the RUF and elements of AFRC left the SLP prostrate. There was great devastation of police infrastructure and logistical equipment, and police personnel suffered heavy casualties. The SLP was left in a state of operational deficit. By 1999 it had become apparent that the SLP would need to undergo immediate reform to earn both national confidence and international credibility. Unprofessional conduct among the ill-motivated rank and file was overwhelming. Morale among police personnel was at its lowest ebb. Cognisant of this state of affairs, the then President, Ahmad Tejan Kabba, appointed an expatriate, retired UK-trained police officer Keith Bridle, as the Inspector-General of Police in November 1999.

Prior to his appointment, Bridle had headed up the Commonwealth Development Task Force, which was transformed into the Commonwealth Community Safety and Security Project (CCSSP) in 2000. The objective of the CCSSP was to support the operational activities of the SLP with capacity building in order to ensure prompt and effective responses to crime and acts of public disorder.

CONSTITUTIONAL AND INSTITUTIONAL FRAMEWORK OF THE SIERRA LEONE POLICE

The SLP was re-established under the provisions of section 155(1) of the Constitution of 1991 and is headed by an Inspector-General of Police. The force is a creation of

an Act of Parliament. In law, in particular section 155(3) of the Constitution, the SLP is strictly apolitical and insulated from partisan politics in that members of the force are prohibited from holding elective posts while in service

An important structure is the Police Council, which was created under section 16(1) of the Constitution. The following persons serve on the Council:

- The Vice President of Sierra Leone, who acts as chairman
- The Minister of Internal Affairs
- The Inspector-General of Police
- The Deputy Inspector-General of Police
- The Chairman of the Public Service Commission
- A Member of the Sierra Leone Bar Association, who must be a legal practitioner of not less than 10 years' standing. He is nominated by the Bar Association and is appointed by Sierra Leone's President
- Two members appointed by the President, subject to the approval of Parliament

The Permanent Secretary of the Ministry of Internal Affairs responsible for police matters is Secretary to the Police Council. According to section 156(3), the Inspector-General is appointed by the President acting on the advice of the Police Council, subject to the approval of Parliament.

The functions of the Police Council

The Police Council is responsible for advising the President of Sierra Leone on all major matters of policing relating to internal security, including the role of the SLP, police budgeting and finance, administration and any other matter as required by the President (Section 157(1)).

The Police Council may, with the prior approval of the President, make regulations for the performance of its functions under the Constitution or any other law, and for the effective and efficient administration of the SLP. Regulations made by the Police Council pursuant to section 158(2) of the Constitution shall be in respect of the following:

- Control and administration of the SLP
- The ranks of officers and men of each unit of the SLP, the members in each such rank and the use of uniforms by such members

- The conditions of service, including those relating to enrolment and pay, pensions, gratuities and other allowances to the officers and men of each unit, and deductions there from
- The authority and powers of command of officers and men of the SLP
- The delegation to other persons of powers of commanding officers to discipline accused persons, and the conditions subject to which such delegation may be made (section 158(3))

Powers of police officers under the Police Act

The powers of police officers in Sierra Leone are spelt out in Part iv of the Police Act. Police officers are invested with the power to conduct in person all prosecutions before any court of summary jurisdiction. This power is exercisable whether the power is laid in his name or not, and whether or not the offence was committed in his presence or that of any other police officer (section 24).

The powers of the police also extend to the power to arrest, even without a warrant. However, there is a stark contradiction in that in a court of law the apprehension of any person must be based on a legally issued warrant specifying the charge. In terms of section 25, where a person is arrested by a police officer without a warrant, such a person shall be entitled to demand that a warrant be shown and read to him as soon as practicable after his arrest.

Police officers in Sierra Leone are responsible for servicing any criminal summons lawfully issued by a court. Service must be effected during the hours of daylight, with the proviso that where a police officer has reasonable cause to believe that a person is evading service, then such summons may be served at any time (section 26). The police are authorised to take fingerprints of suspects.

The Police Act (sections 28 and 30) states that in cases of riot, police officers have the powers to close licensed premises and to stop processions for which permits have not been issued. Where a requisite permit has been obtained, a police officer has the power to regulate processions using the provisions of section 31. The police also have the power to control vehicular traffic.

A person who conducts himself in such manner in a public place, street or highway as to cause obstruction or annoyance to the public may be moved or arrested and taken before a magistrate. On summary conviction such a person shall be liable to a fine not exceeding five pounds sterling.

Table 1 Operational strength of the Sierra Leone Police by job category

Rank	Male	Female
Inspector-General of Police	1	–
Deputy Inspector-General of Police	1	–
Assistant Inspector-General of Police	10	2
Chief Superintendent	25	–
Superintendent	58	4
Assistant Superintendent	143	14
Inspector	513	60
Sergeant	2 110	241
Constable (including new recruits)	4 828	1 122
Auxiliary	11	–
Total operational strength	7 700	1 443
Support Staff	314	105
Grand total	8 014	1 548

Source Data Office, SLP Headquarters, Freetown, 2 June 2008

Table 2: Breakdown of Sierra Leone Police support staff

General duty		6 089
Operational Support Department		3 043
Auxiliary		11
Support staff (secretary/nurse)	125	419
Support staff (labourer/mechanic)	294	
Total strength		9 562

Source Data Office, SLP Headquarters, Freetown, 2 June 2008

Offences by and against police officers under the Police Act

In terms of section 36(1) of the Police Act, a police officer who starts or is an accessory to the offence of mutiny shall be liable on conviction to imprisonment for a period not exceeding five years. Where a police officer joins in or causes any disturbance, or is at an assemblage susceptible to riot and does not suppress such assemblage, or has knowledge of any mutiny or deserters, the officer shall be liable on summary conviction to imprisonment for a period not exceeding two years (section 36(2)).

Other salient provisions cover assault of a police officer. The person who committed the assault shall, on summary conviction, be liable to a fine not exceeding 100 pounds or to imprisonment for a period not exceeding one year. A person who obtains enlistment into the force by fraudulent means shall be liable on conviction to imprisonment for a period not exceeding six months, or to a fine not exceeding 50 pounds (section 42).

In order to insulate the police officers of the SLP from partisan politics, they are barred from having connections with any political society, organisation or movement, or with any trade union or any union (civil service or otherwise) either within or without Sierra Leone (section 52(1)), unless they have the approval of the Minister. However, no express approval is necessary for membership of a police federation. Breach of the provisions of this section warrants dismissal.

The Police Act covers a range of other offences. These provisions are geared towards maintaining discipline among officers and men of the force and to protect them from being assaulted by members of the public in the lawful execution of their statutory responsibilities.

Institutional capacity of the Sierra Leone Police

The institutional capacity of the SLP is examined in respect of the organisational structure, its personnel and the divisional components of the force.⁸ The operational strength of the SLP by job category on 2 June 2008 is given in Table 1.

On the same date, the support staff of the SLP numbered 9 562 persons. A summary breakdown of this figure is shown in Table 2.

Table 3 Sierra Leone Police personnel distribution by region

Region		Male	Female	Total	% of total
West	Operational strength	4 347	1 018	5 716	60
	Support staff	252	99		
North	Operational strength	1 199	152	1 373	15
	Support staff	21	1		
South	Operational strength	926	122	1 073	14
	Support staff	22	3		
East	Operational strength	1 228	151	1 400	11
	Support staff	19	2		
Total		8 014	1 548	9 562	100

Source Data Office, SLP Headquarters, Freetown, 2 June 2008

Table 4 Divisional structure and personnel strength

Name of Division	Total	Name of Division	Total
Airport	92	Magburaka	175
Bo	469	Makeni	362
Bonthe	63	Mano River	144
Central	510	Masiaka	89
Daru	183	Mango Bendugu	78
Eastern P/S	137	Motema	193
Goderich	124	Moyamba	165
Kabala	132	Port-Loko	186
Kailahun	190	Pujehun	139
Kamakwie	104	Ross Road	307
Kambia	252	Rutile	96
Kenema	482	Tankoro	213
Kissy	456	Tongo	141
Lungi	155	Waterloo	210

Source Data Office, SLP Headquarters, Freetown, 2 June 2008

Sierra Leone is divided into four police regions: North, East, West and South. The personnel distribution by region is given in Table 3.

Under the divisional arrangement, the SLP is structured into 28 divisions. Each division is headed by a Chief Police Officer and a designated Divisional Police Officer. Table 4 shows the divisional structure and the personnel strength.

The SLP in addition has departments that provide services to complement effective policing. These departments are often staffed by personnel that have the requisite training and expertise required by such departments. Table 5 provides details.

Policemen are also seconded by the SLP on *ad hoc* assignments. After completion of such assignments, the officers and men report to police headquarters for reposting to divisions or departments. Table 6 provides details of such assignments.

SIERRA LEONE POLICE COMMAND STRUCTURE

The command structure of the SLP is vertical with the Inspector-General of Police at the helm. He is assisted by the Deputy Inspector-General, who oversees both the organisational and operational support services of the force. Five Assistant Inspectors-General (AIG) are in charge of the following organisational support services: Personnel Services, Operations, Corporate Services, Personal Training and Welfare, and Support Services.

The operational support arm of the force is also under the supervision and control of five AIGs. Four of these have control over different divisions of the SLP and the fifth supervises the Operation Support Division (OSD), which controls the Police Support Group, the Close Protection Group, the Mobile Armed Response Group, the Static Protection Group, the Armed Intervention Group, the Transitional Government and the Escort Subgroup.

Some departments and specialised units, as described below, have been selected to participate in this research in order to highlight their relevance to contemporary policing in the country.

Corporate Services Department

Keith Bridle, past Inspector-General of Police of the SLP, embarked on a series of restructuring processes during his tenure, which gave impetus to the birth

Table 5 Departmental structure of the Sierra Leone Police and personnel strength

Name of Department	Total
Anti-corruption	2
Anti-drugs	9
Complaints, Discipline, Internal investigation Department	40
Criminal Investigation Service	177
Criminal Intelligence Service	43
Communications	89
Cooperate Services Department	19
Estate Department	72
Internal Audit	13
Interpol	12
Marine Police Department	18
Media and Public Relations Unit	11
Operations Planning and Personnel Department	66
Operational Support Department	1 745
Hospital and Health Services	82
Police Headquarters	203
Police Band	59
Police Training School	78
Justice Support and Legal Service (Prosecution)	85
Special Branch Headquarters	78
Stores Department	41
Traffic Department	44
Transport Department	164
Regional police West	173

Source Data Office, SLP Headquarters, Freetown, 2 June 2008

Table 6 Sierra Leone Police officers on assignment and study leave

Name of assignment	No. of personnel
Vice President's Lodge	28
UN Mission	20
Special Court for Sierra Leone	10
President's Lodge	9
On study leave	5
Retired Vice President's Lodge	1

Source Data Office, SLP Headquarters, Freetown, 2 June 2008

of the Corporate Services Department (CSD). Its function was to monitor and ensure compliance and continuity after the departure of expatriate British officers. The CSD has four units, namely Inspectorate, Research and Planning, Internal Audit and Change Management. The activities of these units are co-ordinated by a secretariat Programme Support Office. The director of the CSD serves as the custodian of all reliable information in respect of the functioning of the organisation. He relays such information to the Executive Management Change Board from time to time.

Justice Support and Legal Services Unit

Established in 2004, the Justice Support and Legal Services Unit is primarily responsible for guiding the police on all matters dealing with the provision of legal frameworks in the law enforcement sector. The unit provides an ideal means of access to justice, especially for less privileged citizens. The unit complements the efforts of the judiciary.

Maritime Unit

The Maritime Unit of the SLP was established to police the territorial waters of Sierra Leone together with the Republic of Sierra Leone Armed Forces (RSLAF), and responds to security problems associated with sea traffic and fishing. The unit has displayed its efficiency by successfully conducting rescue missions involving passenger boats on the verge of sinking. It has also

arrested several smugglers and handed them over to the National Revenue Authority (NRA).

Complaint, Discipline, Internal Investigation Department

The Complaint, Discipline, Internal Investigation Department (CDIID), which is headed by a director, was established pursuant to an Act of Parliament that produced the Police Disciplinary Regulation Code of 2001. The CDIID is charged with the responsibility of eradicating all unprofessional and corrupt conduct within the SLP. It receives complaints relating to police misconduct, unprofessional action and excesses. Following proper investigations it takes disciplinary action against officers and men who have violated the rules and regulations of the SLP.

Operational Support Division

As an integral part of the SLP, the OSD is an improvement on the anti-riot unit that preceded it. It is subdivided into the following groups:

- The Police Support Group is normally unarmed and is responsible for public order, cordons and searches, raids etc.
- The Static Protection Group consists of a team of six officers armed with rifles, who are permanently deployed to provide armed protection of key points and offices and the residences of key personnel.
- The Armed Intervention Group provides highly trained and specially armed and equipped teams that are skilled in armed intervention to resolve armed sieges and hostage-taking situations involving armed criminals, renegade rebels etc.
- The Close Protection Group consists of teams of six specially selected and highly trained male and female officers who are permanently deployed to provide bodyguards for key personnel.
- The Escort Subgroup provides armed escorts for the movement of key personnel and conveys high-risk prisoners, arms and explosives.
- The Community Relations Unit is an outreach unit linking the police with the community by ensuring that the community, through the concept of local needs policing, becomes an integral part of the policing strategy of its areas.

Media and Public Relations Unit

Since the establishment of the Media and Public Relations Unit (MPRU) in 1999 much has been done to promote the image of the police. The MPRU aims to boost public confidence and trust in the police by projecting a better image. It encourages positive reporting on police activities by the media. The unit has succeeded in erasing the public's negative perception of the police.

THE EFFECTIVENESS OF THE SIERRA LEONE POLICE IN COMBATING CRIME

Crime prevention has the aim of reducing criminal activities by targeting the offender, the victim or the opportunity for crime presented by a situation. By the removal of a potential offender from a situation, the police are able to prevent a crime from being committed. Statistics show an increase in the incidence of crimes in Sierra Leone between 2002 and 2004 (Table 7). However, these statistics could also indicate growing police effectiveness and increased confidence in the police. As people begin to place greater trust in the police, they are more likely to report incidents that were hitherto unreported. The majority of the crimes currently reported occur in West Region. This is attributable to post-war effects, an explosion in rural-urban migration, the growth of urban slums and the effects of globalisation.

Assault and the related crime of wounding with intent account for about 50 per cent of the crimes recorded, fraud and larceny for about 30 per cent, and robbery and burglary for about three per cent each.

While respondents to the survey are of the consensus that the police has been fairly effective in combating crime, it must be emphasised that there is

Table 7 Crime statistics by region, 2002–2004

Year	West	North	South	East	Total
2004	34 189	9 225	4 348	7 544	55 306
2003	31 009	9 503	4 019	7 242	51 773
2002	32 305	8 913	2 470	3 814	47 502

Source Data Office, SLP Headquarters, Freetown, 2 June 2008

need to train the police to respond to emergent crimes such as terrorism, cyber crimes, human trafficking, drug peddling, the smuggling of minerals etc. There is also a public perception that the number of police stations in the country (27 divisions) is not adequate for tackling crime effectively.

The SLP has been making efforts to combat crime through the use of routine beat patrols. Respondents are of the opinion that the police, despite the paucity of funds and the problem of logistics, have been doing their best at combating crime. Respondents also suggest that the successful conduct of two national elections in the country is a pointer to the effectiveness of the police in combating crime.

Crime prevention is one area of operational policing where the SLP lacks a strategic approach. Occasional patrols, raids, searches and static sentries represent the main crime prevention initiatives. But these actions have not proved very effective, possibly because they are reportedly not adequately supervised and co-ordinated.

One measure of the effectiveness of police work is the efficiency with which it responds to distress calls from the public. Ninety-five per cent of respondents are of the opinion that the force has been fairly responsive to distress calls. A swift police response may be required in a variety of circumstances, e.g. the rescue of an offender from mob action. Failure by the police to act swiftly has often led to breaches of the law. Contemporary policing requires fast police responses, but an effective response is only achievable where proper logistics, such as communications equipment and operational vehicles, are available.

POLICE/COMMUNITY PARTNERSHIPS IN COMBATING CRIME

The effective combat response to crimes requires a well-organised police/community partnership since most suspects or alleged criminals live within and are known to members of communities. The world over, police forces maintain informant systems. However, if members of the public are to complement the efforts of the police, their identities must remain secret. It is claimed that in Sierra Leone the identities of informants have often been made available to suspects by the police. This situation has discouraged persons who may have vital information from passing it on for fear of reprisals by the alleged criminals.

In building an effective police/community partnership, structures must be in place for quality networking between the police and the public. One of the most acceptable definitions on community policing is the one by Robert Trojanowicz et al. in their seminal work entitled *Community policing: a contemporary perspective* (1998).

A new philosophy of policing based concept that police officers and citizens working together in creative ways can help solve contemporary community problems relating to crime, fear of crime, social and physical disorder, and neighbourhood decay.

To achieve the objectives of community policing, the police local command units in Sierra Leone have formed partnership boards with their local communities in what is referred to as 'co-active policing'. This style of policing is based on local-needs policing whereby the police and private citizens form partnerships to solve community problems. For greater effectiveness in this regard, the SLP needs to revisit its law enforcement practices and introduce community policing strategies, and for the sake of continuity, regular consultations must be held with community leaders and other organisations.

The success or otherwise of community policing depends on the implementation of a proactive and problem solving policing approach. There needs to be a paradigm shift in the SLP away from its monopoly on its policing function to greater inter-agency cooperation and the development of networks with other agencies for the dissemination of information. This would result in policing moving away from being the sole preserve of the SLP to becoming a networking arrangement between the police, the public and private and non-governmental agencies.

INCIDENCE OF CORRUPTION IN THE SIERRA LEONE POLICE

One of the blights of policing in the developing world is the incidence of corruption. The credibility of police officers in Sierra Leone is tainted by corruption, which is prevalent in both the officer corps and the rank and file. The majority of the respondents are of the view that corruption permeates the force at all levels.

They identified low remuneration, inadequate incentives and poor conditions of services as the major causes of corruption.

Faced by a spiralling cost of living, members of the force are finding it increasingly difficult to meet their social and economic responsibilities. To augment their 'stipendiary pay packet', many policemen thus resort to illegal methods. The most common manifestation of corruption is in the form of bribes and other forms of gratification from members of the public who have infringed the provisions of certain statutes, e.g. traffic regulations. Policemen detailed to traffic control extort money from public transport drivers for alleged offences.

A critical appraisal indicates that these problems arise because of inadequate funding of the SLP by government. There has been a progressive reduction in the budgetary allocation to the force in percentage terms, even though it has increasing responsibilities.

PUBLIC PERCEPTION OF THE SIERRA LEONE POLICE

The survey revealed that the public perception of the police is still very negative. The SLP is perceived to be corrupt and ineffective, and consequently public confidence in the police is lacking. Some respondents believe that efforts should be directed at improving the welfare of the force so as to meet the standards that obtain in other West African counties such as Ghana and Nigeria.

Cognisant of its negative image, the SLP has evolved a change management process designed to focus on four main areas: corporate governance, strategic leadership, strategic management and strategic implementation. Emphasis is being placed on developing the leadership skills of core individuals, including senior officers in charge of change management in the SLP.

DECENTRALISATION OF THE SIERRA LEONE POLICE

The survey indicates a consensus of opinion that the SLP needs to be decentralised. Though there has been some decentralisation in the past, respondents are of the opinion that the process should be continued. Previous efforts resulted from the need to reduce the excessive workload on top management and to reduce excessive bureaucracy in the policy-making process. Decentralisation

permits local managers or divisional commanders to take effective charge of their areas of jurisdiction, and provides lower-level management and commanders the opportunity to gain the requisite experience in decision-making and gain recognition.

Some of the offices that have been decentralised are the Inspectorate Unit, the Corporate Services Department, the Community Relations Department, the Family Support Unit and the Complaint, Discipline Internal Investigations Department. There are plans for further decentralisation within the SLP.

POLITICISATION OF THE SIERRA LEONE POLICE

The survey has shown that the SLP is caught up in a web of political intrigue. Respondents are of the opinion that the force is highly politicised. The effect of this is that crimes committed by persons with political connections are not investigated properly and such persons are consequently not charged with the crime. Some policemen have suffered persecution because of their political beliefs in the form of delayed promotion and premature retirement. Political interference has also manifested itself in the areas of recruitment, promotion, dismissal etc. Party faithfuls have often been recruited into the force despite not meeting the set criteria for recruitment.

The politicisation of the force is an affront to the provisions of section 52(1) of the Police Act, which provides as follows:

Police officers shall not, except with the expressed approval of the Minister, be members of, or have any connection whatsoever with, any political society, organisation, or movement, or with any trade union, or any union (civil service or otherwise), either within or without Sierra Leone.

A literal interpretation of this provision is that membership of any political party by members of the SLP has to be sanctioned by the Minister who oversees police matters. There is no record of such express approvals having been given. Contravention of the provisions may entail immediate dismissal. However, with the composition of the Police Council being along partisan lines, it becomes difficult to see how the SLP can be insulated from politics. Funding for the police is drawn from the coffers of the government of the day, thus interring all hopes of a depoliticised force.

DISCIPLINARY MEASURES IN THE SIERRA LEONE POLICE

Most respondents believe that disciplinary measures in the force are fairly adequate to address indiscipline in the force. The legal instruments available for regulating discipline include the Police (Discipline) Regulations 2001 and the Police Act, both of which contain elaborate provisions for maintaining discipline in the SLP. Respondents probably based their perceptions on the adequacy of disciplinary measures and a subjective understanding of the process, rather than on having actual knowledge of the relevant legislation.

The disciplinary process suffers from the problem of politicisation of the force. Officers with connections are often spared when they infringe on some of the regulations. The most delicate internal control problem that is likely to plague the institution in the future is that of indiscipline. According to media reports, the SLP is still beset with cases of drunkenness, insubordination, dishonesty, extortion, favouritism, absenteeism, lateness and neglect of duty.

The rationale of discipline is to allow an employee to perform his work with judgment and self-control. Discipline is achievable in two ways: by education, training and instruction (positive discipline), and by admonition and punishment (negative discipline). The most important link in the chain of discipline is the first-line supervisor, the sergeant, since he works closely with his men, inculcates good habits and attitudes by example and instruction, and continually evaluates the performance of his staff. However, effective performance by a sergeant is often constrained by such inhibiting factors as a low-level of education and a lack of supervisory acumen.

THE POLICE ACT AND THE NEEDS OF MODERN-DAY POLICING

One immediately noticeable flaw in the legal system of Sierra Leone is the maze of archaic laws inherited from the colonial regime, which are yet to be amended to bring them into line with the contemporary needs of a modern state.

The Police Act is one such law. Enacted three years after Sierra Leone attained its independence, more than four decades have passed without the act being amended or repealed to pave way for a new legislation. Respondents were

of the consensus that the Police Act should be amended. While not denigrating its value when it was enacted, its provisions are now anachronistic and do not accord with the contemporary needs of modern-day policing. The law has clearly become ineffective in the face of new challenges.

UNDERFUNDING OF THE SIERRA LEONE POLICE

A modern police force, which the SLP aspires to be, is one that is adequately funded to meet both its recurrent and capital expenditures. Without an adequate budgetary allocation to cater for overhead costs, logistics and other supplies, realisation of the objectives of effective policing is a mirage.

Budgetary constraints have continued to mitigate against effective policing in Sierra Leone. With an expanding force, but a vehicular fleet grounded by dwindling resources, the SLP will continue to be hampered in the effective performance of its tasks. Resource management and the financial sustainability and viability of the SLP are major areas of concern. Increased budgets are often eroded by inflationary trends. The budget allocations for the years 2002 to 2004 only partially reflect the main aspect of the security sector reform agenda of *more police, less soldiers*. Furthermore, non-wage recurrent spending may be inadequate in view of the substantial infrastructural needs of the SLP. The budgetary allocations are captured in Table 8.

While the level of funding has grown by Le 4,11 billion since 1999, the SLP is still significantly underfunded. For the year 2005, the SLP submitted a budget

Table 8 Budgetary allocations to the Sierra Leone Police,
2005 – 2008 (billions of leones)

	2005	2006	2007	2008
Salaries and wages	16 966	17 814	18 705	20 578
Standard recurrent	13 901	15170	15 924	17 516
Non-standard recurrent	2 159	2 465	2 591	2 850
Capital	1 933	2 109	2 217	2 438
Development	1 200	1 000	1 000	1 000
Total	36 260	38 560	40 438	44 382

Source Data Office, SLP Headquarters, Freetown, 2 June 2008

proposal for Le 64 billion, which included co-development and capital expenditure proposals. The allocation received was Le 35 billion. There was virtually no money for development or capital expenditure.

THE USE OF BAIL, ARREST WITHOUT WARRANT AND CORRUPTION

The right to bail by a person accused of a crime is a constitutional right, since a person is presumed innocent until proven guilty. The non-indictable offences that police officers are empowered to prosecute are ordinarily bailable offences by virtue of section 79(3) of the Criminal Procedures Act, which determines that when a person is charged before the court with any offence other than murder, treason or a felony the courts shall admit him to bail, unless it sees good reasons to the contrary.

Section 80 of the Criminal Procedures Act empowers the police to admit suspects to bail. A police officer can provide bail by recognisance as a condition precedent for the appearance of an accused before the Magistrates' Court. The term 'recognisance' excludes the use of money by suspects to secure bail at police stations. In police circles this is known as 'Bail is free'. How free the bail actually is, is another matter, as most suspects report that they have had to pay to secure bail at a police station before they are charged before a court of competent jurisdiction. Respondents were unanimous that bail conditions are excessive and that they encouraged police corruption.

With respect to the power of arrest without warrant, section 25 of the Police Act empowers officers to arrest suspects without having a warrant. Section 13 of the Criminal Procedures Act defines the circumstances under which such an arrest may be affected. However, a warrant shall, on demand of the person apprehended, be shown and read to suspect as soon as practicable after the arrest. While section 25 does not sanction the arrest of suspects without a warrant of arrest validly issued by a court, the purport of the section is that arrest can be effected where the officer inadvertently does not have the warrant in his possession. Respondents were of the opinion that the power of arrest without a warrant was 'very likely' to be abused by police officers. This can be construed to mean that even though a warrant has not been issued, an officer purports to effect the arrest on the pretext of one having been issued.

CONSTRAINTS MILITATING AGAINST EFFECTIVE POLICING IN SIERRA LEONE

The survey revealed that several constraints militate against effective policing in Sierra Leone, as follows:

- The incidence of corruption in the police force
- Inadequate budgetary allocation and underfunding of the force
- The existence of an anachronistic legal framework for policing
- Politicisation in the force
- Poor educational enlistment requirements
- Inadequate logistics and equipment, e.g. offices, operational vehicles and stationery
- A poor public perception of the SLP
- Low morale as a result of poor remuneration
- Insufficient personnel

RECOMMENDATIONS

Cognisant of the general constraints that militate against effective policing in Sierra Leone and the imperatives of modern-day policing, the following recommendations are made in an effort to try and help solve some of the many problems that confront the SLP.

- The present entry qualifications for recruitment into the force should be reviewed. A West African School Certificate Examination (WASCE), which is the current minimum entry qualification, is not adequate and should be reviewed. Five WASCE credit passes should be the minimum requirement for enlistment.
- Recruitment procedure should be shorn of primordial considerations such as ethnicity, politics etc.
- The SLP should be made independent of government control to counter politicisation in the force. The patronage-based recruitment of party faithful should be eschewed.
- The government should increase the SLP's budgetary allocations to enable it to address the problems of logistics, personnel etc.

- The government should construct more police stations and barracks to improve the efficiency and welfare of police officers, and to enhance efforts at stemming the rising incidence of crime.
- There should be mandatory refresher courses for officers and men in topics such as police ethics, human rights, law, police/civil relations etc.
- The police/community relations structure should be enhanced to combat crime more effectively.
- The composition of the Police Council should be reviewed to make it truly independent of political interference.
- Corruption in the force should be treated with the urgency it deserves. The prosecution of all offending police personnel would be a strong deterrent.
- Remuneration and fringe benefits in the SLP should be reviewed and improved.
- The Police Act is an obsolete piece of legislation that does not accord with the imperatives of modern-day Sierra Leone. Parliament should enact new and modern police legislation.