

Police Internal Control Systems in West Africa:

Edited by

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Preface

By Innocent Chukwuma

The problem of how to make the police effective and accountable to the community it serves has continued to be of major concern to policing policy makers, scholars and civil society groups in many democratic societies as with societies in transition. Central to this concern is the timeworn question of *how and who to monitor or oversee police exercise of the enormous, coercive and often-intrusive powers and discretion entrusted to them under the law?* To this question, there have not been simple answers or easy solutions but continuing debates and dilemmas.

Three issues stand out in the debates and dilemmas: How do you make the police more accountable without impeding the legitimate pursuit of their duties? What form or forms of accountability processes and mechanisms do you put in place? Do you rely on the police internal controls processes, external ones or a hybrid?

The first issue raises the enduring problem and complexities involved in balancing a clash of rights, namely, personal liberty with state security, and individual rights with collective rights. It further seeks to address a continuing concern of many police managers who complain that the existing accountability safeguards are too onerous and multifarious, as they police are being made to fight crime with one hand tied behind their backs. The second and third issues acknowledge the necessity of having an effective police accountability system but raise the questions of the nature, form and structure of such accountability system in the face of obvious limited options and choices.

It would appear from emerging policy focus that scholars, civil society actors and reform minded policy makers place much premium on developing the *external* forms of police oversight at the expense of the *internal* disciplinary control structures. From the advanced democracies of the West to the developing structures in Africa, Asia and Latin America, legislative, judicial and other administrative measures are extensively being used to establish, restructure or strengthen external police accountability structures. Justifications for this policy trend and focus came from various sources and appear to be predicated on the perceived weaknesses of the police internal disciplinary control systems, which are that:

- a. The police system of internal control is not open and independent.
- b. The process does not inspire public and complainants confidence.
- c. Police cannot be trusted to investigate complaints against their own, as the police culture of mutual support remains a permanent threat.
- d. Substantiation rates of such complaints are very low.

These negative perceptions of internal control processes and mechanisms have continued to influence policing policies to this day. It has also raised and created high and promising expectations about what these external bodies can possibly achieve.

It would appear that enthusiasm generated by the extensive and one-sided promotion of external oversight of policing has not yielded the expected democratic dividends. With very mixed performance records, limited resources, limited capacity and low verifiable impact on police misconduct, the huge investments put on the external oversight structures appear to have not been matched by significant and verifiable concrete outcomes. It soon became clear that for the external oversight mechanisms to be effective in holding the police accountable for their conduct, the internal control processes and mechanisms need to be strengthened and needs to be cultivated by the external.

However, for the internal control systems of the police to play the expected complementary role, they need to be effective, rigorously enforced through both formal and informal means and more importantly internalized by the officers in such a way that it would influence their attitudes and organizational culture (Chukwuma, 2003). Unfortunately, the internal control systems in many police forces are not clear, not rigorously enforced or internalized by police officers. Instead, they seem to be neglected and left in a very dysfunctional state - unsupported in terms of policy guides, reviews and adequate resources for their work. This continuing neglect has created serious accountability problems in police service delivery in many transitional societies in Africa, where both the internal and external processes of accountability are very weak, unstructured and uncoordinated.

This study is therefore an effort of the CLEEN Foundation to better understand the internal control systems of police forces in West Africa with a view to identifying the challenges they face and recommend measures that could be implemented by various stakeholders to address the problem areas with a view to positioning police internal disciplinary systems as important complements to external accountability mechanisms that are being established in the region. The publication is divided into six chapters reflecting experiences of six countries: Nigeria, Ghana, Gambia, Liberia, Senegal and Cameroon.

Chapter One

Police Internal Control Systems in West Africa: An Introduction

by

Etannibi E. O. Alemika

Introduction

The police exercise enormous coercive powers of surveillance, arrest, investigation, search, seizure, interrogation, detention, bail and prosecution (Alemika 2003a). As a result of these powers and their intrusive nature, there is tension between police powers and liberty in democratic societies. This tension is further compounded by the wide discretion enjoyed by the police in law enforcement, which is generally undertaken by low rank officials (Goldstein 1977; Alemika 2003c). Although police powers are aimed at enhancing liberty, security and development in society, they can become instrument of oppression and exploitation if they are not properly regulated. It is therefore necessary to establish effective safeguard against the abuse of police powers.

Police powers have always been regarded either as an anathema or a necessary evil in democratic societies. According to Goldstein (1977: 1):

The police, by the very nature of their function, are an anomaly in a free society. They are invested with a great deal of authority under a system of government in which authority is reluctantly granted, and when granted, sharply curtailed. The specific form of their authority – to arrest, to search, to detain, and to use force – is awesome in the degree to which it can be disruptive of freedom, invasive of privacy, and sudden and direct in its impact upon individuals. And this awesome authority, of necessity, is delegated to individuals at the lowest level of the bureaucracy, to be exercised, in most instances without prior review and control.

Police accountability mechanisms are established to ensure that police powers and resources are used responsively and responsibly for common good. Generally, the police forces are accountable for three principal issues: performance, conduct and use of resources. They are also responsible to various external governmental and non-governmental audiences, especially parliamentary committees, police service commissions and councils, ministerial departments, financial audit agencies, commissions of inquiry, office of ombudsman/woman, human rights commissions and organisations, and civil society organisations such as the mass media, community associations, researchers and research institutes. Beside the external accountability mechanisms, there are internal control and disciplinary mechanisms for holding police officials accountable for their performance, conducts or actions and resources allocated to them.

The multiplicity (in types and levels) of mechanisms of accountability is generally considered as distractions and encumbrances by police authorities. Indeed, accountability mechanisms can become dysfunctional and counterproductive if they are not effective, transparent and properly coordinated. However, accountability mechanisms are necessary given the enormous powers and

resources at the disposal of the police and the significance of police functions for the development and security of citizens and society.

Police Forces, Police Oversight and Accountability in Africa

Police forces in Africa were creations of colonialism. Prior to colonial rule, African societies employed various mechanisms and groups for policing (Alemika 2009, Onoge 1993, Tamuno 1993). In more centralised societies, a small group of ‘palace courtiers’ were vested with policing powers. Their primary duties were to invite suspects before public adjudication panels that were presided over by clan elders or kings. The hunters constituted standby police and armed forces that may be deployed to curb serious crimes or external threats to community. African societies without centralised political authorities relied on age groups, cults and societies to deal with diverse forms of deviation.

Colonialism, however, introduced alien form of police and policing aimed principally at promoting and defending colonial exploitation and oppression. Formal policing institutions, alien and estranged from the people, were established and charged with the enforcement of British colonial laws (Deflem 1994; Killingray 1991; Anderson and Killingray 1991, 1992; Clayton A. and Killingray D. 1989; Ahire 1991; Tamuno 1970; Alemika 1993a, Alemika 2003a; Onoge 1993; Tankebe 2008). The colonial police forces established to promote and defend colonial rule in Africa were organised and deployed as military outfits, notwithstanding the different names by which they were known (Ukpabi 1987; Odekunle 1979; Killingray 1986, 1991; Deflem 1994; Clayton and Killingray 1989; Alemika 2003a, 2003c; Aning 2002). The various forces performed military and police duties (Deflem 1994; Killingray 1986, 1989; Ukpabi 1987; Alemika 1993a, 2003a). This accounted for the militarized, brutal and uncivil character of the police in Africa till the present time. Furthermore, members of the police forces were recruited and deployed as army of occupation. Colonial authorities deliberately played up inter-ethnic prejudice between the strangers recruited into the forces and their host communities (Alemika 1993a, 2003).

Colonial policing and police forces were predicated on police-community hostility rather than police-community partnership (Killingray 1986, 1989; Ukpabi 1987; Alemika 1993a; Tankebe 2008). This legacy persists till now and partly accounts for police brutality, mistrust between the police and the citizens, and police inefficiency in crime prevention, detection and prosecution (Kayode 1976; Alemika 1988, 2003b). The colonial police forces were largely deployed to protect the economic interests of the colonizers. According to Onoge (1993, p.178):

Through armed mobile patrols, raids, arrests and detentions, the colonial police protected the colonial economy by policing labour. Through the enforcement of unpopular direct taxation, the raiding of labour camps, and the violent suppression of strikes, the police ensured the creation, supply and discipline of the proletarian labour force required by colonial capitalism. The police enforce the criminalization of lucrative indigenous industries like the manufacture of alcohol and traditional trading patterns across national borders in order to protect the colonial economy from competition. The police in the consciousness of the people became the symbol of the dictatorial establishment rather than the protector of the people’s rights. As the people had no checks over the arbitrariness of the police, they either avoided “police trouble” or mediated inevitable

contacts with bribe offerings. During the colonial period, police fright was a feature of popular consciousness.

The public regarded members of the colonial police forces as dishonorable and treacherous persons (Killingray 1991; Ukpabi 1987). In Nigeria, historical records indicate instances when members of various colonial police and armed forces were accused of ‘looting, stealing and generally taking advantage of their positions’¹. Rather than keep peace for the community, they ‘‘turned themselves loose upon the people, filling up the role vacated by kidnappers, rioters, marauders and free booters’’².

The police forces in post-colonial Africa have not been substantially reformed with respect to their organization, training, philosophy of policing and relationship with the public (Alemika 1993, 2003, 2009; Tankebe 2008; Hill 2007). They are still organized as paramilitary organisations; trained and deployed as armed forces that should regard any opposition to the government as unacceptable and individuals associated with such are regarded and treated as ‘enemies of the state’. The police practices that were prevalent during colonial rule persist till today in most African countries (Marenin 1985; Commonwealth Human Rights Initiative and Kenya Human Rights Commission 2006a; CHRI 2006b, 2006c 2007; Alemika 1993, 2003a; Odekunle 1979; Tankebe 2008). Lack of trust in the police by citizens in Africa is due to several factors: ineffectiveness and inefficiency in crime prevention and control, brutality, repression, corruption, impunity and inequity in service delivery across socioeconomic groups (Alemika 1988, 1993a 2003a, 2009; Commonwealth Human Rights Initiative and Kenya Human Rights Commission 2006a; CHRI 2006b, 2006c 2007; Odekunle 1979; Tankebe 2008).

In view of the foregoing colonial legacy and post-colonial preservation of police repression and impunity, there is need to develop and sustain effective police oversight or accountability mechanisms as part of the struggle for and process of democratic consolidation in Africa. We have elsewhere argued that:

The issue of police accountability is a serious matter in any society and its importance has been captured in the phrases ‘who shall guard the guardians’ and ‘who shall police the police’. The two phrases draw attention to the role of the police as guardians while at the same time expressing the fears that guardians are not always benevolent and need to be subject to monitoring. More substantively, the coercive power of the state is routinely exercised by the police. No other public institution has the opportunities as well as temptations to abuse power as the police. First, those who seek to abuse public power often require the collaboration or acquiescence of the police. On their own, police are strategically placed within the vector of power such that they may perform three different roles in the exercise and abuse of power – repellant of abuse, instigator of abuse, and executor of abuse. Therefore, police need to be subject to strong mechanisms of accountability to public authorities and civil society (Alemika 2003c).

Imperative of Police Accountability

Police accountability and oversight are necessary for several reasons. The salient reasons are:

¹ This was in respect of the police force in the Colony of Lagos between 1860s and 1890s. See letter from McCallum to Chamberlain on July 9, 1897 in CSO/1/1/1/9 at the National Archives, Ibadan (NAI).

² See S. C. Ukpabi (1987) *The Origins of the Nigerian Army* (Zaria: Gaskiya Corporation) pp. 53-54.

1. Police have enormous powers that have very profound impact on the rights and liberties of citizens. It is necessary to establish mechanisms to monitor the exercise of the powers in order to ensure that they are not used for repression – violation of the rights and liberties of citizens.
2. The police are subject to political, economic and social pressures from different groups including the rulers, to use their powers in ways that are inconsistent with democratic norms and governance. Without effective accountability and oversight mechanism, the police are likely to succumb to partisan interferences to the detriment of democratic governance and economic development.
3. The police draw substantial resources from the state for the purpose of carrying out their mandates. The use of the resources must be accounted for. Otherwise, there will be pervasive corruption and resource misallocation that will engender overall functional inefficiency.
4. The police are established to carry out specific functions in order to promote and guarantee safety, security, peace, human rights and necessary conditions for economic development and equity in a nation-state. There must be an effective mechanism to determine the effectiveness and efficiency of the police in their functional performance.

Accountability and oversight mechanisms should not be established as mere tools of condemnation and criticism. They should rather serve as institutionalized mechanisms for enforcing answerability of the police to democratic authorities with regard to performance, cost and conduct. Schedler defines accountability as “the continuing concern for checks and oversight, for surveillance and institutional constraint on the exercise of power” (p.13). The two critical elements of accountability, according to Schedler, are answerability and enforcement. Answerability, according to him, refers to “the obligation of public officials to inform about and to explain what they are doing”, while enforcement refers to “the capacity of accounting agencies to impose sanctions on power holders who have violated their public duties” (p.14).

Mechanisms of Police Oversight or Accountability

Oversight and accountability mechanisms are institutions and processes outside the police departments which are introduced to ensure that the activities of the police are monitored and evaluated with regards to *effectiveness* (level of performance in the discharge of their mandates); *efficiency* (optimal return to resources expended in the discharge of their functions), and *integrity* (observance of laws and rules, respect for human rights, and avoidance of corrupt practices and abusive behaviours such as brutality, excessive use of force and extra-judicial killing, and law enforcement decisions based on prejudices against groups of individuals).

Police complaints institutions, whether within or outside the police force, aim mainly at ensuring police integrity. Mechanisms within the police force designed to receive, investigate and determine complaints against officers should be conceived as internal disciplinary measures. They are meant to enhance police integrity, which is an essential requirement for public confidence, and to enforce discipline within the force, which is also necessary for effectiveness and efficiency. Effective internal police disciplinary regime enhances accountability to external authorities and audiences.

Levels of accountability mechanism

Three broad levels of police accountability can be identified:

1. Internal or departmental control. This refers to the rules and processes within police departments that are used to ensure compliance with rules; to investigate complaints, determine culpability of officers and to enforce dispositions;
2. State or governmental control: This refers to institutions, rules and processes through which the government hold the police accountable for a range of issues – policies, actions, resources, performance and conducts
3. Social control or oversight by civil society: Groups within society constantly monitor the actions, performance, conducts and resource utilisation by the police. The media and human rights organisations are very active in this respect, and this partly accounts for the mutual suspicion between these groups and the police. Properly speaking, this level may be referred to as watchdog institutions or likened to linemen who draw the attention of match referees to violations by players.

External and internal accountability mechanisms

External accountability mechanisms are those organisations and processes established for the purposes of ensuring that the police are efficient, prudent, disciplined and responsive in the discharge of their duties and exercise of their powers. Generally, external civilian accountability mechanisms have several advantages, including:

1. greater accessibility;
2. widely publicised and transparent procedure for the intake and investigation of complaints;
3. minimal chances of intimidation of complainants by the police;
4. legitimizes the police, because the process portrays the police department as unobtrusive of investigation, and engender the attribution of misconducts to “rotten apples” rather than “rotten police agency”

Many obstacles and challenges like limited functions and powers confront external complaints review system; lack of expertise in investigation, high cost of operation and lack of cooperation from police officers and authorities. In addition, external oversight agencies often encounter the following limitations and challenges:

- (a) Most external complaint review boards lack independent power to impose and enforce penalty, they merely recommend penalty to police commanders;
- (b) Many of the boards lack control over investigation and their function is often limited to reviewing findings of internal departments which may have been compromised in favour of officers;
- (c) Boards with investigative powers will have to recruit and train officers for the task and this engenders high operating costs;
- (d) Members of the boards often do not have intimate knowledge of police work and may either have unrealistic expectations of what police should do or show undue empathy

with the police resulting in unfair decisions against the police or complainants respectively;

- (e) Lack of cooperation from police commanders who argue that the activities and powers of an external review board undermine their authority and the confidence of their subordinate.
- (f) Police officers often withhold their cooperation with external review boards because they fear that the boards may be used by citizens as a platform for vendetta or revenge for arrest and prosecution
- (g) Police officials and authorities also distrust the boards and whenever possible frustrate their work, as a reaction against non-police citizens - who do not understand the peculiarities of police work, especially the ubiquity of danger - sitting in judgment over their conduct and actions.

Internal police mechanisms

There are two broad types of internal police disciplinary mechanisms. These are:

- (1) Internal administrative disciplinary mechanism: This is an administrative mechanism within the police. It focuses on intake, investigation and review of complaints against the police by members of the public or by a police officer against another;
- (2) Internal investigation mechanism for external review and enforcement.

Internal mechanisms if properly organised and administered can be effective and efficient routine means for maintaining discipline and integrity because they are administered by superiors who understand the nature and context of misconduct attributed to police officers. However, poor administration and culture of mutual protection tend to undermine the efficacy of internal mechanisms. As a result, citizens do not usually trust internal administrative review procedures maintained by the police. They think that:

- 1. Police commandants do not diligently investigate complaints;
- 2. Solidarity between officers, and rank and file inhibits effective investigation;
- 3. Administrative review mechanisms within the police are opaque and lack transparency;
- 4. The standard of proof used by the police authority is subjective and favours police officers accused of wrongdoing;
- 5. Complainants are intimidated by police officers, and
- 6. Complainants are not adequately informed about how their complaints are processed, and of the final decisions (Alemika 2003c).

Police Internal Control Systems

The enthusiasm generated by anticipated efficacy of external oversight of policing has not yielded the expected out. With very mixed performance records, limited resources, limited capacity and low verifiable impact on police misconduct, the huge investments put on the external oversight structures appear to have not been matched by significant and verifiable concrete outcomes. It is clear that for the external oversight mechanisms to be effective in holding the police accountable, the internal control processes and mechanisms must be strengthened.

The internal control systems will be more effective and efficient under the following conditions:

- a. Appropriate legislative framework that is effectively implemented
- b. Code of conduct for officers which is regularly reinforced by communication, mentoring, rewards and penalties as appropriate so that officers can internalise them and comply with the constituent norms and rules
- c. Police leadership that is interested in police discipline, civility, integrity and overall professionalism through the implementation of effective internal standards, complaints and disciplinary mechanisms
- d. Appropriately and adequately resourced, transparent and fair mechanisms for detecting predatory police behaviours and for receiving, detecting, investigating and adjudicating complaints
- e. Secure database system containing information on officers; complaints and commendations pertaining to each officer and the outcomes of complaints against each officer
- f. Communication of outcomes of complaint-redressing process to both the complainants and the affected officers
- g. Coordination of units responsible for receiving and treating complaints
- h. Effective coordination of decisions relating to complaints, discipline and promotion

These conditions are missing in most police forces in Africa and partially responsible for the barrage of complaints of repression, brutality, corruption and ineffectiveness against the police.

Research, policy and advocacy on police oversight and accountability in Africa

There is a growing interest in the study of police accountability in Africa over the past decade (Alemika and Chukwuma 2003; Berg 2005a, 2005b; Rauch and van der Spuy 2006; African Policing Civilian Oversight Forum 2008). Academic, political and policy dynamics have driven this interest. The transition from authoritarianism to liberal democracy demands that a new philosophy of policing be introduced to replace the regime and repressive policing that existed in African nations since the colonial era. This has spurred academic interests among African researchers, especially criminologists, to seek an understanding of the existing police oversight mechanisms with a view to promoting police accountability as an element of democratic policing.

African governments are also interested in introducing accountability mechanisms as part of democratisation and in order to give the police a face that is acceptable to the public; engenders public confidence in and partnership with the police, and fosters the legitimacy of both the police and the government. As a result, several governments in Africa have established external accountability systems in the form of police service commission, national human rights commission and office of Ombudsperson. However, they have mostly been left without adequate resources and operational autonomy.

Many non-governmental organisations devoted to the promotion of police reform, including police oversight mechanisms have also emerged in different African countries since the 1980s (African Policing Civilian Oversight Forum 2008). The work of the NGOs in this area has been

informed by the need to protect the rights of citizens against the backdrop of widespread brutality, incivility and corruption by police forces on the Continent. In Nigeria, the Civil Liberties Organisation and the Constitution Review Project were established in the late 1987 and 1990 respectively to challenge the widespread violation of human rights by the military rulers. The two human rights organisations employed research, conferencing, litigations, publication of journals, books and magazines as tools of advocacy for human rights protection and mobilization of citizens toward the promotion of and respect for human rights. CLEEN Foundation based in Nigeria was established in 1998 and has since established itself as one of the leading NGOs in Africa working in the area of criminal justice sector reform and research. The Institute of Security Studies based in Pretoria with offices in Kenya, Ethiopia, Tanzania and Senegal has established itself as one of the leading NGOs involved in security sector reform and research in Africa. Several NGOs devoted to the promotion of human rights, including police oversight, have been established in different parts of the country. Some foreign human rights organisations, especially the Human Rights Watch and the Amnesty International have conducted several investigations on police practices in several African countries. The Commonwealth Human Rights Initiative, an NGO based in India with offices in Africa has conducted incisive study of police and policing in Kenya, Uganda, Tanzania and Ghana.

In 2004, a continental independent network of African policing practitioners drawn from state and non-state institutions³, the African Policing Civilian Oversight Forum (APCOF) was established. An audit of police oversight agencies has been conducted by the network. Through the audit, APCOF ‘highlighted the importance of policing oversight in the ongoing efforts to build African police agencies into organisations that are effective and efficient but also respectful of peoples’ and human rights’⁴. APCOF has organised several capacity building workshops and training for and in collaboration with police agencies in different parts of Africa.

There has also been a substantial contribution by foreign governments and donors to police reform, including the enhancement of professionalism. The UK Department for International Development (DFID) and the United States Agency for International Development (USAID) are major contributors to security sector, especially police reform, in Africa. The financial, technical and other aids from the agencies are expected to promote the rule of law, which they see as a precondition for investment flow to the Continent from the developed capitalist societies. Several private foundations like the Ford Foundation, MacArthur Foundation, Fredrich Ebert Foundation and Open Society foundations have promoted security sector reform in Africa through grants to NGOs as well as financial and technical assistance to government departments. There is continuing emphasis on the development of external oversight to the relative neglect of initiatives for strengthening internal standard and disciplinary control systems, which are cost effective mechanisms to promoting and sustaining police professionalism.

The study, which results are published in this book, reviewed the internal control systems of police forces in six West African countries (Nigeria, Cameroon, Ghana, Liberia, Senegal and

³ APCOF is active in promoting police reform through civilian oversight over policing. It achieves its goal through raising awareness and sharing information on police oversight, developing regional policing accountability standards and providing technical assistance to civil, society, police and new and emerging oversight bodies in Africa.

⁴ *An Audit of Police Oversight in Africa Police*, published by APCOF in November 2008, “provides insight into the diversity of police oversight on the African continent and the challenges it faces”.

Gambia). Four of the police forces (Nigeria, Ghana, Liberia and Gambia) are organised along the British police model. Senegal and Cameroon police forces are organised along the French model. Further, four of the countries (Nigeria, Ghana, Liberia and Gambia) are Anglophone while Senegal is francophone and Cameroon is primarily a bilingual nation (French and English).

The general aim of the study published in this book was to discover the nature of internal control systems in the police forces of the countries covered in the study. Other aims of the study were to identify the problems militating against the effectiveness of the police internal control systems and map possible intervention programmes that could be implemented to strengthen them. It was also the aim of the study to identify evidence pointing to good practice, which can be replicated or adapted in other jurisdictions.

The research questions for the study were:

- (a) What currently exists in the internal processes of police disciplinary control system in terms of its structure and framework?
- (b) What specifically are the functions and powers of the internal complaints and disciplinary mechanisms?
- (c) What procedure(s) guide their practice?
- (d) What output/outcome flow from practice?
- (e) What, if any, is the relationship of internal control structures to the external control structures like the courts, police service commission and human rights commission?
- (f) What are the challenges or obstacles to the performance of internal mechanisms?
- (g) What are the choices or options for improvements in the internal control systems?
- (h) What role can civil society play in promoting effective internal control systems?

The study on this premise ascertained what is working and or not working in the current system.

Method of data collection

The major sources of data for the study were the following:

- (a) *Documentary sources*: existing laws, Force Orders and Regulations; Procedure and Practice Guides; statistical information or report relating to complaints and disciplinary cases and publications (books, journals, magazines and newspapers).
- (b) *Interviews (structured and unstructured)* of police chiefs of the countries to be studied; Heads of Police Internal Disciplinary Units – past and present, and representatives of the civil society; and selected police officers and complainants.

Challenges of police internal control in West Africa

Many African nations have introduced diverse internal and external oversight or accountability mechanisms over the past two decades since the beginning of the current democratization wave in Africa. This study reveals the following deficiencies about police internal control in West Africa.

1. Lack of will by the government and police leadership to maintain a strong internal standards and disciplinary control within the forces

2. Lack of proper operational guidelines on complaints processing and coherent disciplinary procedure
3. Absence of proper organisational framework for internal standard and disciplinary control commensurate with the magnitude of misconduct within the forces.
4. Complaints processing and disciplinary control are diffused and uncoordinated.
5. There are mechanisms in the police forces for receiving complaints but there are no effective communication between the officials responsible for processing complaints and the complainants
6. Inadequate resources (fund, office space, equipment, etc)
7. Absence of reliable database on complaints and their outcomes
8. Gambia and Liberia police forces have introduced reforms aimed at developing proper organisational and procedural frameworks for handling complaints and discipline against police officers. This development may be attributed to overall efforts toward reforming the police forces in the past decade by the countries.

There are significant deficiencies in the internal standards, complaints and disciplinary mechanisms of the police forces covered by the study. Therefore, the governments and the leadership of the police forces in Cameroon, Nigeria, Ghana, Liberia, Senegal and Gambia should address these deficiencies in order to promote discipline, civility and public-police partnership and overall police effectiveness and professionalism.

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Chapter Two

Internal Control and Disciplinary Mechanisms in Ghana Police

by

Alhassan, S. Anamzoya & Senah Kodjoh

Introduction: Basic Information about the Study Area-Ghana

Ghana is a post-colonial state made up of about one hundred ethnic groups. Its major foreign exchange earners are minerals (gold, diamonds, manganese ore, bauxite) and agricultural produce, especially cocoa. Ghana also exports a lot of timber and has an active tourism industry being the home of several tourist attractions such as forts and castles. A recent off shore oil find is fast generating significant international commercial interest in Ghana.

Since 2005 official sources have described the economy as robust even in spite of the shocks in fuel prices in 2008. The 2008 GDP growth rate was pegged originally at 6.2% and then later revised to 7.3%.⁵ The 2008 State of the Ghanaian Economy Report, shows agriculture as the main driver of the economy, despite its relatively slow growth rate of 5.1% in 2008. It continues to have the largest share of national output of 33.6%.⁶ In other words, the dominance of the agricultural sector in the economy of Ghana ensures that nearly 40% of GDP and 50% of all employment are derived from that sector.⁷

Political System

Ghana is a constitutional democracy modeled along the American presidential system, although it retains part of its Westminster heritage. Unlike the United States, Ghana is a unitary Republic. Ghana was effectively colonized by the British between 1844 and 1901 and named the Gold Coast. On 6th March 1957, Ghana became the first country in Sub-Saharan Africa to gain independence. It gained republican status within the British Commonwealth in 1960.

Following independence, Ghanaians had hoped to enjoy vast opportunities in the area of liberty under their first president; Dr. Kwame Nkrumah, who was overthrown in a military coup d'état in 1966. Between 1966 and 1992, Ghana was governed by military regimes, save for two brief periods of constitutional rule in 1969 and 1979, each lasting 27 months. Ghana returned to constitutional democratic rule on 7th January, 1993.

The Judiciary has jurisdiction in all matters civil and criminal, including matters relating to the Constitution, and such other jurisdiction as Parliament may, by law, confer on it.

⁵ See ISSER; THE STATE OF THE GHANAIAN ECONOMY in 2008, at 8.

⁶ id at 10-13

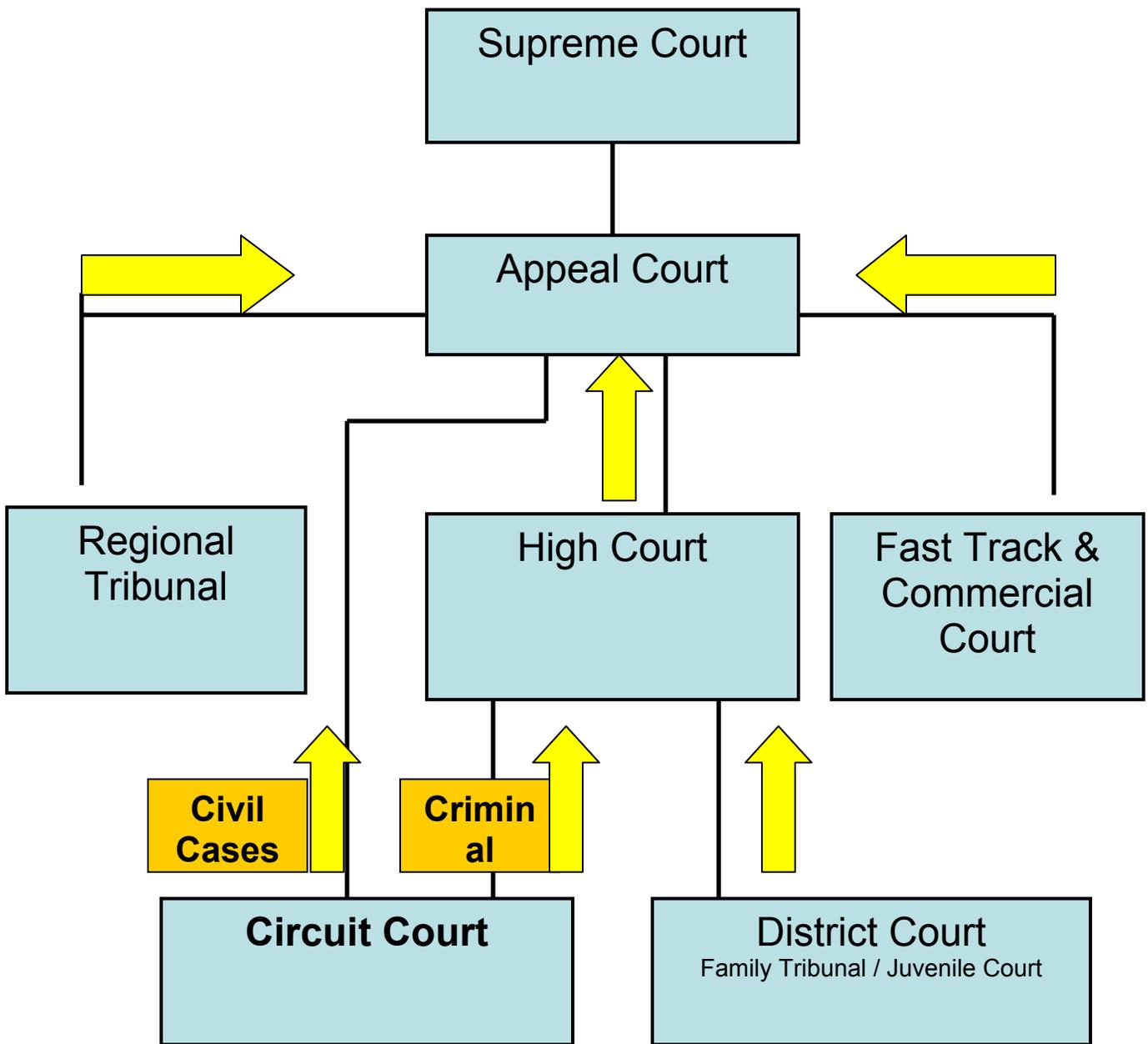
⁷ Aryeetey, Ernest & Kanbur, Ravi *Ghana's Economy at Half-Century: An Overview of Stability, Growth and Poverty* in Aryeetey, Ernest & Kanbur, Ravi (ed) THE ECONOMY OF GHANA: ANALYTICAL PERSPECTIVES ON STABILITY, GROWTH & POVERTY (Woeli Publishing Services, Accra 2008) at 9

By Article 126 of the 1992 constitution, the judiciary shall consist of:

- a. The superior Courts of judicature and such lower courts or tribunals as parliament may by law establish.

Comprising the Supreme Court, the Court of Appeal and the High Court and the Regional Tribunals and such lower courts or tribunals as Parliament may by law establish.

The Court Structure under the Courts (Amendment) Act, 2002 (Act 620)



Sources of Law in Ghana

Chapter Four, Article 11 of the 1992 Constitution of the Republic of Ghana states that the laws of Ghana comprise:

- The Constitution,
- Enactments made by or under the authority of the Parliament established by this Constitution (legislation),
- Any Orders, Rules and Regulations made by any person or authority under a power conferred by this Constitution (subsidiary or subordinate legislation),
- The existing law or the written and unwritten laws of Ghana that existed immediately before the coming into force of the 1992 Constitution, and any Act, Decree, Law or statutory instrument issued or made before, and the common law.

The effectiveness of the Ghanaian Courts depends largely on the Ghana Police Service. The police assist to arrest criminals, prepare them for court, and serve as prosecution witnesses.

Background to the police in Ghana

Before the introduction of British colonial rule, Ghana had a system of maintaining peace and order (Afar 2004:1), which was territorially defined according to each ethnic group (Ansah-Koi 1981: 42). The social network in those days was such that "each was his brother's keeper", and security was the concern of every member of society. British imposition of present-day policing system removed the focus of policing from the society to the governing body and the social network became passive in the matters of security.

The policing system, as we know it today, did not exist in the Gold Coast. As far as available records indicate, the history of the police system in Ghana dates back to 1821 (Saanid 1993:16),⁴ when the Crown took over control of the fortresses and castles along the coast, but were later returned to the Council of Merchants headed by Captain George Maclean (Saanid 1993). When the British and European merchants settled along the coast of the Gold Coast from the New Town in the west to Keta in the east, they employed militiamen to protect their lives and properties and also to guard and escort goods from the coastal areas to the hinter lands together with a few armed Europeans and British who also traded in slaves, gold dust and diamonds (Afar 2004). The militiamen helped their employers in fighting each other.

The training of the militiamen was limited to the use of batons and rifles. Their trainers were discharged British soldiers in employment of the merchants. One of them, Captain George MacLean who was appointed Governor of the Gold Coast in 1830, attempted in 1831 to train the militiamen to become proper policemen to ensure their efficiency in handling civil disturbances and serious rioting, especially in the capital town, Cape Coast.

⁴ This according to Gillepsie (1955) was to be distinguished from the normal practice of maintaining law and order which had existed before this time.

He established the nucleus of a court of justice in Cape Coast and police stations in the main towns where British trade was carried out. MacLean encouraged people to bring their cases to the court for justice if they wished to do so. He attempted to police the country with hundred-and-twenty (120) African militiamen and nine (9) Europeans called the Queen's Messengers. MacLean had signed a "Treaty of Peace" with the coastal chiefs and the King of Ashanti in 1831 and later in 1844 with the coastal or Fanti Chiefs called the Bond of 1844.

After the Dutch sold their forts to the British in 1872, the Ashanti and some coastal tribes who came under the influence of the Dutch saw that they might be cut off entirely from the European trade, if they quarreled with the British, who then had monopoly of trade and authority in the Gold Coast. In 1873, Ashanti and some coastal tribes conspired to fight the British merchants to keep their independence instead of coming under British protection through trade. The Ashanti's attacked the coast and besieged Elmina. The British Governor in Gold Coast invited a British infantry Officer, Captain Glover from Northern Nigeria, where the British had a firm footing, to bring additional militiamen. He brought seven hundred Hausa men to help the Gold Coast militia. The local militia, the Fanti Force, merged with the Hausa Force to become the British Force. Some discharged British Soldiers in Sierra Leone and Gambia, were also summoned. A total of one thousand eight hundred Europeans and militiamen invaded Ashanti before the end of the year 1873.

When hostilities between Ashantis and the Colony ceased, the militia assumed civil duties such as the preservation of peace and protection of life and property. Their training, however, continued to be like the military in order to cope with any wars that would erupt and the unrest that existed in the civil population. An element of civil police duties was, however, introduced into the training of the militia at the time. An Ordinance in 1873 sought to provide for better regulation and discipline of the Armed Gold Coast Police Force in the settlement on the Gold Coast. Three years later, in 1876 the title of the Force was changed to the Gold Coast Constabulary and the uniform to blue serge with fez caps.

The Civil Police

In 1894, four hundred men were selected from the Gold Coast Constabulary to form the Gold Coast Police Force, while the remaining personnel of the Constabulary formed the nucleus of the Gold Coast Regiment. The 1894 Police Ordinance gave legal authority for the formation of a civil police force in the Gold Coast. This led to the creation and establishment of standard police stations in various areas of the country then under British rule and protection.

On the attainment of independence, the Gold Coast Police Force had its name changed to the Ghana Police Force. In 1958, one year after independence, an Armored Car Squadron was formed within the Police Organization, and its duties largely comprised guarding the state's Chief Executive. Another year later, in 1959, a local Police College for the training of police officers was also opened; while the Police Depot continued to concern itself with the training of recruits. It has as well discarded the uniform of the Gold Coast Police Force. These changes apart, no really fundamental change has occurred with regard to the colonial legacy of the Gold Coast Police; which on independence became the Ghana Police Force.

In the post – independence era it has variously been officially termed the Ghana Police Force and the Ghana Police Service. Most of the post-independence constitutions gave the organization the nomenclature police service; and the latter name still obtains for the organization. The concern with nomenclature derives from the desire to let the police organization be identified in the public’s mind as another service organization existing to cater for society’s interest and its general welfare. It is meant to de-emphasize the place of force in the organization, to erase any conception of it as an essentially repressive set-up, and to give it a favorable public image. The abandonment of the ‘Police Force’ nomenclature for ‘Police Service’ by Ghana’s police organization has however not involved any fundamental shift in its orientations and role-performance. The change has largely been only at the level of semantics; and most members of the general public as if in recognition of that fact, tend to use Ghana Police Force and Ghana Police Service interchangeably.

Organizational Structure

The Ghana Police Service is organized on national basis, and is under a unified command. Its administrative head is the Inspector General of Police, who is vested with sole authority to issue instructions and determine the modus operandi of the organization. Responsibilities in the Force and its administration are however decentralized; and devolve upon commissioners of police, deputy commissioner and other officers whose duties involve implementation of instructions emanating from the Inspector-General of Police.

Each of the post-independence constitutions prohibited persons or authorities from raising any police service save by or under the authority of an Act of Parliament. Ghana’s Constitution established a Police Council charged with the tasks of advising the Executive arm of government on major matters of policies relating to internal security and the role of the Police Service, budgeting and finance, administration and the promotion of police officers above the rank of Assistant Commissioner. The Police Council comprised representative from the Bar, Ministry of Interior, Attorney General’s Department, the Inspector –General of Police and the Chief Executive of State or his deputy.

The Ghana Police is a full member of the International Association of Police. Its physical presence is established in virtually all human settlements in the State – either through patrol or through a stationing of police personnel in the locality. It has been noted that Ghana’s police is organized on a national, centralized basis. This huge unit is however sub-divided on regional basis for purposes of smooth administration and efficient and effective performance of its functions. The Police Regions are coterminous with the state’s regional divisions; and are in the Eastern, Greater Accra, Western, Central, Volta, Ashanti, Northern, Upper and Brong-Ahafo regions. Regional police divisions are under the general command and administration of Assistant Commissioner of Police. Regional Divisions are further divided into districts under the command of a superior officer, normally a Superintendent, and the District Commands do comprise a number of police stations and posts.

The police station is the most common physical unit of the Ghana Police. Virtually each town has a police station, and most urban centres have several police stations. Each police station is normally under the command of a resident Inspector. In rural parts of the country and in areas

with very sparse population, the police post may take the place of a police station. Just two or three police servicemen whose ranks fall below the Inspectorate rank man police posts. Each police unit (post or station) has a Station Diary, a Station Visitor's Book, and a Station Inspection Book. The Station Diary is used to record all occurrences, complaints, reports of crime, accidents, and property received by the police unit; as well as details of persons it has arrested, prisoners in its cells, parades it has held, weather reports, routine movement of members of the Force stationed in that unit, all other events that the police in that particular unit engage in. These entries must be made immediately and in the order as the events occur.

The Station Inspection Book is kept at all Police Units by the police officer in-charge of the unit in his office. It must be available at all times when the Station is inspected by a superior officer. In the station Inspection Book is a recorded note on inspection made by the superior officers. The Visitor's Book contains brief details of visits by superior police officers, and is distinct from the Inspector Book.

Each regional unit of the organization has a confidential Regional Inspection Book in which is recorded all inspection notes on regional matters. Such inspections are as a rule, made by the Inspector –General of Police, a commissioner of police, a Deputy Commissioner, or an Assistant Commissioner of Police. The Confidential Regional Inspection Book is kept by the by the Superior Officer-in-charge of the region in the office safe. Each district also has its Confidential District Inspection Book in which is recorded all inspection notes on district matter; and the book is kept by the superior officer in charge of the district.

Each Police Station has a 'Charge Office' opened twenty-four hour a day, a police cell-room, and an Inspector's Office – in addition to whatever other rooms it might as well possess. Force Instruction number 43 requires all police stations in areas other than urban centers to undertake Foot and Mobile patrols. Policemen are normally to undertake such patrol in their uniform. At the end of patrol, a Village Patrol Register is filled. At each moment there is on duty in the station an Orderly, a policeman appointed for specified periods on a rotating basis by the officer in charge and assigned the following tasks:

- (a) Making of all necessary entries in the Station Diary for the period during which he is on duty;
- (b) Making of entries in the Register of Offences, covering reports of crime, accidents, and other unusual occurrences;
- (c) Keeping charge of the articles in the Charge Office; and of prisoners and detained persons in the absence of the officer-in-charge of the station;
- (d) The Receipt and recording of all official telephones or other messages whilst on duty;
- (e) Keeping safe custody of the armoury keys in his charge, as well as other station-key committed to his charge by the officer-in-charge;
- (f) Ensuring that the station Clock is properly wound and correct as to time ("checking twice daily at 8.00. am and 6.00 pm with local Post Office" –Force Instruction Number 389).

Ghana police ranks comprise Superior officers echelon made up of the Inspector –General of Police, Commissioner of Police, Deputy Commissioners, Assistant commissioners, Superintendents of Police, Deputy Superintendents, and Assistant Superintendents of Police.

Following after these ranks is the Inspectorate stratum, which comprises Chief Inspectors and Inspectors. Below the Inspectorate cadre are the non-commissioned police-officer ranks: Sergeants, Corporals, and Constables. The Ghana Police Service comprises a General Pool of service men Criminal Investigations Department, special Branch in various departments and units, Motor Traffic Unit and general police duties. Ghana's Police in addition to the general duty pool personnel also incorporates a Women Police division, a Medical Unit, Education Directorate comprising a Police College, Police Driving School, Police Depots, Musical Band Unit, Service Workshop Unit, Police Licensing Office, Railways and Ports Unit, National Road Safety Committee Unit, Police Uniforms Department, Public Relations Directorate and Public Complaints Unit. Other units within the organization are the Armored Car Squadron, a Mounted Squadron, and Anti Narcotic Squadron.

Authority Structure of the Ghana Police Service

IGP

Deputy IGP

Commissioner

Deputy Commissioner

Assistant Commissioner

Chief Superintendent of Police

Superintendent of Police

Deputy Superintendent of Police

Assistant Superintendent of Police

Chief Inspector

Inspector

Sergeant

Corporal

Lance Corporal (Constable Class One)

Recruit Constable

Historical Evolution of Professional Intelligence and Professional Standards Bureau (PIPS)

Internal control mechanism in Ghana Police Service has evolved over time. Interviews with senior police officers at PIPS revealed that there was the Police Complaint Units. This evolved into the Inspection Unit, which eventually led to the creation of the Special Police Command (SPC). The establishment of the Monitoring and Inspection Unit, which in May 2006 metamorphosed into what is today called Police Intelligence and Professional Standards Bureau (PIPS), followed this.

Legal Framework of Police and Police Internal Control Mechanisms

Ghana's 1992 Constitution provides for the establishment of the Ghana Police Service, and denies anybody the authority to raise any police service except by or under the authority of an Act of Parliament (Article 200 (1&2)).

The Ghana Police Council is a ten-member Council that advises the President on matters of policy relating to internal security including the role of the Police Service, budgeting and finance, administration and the promotion of officers above the rank of Assistant Commissioner of Police. Thus, the Police Council is the governing body of the Ghana Police Service with the following members:

- The Vice-President, who shall be the Chairman
- The Minister responsible for internal affairs
- The Inspector General of Police (IGP)
- The Attorney-General or his representative
- A lawyer nominated by the Ghana Bar Association
- A representative of the Retired Senior Police Officers Association
- Two members of the Police Service, appointed by the President, acting in consultation with the Council of State, one of whom shall be of a junior rank
- Two other members appointed by the President

The legal framework setting up the structure and mode of operation of internal control mechanisms in the Ghana Police Service can be found in the Police Force Disciplinary Proceedings. The Part I of the Police Force (Disciplinary Proceedings Regulations, 1974 (LI 1993), sets out Disciplinary Authorities of the Ghana Police Service (then Called the Ghana Police Force) as follows.

The Police Central Disciplinary Board (CDB) (or the “Central Board”) consists of the Commissioner of Police Administration, or the most senior police officer for the time being in charge of administration at the Police Headquarters and two other senior police officers at the Headquarters not below the ranks of Assistant Commissioners. This three-member committee has a chairman and forms a quorum when any two of its members are present. In situations when only two of the members are present, one of them becomes the chairman of the committee. The Central Board has the power to impose all penalties within the Police Service.

Every region has a Police Regional Disciplinary Board (Regional Board), which consists of the superior officer in charge of the region and two other superior police officers appointed by the Inspector-General of Police, Just as in the Central Board, the quorum for Regional Board is two, one of whom acts as a chairman anytime they meet. Major disciplinary measures by the Regional Boards are subject to the review and approval by the Central Board. With the exception of penalty of stoppage of increment for one year, where the Central Board is called upon to review decisions of a Regional Board, it can take any of the following decisions:

- a. Approve the penalty
- b. Substitute a finding of its own and reduce, cancel, increase or alter the penalty.
- c. Annul the proceedings before the Regional Board
- d. Before taking any action, refer the proceedings back to the Regional Board for such further investigation and report as Central Board may direct.

Organizational Structure of PIPS

The Professional Intelligence and Professional Standards Bureau (PIPS) is a department located in the Police Headquarters in Accra. It is under the supervision of an officer with the rank of a Director General (Officer in Charge). Directly under him is the Second in Command (2I/c). Officers of PIPS are recruited from the Police Service and comprise officers with clean records.

Rationale for Internal Control Mechanism

Explaining the rationale behind the internal control mechanism of police in Ghana, one senior police officer observed as follows:

The effectiveness of the Police Service depends on our relationship with the public. The better we relate with the public, the more we win their trust, and the more we win their trust, the more they are forthcoming in providing us with information. By antagonizing the public, we are reducing our own effectiveness.

Besides, it makes sense that those enforcing the law need to understand the law and to work within the parameters of the law. This fulfils the fundamental maxim that knowledge of the law followed by a breach of it is the best evidence of willfulness. PIPS as an institution, is put in place to ensure that police personnel are civil towards the public and that erring police personnel are sanctioned.

Procedure of Work

Everyday, at the corridors of PIPS, people are lined up either as complainants, or witnesses to complaints against police personnel on one issue or the other. A person who is aggrieved by an action or inaction of police personnel has the following options to make a complaint:

- To make a phone call to the IGP.
- To call a particular number that PIPS has made available to the public
- To write a petition and forward it to PIPS - in the General Office or the Office of Senior Police Officers
- To come personally and give a verbal statement which would be recorded by any PIPS official.
- To post the complain to the IGP (personal)

When a civilian makes a complaint against a police officer by any of the above modes, PIPS launches investigations into the matter immediately. Sometimes, witnesses are required to come and give testimonies in the course of the investigations. At other times, PIPS investigators travel long distances to meet with witnesses and take statements from them. At the end of the investigations, the investigating officer submits a report to the Inspector General's (IG's) Office for action to be taken. The jurisdiction of PIPS ends after it submits its report to the IGs Office. It is after PIPS submits its report and recommendations, and the report reviewed by the IG's office that the mode of trial is recommended and begins. Thus, it is important to note that the recommendations of PIPS do not themselves constitute the guilt of the accused. The recommendations rather serve as the basis to start a trial. Between the periods when investigating officers finish their investigations till when trial is opened, the reports are kept in three different sections of the Police Head quarters according to the ranks of the officers involved. If the accused is of the ranks of Sergeant and Corporal, the records are kept in the Orderly-Room. This is under the control and administration of an Assistant Superintendent of Police. The Records Room is where cases involving the Inspectorate ranks are kept awaiting trial. The Confidential Registry is the section where cases involving Senior Police Officers are kept.

The following tables give an idea of the number of cases, and the kind of cases PIPS investigated in 2008 and 2009.

Table 1: Complaints Reported Against Police between January 1, 2008-December 31, 2008.

Type of Complaint	Number (Frequency)
Extortion	29
Misconduct	62
Misappropriation of Exhibits	68
Unprofessional handling of cases	56
Unlawful arrest and detention	59
Police brutality and violation of human rights	15

Undue delay of investigations	78
Meddling in civil cases	33
Withholding of Exhibits	33
Harassment and intimidation	60
Total	493

Out of the total 493 cases investigated in 2008, 399 cases were forwarded to the IG's Office for study and action. After investigations into the number of cases received in 2008, the following sanctions were applied.

Table 2: Disposition of Cases in 2008

Forms of Sanctions	Frequency
Dismissed	7
Removal	5
Reduction in rank	19
Acquittal and discharged	56
Pending	7
Total	94

If we compare the number of cases in 2008 with the cases dealt with, there is a huge gap, which requires further investigations. More so, the nature of the cases pending since 2008 also needs further investigation and clarification.

The number of cases received and investigated by PIPS increased in the following year, as shown in the table 2 below.

Table 3: Complaints Against Police between January 1, 2009-December 31, 2009.

Type of Complaint	Number (Frequency)
Extortion	47
Misconduct	243
Misappropriation of Exhibits	52
Unprofessional handling of cases	136
Unlawful arrest and detention	79
Police brutality and violation of human rights	67
Meddling in civil cases	96
Withholding of Exhibits	66
Harassment and intimidation	78
Undue Delay-Jan 2009-September 2009	160*
Total	864

*The 160 cases on undue delay of investigations were not part of the total cases of 864 cases since the data on it was incomplete.

The increase in the number of cases reported to PIPS in 2009, relative to 2008 was explained by some Senior Police Officers of PIPS (also serving as investigating officers) as resulting from a sustained education on PIPS activities that year. This sustained education included pasting posters at strategic places educating the general public on the activities of PIPS. Telephone numbers that civilians could use to contact PIPS were also provided.

However, the significant increase in public complaints against the police did not engender corresponding increase in cases dealt with. Official sources paint the following picture of cases in 2009 as indicated in Table 4.

Table 4: Disposition of Cases in 2009

Forms of Sanctions	Frequency
Dismissal	5
Removal	3
Reduction in Rank	9
Acquittal and Discharge	48
Pending	72
Total	126

The Procedure of Work

After PIPS submits its recommendations to the IGP, there are two main forms of trials a person can be put; Orderly-Room Trial and Service Enquiry Trial. There is, however, a third form of trial, the Open Court Trial option. Except the Open Court Trial, the other trials are not opened to the public or to the relatives of the accused unless they are acting as witnesses. Open Court Trial is resorted to when the case is brought to the public domain, especially by the media.

Orderly-Room (Summary) Trials

As an organization within the Police Service, PIPS ensures that the right thing is done within the police Service. Police have a code of conduct/ethics, and if any officer goes against the ethics, he is called to book. Thus, PIPS as an institution that monitors the activities and actions of police personnel. If a policeman takes bribes, and it is made known, PIPS investigates the matter and punishes the personnel involved. If a police has a case with a civilian (fraud case etc), and the civilian reports to PIPS, the case would be investigated. PIPS can go any place where police personnel are mandated to work such as barriers, charge office of the various police stations, police mandated to watch over banks, property and residences of important personnel (VIPs).

When PIPS submits its report alongside recommendations to the IG's Office, the IG, considers the gravity of the offences before determining the nature of which trial. Minor offences that come under Orderly Room Trial include the following⁴:

- When a civilian accuses an investigator of being biased towards one of the parties in the case he is investigating, and feels he is not being treated fairly, the aggrieved party can report the matter to PIPS.
- If a police officer concerned does not apply the correct arrest procedure, including the use of excessive force.
- Desertion
- A cell inmate who escapes, and the civilian who earlier had a case with this escapee feels that the escape is sanctioned by a police officer for the person to escape justice.

Service Enquiry Trial (Full Trial)

Cases that are tried by the Service-Enquiry Trial are considered very serious and thus, accused persons are allowed legal representations. Such cases include misappropriation of exhibits, police brutality, withholding exhibits (evidence) in a case on trial, involvement in armed robbery, loss of a rifle to a civilian and sleeping on duty.

In Orderly-Room Trial and Service Enquiry Trial, certain officers are qualified to sit on the case. Police officers above the ranks of a Chief Inspector (i.e. from the rank of Assistant Superintendent of Police-ASP) can try the case after PIPS finishes its report. An officer cannot handle more than one case at a time though an investigator can be investigating as many as 50 cases at a time. Also more than one officer can investigate a case. As in the case of trials, only officers with the ranks of ASP (or above) can investigate a case between a police officer and a civilian.

Open Court Trial

In the open court trial, cases involving police and civilians are usually sent there if the matter is brought to the public domain early enough. Recently, the IGP received a call from the public that some police personnel were receiving bribes from drivers. The IGP sent PIPS to the place with media men to ascertain the validity of the message. The incident was shown on a national television. Since it came to the public domain, the matter was sent to court. Otherwise, if it was reported to PIPS, it normally would have been settled by PIPS through either the Orderly-Room Trial or Service Enquiry Trial.

4 Other minor offences that come under the Orderly-Room Trial (but which are not acts against civilians) are: growing beard (if a police officer grows a beard, he is considered to be improperly dressed, unless it is sanctioned by a medical officer, or unless the officer is on leave), dirty in uniform - a police officer not ironing his uniform or not polishing the shoes-, being late to a parade, loitering, inattentive during parade-messing up when a command is given-, being drunk in uniform-when in uniform a police officer is disallowed from entering the 'green partition,' (places where local alcohol is sold), idling, gossiping, leaving your beat (area of your patrol) before your duty tour ends.

All preliminary investigations done by PIPS are compiled and sent to an officer attached to the IG's Office called (Chief Staff Officer). He receives all letters and documents coming to the IG's Office including such recommendations from the office of PIPS. The Chief Staff Officer then sends the reports to the IG's Office where the cases are distributed to various sections according to the ranks of the accused. However, other informants pointed out that, after PIPS does the investigations, the reports are submitted to the officer in charge of the Confidential Room. He then sums up the main issues in the reports and in turn submits it to the Director General of administration. From there, it goes to the Deputy IGP before they are sent on trial according to the gravity of the offence. At the end of the day, it is the Central Disciplinary Board (CDB) that distributes the cases to the various forms of trials. It is also the CDB which decides who adjudicates a particular case. From these sections, Senior Police Officers are mandated to adjudicate. Even, Senior Police Personnel at PIPS who usually investigate the cases can also try them later. The moment a Senior Police Officer is appointed to try a case, he or she becomes the Adjudicating Officer.

In the case of minor offences, one adjudicating Officer tries the case. Serious offences require a panel of Adjudicating Officers to try each of such cases where accused can have legal representation. In either case of an Adjudication Officer or panel adjudication Officers, the trial must not exceed 21 days. An officer who is unable to finish a trial within the stipulated time has to write to the Central Disciplinary Board explaining the reasons of his/her inability to finish the trial within the stipulated time and asking for an extension, and of course of the specific number of days required to bring the trial to an end. A lot of reasons could account for an extension. Trials could go beyond the 21 days depending on how fast an adjudicating officer gets his/her facts of the case, including witnesses' availability and readiness to come and testify at the trial in Accra. Some witnesses may be required to come from other regions of the country. Sometimes, the case could involve ascertaining scientific information such as forensic cases, or ballistic tests where arms are involved. Also, cases involving anonymous letter writing, fraud or forged documents entail ascertaining people's handwriting and signatures.

In the course of the trial, a case may be reassigned to another adjudicating officer if the one trying the case is to travel, or if the case was discovered to be more serious than the rank of the adjudicating officer is allowed to adjudicate, or if the issue involved technicalities that require an expert such a Banker (accountant) or a lawyer.

Sanctions after Trials

Several sanctions are available for accused police officials found guilty after a successful trial. Sanctions, as already mentioned, differ from case to case. Whilst some sanctions can be as severe as immediate termination of appointment, others are a caution.

Public Perception of PIPS

We did not obtain much information from complainants about police accountability. The few we got expressed their fear that they may not get favorable judgment because they see PIPS officials (in uniform as part of the Police Service). However, we obtained the views of some police personnel about PIPS. They think PIPS is a bully, always looking for an opportunity to punish

police officers. Others also see them as corrupt because if you are able to bribe your way out, you could have your case withdrawn without the case going into the file. The officials of PIPS have different views on their work. Some of the Investigating officers we interviewed, revealed that the moment an investigation commences, nothing can stop it, not even the IGP. The police personnel involved could attempt to manipulate the investigation process, but it is not always easy. At the end, unsuccessful police personnel become embittered by investigating officers at PIPS. A police officer that is sanctioned after trial sees the investigating officer as the cause of his troubles instead of the adjudicating Officer who had tried him.

Table 5: Sanctions after Trials

Forms of Punishment	Description and Effect
Dismissal	Termination of appointment: The officer is discharged without a retirement benefits
Removal	Termination of Appointment: The officer is discharged with or without retirement Benefits
Reduction in Rank	Downgrade to a lower rank with an immediate deduction in salary, and a change of accommodation (especially where a person's accommodation is tied to the status).
Deferment of Increment	Salaries of officers are increased every year. However, an officer's increment can be deferred to the following year, denying him/her the usual annual increment.
Stoppage of Increment	Increment can be stopped
Imposition of a fine	The officer is compelled to pay a specified amount of money, which could be returning money extorted from a civilian, or compensate for damages and/or inconvenience caused to the civilian who brought the case against the police. This fine should not be more than 1/8 of the officer's monthly salary
Severe Reprimand	Written letter of warning
Confinement to barracks (limited to constables)	The officer cannot go any where except the barracks and home.
Caution or admonishment	This can delay one's promotion for a year

Challenges Facing PIPS and Recommendations

PIPS Bureau faces certain challenges, which impede its work. Some of the major ones are explained below

Logistics: Office Space

PIPS is constrained by office space. Three Senior Officers are cramped in one office at PIPS. Though it is a very spacious office with each Senior Police Officer having a sizable desk, yet it affects their operation. If complainants come to their office, all the officers are expected to engage in the investigation of one case after the other. This means spending more time on one case. However, if the three offices are found in different offices (no matter how small), each of them would be investigating cases at different times. This would speed up investigations and minimize frustrations from complainants who have to wait in a queue to have their cases heard. Thus, though, there is a time frame for adjudicating officers to complete trials, investigating officers have no time limit to investigate cases. It is thus recommended that the offices of Senior Police Officers investigating civilian complaints against police be put in different offices.

There should be time limitations to investigation of cases, and all the needed resources should be made available to investigating officers.

Vehicles

Cases are reported to PIPS from people all over Ghana. When witnesses are required to travel to PIPS to give evidence, they do so at their own cost or at the cost of the complainant. Sometimes, it is difficult to get witnesses to travel from far places to come to PIPS to give evidence. Where PIPS investigating officers have to travel to meet with witnesses, they would require a vehicle to do so. However, getting a vehicle to travel to meet with witnesses is not always easy. Sometimes, investigations are put on a hold until such a time when a vehicle is available. It is recommended that PIPS should be provided with adequate vehicles.

Interference from Colleagues

“Politicians do not even worry us as much as our own colleagues”. This was the lamentation of one senior officer when the question was posed as to whether politicians interfere in the investigation process. Most often colleagues interfere in the investigation process with a view to influencing the investigator to conceal certain evidence, or for the investigating officer to try to convince the complainant to opt for amicable settlement

PIPS Officers Have no Friends

Most investigating officers at PIPS revealed that they had no friends among their own colleague. One investigating officer explained this as follows:

When a case comes before us, we just have to investigate it. After, we send our report to the IG’s Office for the necessary action. Some of these actions have led to the dismissals of our colleagues, some of whom are even friends. Some have their ranks reduced. When these things happen, the police officers involved see you as their enemy. Even sometimes, friends of dismissed police officers do not talk to you again; behaving as if you have a control over the process and could have done something about it. Meanwhile,

all police officers know that the moment a civilian makes a complaint against you, not even that civilian can withdraw the case again. Investigations must be conducted to the fullest end. I have been here for six years, so you can imagine the number of enemies I have made.

By the very nature of PIPS' activities, they step on the toes of colleagues. Although they think that colleagues should know that the rules of PIPS regarding the process of investigations and subsequent trials are beyond the control of individual PIPS officials, colleague police expects PIPS officials to "be on their side" during the investigations especially with regards to the report and the recommendations they subsequently send to the IG's Office. Another Investigating Officer observed as follows:

The challenge is our own colleagues. It is difficult dealing with your own colleagues. You are seen as a traitor, an enemy within. Just like the way the public sees the police; when the police hear PIPS, it is the devil's name.

Good Practices in Ghana's Internal Police Control Mechanism

In spite of the limitations and constraints of PIPS, there are certain operations that are good practices;

- Feedback from PIPS: All complainants have a feed back as to the conclusions of their cases, no matter how long it takes and no matter the kind of decision arrived at.
- Though incomplete, yet PIPS compiles statistics of cases reported against police personnel.
- PIPS produce statistics on the disposition of the cases.
- PIPS' advertises the complaints numbers on National Television, thereby encouraging the public to come forward and lodge complains against police involved in illegal activities.
- Posters are pasted at various police stations educating the public on PIPS' activities and providing the means (particularly telephone numbers) by which a person could lodge a complain against a police officer.
- Legal representation especially in cases in which the consequences lead to dismissal or removal of a police officer.

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Chapter Three

Police Internal Control Systems in Nigeria

by
Jeffrey Isima

Introduction

The objective of this work is to examine the internal disciplinary mechanisms of the police in Nigeria. The main analysis focuses on the effectiveness, strengths, and constraints of the internal control systems and how they can be improved. This analysis is a product of an empirical study of the internal disciplinary mechanisms of the Nigeria Police Force (NPF) conducted in 2010. The study involved face-to-face interviews and focus group discussion with key personnel of the NPF at the Force Headquarters and the Federal Capital Territory (FCT) Command in Abuja. Other informants interviewed in the course of the study are key members of the Police Service Commission (PSC) and staff of the National Human Rights Commission (NHRC), civil society actors (mainly from the Network for Police Reform in Nigeria – NOPRIN) as well as members of the public, including legal practitioners with experience of the actual practice of internal discipline in the police. Apart from primary data, secondary materials were used from extant literature on the subject, including published articles, books, conference papers as well as newspapers.

Nigeria was colonized by Britain, with the annexation of the colony of Lagos in 1861 and the consequent development of British colonial rule under the North and South Protectorates. As a state, Nigeria came into being in 1914 when the two Protectorates were amalgamated. From this time, the country was administered as a single colonial territory by Britain until 1 October 1960 when it was granted political independence. The country's policing tradition therefore evolved from a colonial background, which placed more emphasis on coercive social control than on democratic policing as defined by the standards of human rights and accountability. Since independence, Nigeria has been administered as a federal state, with devolution of considerable political power to sub-national levels of government. Today, Nigeria is a federation of 36 states (and the FCT), with a total of 776 local government areas. Nigeria is Africa's most populous country with a population of over 140 million people as at 2006, and a population growth rate of 3.2 per annum.⁸ It is also a country of huge diversity, composed of about 400 different ethnic groups who are roughly equally distributed among the two major religions of Christianity and Islam.⁹

Nigeria made a successful political transition from decades of brutal military rule to multi-party democracy in 1999 after several failed attempts since independence. The incursion of the military into politics early in the post-colonial life of the country (January 1966) had thwarted the independence promises of democratic development and freedom from a century of colonial repression and exploitation. However, apart from the short interregnum between 1979 and 1983, unbroken military rule from 5 years after independence had meant the continuation of repressive colonialism by domestic actors and denial of the democratic hope of freedom. Stringent

⁸ See the Legal Notice on the Publication of the 2006 Census, available at www.population.gov.ng/pop_fig.pdf

⁹ See http://en.wikipedia.org/wiki/Category:Ethnic_groups_in_Nigeria

restrictions on human rights and egregious violation of fundamental freedoms by successive military regimes prominently marked the political landscape until the dawn of the democratic transition. Under the general political atmosphere of extreme state violence, the public institutions of coercion were systematically converted into instruments for enforcing and consolidating military dictatorship over an unwilling and restive population.

Given the background of the deep-seated twin traditions of brutality and corruption in the NPF, the euphoria of the transition to democracy in 1999 was combined with a widespread and strident social demand for robust police accountability. While the police were expected to perform their statutory security responsibilities effectively, they were now required to do so in a manner that is consistent with democracy, good governance, human rights and the rule of law. Establishing effective mechanisms and processes of accountability in policing therefore became a necessary means for getting the NPF to make that crucial transition from autocratic policing to sound policing in a democracy, which enjoys a high degree of public confidence and support.

In tandem with this demand for police accountability, the transition to democracy has witnessed the establishment of a number of important structures and processes to ensure that the NPF is held to publicly account for its operations. The Police Service Commission is responsible for the civilian discipline of the police; and the committees in the House of Representatives and the Senate, which are expected to ensure parliamentary oversight of the NPF.

The Nigeria legal and criminal justice system

The police operate within the legal and criminal justice system of a country and it is important to briefly examine this context here. As a former colony of Britain, Nigeria operates a legal system that is based on the British foundation of the common law. According to Dambazau (1994), the common law is a judge-made law since the rules were determined by judges and not by any legislative instrument. The common law has two principal divisions: criminal and civil law. Criminal law is concerned with wrongs against the society and its major role is the prevention and control of crime (Devaham 1983: 195). The criminal justice system therefore comprises those formal institutions of state that are responsible for the prevention and control of crime, and the inter-relations between them.

In Nigeria, the criminal justice system is composed of the police, the prosecution, the judiciary and the prisons, which are respectively responsible for the arrest, prosecution, trial and punishment of criminals. The police, who are responsible for the arrest and prosecution of crime suspects, have a separate civilian ministry called the Ministry of Police Affairs. The 1999 Nigerian constitution provides for an independent judiciary, with the Supreme Court as the highest court, which has exclusive jurisdiction to hear and determine appeals from Courts of Appeal. In turn, the Court of Appeal has exclusive jurisdiction to hear and determine appeals from the Federal High Court, State High Courts, and Shari'a (Islamic) Courts of Appeal. Each of the 36 states and the FCT has a High Court, which has jurisdiction over cases involving fundamental human rights and all matters not covered by the Federal High Court. The judiciary is supervised under the Ministry of Justice, while the prisons are under the Ministry of Internal

Affairs. Each of these three ministries is headed by a cabinet minister who is directly appointed by the president.

The legal process is adversarial (or accusatorial) and the accused person is presumed innocent until proved guilty. Under this system, the burden of establishing guilt lies on the prosecution who must prove his/her case beyond all reasonable doubt, while the judge or jury acts as an impartial umpire between the two parties to determine the truth of the case upon the strength of the evidence brought by the contending parties. The goal of this legal system is to guarantee the rights of the accused and ensure dispassionate administration of criminal justice in the country.

In reality however, the criminal justice system in the country is fraught with a number of challenges that hamper the protection of the rights of accused persons as well as convicts. A most prominent challenge is the prevalence of official corruption in the system. This is witnessed in all the chains from arrest, police bail, arraignment, trial, sentencing and treatment of convicts and prisoners. In many cases where a criminal offence is reported, the police usually expect to be bribed before launching investigation and arrest. Where the complainant fails to offer money, the police would usually cite the lack of necessary logistics and abandon the case. Corruption is also rampant at the stage of bailing an accused detainee from the police station. Even though police bail is officially free (with notices at the police charge room boldly stating that “bail is free”), the police demand for various amounts of money (depending on the gravity of the alleged offence) before granting bail to detained suspects. Where the relatives of the detained fail to give money, the police would deploy various explanations for keeping the suspect for many days leaving the relatives frustrated and are forced into paying up.

Bail is even more problematic when the accused has to be bailed from the court after arraignment. Court clerks usually sell bail forms, which are meant to be free, and those who cannot afford to pay immediately would remain in detention until they are able to buy the form. After paying for the form, it is a common practice that the accused would also be forced to pay a so-called bail fee before the magistrate approves his or her release. Linked to this is the challenge of long delays in the trial process. A major factor for these delays is that the courts grant applications for adjournment, in many cases as a result of deliberate manipulation of judges by wealthy parties (Aguda 1988: 12, 20). It has been observed that while the Supreme Court has started to show impressive signs of growing independence, the lower courts in the states and the local judiciary still suffer from significant political interferences, corruption and inefficiency (U.S. Department of State 2004). Other endemic problems in the criminal justice system include the use of extra-legal force and planting of criminal evidence by the police; arbitrary arrest and detention; extraction of confession through torture; paucity of legal counsel; cruel and inhuman sentencing, experience and integrity of judicial personnel; inadequate funding and lack of infrastructure; the abuse of discretionary powers by judges; political interference; too little attention to correctional policies concerning juvenile offenders; corruption and poor socio-economic conditions in prisons, including overcrowding, poor ventilation, poor sanitation, lighting and medical care (Amnesty International 2008: 7-37; U.S. Department of State 2004).

Brief History and Organisation of the Police in Nigeria

Nigeria is a former colony of Britain and the Nigeria Police Force is largely a product of British colonial rule in West Africa. The police have therefore emerged from the Anglo-Saxon tradition of policing as opposed to the tradition of policing in the surrounding Francophone (former French colonies) countries. Located on the eastern flank of the West Africa sub-region, Nigeria is bounded by Cameroun to the east, Chad to the northeast, Niger Republic to the north and the Republic of Benin to the west. Despite this colonial linguistic differences, it has been pointed out that the overall environment of policing in post-colonial Africa has always been one of fragile political order, often accompanied by conflict, repression and corruption (Hills 2002: 6). In the same vein, Nigeria's geography, demographic attributes, history, political system and social and economic conditions constitute crucial factors that have combined to shape the context of police tradition in the country. This section considers these contextual factors.

The NPF came into being from the unification of the various constabulary formations in 1930, as a centralised force with national jurisdiction. However the national NPF coexisted with local police forces until 1966, when they were eventually disbanded (Ahire 1991; Tamuno 1970). Since then the single national police structure has been maintained and is guaranteed in the current 1999 Constitution (Section 214). As provided for in the Constitution, the NPF is under the leadership of the Inspector General of Police (IGP), who is appointed by the President on the advice of the Nigeria Police Council. The 1999 Constitution (Third Schedule) also provides for the Police Service Commission (PSC), as the sole body with the responsibility for the appointment, promotion and discipline of police officers (except the IGP). Because of these powers, the PSC serves as a crucial mechanism of oversight of the police, with the mandate to investigate complaints against the police and recommend disciplinary measures. Other mechanisms of external oversight include the Police Council, which has overall responsibility for the organisation and administration of the police; the Ministry of Police Affairs, which is in charge of national policy on policing; the National Assembly (particularly its relevant standing committees); and the National Human Rights Commission, which receives and investigates complaints of human rights violations from members of the public.

Policing in the country has also been considerably affected by the long history of military rule. The cooptation and political misuse of the police by successive military administrations to sustain control of the restive population contributed immensely to the militarization of law and order and the culture of police brutality. During the period of military rule, IGPs were also members of the military cabinet, that is the Supreme Military Council (SMC) or the Armed Forces Ruling Council (AFRC), which was the highest decision making body in the country. Along with their military counterparts, many police officers were appointed into political offices, serving as state governors. In addition to political appointments, policemen and officers were frequently deployed along with the military in joint anti-crime operations.

The consolidation of military rule required the centralisation of the operational control of the police in the hands of the military Head of State, who appointed the IGP. The net result of this military cooptation was the politicization and militarization of the police, both of which worked to systematically enthrone the use of excessive force and eroded professionalism in the NPF. As has been rightly noted, the cooptation of the police by military rulers reinforced the evolution of the police into the foremost instrument of regime protection and the perception of a culture of violence (HRW 2005: 12). Although the era of military rule ended since 1999, the current era of

democratic rule inherited the centralisation of operational control of the police by the president. The president, as Commander-in-Chief of the Armed Forces, still appoints the IGP who controls a centralised police structure in a federal state. The implication of this arrangement is that the president has considerable power to use or misuse the police against domestic political opponents. The International Crisis Group (2007) has showed that the police have been used as a partisan tool by civilian governments since 1999 for electoral fraud and violence. The reliance on violence by the NPF in day-to-day policing of the society therefore goes with impunity as the political climate provides a facilitating environment in which policing is essentially predatory and brutal.

In addition to the context of political conflict and instability, violent crime is also very rampant in Nigeria and is a most important source of insecurity. Daily newspaper and official police reports show that violent crimes, particularly armed robbery and kidnapping have not only been prevalent but have also been on the rise in the last decade (Odinkalu 2008: 18; Fabiyi & Soniyi 2008: 12). The prevalence of violent crime has been linked to the generally poor socio-economic condition of the population. According to UNDP Human Development Report for 2008-2009, over 50 per cent of the total population is officially poor (UNDP 2009: 63), while other sources show that 87 percent of the population are vulnerable to poverty (Ayalande and Ayalande 2004: 1). With a human development index (HDI) of 0.513 in 2007, Nigeria is at the bottom of the middle of global human development category (NBS 2008). Adult literacy stands at about 75 per cent, while the life expectancy for men and women are 46.8 and 48.1, respectively (Ayalande and Ayalande 2004: 1). The incidence of poverty in Nigeria has also been linked with one of the highest levels of social inequality in the world, with 20 per cent of the population controlling 65 per cent of national wealth while 70 per cent of the population are peasants and artisans. This inequality is contrasted with the vast financial resources of the country, and has translated into limited opportunities for upward social mobility, few decent jobs and poor income (UNDP 2009: 47). This social condition creates a context in which violent crime becomes an increasingly attractive option for economic redistribution for those that are socially excluded.

Functions and Organisation of Nigeria Police Force

The NPF derives its functions and powers from the Constitution, the Police Act and the Police Regulations. Section 214(1) of the 1999 Constitution provides for a single police called the Nigeria Police Force and responsible essentially for internal security. The Police Act, the Criminal Procedure Act (CPA) and the Criminal Procedure Code (CPC) grant the police wide powers, among other things, to prevent crime, investigate crime, interrogate suspects, prosecute suspects, serve summons, search properties and persons, grant bail to suspects, regulate processions and assemblies, and disperse illegal assemblies (Alemika 2003). The specific functions of the NPF are stipulated in section 4 of the Police Act (Laws of the Federation 1990) to include the following:

- Prevention and detection of crime;
- Apprehension of offenders;
- Preservation of law and order;
- Protection of life and property;

- Enforcement of all laws and regulations with which they are charged; and
- Military duties within or without Nigeria as may be required of them

With a reported population of 370,900 personnel (Adegbamigbe 2008: 28), the NPF has a unified or centralised structure under the command of the Inspector General of Police (IGP), who controls the Force from its headquarters in Abuja. Below the Force Headquarters are 12 Zonal Commands, 36 State Commands and a Federal Capital Territory (FCT) Command (37 in all). Each Zonal Command is headed by an Assistant Inspector-General, while each of the State and FCT Command is commanded by a Commissioner of Police. Each State Command is broken down into Area Commands, with a total of 118 Area Commands. In turn, each Area Command is split into Divisional Commands headed by Divisional Police Officers (DPOs), while Divisional Commands are further divided into police stations totaling 5,125 across the country (Presidential Committee on Police Reform 2006: 89).¹⁰ The Force Headquarters in Abuja is organised into 6 departments, namely: Administration (A Department); Operations (B Department); Works (C Department); Criminal Investigation (D Department); Training (E department); and Planning, Research and Statistics (F Department). Each department is headed by a Deputy Inspector-General of Police (DIG).

Section 215 of the 1999 Constitution provides for the office and powers of the IGP and State Commissioners of Police as follows:

(1) There shall be

- (a) an Inspector-General of Police who, subject to section 216(2) of this Constitution shall be appointed by the President on the advice of the Nigeria Police Council from among serving members of the Nigeria Police Force;
- (b) a Commissioner of Police for each State of the Federation who shall be appointed by the Police Service Council.

(2) The Nigeria Police Force shall be under the command of the Inspector-General of the Police, and any contingents of the Nigeria Police Force stationed in a State shall, subject to the authority of the Inspector-General of the Police, be under the command of the Commissioner of Police;

(3) The President or such other Minister of the Government of the Federation as he may authorize in that behalf may give to the Inspector-General of the Nigeria Police such lawful directions with respect to the maintaining and securing of public safety and public order as he may consider necessary, and the Inspector-General shall comply with those directions or cause them to be complied with.

¹⁰ See also the website of the Nigeria Police Force at www.nigeriapolice.org

- (4) Subject to the provisions of this subsection, the Governor of a State or such Commissioner of the Government of the State as he may authorize in that behalf, may give to the Commissioner of Police of the State such lawful directions with respect to the maintenance and securing of public safety and public order within the State as he may consider necessary, and the Commissioner of Police shall comply with those directions or caused them to be complied with:

Provided that before carrying out any such directions under the foregoing provisions of this subsection the Commissioner of Police may request that the matter should be referred to the President or such other Minister of the Government of the Federation as may be authorized in that behalf by the President for his directions.

Legal Framework and Structures of Internal Control Systems

The legal foundation of internal control mechanisms are provided for in the Police Act and Regulations, in terms of the code of conduct for police personnel. Section 339 of Police Act (CAP 359 of the Laws of the Federation of Nigeria, 1990) stipulates that a police officer shall:

- a) Offer prompt obedience to lawful orders;
- b) Be determined and incorruptible in the exercise of his police duties;
- c) Have a strict regard to the correctness of his general behaviour; and
- d) Take a proper pride in his appearance both in uniform and out of uniform

In addition, the attributes expected of a police officer are listed in section 340 of the Police Act, and they include the following:

- a) Efficiency and thoroughness through meticulous attention to details in the performance of his duties;
- b) Courtesy, forbearance and helpfulness in his dealings with members of the public;
- c) Tact, patience and tolerance, and the control of his temper in trying situations;
- d) Integrity, in refusing to allow religious, racial, political, or personal feelings or other considerations to influence him in the execution of his duties;
- e) Impartiality, in the avoidance of feelings of vindictiveness, or the showing of vindictiveness towards offenders; and
- f) Strict truthfulness in his handling of investigations, and in the giving of evidence

Furthermore, Section 341 of the same Act provides for individual liability of police officers for any misconduct relating to abuse of powers, while acts of misconduct which are subject to disciplinary measures are enumerated in Part VII of the Police Act and in the First Schedule of the Police Regulations (as contained in the annex to this paper).

There are various structures or mechanisms within the NPF that are established to ensure internal discipline of erring personnel of the police and to ensure that complaints against the police by

members of the public or by a police officer against another are investigated internally and appropriately dealt with. The most prominent of these mechanisms include the office of the Provost Marshal at the Force Headquarters and the Public Complaints Bureau (PCB) or the A-22 Department at the Police Public Relations Office (PPRO) of each State Command and the FCT Command, also called the office of the Provost at the state/FCT level. Sharing the same structure at both the Headquarters and the states, the provost section of the police was established in November 1986 to arrest what was perceived as the falling standard of discipline in the Nigeria police. The section is organised as follows:

- I. The office of the Force Provost Marshal
- II. Office of the Deputy Force Provost Marshal
- III. Office of the Camp Commandant
- IV. Administrative Office
- V. Appeal Section
- VI. Discipline Office
- VII. Barracks and Housing Section¹¹

The main duties of the provost section, which are relevant to this paper, are to:

- I. Advise on the promulgation and enforcement of laws, orders and regulations for the maintenance of discipline in the NPF;
- II. Enforce discipline generally, including arrests and detention of serving members in deserving circumstances;
- III. Investigate complaints against the police by members of the public;
- IV. Investigate cases/disputes between members of the Force and the military and other sister services, as well as those among police personnel;
- V. Ensure supervision and general administration of Supernumerary Constables; and
- VI. Handle disciplinary matters and reviews of appeal against dismissal and reduction in rank¹²

The provost system, which is the main office for internal discipline, can be invoked through verbal or written complaints of misconduct against any police personnel to his or her superior by a member of the public. Such a complaint would then be processed through the office of the provost. Alternatively, complaints could be sent directly to the office of the provost. In addition, the process can be invoked when a police personnel is queried by a senior officer.

According to the Police Public Relations Officer (PPRO) at the headquarters, there is also at the headquarters a Force Disciplinary Committee headed by a Deputy Inspector General (DIG) of police who makes recommendation to the Inspector General of Police and the Police Service Commission in cases involving senior officers. There is also a Human Rights Desks in all police stations manned by officers who are trained on human rights to deal with violations. Other important mechanisms include the X-Squad in the Force Criminal Investigation Department (FCID) at the D Department of the Force Headquarters; and the ad hoc Monitoring Unit (MU) set up by successive IGPs (Chukwuma 2005: 5). The X-Squad is made up of plain-clothes

¹¹ This information was obtained from the Provost Marshal in a face-to-face interview in May 2010

¹² Ibid

officers who conduct on-the-spot checks on the activities of police officers and men on patrol, those at check points and those involved in stop-and-search operations. The MU operates in the same way, except that it reports directly to the IGP (Chukwuma 2003: 65). Where cases of misconduct by police personnel on duty are found, they are reported either to the FCID or directly to the IGP for investigation and appropriate disciplinary measures.

The Operation of Internal Discipline in Practice

It is evident from the foregoing that the NPF has a legal framework and organisational structure for receiving and processing complaints of indiscipline against its personnel. In practice, when such complaints are received, they are investigated and processed through what is called Orderly Room Trial (ORT). During a face-to-face interview with the Force Provost Marshal at the Headquarters, it was learnt that the ORT is operated like the civil courts. The ORT functions in the same fashion at both the state/FCT and headquarters, except that while the former deals with cases involving junior officers from the rank of Inspector of Police down to the rank and file, the latter deals with cases involving senior officers from the rank of Assistant Superintendents of Police (ASPs) upwards.

The ORT process is started when a complaint is received against an officer of the police and investigated appropriately. In the course of interview, the Provost of the FCT Command described the process of the ORT as follows:

A senior officer of the force would “default” the accused personnel by providing the evidence of the wrongdoing. This will be followed by the setting up of the ORT presided over by a senior officer from the rank of ASP and above as the adjudicating officer (or the judge). The ORT is conducted just like normal court proceedings and must conform to the natural requirement of “fair hearing”: the judge would read the charge to the accused, takes the pleas of the accused, asks for evidence, and gives the verdict on the strength of the evidence, which could be punishment or discharge. The outcome of the trial at this stage is not final but is sent to a more senior officer who is usually the Commissioner of Police or an Assistant Inspector General (AIG) for review. If the review upholds the initial judgment, the officer on trial is given an ultimatum of 7 seven days to file an appeal, which would go all the way to the Force Headquarters as the final arbiter.

There are different penalties for different categories of offences. According to top officers at the FCT Command, cases of criminal offences such as rape and armed violence, attract dismissal and prosecution in the civil courts. However, at the Police Service Commission (PSC) which approves all disciplinary measures (even though an external organ), it was learned that cases are still treated on the basis of their merit and there is yet no strict categorisation of punishment based on the type of misconduct. However, the general pattern of discipline in an ascending order of severity involves ‘exoneration, letter of advice, reprimand (involving loss of seniority for 6 months), severe reprimand (involving loss of seniority for 1 year), reduction of rank,

compulsory retirement, and dismissal. Yet, in order to guard against the abuse of this internal process, the final verdict of the ORT can be reviewed by the civilian law courts. According to the FCT Provost, the civilian courts can reverse the dismissal and order reinstatement of the concerned officer if proved to be innocent.

In cases of complaints involving senior officers, an alleged offender is issued a query by a senior officer. The query is sent to the office of the Provost Marshal at the Force Headquarters for investigation and ORT. A senior officer at the FCT Command however pointed out that discipline is better enforced when dealing with the rank and file than with officers. The reason is that once a query is issued against an officer, his or her promotion is put on hold until the case is fully discharged. As a result, officers would typically do everything to avoid getting a query.

According to police officials interviewed, the overall effectiveness of the internal control mechanisms to instill discipline in the force has varied at different times depending on the discretion of officers involved in operationalising them. One senior officer at the FCT Command held that the degree of sternness of the officer in charge of enforcing discipline is the main determinant of whether the mechanisms work or not. Some officers are nonchalant in handling complaints against police personnel while others are very strict. For one officer in particular, the difference in the effectiveness of the mechanisms of internal control is only a matter of perception. He highlighted a general culture in Nigeria where incidents of police misconduct is given a wide publicity, while discipline and disciplinary measures within the organisation are rarely reported. In his words, the difference is based on ‘the Nigerian mentality of amplifying what goes wrong and not what goes right’.

In all, the majority of officers interviewed argue that the NPF is the only organisation in the country which publicly exposes its officers and men who commit acts of wrong doing; the only organisation that showcases internal discipline. One of the officers boastfully put this self-assessment in a rhetorical question thus:

‘Which organisation *in Nigeria* brings out their offending men and officers as much as the police?’¹³

The police officers interviewed did not see any weakness with the mechanisms of internal control except for the legal foundation, which is the colonial Police Act of 1943 that is still in use, with only minimal amendment. They were optimistic that the Act, which is currently at the National Assembly, would be able to bring the legal framework up to date once it is reviewed. In the course of interview, the PPRO at the Force Headquarters expressed confidence that the disciplinary systems were working well as the fear of sanctions (including prosecution and public ridicule) has led to decline in police indiscipline and street level police corruption as well as stricter control in the use of force.

This positive assessment was corroborated at the Police Service Commission (PSC). In the course of a face-to-face interview a PSC member confirmed that in spite of a few challenges facing police internal control mechanisms, the NPF is one of the most disciplined institutions of the Nigerian state. The greatest challenge facing the system, as he put it, is ‘the impact of

¹³ Italics added

pervasive societal indiscipline' which creates a general mindset that considers discipline as abnormal. To illustrate the comparative discipline of the NPF in the wider society, the PSC member drew a sharp contrast between how the issuance of official query against misconduct in the civil/public service is seen as abnormal and how people plead for the withdrawal rather than address it, as opposed to the prompt caution of police misbehaviour by the police authority.

The PSC member was also of the view that the problem has not so much been the colonial foundation of the legal framework, but the weak implementation of the existing laws in the country, which he blamed on the societal context of indiscipline. In an outburst of frustration, he contended that:

'This country is the place where you have the highest level of lawlessness. Even the police would leave you if you drive against the traffic, and you'll get home. The whole society needs to change its perception of order.'

However, the PSC member was quick to acknowledge that while erring police personnel are promptly cautioned, the police authority has tended to stop at the level of caution and not followed through the process of discipline. This failure was linked to the general culture of begging for pardon in the wider society as discussed above. When a police official is queried he or she usually resorts to begging and is eventually pardoned informally. This practice is intricately related to the issue of individual discretion of the disciplinary officer who may choose to be nonchalant or strict in dealing with complaints against police personnel as highlighted by an officer at the FCT Command.

Other key areas of challenge associated with the internal control system as highlighted in the course of interview at the PSC are inadequate funding, poor human resource management and deficiency of logistics, particularly communications and mobility equipment. According to a member of the PSC, the police are under-staffed with 377,000 personnel in relation to the national population; deployment of personnel is lop-sided and not systematic; and most of the time there is no fuel for police vehicles – all of which undermine the ability of the force to enforce internal discipline. Another challenge identified by an officer at the office of the FCT Provost is what he called 'vicarious liability'. This involves punishing a superior officer for the offence committed by a junior officer under his or her command. He gave an instance where a mobile police officer serving in Edo State (MOPOL 5) was caught in the act of armed robbery in Kano while he was on leave. His commander in Edo State was punished for failed supervision, even though the officer in question could not have been supervised while on leave.

The challenge of poor funding was put more graphically by a very senior police officer of the FCT Command, who preferred not to be quoted. He contended that the institutional neglect of the NPF through the era of military rule had resulted in a cowed police who rely on salary as the only source of financing and have now evolved the mentality of 'making do'. He revealed that this has put exceeding pressure on DPOs, forcing them to rely on assistance from members of the National Union of Road Transport Workers (NURTW) for vehicles to facilitate routine patrol. He also revealed that many newly posted policemen sleep in 'exhibit vehicles' indefinitely. This has an overall negative impact on force discipline as officers use their personal income to finance

their official functions. To illustrate the enormity of the pressure on discipline, the officer gave an example of the Wuse Police Division where between 2000 and 3000 complaints are received from the public each year. Frustrated by this condition under which the police are expected to exercise internal discipline, the officer asked a very incisive rhetorical question:

‘How do you discipline an officer who is not well paid, well equipped and well fed?’

While not being categorical, the question itself is a veiled admittance of weak internal discipline even if the police are not to blame. He blamed the negative perception of police internal discipline on ‘unrealistic public expectation, lack of patriotic commitment to the police, and public skepticism’. Another senior officer who responded under conditions of anonymity persuasively absolved the police of indiscipline and boasted of the creditable performance of NPF officers in various UN peace missions and in the Nigerian Economic and Financial Crimes Commission (EFCC), which are all well funded. Funding was therefore singled out as the most crucial bane of discipline within the force.

Public Perception of Effectiveness of the Internal Control System

The overall tone of responses from the police and the PSC, while acknowledging challenges with the operation of internal control mechanisms, tends to present the NPF as a disciplined organisation and locate much of the blame in the wider society. Yet, while senior officials of the police and the PSC interviewed in the course of this study were of a strong view that police internal disciplinary mechanisms were effective and that the police has become a more disciplined organisation since the transition to democracy, the general public assessment of the system suggests that brutality, abuse and corruption have become the most defining features of the NPF and policing. The assessment also suggests that while important legal provisions and institutional mechanism for police discipline are in place, they have not been able to change the entrenched traditions which support and promote rampant and unremitting police abuse and corruption in Nigeria.

Also, recent studies that have been conducted on human rights issues in Nigeria indicate that human rights violations and corruption practices by the police have been widespread since the transition to democratic rule in 1999. Worse still, the literature also demonstrates continued political misuse of the police or, at best, detached indifference towards increasingly blatant police misconduct by the new political leadership of the democratic dispensation. In a very recent study conducted for the Network on Police Reform in Nigeria (NOPRIN), Odinkalu details appalling accounts of prevalent police violence in all the six zones of the country, including extra-judicial killing, torture, cruelty, rape and sexual assault, unlawful arrest, extortion and general impunity (Odinkalu 2008: 39-95). According to reports, the prevalence of violent crime has precipitated such a heavy-handed law enforcement response of indiscriminate summary execution of suspects that has created a society of fear (Odinkalu 2008: 19; Terzungwe 2007: 1).

In a national survey on police-community violence conducted by the CLEEN Foundation and the National Human Rights Commission (NHRC) a year after the transition to democracy, Alemika & Chukwuma (2000: 57-58) reported widespread incidents of torture and brutality by police officials. In that survey, respondents observed that the NPF engaged in brutality against citizens with the following statistics: insulting (79.5%); slapping (72.1%); kicking (69.0%) beating (73.2%); inflicting injury (51.9%), pointing a gun (63.3%), and shooting (27.5%). The rape of women and girls has also been documented as a rampant practice by the police (Amnesty International 2006: 1). Furthermore, a good number of recent independent reports have proved that the use of torture and other cruel treatment of suspects are widespread in the police and had become an institutionalized practice of extracting confessions with the knowledge of senior officers, leading to many deaths in custody (HRW 2005: 3; Access to Justice 2005: 5; the Presidential Committee on Police Reform 2006: 78). The Presidential Committee on Police Reform has also reported pervasive extrajudicial and revenge killings by the police. By 2007, the estimated number of persons killed by the police in the 8 years of democracy was already in excess of 10,000 (HRW 2007: 1). In addition, the Presidential Committee on Police Reform (2006: 75) found “widespread incidence of corruption and extortion by a significant proportion of the members of the Nigeria Police Force”. Countless incidents of police abuse and corruption are published so frequently that space is too limited to cite all of them in this chapter.¹⁴ So much evidence of serious police abuse have been made public that, in its report on the infamous 2005 Apo police killings, the Justice Goodluck Commission of Inquiry (2005: par 1.6) arrived at the conclusion that the Nigeria police had become an instrument of fear and intimidation among the civilian population.

What is most troubling in the face of this overwhelming evidence of abuse is the near total absence of effective internal accountability within the NPF as police officials who commit heinous violations go largely unpunished. A UN special mission to Nigeria particularly found that the NPF is largely unaccountable and does not do anything to deter police killings or deaths in police custody (UN Special Rapporteur 2006: par 100). The Legal Defence and Aid Project (LEDAP) and the Danish Immigration Service have confirmed this high level of impunity within the police. In their respective reports they provide compelling proof to show that most police officials who kill, give orders or fail to intervene in extra-judicial executions do so with impunity and often escape without ever being investigated, prosecuted, tried or punished (LEDAP 2004: 1-3; Danish Immigration Service 2005: 2). Alemika (2003: 45-46) has showed that police impunity has prevailed not because there are no rules and procedures for internal discipline, but because of inadequate compliance and enforcement by police authorities. Yet, as Chukwuma (2003: 65) contends, police internal disciplinary systems in Nigeria are not only ineffective; they are found to be discriminatory (never used when the victim is not a prominent figure in society), reactionary, not accorded priority and lacking in coordination. All these go to show that police authorities are either unwilling or unable to invoke and effectively enforce the internal control systems to ensure discipline in the force.

Key members of the public with experience of and informed opinion on the system were of the view that the police has an institutional culture of shielding its officers and men from public scrutiny for wrong doing and abuse, and that this impunity is reinforced by political protection,

¹⁴ See for instance the *Daily Sun* of Tuesday, March 16 2010 in which an unprovoked police assault on journalists was reported

all of which work to negate effective internal control within the NPF. In a focus group discussion with senior staff of the National Human Rights Commission (NHRC), respondents contend that the militarization of the police, while imposing strict discipline within the organisation, reinforces the culture of abuse in relation to the public. This culture is reflected in the vertical command structure of the police and in their dehumanizing training which is geared towards control or regime protection as opposed to public protection. To quote one of the respondents,

‘The lower cadre officers regard their superiors as untouchables above the law whom they obey without questioning. Therefore the lawlessness among the lower cadre is a lesson learned from their seniors.’

Notable literature on the subject in the country reveals that these police internal disciplinary mechanisms are grossly incapable of addressing the problems of police abuse and corruption. The NHRC officials reveal that the human rights content of police training curriculum is less than 1 per cent. According to them,

‘we were at the police training college 2 years ago and discovered that they do not have any topic on human rights, no instructor trained on human rights, and no programme of inviting external resource persons for human rights training. Therefore what they know of human rights is very little.’

The disregard for human rights awareness within the police institution was further illustrated thus:

‘At a human rights training we organised last year for officers from the North Central zone, half the officers averred that torture was necessary for effective crime control. They gave valid but unacceptable reasons to include the lack of intelligence capacity (fingerprint, ballistics, etc) and absence of communications between police roadblocks.’

A leader of the civil society Network for Police Reform in Nigeria (NOPRIN) also noted during an interview that torture is accepted within the police as the means of investigation, and so the police would not discipline its personnel who torture a suspect or detainee. In his overall assessment, the mechanisms of internal control of the police are not effective and this is because abuses are tolerated within the police. He cited the proceeding of a 2-day national public tribunal on torture, which held in Abuja the day before and the day of the interview, which I incidentally attended as a member of the public:

‘At the national public tribunal yesterday and today, it was clear that incessant violations including torture, rape, unlawful detention, etc, are commonplace within the police and nothing happens about them’.

Furthermore, the respondents at the NHRC identified police culture, which protects officers and men from public allegation of misconduct. They pointed out that the police deliberately refuse to

take disciplinary measures whenever there is public complaint of police misconduct, unless there is an overriding public outcry and social pressure. On the contrary, the police would shield the erring officers and men and frustrate any public pressure for discipline. A case in point was cited as follows:

In 2007, the police ignited mayhem in Ogaminana, a village in Kogi State. They attacked the town with arson and shooting in the night, killing 13 villagers. When we got there 3 days after, we discovered that all the senior officers there, including the Area Commander and the DPO among others had been transferred to far places in Rivers and Adamawa states. The new officers who replaced them claimed ignorance of the incident'

They also narrated an incident that occurred in the Life Camp neighbourhood of Abuja 2 days before the discussion:

'Three police personnel had boarded a commuter bus to Life Camp and refused to pay the fare when they got down. When the driver and conductor of the bus insisted that the policemen pay the fare the conductor was shot twice on his thighs by the police and the driver hit on the head with the butt of the gun. Although the officers involved were arrested as a response to mass demonstration by eye witnesses, the FCT Commissioner of Police gave a misleading account of the incident and failed to take a dispassionate stance.'

This observed trend was also confirmed by the NOPRIN activist cited earlier, in a face-to-face interview. He located the central problem of police internal control in the reluctance of the police to discipline its personnel. According to him, the tradition of shielding officers results from the fact that,

'Most of the abuses are at the behest of senior officers. If you take roadside extortion for example, it is the officers who send them out and would not expose them...they only respond to cases that have provoked public scandals'.

A seasoned legal practitioner who had handled many cases involving police misconduct in Abuja and Lagos put the ineffectiveness of police internal control in a similar tone:

'Police do not discipline. There is a lot of complicity in the way in which they supposedly deal with police infraction. The internal disciplinary mechanisms are only on paper. At the Force Headquarters and the FCT Command, there is a deluge of public petitions against police officials that are not being attended to...the petitions that ever attract ORT are those that are extreme and have generated national political or media attention, pressure or outcry.'

These observations find solid support in the existing literature on the subject. Chukwuma (2003: 66-67; 2005: 5-6), for example, notes that police internal disciplinary systems are accessible to aggrieved members of the public only in theory. The systems become perceptible in actuality only when the force is 'vilified by the press for egregious human rights violations or when the victim is a 'prominent' person. Under such pressure, the police would quickly convoke an ORT promptly and dismiss the erring officers in order to diffuse the pressure. According to the report of a fact-finding mission led by the Danish Immigration Service (2005: 66), these cases usually see the light of day when the victims are influential people or well connected to such people, which ensure that action is taken against the police officers concerned.

The use of scapegoats was also identified as common practice within the police to assuage public pressure while leaving the real issues unaddressed. Another Abuja-based legal practitioner painted a very vivid incident as follows:

'Some police officers broke into the armoury in Abuja and made away with some firearms. The officer who had the key to the armoury was detained, but the arms were found with armed robbers. The detained officer was neither the DPO nor the Station Officer who were never investigated and the detained officer was sacrificed'.

The internal judicial procedure of ORT was considered by the NHRC focus group as a process that is skewed to arrive at predetermined outcomes, and does not guarantee fair trial. It was observed by the focus group that the members of the ORT are usually not skilled in adjudicating. The focus group gave other reasons for the ineffectiveness of internal disciplinary mechanisms, including a very weak and archaic procedure of record keeping with a non-existing databank of offenders within the police. Another challenge is the legal framework, which is the colonial Police Act of 1943. Although few sections of the Act been reviewed, the changes are not substantiated and the law needs to be overhauled. Training of the police is extremely poor, lasting 6 months at the college after which they do not receive any other training for another 15-20 years. Furthermore the content of the training curriculum is far below global standards. Also important is the low level of motivation owing to gross inadequacy of accommodation and delayed promotion in the force. According to the NOPRIN leader, the low pay for police personnel also makes them prone to corruption and violence.

The literature also shows that where internal disciplinary mechanisms are invoked, it is usually shrouded in extreme secrecy and lacks enough transparency to command the satisfaction and trust of the public. According to the literature the lack of public access to information about disciplinary measures creates the impression of a police force that is complacent towards public complaints and tolerant of abusive exercise of power (Danish Immigration Service 2005: 46-47; Alemika 2003). Where such information are made available under considerable pressure, they are prepared to suit the occasion in question as opposed to a routine or regular practice (Chukwuma 2005: 5-6). The secrecy surrounding the operation of internal control mechanisms also came to the fore during the fieldwork. In the course of interview, the NOPRIN leader cited earlier asserted that when the police have been reluctantly pressured to invoke disciplinary measures against its officials, they do so with impenetrable secrecy. Many of the members of the public interviewed revealed a complete lack of awareness of police internal control systems.

Most of them were surprised to hear that the police had internal mechanisms for dealing with acts of misconduct of their officer and men.

The X-Squad and the IGP's MU that were set up to monitor officers on patrol and arrest police extortion have also been rated very low in terms of performance. The NOPRIN activist revealed that the few officers who were arrested for misconduct through the operation of these structures were only used as scapegoats to showcase the anti-corruption crusade of the police. However, quite contrary to such anti-corruption posturing, direct observation and anecdotal abundantly support existing studies which find that corruption has continued to fester within the police and police extortion is commonplace across the country.

Conclusions

The overwhelming evidence from this study shows that after over a decade of democratic rule, the implicit promise of transforming the police from a repressive and corrupt force to a force that is accountable and respects human dignity as the seal of policing in democracy is still elusive. If anything, the transition has come with dashed hopes of improved rights protection and freedom for many Nigerians, and witnessed the democratisation of police brutality and corruption. The legal framework for police internal control, which derives largely from the colonial 1943 Police Act, no doubt is partly to blame and requires a thorough review. Yet evidence from this study shows that police indiscipline has become blatantly widespread not so much because the legal framework is weak or irrelevant, but mainly because the police have failed to effectively deploy the existing mechanisms of internal discipline to ensure that officers and men are held accountable for misconducts and that policing is conducted in a manner that is more consistent with the democratic requirements of due process, transparency, fundamental freedoms and dignity of the human person.

The failure to enforce the internal mechanisms of discipline has persisted mainly because, given the historical and contextual background of the NPF, the police have faced a number of formidable challenges. One key challenge that has emerged from the study is the entrenched institutional culture of self-protection. While self-auditing is generally problematic across organisations, the Nigeria police particularly have a tradition of shielding their officers and men from public opprobrium and punishment for wrongdoing. As the study finds, this is partly because policing in Nigeria has ever been predatory and torture and other forms of cruel treatment of suspects as well as extortion of money from the public are institutional practices sanctioned by senior officers in the spirit of teamwork (the so-called 'esprit de corps'). The continued subservience of the NPF to political control is also a part of this challenge. Policing in the country, as in many post-colonial Africa, has essentially been more about regime protection and preservation. Police officials enjoy an unwritten protection from the ruling elites as long as their high command remains subject to political control, and this remains a challenge as long as the Inspector general (IGP) is 'hired and fired' by the president. As Odinkalu (2008: 87) aptly put it, where police abuses power in the interest of the president, his political party or associates, there is no incentive to ensure accountability. This has been most evident in Nigeria during elections when police violence has often been misused to perpetrate electoral fraud in favour of

incumbents or members of their political party. Under such conditions, the police have no incentives to curb its indiscipline because there is no political pressure.

A second important challenge has been the enduring institutional neglect of the police. A key aspect of this neglect is that enforcing internal control involves a cost to undertake investigation, record management and tracking of misconduct. A senior officer of the FCT Command lamented during an interview that 'what we need is not police reform, but police funding'. Sadly, even though the mechanisms of internal control exist within the police, they lack the financial capacity to function effectively. As noted by Chukwuma (2005: 68), there is no annual budget for the operation of the mechanisms; the mechanisms lack the basic logistics for maintaining records and keeping track of complaints and are hardly evaluated to assess their performance. Similarly, the Presidential Commission on the Reform of the Administration of Justice in Nigeria (2007: 85) noted that the existing information systems are out of date, fragmented and sometimes require arduous manual search and retrieval of data. The net result has been that even where there are few exceptional officers who are committed to professionalism, the absence of a databank of police offenders and a functional information management system make effective internal discipline extremely prohibitive.

Related to the above is the orientation of the police, who are trained to enforce the law through brutal procedures. The complete reliance on the use of force to extract evidence from suspects as opposed to evidence-based crime fighting promotes the relegation of concerns about discipline to the sidelines. This is reinforced by the absence of the basic infrastructure of intelligence-driven investigation. It is now common knowledge that the NPF has only one functioning forensic laboratory and two 'Chemists' (Omokaro 2007: 1-2). The shocking paucity of human rights training in the police colleges and training schools is also a reflection of this institutional orientation towards brutality. It would almost be impossible to expect the police personnel who have been trained to apply maximum force when confronted with violent crime to frown at acts of abuse committed by their colleagues.

Furthermore, the mechanisms of internal control are diverse and operate without coordination. This point has been highlighted by Chukwuma who argued that they are too many, lacking in standardisation of the procedure by which data on misconduct are received and recorded. The sheer number of the various mechanisms and the lack of clear guidance on the appropriate mechanism to use in different circumstances have left the public confused (2005: 69). The use of the wrong mechanism by can lead to a situation where the petitioner may be directed to use another mechanism, creating frustration and discouraging the use the mechanisms by members of the public.

Recommendations

Given the history of brutal colonial policing, and after decades of militarised policing under military dictatorship, getting the NPF to protect human rights and to carry out their constitutional mandates in a way that is accountable, humane and friendly cannot take place in a fell swoop. Such a change would require a sustained process of overhauling their institutional culture and orientation. It would also require the emancipation of the police from political control and

political misuse as well was a concerted effort to strengthen the capacity of internal disciplinary mechanisms. On the strength of the findings of this study, the following recommendations are required to enhance police internal control and discipline:

- ❖ Police internal control needs to be taken up as a special priority area of funding by the Federal Government and other stakeholders involved in funding the NFP. Funding support should go to the provision of basic logistics of record keeping, tracking and communication. Such funding should also target the creation and constant updating of a databank of police offenders and of complaints and disciplinary measures against erring officers and men. In addition, the government needs to invest seriously in developing the capacity for intelligence-led investigation and a functional information management system
- ❖ The National Assembly should expedite action on the review of the Police Act, and ensure that the amendment provides for a strict code of police conduct in line with global standards of democratic policing. Civil society groups need to engage more productively with the relevant parliamentary committees on safety and security to give more attention to the operation of internal control systems
- ❖ Police authorities need to overhaul the training curriculum in the police colleges and other training schools. Strict rules of engagement with the civil population and human rights standards must of necessity be built into the new curriculums in order to systematically reorient the police towards humane policing
- ❖ The various mechanisms of internal control should be harmonised and efficiently coordinated. There should be a coordination unit manned by a coordinating officer to ensure that the various personnel and procedures of internal control interact and work towards a singular end. In addition, the police authorities should develop and widely publicise a clear guideline on how to invoke police internal control mechanisms for different complaints and under different circumstances. This would require developing a deliberate communication strategy for informing and educating the general public on existing internal control mechanisms of the police and how to invoke them
- ❖ Civil society groups and other external bodies of police accountability, including the NHRC and the PSC should work in concert to constructively engage with the structures of police internal control. Such engagement is necessary to provide moral and intellectual leadership and guidance to officers in charge of internal discipline, and also to promote performance measurement of internal control systems
- ❖ There is need to review the operational control of the police by the office of the president. The appointment and removal of the IGP should be removed from the exclusive control of the president in order to avoid political interference with the operation of the internal disciplinary system. The judiciary and parliament needs to be brought in to improve checks and balances in relation to the office of the IGP

Annex

REGULATIONS ON OFFENCES AGAINST DISCIPLINE IN THE NIGERIA POLICE FORCE

FIRST SCHEDULE, POLICE ACT, Regulation 370

1.1.1 OFFENCES AGAINST DISCIPLINE

A member of the Force who commits any of the following acts or omissions shall be guilty of an offence against discipline-

- (a) ABSENCE from duty or being late for duty without leave or reasonable excuse;
- (b) BREACH OF CONFIDENCE, that is to say, if he-
 - (i) divulges any matter, which is his duty to keep secret;
 - (ii) gives notice, directly or indirectly to a person against whom a warrant or summons has been or is about to be issued, except in the lawful execution of that warrant or service of that summons;
 - (iii) without proper authority, communicates to the public press, or to an unauthorized person, any matter connected with the Force;
 - (iv) without proper authority shows to a person outside the Force any book or document the property of the Government or of the Force;
- (c) CORRUPT PRACTICE, that is to say, if he-
 - (i) seeks by influence to obtain promotion or other advantage in the Force,
 - (ii) receives a bribe,
 - (iii) fails to account for or to make proper true return of any property received by him in his official capacity, or fails to account satisfactorily if called upon by the Inspector-General to do so, for any property in his possession or received by him otherwise than in his official capacity,

- (iv) directly or indirectly solicits, accepts or receives a gratuity, present, reward subscription or testimonial without the approval of the Inspector-General,
 - (v) places himself under a pecuniary obligation to a person who is directly or indirectly interested in any premises licensed for the sale of liquor, or who holds a license concerning the granting or renewal or which the police may have to make a report or give evidence,
 - (vi) improperly uses his character and position as a member of the Force for his private advantage,
 - (vii) in his capacity as a member of the Force, signs, writes or gives without the approval of the Inspector-General, any testimonial of recommendation with the object of obtaining employment for any person or of supporting an application for the grant of a license of any kind, or
 - (viii) without the approval of the Inspector-General supports an application for the grant of a license of any kind;
- (d) DAMAGE TO CLOTHING OR OTHER ARTICLES supplied to him, that is to say, if he-
- (i) willfully or negligently causes any waste, loss or damage in respect of any article of clothing or accoutrement or in respect of any book, document or other property of the Government or of the Force issued to him, used by him or entrusted in his care, or
 - (ii) fails to report any loss or damage to clothing or other articles supplied to him, however caused;
- (e) DISCREDITABLE CONDUCT, that is to say if he-
- (i) acts in a disorderly manner, or
 - (ii) assaults a member of the Force, or
 - (iii) acts in any manner prejudicial to discipline or unbecoming of a member of the Force;
- (f) DISOBEDIENCE TO ORDERS, that is to say if he disobeys or without good and sufficient cause omits or neglects to carry out any lawful order written or otherwise;
- (g) DRUNKENNESS, that is to say, if he is unfit for duty through drinking intoxicating liquor;
- (h) DRINKING OR SOLICITING DRINK ON DUTY, that is to say if he-
- (i) without the consent of his superior officer, drinks, or receives from any person, any intoxicating liquor while he is on duty or brings liquor into barracks; or
 - (ii) demands or endeavours to persuade any person to give him or to purchase or obtain for him any intoxicating liquor whilst he is on duty;
- (i) ENTERING whilst on duty any premises for the sale of liquor or where liquor is stored and distributed;
- (j) KEEPING A HOUSE FOR THE SALE OF LIQUOR in his own or in any other name or directly or indirectly interested in such house;

- (k) FALSEHOOD OR PREVARICATION, that is to say, if he-
- (i) knowingly makes or signs a false statement in an official document or book,
 - (ii) willfully or negligently makes any false, misleading or inaccurate statement, or
 - (iii) without good and sufficient cause, destroys or mutilates an official document or record or alters or erases any entry therein;
- (l) INSUBORDINATE OR OPPRESSIVE CONDUCT, that is to say, if he
- (i) is insubordinate by word or demeanour,
 - (ii) is oppressive or tyrannical in his conduct relating to an inferior in rank,
 - (iii) uses obscene, abusive or insulting language to a member of the Force,
 - (iv) willfully or negligently makes a false complaint or statement against an inferior in rank;
- (m) MALINGERING, that is to say, if he feigns or exaggerates any sickness or injury with a view to evading duty;
- (n) NEGLECT OF DUTY, that is to say, if he-
- (i) neglects, or without good and sufficient cause omits promptly and diligently to attend to or to carry out anything which is his duty as a member of the force,
 - (ii) withholds a complaint or report against a member of the Force,
 - (iii) idles or gossips while on duty,
 - (iv) fails to work his beat in accordance with orders, or sleeps on beat or other duty, or leaves his beat, point or other place of duty to which he has been ordered without due permission or sufficient cause,
 - (v) by carelessness or neglect permits a prisoner to escape,
 - (vi) fails, when knowing where an offender is to be found, to report his knowledge or to make due exertions for making him amenable to justice,
 - (vii) fails to report any matter, which is his duty to report,
 - (viii) fails to report anything that he knows concerning a criminal charge, or fails to disclose any evidence, which he or any person within his knowledge, can give for or against a prisoner or defendant to a criminal charge.
 - (ix) Omits to make an entry in an official document or book, or
 - (x) Neglects, or without good and sufficient cause, omits to carry out any instructions of a police medical officer, or, while absent from duty on account of sickness does any act which is calculated to retard his return to duty;
- (o) IMPROPER CONDUCT, that is to say if he-
- (i) lends money to a superior in rank or borrows money from an inferior in rank,
 - (ii) fails to pay a lawful debt,
 - (iii) carries on any trade, business or profession or accepts any other paid employment without proper authority, or
 - (iv) without proper authority, possesses a fire-arm for his own protection or uses a fire-arm when on duty,
 - (v) makes an anonymous communication to the Inspector-General or to a superior police officer,

- (vi) without proper authority, canvasses the Inspector-General or any superior police officer or other servant of the Government with regard to any matter concerning the Force, or
 - (vii) signs or circulates a petition or statement with regard to any matter concerning the Force except through the proper channel of correspondence to the Inspector-General;
- (p) UNCLEANLINESS, that is to say, if he, while on duty or off duty in uniform in a public place, is improperly dressed or is dirty or untidy in his person, clothing or accoutrements;
- (q) UNLAWFUL OR UNNECESSARY EXERCISE OF AUTHORITY, that is to say, if he-
- (i) without a good and sufficient cause makes an unlawful or unnecessary arrest,
 - (ii) uses any unnecessary violence to any prisoner or other persons with whom he may be brought into contact in the execution of his duty, or is uncivil to a member of the public.

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Chapter Four

Police Internal Control Systems in Gambia

by
Sulayman Fye

Brief History of The Gambia

The Gambia was a British colony between 1821 and 1965. It gained independence on the 18 February 1965 and became a Republic in April 1970 thereby remaining in the Commonwealth. The Gambia and Senegal went into a Senegambian Confederation in 1981 just after an abortive coup d'état in The Gambia, but it was dissolved in 1982 through mutual agreement of the two states.

On July 22nd 1994, a new chapter opened in The Gambian political history, when the Armed Forces Provisional Ruling Council (AFPRC) assumed the reins of Government through a coup d'état. The Country was ruled by the military (AFPRC) assisted by Cabinet Ministers, most of who were civilians. This culminated in a transition period of two years during which the democratic constitution was suspended. In December 1996, the transition period was brought to a peaceful end, ushering in the Second Republic. The voting age was lowered from 21 to 18 years.

In 1996, the military regime turned into a Civilian Government following elections and ruled the country under a new party called The Alliance for Patriotic Reorientation and Construction (APRC). The APRC government was re-elected into office in 2001 and in October 2006 President Alhajie Yahya A.J.J Jammeh was re-elected for a third term in office as The President. Parliamentary elections were held in January 2007 in which the ruling party APRC won a landslide victory.

The Gambia is a small sub-tropical country in West Africa, lying between latitudes 13 and 14 degrees north, consisting of a narrow strip of land 400 km long and 30 km wide on both sides of The River Gambia. It is surrounded on the three sides by Senegal and bordered on the West by the Atlantic Ocean.

Total population is estimated at 1,364,507, with a density of 128 persons per square kilometre, being one of the most densely populated countries in Africa. At 2.8% per annum, the population growth rate is relatively high and almost 40% of the population is concentrated in the urban areas around Banjul, the Capital. Approximately 41% of The Gambia's population is under 15 years of age, while 3.5% is 65 years and above (2003 Census).

Brief History of the Gambia Police Force

During the early period of colonial rule in The Gambia, the enforcement of law and order was entrusted to the colonial administration, supported by traditional rulers. This was done using traditional rulers and systems, which reflected the policy of indirect rule. Before the year 1855, traditional rulers known as 'Seyfolu' or 'Chiefs' played key roles in the prevention and detection of crimes. This role involved the suppression of conflicts and the general administration of justice. The armed militia and imperial troops of the Colonial Government, stationed in various areas such as: the capital city-Bathurst (now Banjul), at the headquarters of Divisional administrative areas, and at a historic fortress, and transit centres used during the slave trade

period, were responsible for the prevention of smuggling in the River Gambia and the suppression of rebellion.

In the year 1855, a police unit composed of 10 policemen furnished with a well-equipped security vessel was formally inaugurated. The primary function of the Unit was to prevent smuggling in the Gambia River. By the year 1864, the size of the police force was increased to 37, comprising different ranks. In 1866, the size of the force grew further and was increased to 40 trained men and officers in the militia. In the subsequent years, the increase became more dramatic as a result of the acute need to cope with the growing demands and complexities of threats to peace, security and preservation of life and property. In 1870, the size of the Police Force increased to 100 including officers and those in junior ranks.

In more recent years, between 1962 and 1963, the total strength of the Gambia Police force was 613 and presently the strength of the Force is 3,666 serving a population of 1.4 million, thus giving a ratio of 520 people to 1 police officer. By international standards, this ratio is not considered appropriate and viable, and the Government is consequently determined to increase the strength of the police to 7,629 so as to bring the ratio to 222 inhabitants to one police officer. The rapid increase in size has been prompted by challenges resulting from Globalization, increased migration and the effects of transformations generated by rapid advances in science and technology.

Revolutions in communications and information technology have enhanced acculturation and the integration of a wide range of different cultural practices into the management and development processes and systems of many countries. In the Gambia, acculturation has been equally pronounced and the Institutions and organizations in the country are served by multi-cultural and multi-national work forces. The increasing influx of these forces and the expansion of communication technology have also generated serious security challenges and cyber-related crimes, which demand significant expansion of the Police Force.

The advancement of science and technology, needless to say, has played a vital role in industrial growth and development and in the expansion of trading opportunities and the development of regional trading blocks with highly beneficial consequences. It has also unfortunately generated major security challenges resulting from sophisticated use of modern technology by hard-core criminals, supported by cahoots and networks with international connections for pursuit of nefarious activities.

Constitutional and Legal Provisions Establishing the Police Force

The legal provision establishing The Gambia Police Force is the Police Act, chapter 144 of the Laws of The Gambia 1963. Section 3, parts one and two of the act states “There shall be established in The Gambia a police force to be known as “The Gambia Police Force”; and “Every person now a member of the police force at present established in The Gambia, shall be deemed to be a member of the Force.” The Police Act was issued by Legal notice number 116 of 1963, and its provisions are essentially sanctioned by the 1997 Republican Constitution.

Functions and Powers of the Police Force

Section 4 of this legal notice clearly stipulates that: “The Police shall be employed in The Gambia for the preservation of law and order, the protection of property, the prevention and detection of crime, the apprehension of offenders and the due enforcement of all laws and regulations with which they are charged.”

Powers of the Police

Part 4 of the Police act stipulates the power of the Police Officers, which can be briefly summarised as follows:

1. They are required to conduct prosecutions before any court of Summary Jurisdiction.
2. They have powers to arrest any persons charged with an offence irrespective of whether the warrant is in their possession at the time of arrest.
3. Any criminal summons lawfully issued by a court may be served by any police officer at any time during the hours of daylight. In cases where a police officer has reasonable cause to believe that a person is evading service, such summons may be served at anytime.
4. Any Police officer may exercise all or any of the powers conferred upon an authorized officer by the Finger Prints Act.
5. Police officers have powers to board vessels, boats and vehicles to observe in order to prevent or detect acts of felonies or misdemeanours. They also have powers to board vessels and vehicles to arrest persons suspected of felony.
6. In the interest of preserving the public peace, and the prevention and detection of crime, police officers may control the traffic in a manner they deem expedient.
7. Police officers have powers to arrest persons conducting themselves in an idle and disorderly manner in any public place or street.
8. Police officers have powers to search any (vessel or vehicle) suspected of carrying stolen or unlawfully obtained property, and in the process to stop and detain any person suspected of keeping unlawfully obtained property.

The Legal and Judicial Systems

The legal and judicial systems form part of the Ministry of Justice, headed by the Attorney General and Minister of Justice. The Police and the Prison Services fall within the Ministry of Interior. The judiciary and legal structures comprise:

1. The Appeal Court (at the apex)
2. The High Court
3. The Special Criminal Court
4. The Magistrates Courts
5. The District Tribunals headed by Traditional Chiefs and traditional leaders.

An appellate body composed of two Islamic scholars, an experienced lawyer and a chairman who is always appointed by the Chief Justice.

The second parallel structure comprises:

1. The Cadi Courts and
2. The Cadi appeals Panel which exists to administer the Islamic Sharia governing
3. Marriage and Divorce
4. Custody of children and
5. Inheritance.

The Cadi court was provided for by the 1997 Constitution and replaced the Mohamedan Courts. It is constituted by a Cadi and two “Ulamas” (sharia scholars). The chief justice was vested with the authority to establish the court itself and two others located in the Greater Banjul area are already operational.

The 1997 constitution was amended by legal notice number 6 of 2000 to provide for an appellate structure by establishing a Cadi appeals panel, consisting of a chairperson (who should be a legal practitioner of not less than 5 years standing. The chairpersons and members are appointed by a Cadi appeals selection committee, comprising the Chief Justice, the Attorney General and a member of Supreme Islamic Council.

Weaknesses and capacity gaps within the legislative and the judiciary

The role of these two institutions in the administration of the rule of law cannot be over-emphasized. The role of the judiciary is to ensure that laws that have been passed by the Legislative are enforced and implemented by the executive. The effectiveness of the judiciary in performing this task depends largely on:

- 1) Availability of reasonable level of human and material resources
- 2) Administrative and logistics support

- 3) Non-interference of the Executive on judicial cases and matters and
- 4) Adherence to the legally established procedures, governing appointments and terminations of judicial appointments.

Capacity of the Legal sector to promote expeditious and efficient delivery of justice is seriously restricted by:

- a) Lack of adequate material and financial resources, to meet the administrative requirements of the courts
- b) Dearth of legally trained personnel
- c) Inadequate judicial personnel resulting in suspension of cases, and protracted adjournments and
- d) Attrition of personnel for pursuit of greener pastures in the private sector.

The Mandate, Mission and Vision of the Gambia Police Force

The 1997 constitution of The Republic of The Gambia provides for the establishment of The Gambia Police Force and the Prison Service. Section 178 (1) of the constitution states: “There shall be a Police Force of the Gambia of which the Inspector General of Police shall be the head”. Section 178 (2) further states; “ The Police Force shall be equipped and maintained to perform its traditional role of maintaining law and order and such other functions as may be prescribed by an act of the National Assembly.”

The Gambia Police Force in its vision declared that it seeks to uphold the law fairly and firmly, to prevent crime, to keep the peace, to protect, help and reassure the community, to pursue and bring to justice those who break the law and to be seen to do all this with integrity, common sense and sound judgement. In furtherance of the vision, its mission statement enjoins police officers to demonstrate high standards of conduct and behaviours as follows:

- “We must be compassionate, courteous and patient, acting without fear or favour or prejudice to the rights of others.
- We need to be professional, calm and restrained in the face of violence and apply only that force which is necessary to accomplish our lawful duty.
- We strive to reduce the fears of the Public and, so far as we can and to reflect their priorities in the action we take.
- We must respond to well-founded criticism with a willingness to change.”

Organisation Structure of The Gambia Police Force (GPF)

The Inspector General of Police is the head of the Police Service. He is responsible for the overall administration and supervision of the force and is directly answerable to the President of

The Republic of The Gambia and the Honourable Minister for the Interior. He has overall responsibility for policy formulation and execution and the review and assessment of human and material resources needed by the Force for efficient administration of the service. In the execution of his functions, the Inspector General of Police has authority and discretion to delegate part of these functions either to his deputy or to other offices of the Force.

As head of national security, under the Ministry of Interior, he has overall responsibility to ensure that the following services and departments are properly managed and consequently their heads of departments are required to report directly to him:

1. The Immigration Department
2. The Fire and Ambulance Services
3. The Gambia Prison services
4. The National Drug Enforcement Agency

In order to facilitate the efficient execution of his multiple duties and responsibilities, the Inspector General of Police is assisted by a cadre of high-ranking senior officers, each of whom has direct and specific responsibilities to manage specialised activities or specialised units. These officers comprise:

- ❖ Deputy Inspector General of Police
- ❖ The Police Adviser
- ❖ The Assistant Inspector General (Administration)
- ❖ The Assistant Inspector General (Operations)
- ❖ The Assistant Inspector General (Crime Management)
- ❖ Commissioner of Police (Finances)
- ❖ Commissioner of Police (Administration)
- ❖ Commissioner of Police (Human Resources Development)
- ❖ Commissioner of Police (Territorial Division)
- ❖ Commissioner of Police (Traffic Management)
- ❖ Commissioner of Police (Intervention Unit)
- ❖ Commissioner of Police (Prosecution and Legal officers)
- ❖ Commissioner of Police (Crime Management)
- ❖ Commissioner of Police (Academy)

❖ Commissioner of Police (Service Support)

A summary of the functions of a few key officers within the Police Force is furnished below;

1. The Deputy Inspector General of Police

He executes assignments delegated to him and ensures that policies related to the Police Service are efficiently and effectively implemented.

2. The Police Adviser

He is normally a retired police officer with considerable experience in all aspects of policing, combined with a high degree of professionalism, devotion and integrity. He offers valuable advice on restructuring, transformation and modern innovative practises. He works very closely with the Inspector General of Police and initiates reforms and changes designed to improve the performance and quality of personnel and to facilitate the acquisition of modern equipments and technologies.

3. The Assistant Inspector General-Operations

He is responsible for effective co-ordination of all operational functions taking place at regional and territorial divisions. He undertakes regular field visits, co-ordinates the operations at Units and functions at the headquarters. In addition he advises the Inspector General on policy changes needed for improvement of services, and conducts effective liaison with other security organisations. The following divisions and Units report directly to the AIG Operations;

- 1) Commissioners, Territorial Divisions,
- 2) Commissioner Traffic Management,
- 3) Commissioner, Police Intervention,
- 4) and Commissioner, Community Affairs.

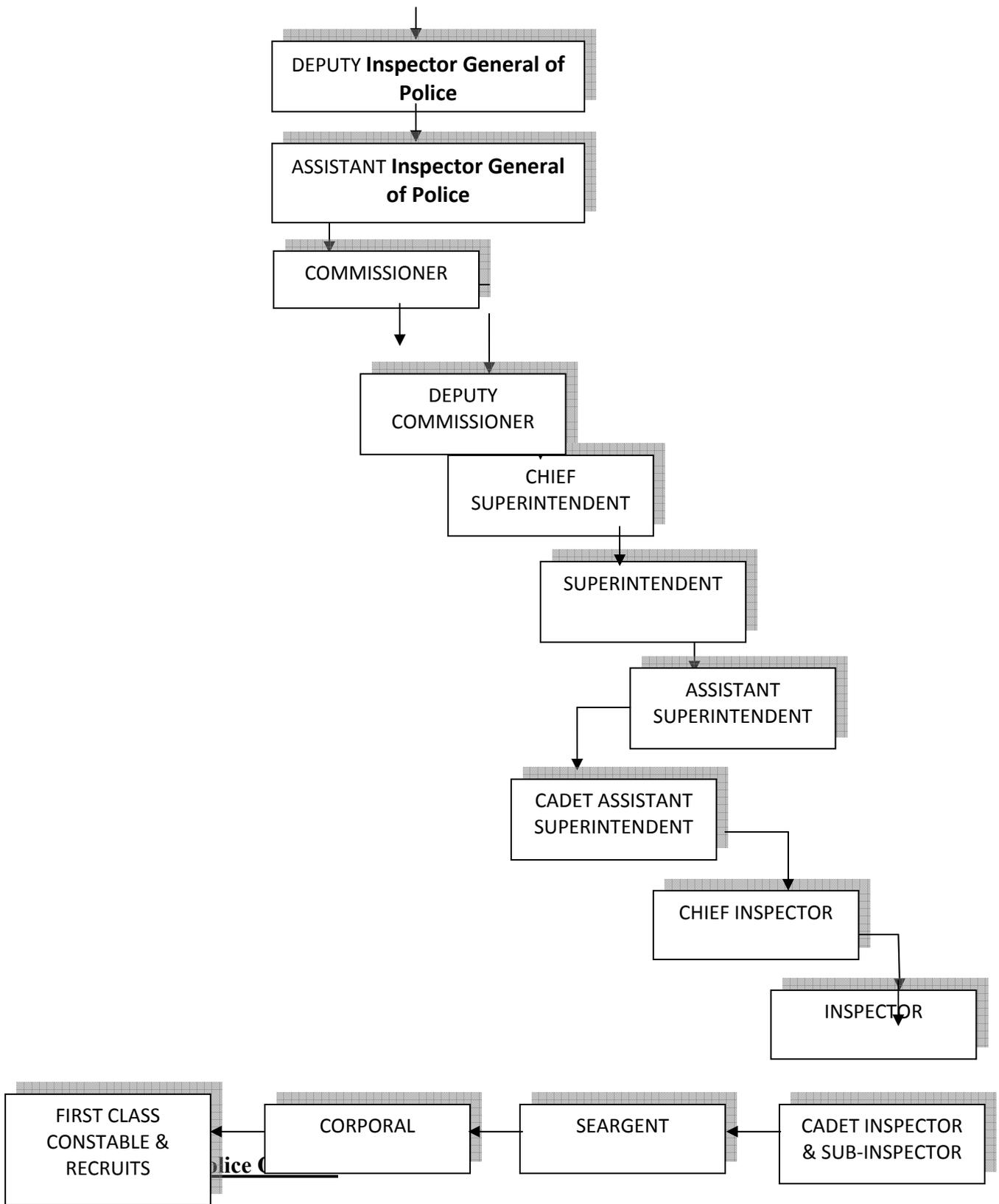
4. The Assistant Inspector General, Crime Management

This officer is the principal expert adviser to the Inspector General on all matters related to crime investigation and crime management in general. He ensures the regular computation of records on crimes committed in all the regions of the country and the following officers and Units report directly to him: 1) the office of prosecution and legal affairs, 2) Commissioner, Scientific Support, 3) Interpol Crime Investigation Unit, 4) Commissioner, Vulnerable Persons and 5) Commissioner, Organised Crime.

5. The Commissioner of Police, Administration

He is responsible for the management of the conduct, discipline and welfare of all senior and junior police officers. He works very closely with AIG Administration and has a crucial role to play in enforcement of accountability and in ensuring that the internal control structures and systems are fully operational and are efficiently managed.

As a result of budgetary constraints the units and departments of the Force are not yet adequately staffed and are operating at sub-optimum Organization Chart of Gambia Police Force:



The GPF has its own internal appointments and disciplinary commissions, which are fairly independent and are controlled by to the Inspector General of Police. The President of The Republic directly appoints the Inspector General and The Police Service Commissions recommends the appointment and promotions of Senior Police personnel from the deputy Inspector General to deputy Commissioner.

A separate appointments and promotions commission exists for junior and middle level police officers from the ranks of Inspector from to that of constables. The Deputy Inspector General of Police generally chairs this committee and their recommendations for appointment and promotion are subject to approval by the Inspector General.

Provisions and guidelines underlining Police orders

The Force Orders or Police Rules incorporated into the Police Act require all Police Officers to take Administrative an oath of loyalty to the President of The Republic and The Government when appointed. The oath should be taken before a Magistrate, or in the case of Senior Officers, before the Chief Justice. Every Constable is equally required to sign a declaration of allegiance and loyalty to the President of The Republic and to the Government of The Gambia.

Disciplinary offences in The Police Act

The first schedule of the Police Rules describes the type of offences, which attract different levels of punishment. The code identifies the following 15 offences which police officers are generally likely to commit:

Discreditable conduct - if he acts in a disorderly manner or any manner prejudicial to discipline or likely to bring discredit on the reputation of the Police Force.

1. Insubordinate or oppressive conduct i.e. if he -
 - a) is insubordinate by word, act or demeanour; or
 - b) is guilty of oppressive or tyrannical conduct towards an inferior in rank; or
 - c) uses obscene, abusive or insulting language to any other member of the Force; or
 - d) wilfully or negligently makes any false complaint or statement against any member of the Force; or
 - e) assaults any other member of the Force; or
 - f) suppresses any complaint or report against any member of the Force; or
 - g) is guilty of incivility or oppressive conduct to any member of the public.

2. Disobedience to Orders – that is to say, if he disobeys or omits or neglects to carry out any lawful order, written or otherwise.
3. Neglect of Duty – that is to say, if he –
 - a) neglects or omits promptly or diligently to attend to or to carry out anything which is his duty as a subordinate officer; or
 - b) idles while on duty; or
 - c) leaves the place of duty to which he has been ordered without due permission; or
 - d) by carelessness or neglect, permits a prisoner to escape; or
 - e) fails to report any matter which it is his duty to report; or
 - f) omits to make any necessary entry in an official document or book.
4. Falsehood or Prevarication – that is to say, if he –
 - a) knowingly makes or signs any false statement in any official document or book; or
 - b) wilfully or negligently makes any false, misleading or inaccurate statement; or
 - c) destroys or mutilates any official document or record or alters or erases any official entry therein.
5. Breach of Confidence – that is to say, if he –
 - a) divulges any matter which it is his duty to keep secret; or
 - b) without proper authority communicates to the public, the press or to any unauthorised person any matter connected with the Force; or
 - c) calls or attends, without the permission of the Commissioner, any meeting to discuss any matter concerning the Force; or
 - d) signs or circulates any petition, statement or communication whether authenticated or anonymous concerning any matter relating to the Force, except through the proper channel of correspondence, to the Commissioner.
6. Corrupt Practices – that is to say, if he –
 - a) fails to account for or to make a prompt and true return of any money or property received by him in his official capacity; or

- b) directly or indirectly solicits or receives any gratuity, present or subscription without the consent of Commissioner; or
 - c) places himself under pecuniary obligation to any member of the public or becomes a party to a promissory note; or
 - d) improperly uses his character and position as a police officer for his private advantage.
7. Malingering – that is to say, if he feigns or exaggerates any sickness or injury with a view to evading duty or, while absent from duty on account of sickness or injury, is guilty of any act or conduct calculated to delay his return to duty.
 8. Absence without Leave – that is to say, if he is absent without leave from, or is late for, parade, Court or any other duty.
 9. Uncleanliness – that is to say, if, while on duty, or while off duty in uniform in a public place, he is improperly dressed or is dirty or untidy in person, clothing or in appearance.
 10. Damage to clothing or other articles – that is to say, if he –
 - a) wilfully or by carelessness causes any waste, loss or damage to any clothing, book, document or other property used by him in the course of his duties or entrusted to his care; or
 - b) fails to report any such loss or damage, however caused.
 11. Drunkenness – that is to say, if, while on or off duty, he drinks or solicits any intoxicating liquor, which renders him, unfit for duty.
 12. Lending or Borrowing or Accepting Present- that is to say, if he lends money to any superior or borrows money or accepts any present from any inferior in rank.
 13. Being convicted of a Crime or Offence – that is to say, if he is convicted by a court of law of a crime or offence.

The punishments applicable for commitment of the identified offences range from

- Warning letters maintained in “confidential files”
- Reprimand
- Allocation of extra strenuous duties
- Imposition of different level of fines

- Confinement to barracks
- Stoppage or deferment of increments
- Reduction in ranks and
- Dismissal

The determination of the nature of the punishment to be imposed and its magnitude is entrusted to the administrative disciplinary organs of the Police Force, which are

- (a) The Police Disciplinary Committee for Junior Staff and
 - (b) The Police Disciplinary Committee for middle-level and senior police officers.
- Disciplinary proceedings are generally carried out in accordance with the standing orders of the Force.

Review and appeal against punishments

According to the police rules, the Inspector General may review any punishment inflicted on a subordinate police officer as a result of a breach of discipline and may confirm, alter or modify such punishment as may appear just to him. Officers or constables who also feel discontented or are aggrieved by disciplinary measures taken against them, may appeal against the decision to the Inspector General, who may use his discretion to maintain, modify or reject the punishment imposed.

Legal Framework and Structure of the Internal Control Systems

The Force has three active units established to perform the following functions;

- To prevent violations of basic human rights
- To ensure accountability to the public, to government and to the Management of the Service and
- To enlist the support and commitment of communities and citizens in general to facilitate crime prevention and detection. The units responsible for these factors are:
 - ✓ The human rights unit
 - ✓ The discipline and internal control Unit
 - ✓ The Community Policing Unit

The Human Rights Unit

The function of this small unit of the Force headed by an assistant commissioner is to ensure that the police respect the fundamental rights of individuals and avoid violating civil liberties in the

execution of their duties. Detained or suspected criminals should not under any circumstances be victims of torture or punishment. In addition to enforcing the fundamental human rights and civil liberties, the Unit is obliged to take appropriate measures to pursue and investigate all reported cases of abuse or violation of the rights of citizens. In this connection, the head of the Unit periodically conducts sensitization campaigns, and broadcasts in the mass media to encourage the public to expose to the Police Force, all known cases of violations of civil liberties, improper use of the authority and powers of police officers and improper and inhumane treatment of suspects and detainees. It is also to ensure that policemen are adequately equipped to protect the civic rights and liberties of ordinary citizens, guaranteed by the constitution, the unit periodically organises seminars and training sessions to instil knowledge of issues, legislation and conventions related to preservation of fundamental human rights.

The Discipline and Internal Control Unit (DICU)

This unit headed by an assistant commissioner is created for the sole purpose of administering and enforcing the disciplinary mechanisms and the control systems designed to maintain professional, ethical and behavioural standards as provided by the standing regulations of the Police Force. Although the Force falls under the ambit of Central Government, its conditions of service are separate, and are different from those that govern the civil servants. As a professional, specialised, disciplined force, the Personnel Management Office (PMO) of the Civil Service does not supervise the police. The Force has its own rules and regulations pertaining to recruitment, discipline, training and promotion. In short, it has its own service conditions, which are appropriate and relevant for a disciplined security force. High-powered Boards and Committees composed of high-ranking officers and security advisers have been established to supervise personnel, and the administration of the Police Conditions of Service, and standing orders. The Inspector General of Police or his representative generally chairs these committees. The main functions of the DICU are:

- I. Development of codes of conduct for the different ranks of the Force, consistent with “best practises” followed in other Commonwealth countries in particular;
- II. Review and revision of the Police standing rules and
- III. Enforcement of measures related to maintenance of high standards of discipline, ethical behaviour and accountability.

The Community Policing Unit – (CPU)

This form of policing has been adopted in the Gambian traditional structures and cultural systems, long before the modern concept was developed and introduced in the country. Before

the advent of the police force in the Gambia, management of crimes and conflicts were entrusted to traditional structures and communities, comprising committee of elders, district authorities, village communities, Imams, religious elders, Alkalolu (Village heads), and traditional chiefs. These structures enjoyed the support and confidence of local communities and grass-root organisations, and their “modus-operandi” was deeply rooted in the cultural norms and values of society. The roles they played include:

1. Crime prevention,
2. Crime detention and
3. Crime Management in general.

The traditional justice delivery system was fast, cost-effective, and positive results were achieved at very little financial and social costs. The procedures utilised were generally transparent and simple. With the creation of the Gambian Police Force and the advent of the modern concepts and practices of policing, the impact of the traditional structures and systems has diminished, but many of the traditional structures and systems are still largely utilised in the justice delivery system.

Community policing in its modern form was introduced in the Gambia Police Force in 2004 by a Canadian sponsored project, called Halifax Regional Police. Saint Mount Vincent University through an International Non-Governmental Organisation (NGO) established in the Gambia, - Nora Scotia Gambia Association. The project manager worked very closely with designated senior managers in the Police Force, to disseminate information on the concept, purposes and modalities of community policing. The Senior Management of the Force and the Minister of the Interior established local community and organs in the various regions of the country to enhance collaboration between the Police and the communities to promote and popularise the philosophy of Community Policing. In-depth discussions with some officers revealed scepticism about the achievements of the prescribed objectives. Many believed that Community Policing was being vigorously marketed by the West to create employment opportunities for retired police officers from Western Countries.

The principles underlying the concept of community policing may be summarized as follows:

1. Enhancement of Community police partnership in the pursuit of crime detection and management.
2. Engagement of Communities for development of problem solving mechanism related to crimes and conflicts.
3. Intensification of foot Petrol to dispel mistrust between the police and the public and to faster collaboration and sharing of knowledge between the two parties.
4. Empowerment of citizens and communities in the fight against crime, and enforcement of commitment to the belief that ‘every good citizen is a police officer and should always share information, advice and guidance with the Police irrespective of social and cultural costs and inhabitations’.

5. Organisation of sensitisation forums and campaigns to disseminate information on the objectives and principles of community policing.

Evaluation of the Efficiency and Effectiveness of the Internal Control Mechanism

It is clear from the information and the analysis already presented that the Gambia Police Force has established appropriate structures designs to promote accountability, discipline, transparency and professional integrity in the performance of police functions. It is also evident that there exists an appropriate organisational structure, which clearly defines the functions and responsibilities of the Police Force. The focus of the following section is to critically examine two fundamental issues;

1. How effective and efficient are the existing structures and systems?
2. What contributions have they made to maintenance of transparency, accountability and observance of professional discipline and integrity in the Gambia Police Force?

Effectiveness and Efficiency

This subject was thoroughly analysed by a comprehensive study undertaken by the University of Gambia, sponsored by the United Nations Economic Commission of Africa – UNECA in November 2007, entitled. The study was on ‘Indicators For Monitoring Progress Towards Good Governance – A Case Study On The Gambia.’

The study provided a secondary source of data on perceptions of a cross-section of the community.

The overriding objective of the national assessment exercise was to monitor progress achieved by government institutions, the police and the judiciary in particular towards the attainment of good governance practices from 2004 to 2007. The study utilised the perceptions of

- An expert panel of 150 professionals,
- A cross-section of 3000 rural households,
- Desk-based research related to the following:
 - a) Institutional capacity and effectiveness,
 - b) Efficiency in the delivery of services,
 - c) Effectiveness of government policies and structures.

The findings of the study shed light on the public perception of the effectiveness and efficiency of the internal control systems and structures in the Police Force. The study revealed varied

perceptions on issues related to conduct and integrity, and maintenance of human rights and liberties.

The majority of household heads was of the view that police officers generally perform their duties well and adheres to the professional standards required of them. About 32.3% of the household indicated the police perform their duties moderately well while 25.2% claimed that the police perform their duty very well. On the issue of violation of human rights, the perceptions of household were generally positive. The majority of respondents that is 34.2% upheld the view that violation of human rights rarely result from police action while same 12.6% claim that violation of human rights always result from police action. Some 15.3% claim that these never occur as a result of police action. The nature of human rights violations by the police includes arrest and detentions incommunicado for several weeks or days without charge or trial. The student, riots of April 10 and 11, 2001, in which several students lost their lives was seen by many as violations of the student rights to conduct a peaceful public demonstration against the government. From the perspective of the expert panel, the image of the police as a law enforcement agency was generally positive as far as the applications of the rule of law and the protection of the rights of the citizens are concerned. About 38% of the expert panel held the view that violation of human rights and the rule of law were generally absent.

On the issue of professional integrity, the perceptions were mixed and were less positive. Over 39% of households and experts felt that as a result of the combined problems of low levels of remuneration and incentives, poor conditions of service and lack of adequate tools and resources for work, the level of corruption in the police force was considered generally high and was deemed to be increasing as a result of worsening economic conditions in the Gambia. Interviews conducted with diverse personnel at headquarters in the regions revealed many factors that negatively impact on the efficiency and effectiveness of the established internal control structures and mechanisms.

Discussions conducted with several senior officers and some staff of the unit confirmed the existence of a wide range of limitations and restrictions. The control and disciplinary unit concentrates mainly on resolving conflicts among police personnel and settlement of mundane personal problems e.g. recovery of debt owed, recovery of loans and impositions of sanctions for violation of police standing order. The unit does not have the personnel, the resources and the capacity to engage the public to pursue cases of violation of rights of citizens. This problem is further compounded by the fact that local communities are generally reticent to report sensitive cases to the police or to provide legitimate evidence in their possession to facilitate the pursuit of criminals and offenders. The strong social and cultural ties and obligations that governed relationship in the community are generally valued and many avoid the creation of social tensions and enmity.

The human rights unit existed for over 10 years, but it is not very proactive or effective. Violations on human rights are supposed to be reported to this unit by the public for investigation and follow up remedial action. In reality very few cases are reported annually. My enquiries did not elicit reliable information on details of reported cases, since many were classified.

Constraints on the Effectiveness of the Internal Control Systems

1. The first major challenge identified by many officers is inadequate investment in training of personnel and capacity building, particularly at the levels of the middle and junior cadres. Although a training school exists, it is not reasonably resourced and staffed. This school is viewed by many as a place where policemen are sent for punishment.
2. A second major challenge, which undermines the accountability to the public and to the government, is the great difficulty police face in getting to scenes of accidents as soon as they occur. The GPF has extremely limited transport capability. There is a dearth of functional motor bicycles and vehicles suitable for visits to certain locations and terrain around the urban areas. The National drug squad are hard pressed to cover their areas because of extremely limited resources invested in communication equipment such as police radios, transportation e.g. police cars & motor bikes, and accommodation facilities for undercover assignment and police body scanners for searching crime suspects.
3. A third major challenge seriously emphasized by the Inspector General himself is the increasing explosion of cyber-based or computer related organised crimes. The current established Units of the Police Force are ill equipped to adequately deal with such crimes because of the sophisticated technological expertise, which is chronically lacking. The professional skills and expertise required in discovering and managing Internet- related crimes e.g. computer hacking and the unique skills required for the gathering and interpretation of forensic evidence e.g. DNA profiling are greatly lacking in The Gambian Police Force. Secondly, the laboratory equipment and facilities needed for this purpose are also not available. The police force is often obliged to utilize the services of foreign experts who are not only expensive but are often not readily available during periods of criminal investigations and prosecutions. It was emphasised that cyber crimes are often organised with the collaboration of International networks and the techniques and processes utilized are very often too sophisticated and complex. The Police force is already investing effort and resources to develop local expertise and laboratory facilities to cope with the situation but cases of cyber crimes are increasingly mounting.
4. A fourth major challenge jeopardizing the internal control mechanisms and accountability is inadequate and inefficient maintenance of records and reports furnished by members of the public and informants. The GPF uses paper management systems in all their offices as a result of the lack of reasonable number of computers and related training programmes. This results in a cumbersome workload open to erroneous and misplaced information being produced and promulgated. Lamenting on the problems resulting from lack of systematic and accurate records mechanism at Senior Management level, a visiting consultant wrote: “Because of the lack of systematic and accurate records, some police officers had worked

past their retirement age and others had left the service but were still being paid. Records do not accurately show what complement of officers there were even where they are posted. Records on the training and development of officers are not accurately maintained and succession planning is not accorded the priority in merits. Very often, it is frustrated by attrition, dismissal and compulsory retirements.”

5. A fifth major challenge, which is by no means confined, to GPF is the impact of political interference and political patronage. Many of the officers interviewed confessed that this factor influences to some extent processes of recruitment, postings and promotion. Fortunately at the Senior Management level, the influence is less pronounced and the chain of command and the hierarchy are normally respected. Promotion at the Senior Management Level is mainly based on seniority unless there are compelling reasons why legitimate succession has to be ignored. During the last two months, the last Inspector General and his deputy together with the Head of the National Drug Squad and his three deputies, were summarily dismissed and detained in the serious crimes wing of the Banjul Mile Two Prisons for involvement in alleged coup d'état plots and for drug trafficking. This dramatic shake-up in the Police Force, coupled with the removal and detention of the Brigadier General and Head of the Army, the Army Chief of staff, and several other civilians and army officers, during the past three months created an environment of intense insecurity and suspicion which made the conduct of interviews and the collection of material on accountability and control mechanisms extremely difficult. Many of the officers felt uneasy and hesitant to provide information and discuss issues related to transparency, control and accountability mechanisms in the Police Force.

6. A sixth major challenge identified was inadequate utilisation of mechanisms in the Police by the general public because of lack of faith in their efficiency and effectiveness and the lengthy periods involved in dealing with complaints and reports. Our investigations revealed that many members of the community prefer to submit their complaints and reports to watchdog civil organisations like: 1) The African Centre for Human Rights and democracy (sponsored but the African Union and the United Nations Economic Commissions for Africa (UNECA) established in the Gambia since 2002; 2) The African Centre for Human Rights; 3) the Gambia Press Union; 4) the traditional and community structures and 5) the office of the OMBUDSMAN. The services provided by these organisations are more expeditions, more transparent and less cumbersome than those provided by the Internal Control Units of the GPF.

Recommended Measures for Improvement of Police Accountability

The most formidable challenge restricting the enhancement of accountability in the Force is acute shortage of manpower and material resources. The Internal Control Units are ill-equipped, ill-staffed and lack vital resources. The personnel available lack the technical, administrative and professional capacity required for handling complaints, investigating their root-causes and taking effective action. The administrative systems and procedures are extremely time consuming and cumbersome. The resources required to visit crime scenes in order to conduct investigations (e.g. transport, fuel, investigating equipment) are often not readily available.

1. In order to address these challenges, the GPF has to augment the manpower and material resources available in the Internal Control Units.
2. The second recommended measure is to drastically improve the existing processes in place for record-keeping and data retrieval mechanisms. It was confided in me that reports and letters submitted to the Units have to be channelled through numerous routes for evaluation, comments and directives and in the process prolonged delays occur. Personnel working in these Units should be provided with training on basic Microsoft database packages such as “Microsoft Access” and “Excel”. It is further recommended that the equipment and staff should be fully supported by continuous maintenance and training.

The third measure is vigorous enforcement of a staff appraisal system. According to the conditions of service, staff appraisal reports are supposed to be completed annually and should be one of the major determinants of promotion and staff development. In reality, appraisal forms are not regularly completed, and the results do not always influence promotion and career development prospect.

Chapter Five
Internal Control System in Liberian Police
By
Cecil B. Griffiths

Introduction

Liberia was founded and colonized by freed American slaves with the help of a private organization called the American Colonization Society in 1821-1822, on the premise that former American slaves would have greater freedom and equality there. Slaves freed from slave ships also were sent there instead of being repatriated to their countries of origin.

These colonists formed an elite group in Liberian society, and, in 1847, they founded the Republic of Liberia, establishing a government modeled after that of the United States, naming Monrovia, their capital city, after James Monroe, the fifth president of the United States and a prominent supporter of the colonization.

Liberia has a unitary system of government, headed by an executive president. The Constitution provides for three separate and distinct branches of government: the Legislature, the Judiciary and the Executive branches.

The Executive branch of the government is headed by the President. Other parts of the branch are the Cabinet and the Vice President. Presidents are elected to six-year terms and can serve up to two terms in office. The President is both the head of state and the head of the government, and resides at the Executive Mansion in Monrovia.

The Legislature of Liberia is a bicameral body with an upper chamber Senate and the lower chamber House of Representatives. Each county sends two senators to the legislature for a total of 30 senators, while the 64 seats in the House are distributed among the 15 counties based on the number of registered voters, with a minimum of at least two from each county. Senators serve nine-year terms (only six-year terms for junior senators elected in 2005) and members of the House six-year terms. The Leadership consists of a Speaker in the House and a President Pro Tempore in the Senate. Liberia's Vice President serves as the President of the Senate. The legislature meets in the capital city of Monrovia.

Liberia's highest judicial authority is the Supreme Court, headed by the Chief Justice. The five justice court holds sessions at the Temple of Justice on Capitol Hill in Monrovia. Members are nominated to the court by the President and are confirmed by the Senate and have lifetime tenure. Under the Supreme Court are 15 circuit courts, one in each county.

The population of Liberia stood at 3,476,608 people, as of the 2008 census. The population comprises 16 indigenous ethnic groups, the largest of which are Kpelle 20%, Bassa 16%, Gio 8%, Kru 7%, and 49% spread over 12 other ethnic groups. With a landmass of 111,369 square

kilometers (43,000 sq mi), Liberia is divided into 15 counties, which are subdivided into districts, and further subdivided into *clans*.

It is estimated that as much as 40 percent of the population of Liberia practices either Christianity or Christianity combined with elements of traditional indigenous religious beliefs. Approximately 40 percent exclusively practices traditional indigenous religious beliefs. An estimated 20 percent of the population practices Islam. A small percentage is Baha'i, Hindu, Sikh, Buddhist, or atheist.

Liberia was one of the most peaceful countries in Africa until a military-led coup in 1980 led by Master Sergeant Samuel K. Doe, overthrew then-president William R. Tolbert, which marked the beginning of a period of instability that eventually led to a civil war that left hundreds of thousands of people dead and devastated the country's economy.

The civil war began on the eve of Christmas 1989, when a small group of Libyan-trained rebels led by Mr. Charles G. Taylor invaded Liberia from the Ivory Coast. Taylor's National Patriotic Front rebels rapidly gained the support of Liberians because of the repressive nature of Samuel Doe and his government.

The Economic Community of West African States (ECOWAS) intervened and succeeded in preventing Charles Taylor from capturing Monrovia. Interim Government of National Unity (IGNU) was formed in Gambia under the auspices of ECOWAS in October 1990 and Dr. Amos C. Sawyer became President. Sawyer was backed by a Nigerian-led peacekeeping force, known as ECOMOG (ECOWAS Monitoring Group). Taylor refused to work with the interim government and continued the war.

Other warring factions - the United Liberation Movement with two wings referred to as ULIMO-J and ULIMO-K, the Liberia Peace Council, NPFL-CRC, the Lofa Defense Force and remnants of the Armed Forces of Liberia loyal to former president Samuel K. Doe – joined in the fight. In September 1995, after failing to honor more than 13 signed peace accords, under the auspices of the Economic Community of West African States, Liberian Council of State comprising the seven warring factions was formed under the Abuja Peace Accord. A final cease-fire and peace accord in 1996 was followed by the installation of a transitional government of all factional leaders.

Mr. Taylor won the 1997 elections, but after two years another civil conflict, the second Liberia civil war began in 1999 and ended in October 2003, when UN and US military intervened to stop the rebel siege on Monrovia and exiled Charles Taylor to Nigeria until he was arrested in 2006 and taken to The Hague for his trial. By the conclusion of the final war, more than 250,000 people had been killed and nearly 1 million displaced. Half that number remains to be repatriated in 2005, at the election of Liberia's first democratic President since the initial 1980 *coup d'état* of Samuel Doe.

The 2005 elections produced Liberia and Africa's first female president, Madam Ellen Johnson Sirleaf, who with the support of the United Nations Mission in Liberia (UNMIL) has been able to consolidate the peace and promote a stable environment for economic and social development.

Notwithstanding, security challenges still remain arising from land disputes, and the failure to bring to justice those individuals that bore the greatest responsibilities for the war.

Overview of Liberia's Legal and criminal justice system

Liberia has a dual system of statutory law based on Anglo-American common law and customary unwritten law for the native sector for exclusively rural ethnic communities. The legal system is adversarial, and in criminal cases the prosecution has to provide proof beyond reasonable doubt to be able to secure a guilty verdict.

The prosecution falls under the Ministry of Justice, with the Minister of Justice also serving as Attorney General and chief prosecutor, assisted by a Solicitor General and county and district attorneys. The public defenders are however under the Judiciary.

The courts are structured in three levels – the Supreme court, which is final arbiter of constitutional issues, and exercises final appellate jurisdiction on all cases whether emanating from courts of record, courts not of record, administrative agencies, autonomous agencies or any other authority, both as to law and fact, except cases involving ambassadors, ministers, or cases in which the country is a party, and in all such cases, the Supreme Court shall exercise original jurisdiction; circuits courts which are trial courts of general jurisdiction, with each political sub-division having a circuit court; and lower courts such as magistrate courts and justices of the peace courts which try minor matters. There are also special trial courts in Monrovia dealing with specific issues such tax, probate, juvenile, civil issues. Due to the volume of cases received in Montserrado the criminal court is sub-divided into five branches, Courts A, B, C, D, And E, with each dealing court with specific criminal offenses.

The prisons fall under the Ministry of Justice, having an Assistant Minister for Corrections as head of the prisons (Bureau of Corrections and Rehabilitations).

Challenges of Liberia's Criminal Justice System

Although there has been remarkable improvement with respect to Court attendance on the part of Judges assigned to Circuit Courts, these Courts are still unable to function properly, mainly due to the persistent shortage or absence of prosecutors and defense counsel. A similar situation exists in Magistrates Courts, with the added problem that Magistrates are also frequently absent from Court. As a result disposal of cases is slow, and defendants are held in pre-trial detention for prolonged periods, in violation of human right standards under the right to a fair trial. Consequently, victims' rights to protection and access to justice are hindered.

Furthermore, implementation of the laws and procedures that relate to juveniles in conflict with the law and in need of care and protection is inadequate due to the absence of a fully functional juvenile justice system. With the exception of the Juvenile Court established in *Montserrado County*, no Juvenile Court has been established in the other 14 Counties as required by the Judiciary Law. Under a provisional arrangement, the Juvenile Court Procedural Code (JCPC) has conferred jurisdiction over juvenile cases to Magistrates Courts. However, many Magistrates

lack training and expertise to apply the JCPC. Juveniles under 16 years of age continue to be placed in detention without Court orders contrary to provisions of the JCPC and in the absence of separate detention facilities for juveniles they are usually detained with adults.

Due to low budgetary allocation to the corrections sector, the physical infrastructure of prisons and places of detention are weak, correctional institutions are understaffed and staff are inadequately trained. Frequently, official staff is supplemented by volunteers, raising concerns about accountability and other problems associated with using untrained staff. In the absence of detention facilities in some parts of the country, some Magistrates have resorted to unlawfully establishing and operating detention facilities as a stop gap measure.

Also, as a result of the weaknesses associated with the criminal justice system, the majority of inmates are in pre-trial detention³⁴ and often over extended periods. This has contributed to overcrowding in almost half of the country's corrections facilities³⁵ rendering them deplorable and unhygienic.

Furthermore, effective prison management becomes severely compromised when inmate numbers dramatically exceed the facility's operational capacity, which, coupled with poor logistics, absenteeism and dereliction of duties by the respective officers create an environment conducive to escapes.

Historical overview of the Development of the Police in Liberia

Prior to 1920, when Charles Alphonso Caine, a former Sergeant from the Gold Coast Police Force was asked by the Government to recruit and train a temporary police force of twelve men, a traditional system of policing existed in Liberia. This system called for the total cooperation, participation and collective efforts of all residents in the pursuit and apprehension of a perpetrator through the "hue and cry" approach.

In 1925, Constabulary Police Force was established under the Commonwealth District of Monrovia under the direction of Major Abraham Butler as its first Superintendent. The Liberian Police Force began a process of decentralization in 1949 based on recommendations of Sergeant Leon M. Jordan from Kansas City, United States of America, who had been contracted to help establish a decentralized police force. The Constabulary Police Force was placed under the supervision and control of the Department of Justice, through an act of the Legislature, and the administrative title of Superintendent of Police was changed to Commissioner of Police, with Mr. Charles L. Cooper becoming the first Commissioner.

In 1960, the National Police Force was re-organized and the nomenclature of the head of the Police was changed from Commissioner to Director by an act of Legislature with Mr. E. Luzon Harmon becoming the first Director.

The military coup of 1980 led by Master Sergeant Samuel K. Doe brought serious disruption in the professional development of the police and other security services. Personnel were recruited into the security services based on political and tribal considerations. Promotions were politicized, rather than based on merits. The quality of services therefore significantly

deteriorated and corruption became a common practice among police officers. The previous high level of professionalism was undermined by poor supervision and control.

As a result of the perceived role of the police and other security services in fermenting the civil conflict, the Accra Comprehensive Peace Accord, which brought an end to the 14 years conflict, called for the restructuring of the Police and other security services. Reform efforts have been underway since 2004, with the Police de-activating over two thousand five hundred officers, and recruiting and training new officers.

The Police Force is currently headed by a Director (Inspector General of Police), who is appointed by the President of Liberia, with the advice and consent of the Liberian Senate. The Police department falls under the Ministry of Justice and the head of Police reports to the Minister of Justice.

In terms of command and rank structures, new ranks were recommended in order to buttress the ongoing reform efforts and bring the LNP rank structure in line with those within the sub-region. An executive order was issued by Transitional Government Chairman Guyde Bryant changing the title of the Director of Police to that of Inspector General of Police (IGP), deputy directors to Deputy Inspector Generals, and introducing other ranks such as Commissioners and Superintendents. Unfortunately, the new ranks have not been approved by Parliament and as Executive Orders last for only a year, the new ranks are considered illegal. Efforts are underway to pass legislations that would legitimize the new ranks and the reform process as a whole.

There is no Police Commission or Council, and promotions are given based on the LNP Promotion Policies. In the past promotions were not based on merit, and prior to the reform exercise, there were more senior officers than junior officers in the Police.

In 2004, in fulfillment of the Accra Comprehensive Peace Accord, the government of Liberia and the United Nations Mission in Liberia (UNMIL) began the restructuring of the Police. All police personnel were asked to re-apply and a rigorous vetting took place. Over two thousand police officers were de-activated from the service for either poor service record, not meeting the educational requirement, involvement in human right abuses, long service, old age, physical disability, or criminality.

Over two thousand new officers were recruited to meet the target of three thousand police officers. A new elite police unit, the Emergency Response Unit (ERU) was established to combat armed robbery and other forms of violent crimes. The Police Support Unit was also established to manage riots and mob situations. A Women and Children Protection Section has also been created to investigate cases of sexual and gender based-violence and handle juveniles in conflict with the law.

Notwithstanding all of these developments, the Liberia National Police (LNP) is still faced with major constraints, including, serious limitations in logistics and infrastructure, and insufficient funding to cover operational and recurrent costs. Complainants are sometimes burdened with expenses such as transport costs for police officers to carry out their duties. In so far as a crime is an act or omission in violation of a public law forbidding or commanding it, the responsibility of

meeting the costs related to the criminal justice process lies with the Government. The Government abdicates its responsibility in this respect when it fails to provide the resources required for a criminal justice system to function efficiently and effectively. Lack of logistics also constrains the ability of police officers to investigate cases and collect evidence in a timely manner, which in turn affects the quality of prosecution.

Although the number of police officers deployed outside Monrovia has increased and several police stations have been rehabilitated, police presence beyond County capitals remains limited. In some outlying locations, the total absence of law enforcement structures or their inadequacy is further compounded by the nonexistence of functional judicial structures, posing a threat to peace and security.

In addition to the Liberia National Police, which has national jurisdiction, there is a police force for the city of Monrovia, called the Monrovia City Police, which is under the jurisdiction of the Monrovia City Corporation, headed by the City Mayor.

There are also hundreds of private security companies operating in Liberia. The Ministry of Justice is responsible to issues permits to private security firms to operate.

The Liberia National Police Internal Control System

Establishment Laws

There are no constitutional provisions regarding the establishment of the police. The establishment of the police like many other government agencies is through the Executive Laws of Liberia. Although several legislations had been passed aimed at enhancing the performance of the Police, the current legislation by which the Liberia National Police operates is contained in Chapter 13, Sub-Chapter “A” of the Executive Law in the Liberian Code of Law Vol. 11 and revised under Section 22.70 of the Executive Law of 12th June 1975.

The general duties of National Police Force

The National Police Force shall be employed for the:

- Detection of crimes,
- The apprehension of offenders,
- The preservation of law and order,
- The protection of life, liberty and property and
- The due enforcement of all laws and regulations with which they shall be directly charged.

In terms of organizational structure, the Police has two major bureaus, administration and operations respectively, each headed by a Deputy Director or Deputy Inspector General. The administrative department consists of several divisions including personnel, logistics, planning and research, finance, maintenance, records and identification, the chaplaincy, community services, public affairs, communications, professional standards, logistics, etc.

The Operational wing of the police consists of the patrol division, the crime services division, the public safety division (responsible for licenses and vehicle registration, the traffic ticketing section, a highway patrol unit, the crime laboratory, intelligence section, and leeward commands.

For operational purposes, the Police are divided into 5 regions. Region 1 consists of the Central Patrol division, which covers all Police stations and substations in Monrovia (Zones and depots), the Police Support Unit (PSU), the Police Emergency Response Unit (ERU) and other Police stations in Montserrado, Margibi and Grand Bassa Counties.

Region two covers Police detachments in Grand Cape Mount, Bomi and Gbarpolu counties, while Region 3 consists of detachments in Lofa, Nimba and Bong counties. Region 4 covers Sinoe, Rivercess and Grand Gedeh counties, and Region Five includes Maryland, River Gee and Grand Kru Counties.

The Police Training Academy is mandated to train all police officers, as well as personnel of other security services, and has as its head, a Commissioner.

The present strength of the Police in January 2010 was 3,931 (3351 males and 580 Females). Female percentage is 17.31%¹⁵.

The Internal Control Framework

The two documents that provide for internal discipline and control are the Liberia National Police Duty Manual Revised approved April 1, 2008, and the Liberia National Police Professional Standards Policy and Procedure, approved April 19, 2010.

The LNP Duty Manual provides the overriding framework and guidance to ensure effective force functioning. It reaffirms the force commitment to the impartial and effective delivery of police service, the adherence of members of the Liberia National Police to the Code of Conduct, the effective management and administration of the force. The and required standards of conduct and behavior, The manual provides the basic frame work of authority and provides members of the LNP a clear guide to duties and responsibilities and required standards of conduct and behavior. It covers standards of conduct, and prescribed duties and responsibilities for members of the service; legal functions and duties of members of the LNP, general conduct, uniform and appearance; and specific conducts that are prohibited including Abuse of power and authority.

¹⁵ (Deputy Chief of Personnel, Liberia National Police, May 4, 2010.)

The Liberia National Police Professional Standard Division (PSD) Policy and Procedure handbook approved by the Minister of Justice on April 19, 2010, on the other hand contains provisions on the fundamentals on the LNP Disciplinary process; the functions of the Professional Standards Division; accepting complaints of LNP officers Misconduct; investigating internal and public complaints; interviewing procedures; PSD decision making and recommendations; Role of the Board of Review, PSD Inspection, Evaluation and Assessment Procedures; Investigative and Operational Support to the PSD.

Section 9 of the PSD policy and procedure document provides the primary duties and responsibilities of the Professional Standards Division (PSD) as follows:

1. To receive, record, and investigate any complaint or information alleging LNP misconduct
2. Inspect, assess and evaluate LNP systems; maintain, track and report on all cases of police misconduct, including the incorporation of a mechanism for the distribution of rules and regulations, policies and procedures and provide for the review and revision as necessary; ensure that sufficient opportunity for redress of any imposed sanction is provided to subject LNP officers;
3. Provide timely report to the Director/IGP on the activities of the PSD and on all disciplinary cases
4. And provide report to the Director/IGP that shall be used for the public dissemination on LNP disciplinary matters

Structure and organization

The Professional Standards Division is composed of three sections, the Internal Affairs Section, the Public Complaints section and the Inspections and Control section.

The Internal Affairs Section has primary responsibility for the investigation and case management of all internal complaints of misconduct and indiscipline under the supervision of a modules supervisor.

The Public Complaints Section is responsible for the investigation and case management of all citizens' public complaints of police misconduct and indiscipline.

The Inspection & Controls Section of the PSD comprises of investigators with primacy for internal audits and inspections, assessment and, and analysis to identify Trends, patterns, practices, behaviors and systematic deficiencies; and corruption with recommendations and defining of necessary corrective actions.

A Chief with the rank of Deputy Commissioner of Police heads the PSD. He is assisted by the PSD Sectional Commander, who supervises the three Modules supervisors (Internal Affairs, Public complaint, and Inspection and Control).

Since the Police Act does not provide for any disciplinary process or sanctions for the police, Internal; discipline polices and regulations form the basis for any disciplinary action.

Offences that can be tried under internal disciplinary process

Offenses that can be tried under the internal disciplinary process are divided into three categories as follows:

Category A

- Failure to Act Courteously
- Financial Obligations
- Punctuality
- Failure to Observe City Limits
- Failure to Give Name or Other Information
- Neatness and Attire
- Failure to Maintain Proper radio Communications
- Failure to Observe Residency Policy
- Failure to Complete Official Reports
- Failure to Observe Publicly Posted Information
- Failure to Report Change in Personal Status
- Participating in Political Activities while on Duty
- Failure to Observe Uniform restriction
- Unnecessary Use of Vehicle Emergency Equipment
- Abuse of Sick Leave

Category B

- Failure to Maintain Impartial Attitude
- Sleeping on Duty
- Failure to Maintain Off Duty Responsibility
- Entering Liquor House
- Participating in Improper off Duty Employment
- Posting Bail
- Inventory and Processing Property
- Participating in a Strike, Demonstration or Slowdown
- Accepting Gifts
- Soliciting Business, intra department
- Suggesting Bondsmen or Attorneys
- Failure to Report Firearm Discharge
- Attendance in Court
- Making Unauthorized Public Statements
- Rough or Careless Handling of City or Department Property
- Unauthorized Passengers
- Feigning Illness or Injury

Category C

- Lewd/Obscene Conduct
- Failure to Report Information Concerning Criminal Activities
- Truthfulness
- Consorting
- Neglect of Duty
- Failure to report Improper Conduct
- Failure member Under Investigation
- Leaving Duty Assignment
- Insubordination
- Intimidation
- Harassment
- Soliciting Gratuities
- Unnecessary Display of Firearms
- Personal Use of City or Department Property
- Unauthorized Operation of Department Vehicles

Category D

- Disobedience
- Narcotics
- Unnecessary Force
- Careless Handling of Firearms
- Losing Control of Firearm
- Possessing Unauthorized Weapons
- Failure to Report for Duty

What happens to offences that cannot be tried within the Force?

Misconduct by very senior officers, particularly those appointed or commissioned by the president are referred to the Minister of Justice, who depending upon the case will set up an independent board of investigation composing investigators from other security agencies and civil society groups. There has been an instance in which the President of Liberia had set up investigative board to investigate the Director of Police for misconduct.

Mechanisms for receiving petitions from Citizens

Section VII, Counts 21-25, of the Liberia National Police Professional Standards Division Policy and Procedure, approved April 19, 2010, provides the framework for receiving complaints against police officers as follows:

Count 21: All public complaints of LNP misconduct, regardless of the source, including anonymous complaints, and at any time, written or oral, shall be readily accepted and expeditiously investigated. Any LNP officer who is informed of or is witness to a complaint or incident of LNP misconduct is obliged to report the information to the LNP PSD through his or her commanding officer without delay. Failure to do so is a category 3 offense in the LNP Duty

Manual Annex 3. Citizens will not be obliged to make sworn statements to initiate the public complaint process.

Count 22: When an LNP officer or member of the PSD receives a public complaint, the LNP officer shall explain to the complainant the LNP disciplinary process if the complainant is present.

Count 23: All public complaints against members of other Liberia statutory law enforcement agencies reported to the LNP shall be forwarded to the PSD and recorded as an incoming complaint. The details shall be noted and the case referred through the LNP Director/IGP to the Head of the respective agency. Upon referral the LNP shall close the case, however if the case is of a criminal nature the LNP shall refer the case to the Crime Services Division (CSD) for investigation.

Count 24: Failure of an officer or Commanding officer to comply with this procedure shall be considered as a serious violation and misconduct

Count 25: A complainant has the option to use a pseudonym while lodging the complaint(s). The complainant's actual name shall be treated in accordance with the standards of confidentiality and shall only be available for the purpose of PDSO investigation. If the complainant is a material witness, confidentiality may not be guaranteed.

Trial processes and who has power to try different offences within the Force

Disciplinary offenses are divided into four categories (A, B, C, & D) under Annex 3 of the LNP Duty Manual captioned: SCHEDULE OF DISCIPLINARY PENALTIES.

1. Category A offences are minor rule violations, which can be handled at the unit, depot, section, or county level, typically by Lieutenants (Inspectors) or Sergeants. Disciplinary range covers training, education, counselling peer mediation, restitution, oral or written reprimand.
2. Category B offences are more severe rules violations or escalated A Violations which are handled by the Commander of the police station. Violators can receive up to five days suspension without pay.
3. Category C offences are major rules violations or escalated B violation, which can carry up to 10 days suspension without pay, demotion or termination from the service. The professional standards division must handle violations under this category.
4. Category D offences are serious rules violations (included but not limited to criminal offences) or escalated C violation, to be handled by the Professional Standards Division, and warrants more than 10 days suspension without pay, demotion, termination.

The Professional Standards Division has the authority to investigate all officers of the LNP with ranks falling under the level of the Chief of PSD that is Deputy Commissioners of Police. Deputy Commissioners of Police may be investigated by the PSD under special arrangements. The PSD cannot investigate the Director/Inspector General of Police, the Deputy Inspector General for Administration, the Deputy IG/Director for Operations and all Commissioners of Police. Complaints against such officers are forwarded to the Director/IGP for onward transmission to the Minister of Justice for Investigation¹⁶.

Procedure of work

Section VII, Counts 26-32 of the LNP Professional Standards Division Police and Procedure Manual provides the procedures for investigating Internal Complaints (that is Complaints filed against Police officers by a member of the Police force). Below is a summary of the process.

1. Upon receipt of a complaint, the PSD will notify the officer who is subject to the complaint, in writing, that a report has been made as well as the nature of the complaints. An investigation will then commence.
2. If the incident is determined to be of category A or B violations, the case is referred to the commanding officer of the accused for further investigation and appropriate action.
3. If the case is of a serious nature, a full investigation will be launched by the PSD. If preliminary investigation indicates possible criminal misconduct, the head of the PSD will provide details to the Director, who will then inform the Solicitor General, in writing with a copy to the Minister of Justice.
4. In the event an arrest is made of the officer will be given all constitutional protections, including right to counsel and the adherence of the 48 hour detention time-frame provided for in the Constitution.
5. All lawful investigative means may be used by the division to arrive at a proper disposition of the case to include inspection of records, interviewing of witnesses, questioning of the subject officer, surveillance, obtaining physical evidence, photographs, physical testing, searches and seizure, etc.
6. Upon completion of the investigation, a report shall be submitted to the Chief of the PSD by the section that handled the complaint, stating the facts of the case and the relevant LNP administrative violations and if relevant, the Liberia penal Code violated, with recommendations for appropriate sanctions.

¹⁶ LNP Professional Standards Division Policy and Procedure Section X, counts 39, 40, Pg. 10

In order to decentralize the functions of the PSD, the newly approved Policy and Procedure manual makes provision for the setting up of the PSD Regional Office, which shall coordinate with the Commanders of the five police regions. Due to logistical constraints the PSD function has not been fully decentralized, but investigators of the PSD make periodic visits to areas where serious complaints have been filed against police officers that require handling of the PSD.

Investigation of Senior Officers

As indicated earlier, the very senior officers cannot be investigated by the Professional Standards division, that is, those who hold the rank of Commissioners or above. All other officers from the rank of Deputy Commissioners and below undergo the same disciplinary process.

The punishments that can be imposed within the Force through the internal process are listed below. Upon investigation by the Professional Standards Division, the investigative report along with recommendation is forwarded to the Director of Police for his review and approval.

DESCRIPTION OF PENALTY CATEGORIES:

Category A

- Minor rules violation.
Handled at unit, depot, section, or county levels, typically by Lieutenants (Inspectors) or Sergeants.

- Any three “A” violations in one year escalates the third and any additional violations to Category B.
- No appeal
- Disciplinary Range
 - Training
 - Education
 - Counseling
 - Peer Mediation
 - Restitution
 - Oral Reprimand
 - Written Reprimand

Category B

- More severe violations of rules or escalated “A” violation.
- Handled at area level by affected Commanders
- Any three “B” violations in three years escalate the third and additional violations to Category C.
- Disciplinary Range
 - Training
 - Education
 - Counseling
 - Restitution
 - Written Reprimand

Up to 5 days suspension with pay cut

Category C

- Major rules violation or escalated “B” violation.
- Investigation handled by internal Affairs.
- Same or similar misconduct within five years escalates the second violation to Category D.
- Disciplinary Range
 - Training
 - Education
 - Counseling
 - Fitness for duty evaluation
 - Transfer
 - Restitution
 - Written Reprimand
 - Up to 10 days suspension
 - Demotion
 - Termination

Category D

- Serious rules violation (including but not limited to criminal violations) or escalated “C” violation.
- Investigation handled by Internal Affairs.
- Category D violations are a permanent part of an officer’s record and are always considered if further serious violations occur.
- Disciplinary Range
 - Training
 - Education
 - Counseling
 - Fitness for duty evaluation
 - Transfer
 - Restitution
 - More than 10 days to indefinite suspension
 - Demotion
 - Termination

Review of disciplinary decisions

Officers who have been disciplined following an internal disciplinary process can appeal to the office of the Director of Police for redress. The officer also has the option of filing an appeal to the Minister of Justice.

Statistics on number of officers that went through the internal process, for what offences and what are the outcomes (including types of punishment)

The table below provides insight on the types of offenses committed by police officers. Several include offenses that are criminal in nature, but the disposition does not indicate whether those involved were dismissed, prosecuted, or exonerated from the charges. These types of analysis are critical for assessing the effectiveness of the PSD, and they are not available.

Distribution of Cases Reported Against Police Officers, Nov. 2008 – Oct. 2009¹⁷

Violation Types	No. Of cases
Abandonment	4
Absent without leave	27
Action of Debt	47
Aggravated Assault	8
Armed Robbery	5
Burglary	1
Corruption	8
Criminal Facilitation	5
Criminal Mischief	8
Desertion of Post	12
Extortion	15
Gross insubordination	7
Harassment	23
Hindering law enforcement	1
Illegal detention	18
Illegal discharge of firearms	2
Illegal seizure	8
Misuse of power	14
Persistent non-support	61
Police brutality	83
Police Misconduct	186
Robbery	3
Simple assault	21
Theft of property	97
Terroristic threat	9
Unethical behavior	6
Total	716

Evaluation of the effectiveness of the internal discipline process

A great proportion of the public is not aware of the police internal discipline mechanism. However, for those who have experienced the system, perceptions of the effectiveness of the system are mixed. Interviews conducted with citizens who had filed complaints against Police

¹⁷ LNP 2009 Annual Report (Covering Period November 2008- October 2009)

officers based on the listing provided by the Professional Standards Division reveal the following:

Some were satisfied with the outcome of their complaints and praised the Police Professional standards Division for a job well done.

Some of the complainants did not know where to go to follow up their complaints. No sufficient information was provided them during the intake of their complaints. As a result their complaints remained pending, awaiting complainant's arrival.

Some said the process was cumbersome, many delays, and they felt tired going up and down, so they abandoned the case.

Others were not satisfied with the outcome of the investigations conducted by the Police. In some cases, when officers were found guilty of the misconduct, and ordered to make restitution, there is a delay in making the restitution. Some of the complainants said they are yet to receive all or part of the amount to be restituted.

A member of Parliament who had filed a complaint against a senior police officer for engaging in political activities while in uniform said she did not receive an acknowledgement of her complaint or any feedback on whether the complaint was looked into or not,

V: Challenges facing internal control system

The Professional standards Division is one of the most important units within the Police. The Policy and Procedure manual is well written, and if implemented to the fullest will indeed go a long way in regaining the confidence of the public. However, in the implementation of the procedure guidelines, there are several challenges to be addressed.

Interviews with staff of the Unit revealed the following:

- There is a shortage of manpower to effectively function.
- Lack of logistics is a great hindrance to the effectiveness of the Division. There is no adequate office space to enable PSD investigators conduct interviews, take statements and conduct investigations.
- The Division lacks a vehicle to follow up on cases.
- Officers are not provided with telephone facilities (calling cards) to enable them make contacts with complainants; hence many of the cases remained pending, awaiting the arrival of complainants because adequate follow up was not made by the PSD investigators.
- Actions recommended by the PSD following investigations are not swiftly implemented

Government interference

There has not been any reported incidence of government interference in the functioning of the internal control system (external interference), but there have been incidences in which senior officers tried to influence the outcome of cases handled by the PSD.

Firstly, the public in general do not know about the LNP disciplinary process, and how they can file complaints against police officers that misbehave. There are no information materials such as brochures, for the public to know how complaints can be filled against police officers. Hence there is an urgent need for the PSD to enhance its information dissemination mechanisms, to include the printing and circulation of fliers and brochures expanding the public complaint process and contact numbers that members of the public could use to get in contact with police authorities.

Secondly, statistical data from the PSD are not been fully utilised by the authorities to assess the level of misconduct by officers. While actions may be taken on individual cases as recommended by the PSD or review board, an analysis of the different violations committed by officers over a period of time, and what measures can be taken to address the misconduct has not been made.

There is a need to improve the statistical information provided by the division so as to enable the authorities and other stakeholders gauge the degree of effectiveness of the system. For example, statistics from the PSD does not present a clear picture of the final disposition of cases handled by the division. The 2009 annual report of the Police indicated that of the 716 cases handled by the Division from November 2008 to October 2009, 163 of the cases were resolved, but how they were resolved were not stated. See table below:

Cases disposition of cases handled by the PSD, Nov. 2008- Oct. 2009¹⁸

Resolved	163
Pending	317
Under Investigation	192
Case abandoned	44
Total	716

From interviews conducted with members of the PSD, it was noted that receiving feedback from the various sections regarding outcome of disciplinary actions was a serious challenge. In order for the PSD to present a true picture of cases handled and their final disposition, units responsible for implementing recommendations should report back to the PSD on final dispositions. The outcome of court decisions on cases in which police officers were forwarded to court for prosecution are not usually provided to the PSD, making it difficult for the PSD to give the final disposition of such cases.

Conclusions and Recommendations

¹⁸ LNP 2009 Annual Report (Covering Period November 2008- October 2009)

The Liberia National Police has made tremendous strides in enhancing its internal control system. With the approval of the Professional Standards Division Policy and Procedure manual, the Police have sought to improve on earlier shortfalls, such as how to address complaints filed against officers in the counties. Nevertheless the need for improvement is ever present, and the following recommendations would address key aspects of the system to enhance performance.

1. That LNP should develop information materials such as brochures, flyers, detailing information about how citizens can file complaints against police officers, and the processes involved in the investigation and disposition of the complaints. Information dissemination through radio and television stations should also be utilized.
2. The LNP should provide the necessary logistics and resources to enable the Professional Standards Division perform effectively. The Division should have at least one vehicle to facilitate follow up with complainants, and the conduct of inspections. Additional staff should be provided and effective mechanisms put in place to allow for follow up with complainants, particularly to informing them when hearings are due, etc.
3. Training should be provided to staff of the Professional Standards Division; particularly those involved in data presentation and analysis to enable them provide adequate analysis of cases handled by the division and their dispositions.
4. Police authorities should review statistical reports provided by the Professional Standards Division to familiarize themselves with the level of misconduct exhibited by officers, areas which violations occur frequently, and develop strategies for improving officers conduct.
5. The disciplinary process should be simplified and copies should be produced and distributed to all members of the Liberia national Police to ensure that they are aware of the code of conduct and rules and regulations and the penalties for violations.
6. Periodic workshops and in-service trainings should be conducted to discuss the police code of conduct and ethical issues.
7. An external oversight body should be established to ensure that standards for internal control are up-to-date and are being implemented.

Chapter Six
POLICE INTERNAL CONTROL SYSTEM IN SENEGAL
By
Marème NIANG

INTRODUCTION

Senegal covers an area of 196 722 square kilometers, with a population of 12.5 million (2009 UN estimate). She is bordered by The Gambia, Guinea, Guinea-Bissau, Mali and Mauritania and made Senegal is made up of numerous ethnic groups, including the Wolof, Pular, Serer and the Diola. French is the official Language, while Malinké, Wolof, Séérére, Soninké and Peul (Pular) are 'national languages'. African languages (most commonly Wolof) are widely spoken. About 95% of Senegalese are Muslim. Christianity and indigenous Africa religions are also practiced. The CFA France is the currency used in Senegal. Major political parties include the Senegalese Democratic Party (PDS) and the Socialist Party (PS). Other political parties include the African Party for Democracy and Socialism (AJ/PADS); Alliance of Forces of Progress (AFP); Democratic League- (LD-; Independence and Labour Party (PIT); and the Union for Democratic Renewal (URD).

The Head of State is President Abdoulaye Wade and the Prime Minister is Souleymane Ndiaye. Senegal is Member of several international organizations such as African Development Bank (AFDB), Economic Community of West African States (ECOWAS), Economic and Monetary Union of West Africa (UEMOA), African Union (AU) and Organisation of the Islamic Conference (OIC).

Senegal became independent on 20th August 1960 having been made a Republic on 15th November 1958. The Constitution of 7th March 1963 was revised on the 22nd of February 1970 and 21st of September 1991, and in 1992. The Republic of Senegal is a secular, democratic and social state that guarantees equality before the law to all citizens, irrespective of origin, race, sex, and religion while respect all beliefs.

Pre-colonial Senegal consisted of kingdoms or states. From 1850, French colonization penetrated and changed the pre-colonial situation, which led to the building of military positions in Casamance, with protectorate treaties being signed to provide control over the Valley of Senegal. Colonial expansion was accelerated after 1876 and in 1891 the conquest was almost complete. Governors were then appointed to administer Senegal following colonial policies. Indeed until 1945, the organization of Senegal was a perfect illustration of the Colonial Order from the County Commander to the Governor with a hierarchical and authoritarian system.

A single College Territorial Assembly of Senegal was elected in 1946 and 1956 the “la Loi Cadre”, came to strengthen the powers of the Territorial Assembly, and accelerated movements towards independence by the creation of community, autonomous groupings. Senegal then

became a Republic after the referendum of September 28, 1958. On August 20, 1960, the Senegalese Assembly proclaimed the independence of the country.

Senegal currently has a ratio of one police officer to 2200 inhabitants. When comparing figures from year to year, there is a significant increase in crimes and in offences such as murder, infanticide and homicide. According to the data collected, in 2008, crimes increased from 77 to 121 with 38 murders.

Police history and organisation

The Senegalese National Police (formally National Security) emanated from a series of development processes since independence in 1960, as well as successive reforms that have been going on since then. The police system in the country is heavily influenced by the French model in the performance of its duties as well as in its organization, which is military and paramilitary in nature.

The Organisation and Mission of the Senegal National Police

The Police consist of two broad entities, which are the uniformed, and the non-uniformed officials. The over all Senegalese police consist of the following units:

- The Mobile Intervention Group
- The Medico social group
- The office of Studies and Methods
- The office of Public Relations
- Brigade of multi-purpose intervention
- The Central office for the repression of illicit narcotics
- The Specialised Brigade to search for illicit enrichment
- The Military Police

The police as an organization of the state are charged with the maintenance of the laws and regulations in Senegal and the safeguard of institutions, services and goods.

Administrative and Judicial Police

There are two major police organizations in the country, largely differentiated by the nature of their function. These are the administrative police and the judicial police.

The administrative police, as the name indicates is placed under the authority of the government administrators, at the central and local levels. Its function is essentially preventive: routine inspections, road traffic and devices aimed at deterring potential troublemakers' disorder.

The judicial police perform its functions under the authority of the Public Prosecutor's Office, the Prosecutor of the Republic or Attorney General. Here, police activities are governed by the Penal Code and the Criminal Procedure Code. Its mission is to investigate and detect crimes, to gather evidence, to find the perpetrators and their accomplices, arrest, detain and refer them to the competent judicial authorities.

Police forces in Senegal are under the Minister of Interior with its headquarters (direction general) placed under the authority of the Director General of National Security, is housed in the Ministry of Interior.

The National Police has different directorates for the administration of all police services:

- The Management of the judicial police
- Management of budget and the hardware
- Directorate of the air and border police
- Management of personnel
- Directorate of Immigration police and travel documents
- The Directorate of the National Police School and the permanent training branch
- Directorate of Public Safety

Each of these directorates is present at the Central and local levels. At their heads are appointed senior officials of the Police, national directors, depending on the General Direction of the National Security. The General Directorate of the Public Security commands all the Public Security of Senegal.

Police ranks are hierarchically organized as follows:

1. The Police Commissioners (superior level). These are heads of services, held by officers with baccalaureate and two years of training;
2. The police inspectors who are investigators (junior high graduate level);

3. The commanders of the urban body responsible for the staff management (punctuality and the respect of the uniform);
4. The guardians and officers (primary school graduate level) being the troops.

The 1966 law organised the status of the staff of the police force and its decree of application in 1978 govern the legal framework of the police force of Senegal. This law has undergone several amendments with one allowing women to be appointed as high ranking officers of civil aviation, the Commissioners of police, police officers and inspectors of police¹⁹. The legislative changes to the status of the police force was done in 2006 and gave voting rights to the military, paramilitary body and other officials and servants, who were until then deprived of this right²⁰.

On 14th November 2008, during the 2009 budgetary defense in the parliament, the Minister of State and Minister of the Interior announced the willingness of the State of Senegal to review the status of the national police. Three months later, the Senegalese police got a new status recognizing and modernizing that of January 18, 1966.

Parliamentarians present in the House unanimously adopted the draft law on the status of the police personnel. The bill harmonized the issues that had plagued previous legal statuses and created higher ranks such as that of General Inspector of Police and Police Controller that exist in other countries. The former Police Inspectors and the sub officers will be grouped into a new rank in the Police known as sub-officers²¹.

The current law has caused significant changes in the security forces. Firstly, the police ranks have significantly decreased. The 7 ranks (Commissioners of police, police inspectors, chiefs of police officers, peace officers, peace keepers and senior peace officers) will now go to 4 bodies (senior officers, junior officers, non-commissioned officers and guardians of peace and senior officers of peace). Secondly, this new status will bring] an increase in the level of recruitment of the national police officers. And finally, the wages of the security forces will witness a considerable increase.

STRUCTURE OF THE INTERNAL CONTROL SYSTEM:

Following the provisions of law number 81-71 in 25th November 1981 and Act number 85-25 in 27th February 1985, the following people have the powers of judicial police officers:

1. The officers of the gendarmerie;
- 2 Sub officers carrying gendarmerie brigade commander functions
3. The Commissioners of police.
4. Police officers

¹⁹ -Act No. 82 - 019 of January 22 , 1982.

²⁰ -Act No. 2006-20 of June 30,2006

²¹ -Official journal of Senegal - project of Act N ° 18 2009 of March 9, 2009 on the status of the National Police personnel.

5 .The student officers and the sub officers of the gendarmerie appointed by the Minister of Justice and the Minister of Armed Forces, after the opinion of a commission.

6. Civil servants in the police force appointed by the Minister in charge of Justice, on the proposal of the authorities which they serve, after the opinion of the Commission.

Judicial Accountability of the military and police Force

Based on the French civil law, the Senegalese judiciary is independent of the Legislative authority and Executive power. It is also composed of ordinary courts and several high courts and special courts, including the Council of State, the Constitutional Council, the Court of Appeal, the Court of Audit and the courts and tribunals.

The present judicial system is organised in a pyramidal form, with the first courts for instance, being at the intermediate level and at the summit, the Supreme Court.

The Court of Appeal and the District Court of Dakar act as a military tribunal, (special function). In case of contraventions and offences, the Dakar District Court is competent to judge men of the military, the sub officers and officers (up to the rank of Captain). As for the Court of appeal, it is competent to judge other senior officers (article 5 and 6 of law 9444 of 27 May 1994 on the code of military justice). Offences are investigated and judged according to the criminal procedure code.

In Senegal, the Ministry of Justice is the authority responsible for preparing and implementing Government's action as regards the organisation and the functioning of justice and prisons. The Minister is thus the principal administrator of the courts and tribunals. Each court and tribunal is supposed to operate in a geographical decentralised area. It is managed and supervised by the President of the Court or the Prosecutor. The magistrates are to supervise the administration of courts or tribunals, and therefore, combine judicial and administrative functions.

Among all these judges, the Criminal Procedure Code gives the Prosecutor of the Republic the power to proceed or to perform acts necessary for the investigation and prosecution of offences against criminal law. This is why he supervises the activities of all officers and judicial officers, within the jurisdiction of the Court. In this respect, he has the right to obtain information about the activities of the judicial police (Criminal Investigation department).

He is also actively involved in ensuring that certain protective rules of individual freedoms have been met. This power provided for by article 13 of the CDPF is clarified by article 30 of the same code: “all judicial police officers shall be placed under the supervision of the Attorney General. He can charge them to gather all information which he considers useful for a proper administration of justice”.

The Attorney General cannot pronounce sanction against any judicial police officer or any one vested with judicial police powers in him. If he considers that the agent's behaviour deserves punishment, he is indicted and goes through the normal criminal procedure as any other citizen. This is often an opportunity for the judges to control the judicial police. Judicial Police officer may be assisted by a lawyer in his defense (article 215, paragraph 3).

Internal Control System

The police activity is placed under the control and supervision of two structures that are: the Branch Inspectorate of the security services (B.I.S.S) and the Military Police, which can take decisions themselves or can be seized by the hierarchy.

1. The Branch Inspectorate of the Security Services (B.I.S.S):

The Branch Inspectorate of the security services (B.I.S.S) is one of the mechanisms available to the ministries of Interior and justice for survey and control. It has the following functions:

1. To receive complaints and conduct investigations about human rights violations and other abuses, which may be alleged against members of the National Police.
2. To produce a report of their investigations to the Department of Justice and the General Director of the National Police.
3. To ensure Police Inspection.
4. To issue an acknowledgement of receipt relating to all complaints brought by a citizen and ensure a periodic inspection of Central, territorial services and training and retraining of police.
5. To inform the authorities on the general status of police forces as well as obstacles to their proper functioning.
6. To perform studies, investigations and make recommendations deemed necessary for the development of National Police.

The Inspection covers a range of criteria for performance, including the quality and efficiency of police services and compliance with legal and regulatory requirements.

The Branch Inspectorate of the security services (B.I.S.S) is an important discipline in the police disciplinary control mechanism. Its decisions can sometimes be the prelude to prosecutions before the disciplinary board. It usually deals with serious matters; for example, an investigation following the disappearance of arms in a police station, or police officers accused of committing a crime.

The Military police

The Military police unit has judicial functions and is housed in the office of the Directorate-General of the National Security. It is charged with the search of violations of the laws, decrees of the Republic, as well as those relating to the regulations published by the police command.

Members of the unit undertake patrol in order to monitor the conduct of police deployed on public roads, (for example: the traffic officers). They also arrest the police caught red-handed and carry out preliminary investigations in respect of misconduct by an officer if it is necessary (find and gather evidence), and possibly present it to the prosecution authority.

Administrative control in police stations:

At the police stations, Department Heads ensure internal control through.

Periodic meetings of staff (monthly), in which the head of Department (Commissioner) reminds the staff about ethics, respect of liberties, human rights and sanctions in case of violation of law.

Wearing the uniform:

The captain of the urban police command is responsible for ensuring compliance with rules relating to wearing the uniform and the weapons, as well as the punctuality of the police and their loyalty. In deterring the personal responsibility of the police officer, Senegalese law makes a distinction between misconduct of officers in the exercise of his powers or outside his official functions.

Article 20 of 2009-18 law of March 09, 2009, stipulates that members of the police are strictly obliged to obedience and discipline. They are always available to the public authority, which employs them. Thus, the Chief of police (the Commissioner) has the power to control and sanction his /her agents in the case of a disciplinary fault. The procedure is as follows:

- ***Notifying the Commissioner:*** the Commissioner is notified of a crime by the chief of brigade by written or verbal report.
- ***Initiation of an investigation:*** Commissioner questions the suspected agent (- confrontation - verification of the facts - request for explanations).
- ***Judgment:*** depending on the seriousness of the facts, the Commissioner gives a warning or a disciplinary sanction.

Punishment may include confinement for few days at a camp ranging from one to fifteen days.

Regarding article 49 of the same Law, the power to inflict punishment of internal order belongs to:

- The Director General, national directors or the national police, in respect of misconduct by police officers and regional Commissioners.
- The Director General, national directors or regional to national police managers and supervisors, concerning misconduct by sub officers and police officers.

The disciplinary sanction: the Commissioner reports a record of the facts to his /her superior, who may propose the establishment of a commission of inquiry, in accordance with article 21 of the 2009 Act of March 09, 2009 which makes provisions for the following penalties:

- 1) Cancellation of progress table (stagnation)
- 2) Reduction of ranking
- 3) Demotion
- 4) Temporary exclusion, for a period not exceeding six months
- 5) Cancellation of ranks without suspension of pension rights
- 6) Cancellation of ranks with suspension of pension rights.

When a judicial police officer is involved in serious offence, his chief of service makes a report to the public prosecutor's office (Attorney), which in turn takes it to the investigating judge. The later investigates the matter and has the option of dismissing the matter, or issuing a warning or prosecution as the matter may be. But when the facts are aggravated and have no connection with the service, the common law court is seized.

When a citizen files a complaint against the police, it can directly be located to the hierarchical superior Police Commissioner (police chief), or the Prosecutor of the Republic, or the General Director for the National Security. In any case, an investigation is opened and there are two possible outcomes after that; the hierarchy pronounces the sanctions as laid down by the General Police regulations, or the file is passed to the office of the Prosecutor of the Republic. If the facts are serious, he can transmit the file for investigation.

However, according to the law, judicial authorities are responsible to check if police forces respect individual freedom in course of their preliminary investigations²². The internal control system proves to be most often effective but that control is sometimes not effective, few officers of the judicial police, are prosecuted for professional misconduct or offence of the criminal law²³.

The Public's Perceptions of the Senegalese Police

Generally Senegalese have a positive image of the police, however, respondents interviewed for this study expressed their worries and their discontent to certain police services: for example, some youth officers are sometimes too aggressive during school strikes or demonstrations, and act in a too repressive way (use of electric batons). They also complained about police corruption especially to drivers. They accuse the police of administrative slowness - late intervention by the police in the case of an emergency call and the inefficiency of crime prevention.

In addition, the public believes that the police take too much time in paperwork and in the traffic, and conversely do not spend enough time to ensure the safety of citizens, and also to establish contacts with the public, to help it, rescue it, and offer services. In response, police complained about the lack of human and material resources.

Although police corruption is petty, it is in a large scale. It can be explained by the fact that people who need a certain number of documents corrupt the police to get them, as the police are not always ready to produce these documents needed. The very low wages of the Police promote corruption among its agents as well.

However, the police attempt to improve and strengthen the effectiveness of its mission. To this end, it has created a public relations service designed to enable better communication with people. In addition to this, the implementation of a community police, initiated since 2003 is intended to improve the service delivery to the people.

2 - Police and Human Rights:

In Senegal, the Constitution prohibits arrest and detention. In spite of this, police authorities have sometimes arrested and detained persons.

²² -See article 13 of the code of criminal procedure.

²³ -See also, Amnesty International: Senegal, end impunity. An opportunity not to be missed (report). AI index: AFR 49/001/2002, April 30,2002.

Violations of human rights arose more often in the following circumstances. Investigation of journalists and politicians in the opposition, seizures of newspapers or pressure on publishers to prevent the publication of books or newspapers, and cases of prolonged detention among other degrading treatment processes²⁴.

Despite more firm provisions against torture, the Government sometimes proved unwilling to sue elements of the security forces accused of torture or who have committed serious violations of human rights²⁵.

Generally, it has been found that the Government rarely punishes personnel of the army and the police, for infringement of human rights but however sometimes acts against corruption.

Challenges of The Internal Control System

In Senegal, there are certain obstacles, which may constitute barriers to the effectiveness of the internal control system including the following;

The culture of impunity:

Impunity is undeniably one of the worst factors that encourage violation of human rights, and torture in particular.

The lack of independence of the internal control services

The intervention in favour of the agent at fault, from the political or religious personalities can be a source of a delay in the procedures.

The lack of recourse institutions:

The lack of independent investigations in the event of a complaint, which the police and security forces answer for their actions and failure to expose defaulters.

Inadequate human and material resources:

Inadequate material and human resources, sometimes engender misconduct of the police.

Perspectives and Recommendations:

- A public monitoring commission to investigate police excesses should be created.

²⁴ .Report of the Universal Organisation of Human Rights with the support of the International Federation of the League of Human Rights, in view of the periodic review of Senegal - for the Council of the United Nations human rights organization

²⁵ Report on the practice of human rights - US Department of State - Amnesty International (2003).

- Promotion of the codes of ethics for police
- Strengthening the power of internal control of services to give them more objectivity and independence from political or religious forces in carrying out their mission.
- Strengthening the implementation of controls and independent investigations
- Improving the working conditions of internal control managers to enable them to be more effective and efficient in carrying out their mission.
- Promoting a better presence of the Senegalese Human Rights Committee and an independence of action in accordance with the Paris principles.
- ***Compensate the victims and continue the training of all personnel of the security forces and the agents of the public force***, in accordance with the recommendations of the Committee of Human Rights²⁶.

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²⁶ Concluding observations of the Committee against torture: Sénégal.07/09/96. A /51/44, paragraph 114, d.

9. Concluding observations of the Committee against torture: Sénégal.07/09/96. A /51/44, paragraph 114, d.

Chapter Six

Police Internal Control System in Cameroon

By Ebai Eban

Background

Cameroon covers an area of 475,000 square kilometres, bordered in the west by the Federal Republic of Nigeria, in the north by Lake Chad, in the east by Chad, Central African Republic and Congo and in the South by Gabon and Equatorial Guinea. As estimated it had a population of 18,879,301 in 2009, Cameroon has about 250 ethnic communities. Two fifth of the population are Christians, one fifth Muslims and two fifth indigenous African religions.

The earliest inhabitants of Cameroon were probably the Bakas (Pygmies). They still inhabit the forests of the South and East regions. Bantu speakers originating in the Cameroonian highlands were among the first groups to move out before other invaders. During the late 1770s and early 1800s, the Fulani, a pastoral Islamic people of the western Sahel, conquered most of what is now northern Cameroon, subjugating or displacing its largely non-Muslim inhabitants. Beginning in 1884, all of present-day Cameroon and parts of several of its neighbours became the German colony of Kamerun, with a capital first at Buea and later at Yaounde. After World War I, this colony was partitioned between Britain and France under a June 28, 1919 League of Nations mandate. France gained the larger geographical share, transferred outlying regions to neighbouring French colonies, and ruled the rest from Yaoundé. Britain's territory, a strip bordering Nigeria from the sea to Lake Chad, was ruled from Lagos. In 1955, the outlawed Union of the Peoples of Cameroon (UPC), based largely among the Bamileke and Bassa ethnic groups, began an armed struggle for independence in French Cameroon. This rebellion continued, with diminishing intensity, even after independence. Estimates of deaths from this conflict vary from tens of thousands to hundreds of thousands.

French Cameroon achieved independence in 1960 as the Republic of Cameroon. The following year the largely Muslim northern two-thirds of British Cameroon voted to join Nigeria; the largely Christian southern one-third voted to join with the Republic of Cameroon to form the Federal Republic of Cameroon. The formerly French and British regions each maintained substantial autonomy. Ahmadou Ahidjo, a French-educated Fulani, was chosen President of the

Federation in 1961. Ahidjo, relying on a pervasive internal security apparatus, outlawed all political parties except his own in 1966. He successfully suppressed the UPC rebellion, capturing the last important rebel leader in 1970. In 1972, a new constitution replaced the federation with a unitary state.

Ahidjo resigned as President in 1982 and was constitutionally succeeded by his Prime Minister, Paul Biya. Ahidjo later regretted his choice of successor, but his supporters failed to overthrow Biya in a 1984 coup attempt. Biya won single-candidate elections in 1984 and 1988 and flawed multiparty elections in 1992, 1997, and 2004. His Cameroon People's Democratic Movement (CPDM) party holds a sizeable majority in the legislature following 2007 elections with 153 deputies out of a total of 180.

Government

The 1972 constitution (amended in 1996 and 2008) provides for a Unitary Republican type of government with a strong central government dominated by the executive dominated by the president. The judiciary is subordinate to the executive branch's Ministry of Justice. The Supreme Court, in the absence of a constitutionally mandated Constitutional Court, may review the constitutionality of a law only at the president's request. The 180-member National Assembly meets in ordinary session three times a year (March-April, June-July, and November-December), and seldom makes major changes in legislation proposed by the executive. Laws are adopted by a majority vote of members present or, if the president demands a second reading, of total membership.

Defence and Legal system

Crime is a serious problem throughout Cameroon. Internet-based crime is escalating rapidly with scams involving adoptions, insurance claims and hiring service workers such as nannies to work in the United States. Crimes against property, such as carjacking and burglaries, have often been accompanied by violent acts and have resulted in fatalities. The Cameroonian military generally has been an apolitical force dominated by civilian control. International military advisers remain closely involved at senior levels of all the armed forces and the gendarmes. The armed forces number approximately 28,000 personnel in ground, air, and naval forces, with the majority being in the army and gendarmes¹.

The Legal and Criminal Justice System

Cameroon is a bi-jural state, with the civil and common law legal systems operating in Francophone and Anglophone Cameroon respectively. Their differences lie in the fact that common law legal system is accusatorial or adversary, while the civil law legal system is inquisitorial or investigatory. The common law is characterised by unwritten law and decision made by judges, besides the statutes of general application. In civil law jurisdiction large areas

of private law are codified, which is not typical of common law, the civil law has greatly been influenced by Roman law.

Prior to the enactment of Law No. 2005/007 of 27 July 2005 on the criminal procedure code, that harmonised the administration of criminal justice in Cameroon, criminal trial process evolved differently in the Francophone and Anglophone Cameroon. In Francophone Cameroon, the applicable law was the Ordinance of 14 February 1938 on the 'Code d'instruction Criminelle'. The basic law in Anglophone Cameroon was the Criminal Procedure Ordinance Cap 43 of the Laws of the Federation of Nigeria 1958.

Harmonised Criminal Procedure Code and Human rights

The new Criminal Procedure Code has harmonised the criminal trial process with the following;

- Habeas corpus sections 137 (2) and 584-588,
- Scope of bail has increased; sections 221,222, and 223
- Unconditional bail sections 224-235,246(g) and 397(1)
- Supreme court Bail, section 516-517,
- There is the possibility of entering a *Nolle prosequi* section 64(1),
- There is also Preliminary investigation carried out by a examining magistrate sections 142, 246(g)
- There is compensation for illegal detention section 236 and 237,
- Visit to the detained accused are better regulated sections 238-239 and 245(4) (g)
- Malicious prosecution is also punishable by sections 162 and 398,
- Reasonable force must be used in carrying out arrest sections 30 (4) see also penal code sec.132.
- The minimum period of detention has been regularised 12 months for felony and 6 months for misdemeanour see section 221(1),
- Time allowed for police custody must not exceed 48 hours renewable once. This period may exceptionally be extended twice by the state counsel sections 118(2)
- Prosecution and trial of juveniles have also been given special attention sections 700(3), 704, 705, 707, 707.

Criminal Prosecution and Abuse of Human Right

The judiciary, by virtue of the Cameroon Constitution of 1996 and the nature of its functions, is the main government agency to protect human rights and advance the rule of law, accountability and transparency in government by preventing or punishing any violation of the liberty of individuals. The judiciary is managed and administered by the Ministry of Justice, who is a cabinet minister in the executive arm of government. The Ministry of Justice determines all major decisions and functions that should be under the control of the judiciary. The Executive branch does the appointment of magistrates and court administrators. An unfortunate by-product of this situation is frequent interference by the executive branch to influence judicial actions in particular cases, what is known in other countries notably, Uganda as "telephone justice." Exacerbating this situation are low salaries for magistrates and court administrators as well as case overload. These results to rent-seeking and petty bribery to speed up cases make cases disappear or influence the judicial decision.

Moreover, investigative officers or judicial police officers are responsible to several authorities; at one point to the Delegation of State Security under the Presidency, at other to Justice Ministry, and yet at another to administrative authorities in the Ministry of territorial administration. All these changes constitute an additional source of vulnerability to corrupt practices. The flaws in the structure and practice of the justice system have produced a lack of respect for the rule of law in Cameroon. Recently, the population had resorted to “jungle justice”ⁱⁱ - vigilantism - in the absence of an effective and uncorrupted law enforcement system.

The quality of justice is critical for the development of economic activity within an environment and an atmosphere of confidence for potential investors. When the judiciary is not characterised by probity and transparency as seen above, this may lead to a decline of the country risk and induce subsequent lack of interest on the part of local or foreign investors. The field of justice can further be perceived as crosscutting compared to other fields concerned with governance related improvements, since it is the junction where all related abuses and litigations are settled.

Prisons

The Cameroon prisons service is under the Ministry of Justice. Effectiveness in combating human rights violations can be gleaned from how much civil and political rights are respected by law enforcement agencies and watchdog institutions. In Cameroon, there is a very low level of transparency with regard to the violations of human rights that take place in prisons, for instance, indicating poor surveillance over the conduct of prison managers and the welfare of prisoners. The prisons are overcrowded with poor sanitation, leading to the epidemic such as typhoid, dysentery and tuberculosis. According to the report of the National Commission on Human Rights and Freedom,ⁱⁱⁱ prisons are ill equipped and obsolete, with most of them dating back to the colonial days. They are also overcrowded. For example, the Kondengui prison in Yaounde has 2555 inmates in 2010 in a facility designed for 500. The New Bell prison in Douala with a capacity of 3000 has average of 8000 inmates in 2010. In addition to overcrowding, medical facilities are often inadequate and food supplies limited.

HISTORICAL BACKGROUND OF THE CAMEROON POLICE FORCE

Any serious assessment of the extent to which the police are subjected to internal control in Cameroon would require prior knowledge of several elements. The colonization of Cameroon by Germany, Britain and France, affected the structure, performance and internal control of the police in Cameroon. The study of the evolution of the police in the colony of Cameroon is relevant for an understanding of its dominant institutional traditions and how those traditions affect police internal control mechanism in Cameroon. However for want of space, this study is limited to the historical study of the Cameroon police to the establishment of French Colonial Police in Cameroon. This limitation is informed by the fact that present day police establishments, structures, powers and functions are derived entirely from the French colonial police tradition.

THE FRENCH MODEL OF POLICING IN CAMEROON

Unitary in principle, the French police differ in structure and personnel, because they are made up of two distinct forces. First, there is the national civilian police personnel, with several privileges that give them special status, also shares the general status of public office, that is, civil servants of the state.^{iv} There is also the Gendarmerie Nationale or National Constabulary, a military force which is one of the four arms that make up the French army, which personnel have military status and are under the authority of the Minister of Defence. These are the two institutions that were established in the Colony of Cameroon to carry out police functions and have the primary responsibility of policing in Cameroon today.

The Gendarmerie Nationale: Origin, Structure, Personnel and Administration:

In colonial Cameroon, the Gendarmerie was created in 1924. At independence it was created by ordinance no 60/20 of 22 /02/1960. Its present organisation was by Decree no 2001/181 of 25 July 2001 on the Organisation of the Gendarmerie. The gendarmerie is subjected to three or even four administrative authorities; it is placed under the ministry of defense for its organisation, personnel, discipline, materials and missions that are specifically military in nature; in matters concerning the maintenance of law and order, it is subjected to the Ministry of Territorial Administration and the Ministry of Justice takes care of the area of judicial police^v. Placed under the Secretary of State of Ministry of Defence the Gendarmerie is organised with a central service, territorial commands and specialised formations.^{vi}

Legislative Establishment of the Police in Cameroon

Public Security, otherwise known as the police, was the first police service that was created in Cameroon by decree no 25/353 of 22nd August 1925^{vii}. It was organised and reorganized in 1934 and 1939. A further reorganisation that gave it the structure it took until independence came with the provisions of Chapter two of Arrete no 282 du 29 July 1947 reorganising the Sureté and Police. Article 12 states: “A police authority has been created in Cameroon and placed under the authority of a Director General who is appointed by the High Commissioner”. Article 13 defined the police as an organ of public force assigned to maintain order and public tranquility in towns and big cities. It is made up of commissioned and non-commissioned officers (agents et grades).^{viii} The police was (is) functionally divided in to Administrative Police, Judicial police and intelligence service. The Administrative Police generally speaking, takes charge of issues such as regulation of public peace, and the maintenance of law and order. The object of the Administrative Police is the habitual maintenance of public order. It also takes care of the general administration of the police.^{ix} The findings of the Judicial Police include the investigation of offences, arrest and custody of suspects, hearing of witnesses, questioning of suspects, search and seizure.^x Thus, the administrative police have as its objective the prevention of crime, while the judicial police reprimand all violations of the law. The Sureté General was (is) an intelligence service responsible for the maintenance of both internal and external security. It provides vital intelligence to the state, fights subversion and

espionage, and carries out the activities of the secret police. As a secondary function, it assists in the functioning of both the administrative and judicial police.

All elements of the police in the cities are placed under the authority and directives of the administrative head of the area where an agent performed his functions. These administrative heads were in turn answerable to the High Commissioner.^{xi} In Judicial police matters, the police was responsible to the State Counsel (Magistrate). A police agent was thus responsible to three authorities; an administrative authority, judicial authorities and a hierarchical police authority. This structure has been maintained by independent Cameroon with attendant consequences on the police internal control processes.

Meanwhile, in 1925, through “Arrete du 4 avril 1925 portant organisation d’un corps régulier de police indigène à Yaounde”, an indigenous police body was created. The structure, organisation, management and control of both European and indigenous police corps were provided for by a decree of the High Commissioner and managed by officers appointed by him following the concepts and principles of colonial administration. The indigenous body consisting entirely of African agents was created to assist European officers in minor matters and matters within subjects, and not to practice traditional methods of policing, as would have been the case.

On 1st January 1959, a Convention on the exercise of state powers clarified that the administrative and financial management and control of judicial police, administrative police and the service of the Sureté will now rest with the Cameroonian authorities. Conditions under which the status of French colonial civil servants could be changed to that of Cameroon civil servants were prescribed in a second convention. From this convention, police officers employed by the French trusteeship could be integrated into the Cameroon public service. This was the situation of the Police in French Cameroon on the eve of independence.

ORGANISATIONAL AND COMMAND STRUCTURE OF POST INDEPENDENT CAMEROON POLICE

CONSTITUTIONAL BASIS

The Federal Constitution of 1961 creating the Federal Republic of Cameroon neither provide for the creation of the police nor its structure, functioning and organisation. However, it indicated in the broadest outline the nature of the Cameroon Federation and defined the place of the police within it.^{xii} According to Article 38(1) of the Constitution: “Any subject not listed in Article 5 and 6^{xiii}, and whose regulation is not specifically entrusted by the Constitution to a Federal law shall be the exclusive jurisdiction of the Federated States, which within these limits may adopt their own Constitution”. Article 24 of the constitution states that only a Federal law and not a state law could deal with the following matters: “fundamental guarantees and obligations of the citizens, the status of persons and properties, the police, administrative and judicial organization, the determination of felonies and misdemeanors, the creation of all types

of offences, criminal and civil procedure, amnesty, the execution of judgments and the creation of new sets of courts”. The combined effects of articles 5, 6 and 24 were that the police were entirely a federal concern.

STATUTORY BASIS

Decree no 63/DF/216 of 6th July 1963 purporting to create and organise the police of post independent Cameroon, was merely reorganising it to accommodate the Police Force of the State of West Cameroon that voted to reunite with East Cameroon in 1961. Indeed, this decree was nothing but a modification of decree no 59/DF/160 of May 1959 that set up the National Security in French Cameroon before independence, and that of decree no 61/DF/ 19 of 26th October 1961 establishing the organisation of the Federal Security Service. While neither decree defined the Federal Security Service, article 1 of both provided: “There shall be created, under the direct authority of the President of the Republic, a Federal Security Service which shall operate through out the territory of the Federal State”. This service shall be charged with maintaining the internal and external security of the Federal State; it shall participate in the operations of the Judicial Police; it shall ensure the application of the laws and regulations concerning the emigration, immigration and residence conditions of foreigners.^{xiv} The Federal Security Service was created as a governmental department, endowed with a separate personality from that of its agents. It was conferred with specific powers and charged with specific duties. As a state department, its legal personality was that of the state, separate and distinct from its individual members. It could hold property, enter into contract, sue and be sued. In Cameroon, therefore, the legal entity is the state and the police officers are civil servants or employees. This police concept and organisation is in consonance with that of France and continental Europe, but sharply in contrast with the police in England and Ireland, where the force is not a separate legal entity from its members.^{xv}

Organisation and Command Structure

CENTRAL SERVICES

The organisation of the Cameroon police (Surete Nationale) is legislatively provided by Decree No 2002/003 of 04/ June 2002. Article 2 of this decree states that the police command and management is placed under the direct authority of the President of the Republic. It comprises of Head Office (Delegation) made up of the Delegate General and the Cabinet of the Delegate General, Central administration and External Departments (Article 6). Agents of the police are made of operational units as follows; Brigade- (7-12 Men), Section – (3 brigades minimum), Compagnie- (2 Sections minimum), Groupement- (2 Compagnie minimum), Ensemble de Groupement- (2 groupement minimum).

The Delegate General who is appointed by the President of the Republic is responsible to him for the execution of police services, for the general administration of the police and for the

materials put at his disposition (article 8). The Delegate General is in charge of conceiving the rules and defining the necessary orientation to accomplish the mission given to the Police by the President, (Article 8(3)). He ensures the training and equipping of agents, elaborates the programme of equipment and infrastructure, executes the plan and approved programs and prepares and executes the budget. Generally, the central service of the police is responsible for the coordination and orientation of the activities of the external services.^{xvi}

EXTERNAL SERVICES

The external services of the police are instituted at all levels of the administration, from the regional through the divisional and down to the sub divisional levels. All the departments of the police organisation are represented at each level, (Article 144).

Police Powers

Police powers in Cameroon differ in times of peace and times of unrest. In peacetime, its duties include the maintenance of the internal and external security of the State as well as general police duties in the application of the laws and regulations governing emigration, immigration and conditions of residence for foreigners.^{xvii} In times of emergency, police power is concentrated and centralised in the State. Article 15 of Law No. 61/DF/11 of 1961 concerning the Internal Security of the State states: “In Case of an emergency, the police shall be placed automatically under the orders of the Federal Authorities”. This centralisation facilitates efficient command and enabled it to cope with the numerous obligations resulting from the implementation of measures applicable during an emergency.

RANKS AND HIERARCHICAL AUTHORITY

The efficient provision of the police service by individual officers depends heavily on the structural framework applied to them by the Special Status of the police. The Cameroon police force is made up of both senior and junior officers. The former is made up of Commissioners and Officier de Police (Police superintendents) while the latter is made up of Inspector of Police and Guardian de la Paix.^{xviii} Thus, the pyramidal hierarchy of the police force from top to bottom is comprised of the commissioner of police, superintendents, inspector of police and police constables.^{xix}

Due to the power structure of the Cameroon police, some scholars have been tempted to include the President of the Republic and the Delegate General for National Security into the police ranking structure,^{xx} basing their arguments on the fact that the President of the Republic has the entire civil service under his command.^{xxi} However, the fact that the President and the Delegate General have not been listed by the Special Status in the police hierarchy does not mean that they do not have police powers and can not issue operational orders. The President is the supreme commander of the police force, which is created and placed under his direct

authority.^{xxii} The Force executes tasks that are assigned by the governmental authority within the framework of their respective competence and in conformity with the directives of the President.^{xxiii} Like all other governmental policies, the President defines the operational policy of the police. The implementation and the general management of these policies are delegated to the Delegate General of the police.^{xxiv}

Unlike the traditional English, Irish or Nigerian police structure, where the police are structured in a hierarchical arrangement with a chief police officer at the top of the pyramid of ranks,^{xxv} the authority at the head of the Cameroon Police Force, which performs the function of the chief officer, has not always been a member of the force.^{xxvi} Like the personalities heading other ministerial departments of the state, the police have been managed and controlled by an officer (Delegate General) appointed by the President of the Republic.^{xxvii} However, while the pyramidal structure of the Cameroon police, like police bodies elsewhere, reflects the delegation of administrative authority from the most senior officer at the top to the most junior officer at the bottom,^{xxviii} it is important to point out that this authority does not emanate from a chief officer as is the case in Nigeria. The administrative authority comes directly from the President of the Republic who in turn delegates the Delegate General to execute his directives.^{xxix} Therefore, the efficient provision of the police service by individual officers in Cameroon, like in France, depends heavily on the execution of the policies and objectives that the governmental authorities have conferred on them within the scope of their respective competences and in conformity with the directives of the President of the Republic.^{xxx}

LEGAL FRAMEWORK, STRUCTURE AND OPERATIONS OF INTERNAL CONTROL SYSTEMS

A study of The Legal Framework and Structure of Internal Control Systems of the Cameroon police will require an examination of the internal control mechanism of the regular police force known as Surete National and that of National Gendarmerie as agents of judicial police and administrative police. While articles 89 to 139 of Decree No 2001/065 of 12 March 2001, lay Down The Special Rules and Regulations of the Corps of the National Security, (hereinafter known as the special Status of the Police) provides for the legal framework and structure of internal control systems of the regular police force, article 102 to 134 of Decree no 2007/199 of 07th July on Rules of General Discipline in the Armed Forces provides for the gendarmerie. Whereas there is no special code of conduct as is the case with the police of other countries in Africa or in France, the Gendarmerie is generally placed under military Code of Conduct. However, the fact that internal discipline of the Gendarmerie is entirely military and known as 'Punishment', this study will limit itself to the procedure leading to internal discipline of a gendarmerie officer as far as they concern misconduct in the performance of their police duties (Judicial and administrative policing).

Internal Disciplinary Authority

Giving that the Cameroon police and the gendarmerie when performing their police duties are answerable not only to their hierarchical superiors but also to administrative and judicial organs under whose authority they work, the power to discipline an officer at fault, is vested in all

these authorities.^{xxxii} It is also vested in authorities with the power of appointments and the agents' hierarchical superior.^{xxxiii} The Cameroon police force thus has a multi-layered internal control system that can theoretically be invoked by members of the public who are aggrieved by police misconduct. These mechanisms include provisions for verbal or written complaints to be made to any superior police officer, or judicial and administrative officer under whose authority the police or gendarmerie act.^{xxxiii} If the complainant is dissatisfied with the action of the superior officer, he or she can complain to higher officers, including the office of the Provincial Delegate or Delegate General for National Security. They are responsible for investigating potential breaches of police ethics and misconduct with a view to determining whether the underlying complaint is genuine.

The President of the Republic under whose authority the police are created and who holds the power of appointment possesses of the authority to discipline.^{xxxiv} The President can delegate his powers to any authority of his choice.^{xxxv} Thus, the Delegate General of National Security exercises disciplinary authority as a recipient of powers delegated to him by the President of the Republic to manage and control the police. In other words, he is similar in this respect as the chief constable in England or the Inspector General of the Police in Nigeria.^{xxxvi} Furthermore, the Prime Minister, who by virtue of articles 11 and 12 of the Constitution implements the policies of the Government defined by the President of the Republic, also has the power to appoint and discipline not only police officers, but all other civil servants.

In Cameroon, the power to discipline is distributed amongst the authorities with the power of appointment (political) and the hierarchical authorities (administrative). This division is heavily biased in favour of the political authorities, as article 91 of the Special Status states that the Delegate General for the National Security possesses of the right to redress and alter any disciplinary decision taken by any subordinate. The division of disciplinary authority between political and professional authorities and the preponderance of the Delegate General (a politician) over police officers cannot be without consequence on discipline and accountability in the Cameroon police.

Firstly, the preponderance of the Delegate General over police commissioners in disciplinary matters has in practice engendered much friction in the police corps in Cameroon. The paramilitary structure and ideas in the Cameroon police have given the officers a tendency to think that mandatory respect is due only to a superior officer within the force. In this way, a Delegate General who himself is not a police officer is hardly respected. A good example is the conflict between the Commissioner of Police in Asiga, commissioner for public security for Ebolowa and Mr. Edgar Alain Mebe Ngo'o senior divisional officer for Ebolowa. Asiga was transferred to the delegation of national security (Police Headquarters) but had to abandon his job when Edgar Mebe Ngo'o became the Delegate General for National Security^{xxxvii}. Study also found out that senior police officers teamed up against and frustrated Mr. Bell Luc Rene, who was then the Delegate General, with pretexts that he was a mere civilian, and that they could not be expected to receive orders from him.^{xxxviii} This encourages laxity, indiscipline and unaccountability within the ranks of the police. All these results in a situation where disciplinary and other lapses are created when superior officers do not respect the Delegate General's orders.

Due to the generally very corrupt nature of the police and the civil service in Cameroon, officers with the power to discipline have difficulty in using their power of sanctions in fear of either stepping on a superior officers' interest or that of a political authority that may have interest in the officer at fault. Most often than not, these officers will forward the case for the Delegate General to pronounce sanctions. The fact that the Delegate General reserves the power to alter or squash any sanction imposed by a subordinate also acts as a disincentive for a superior officer to impose sanctions, particularly when he knows that the officer at fault has "godfathers" in the National Delegation who could easily reverse the sanction or simply make them ineffective.

Most importantly, the preponderance of a political authority over that of police officers in disciplinary matters is to ensure a complete control of the force by the executive. All these work against the concept of discipline and accountability, which are in most part left in the hands of those who are sure of their connections in both the force and political circles.

Disciplinary Offences

The disciplinary authorities' statutory powers to impose sanctions such as demotion, suspension, dismissal and others are qualified by the requirement that they shall be subject to regulations made pursuant to the legislation.^{xxxix} The Special Status contained a code of disciplinary offences, and any act or omission that satisfies one of these offences is classified as a breach of discipline.^{xl} The standard prerequisite for the imposition of the disciplinary sanction of dismissal, demotion, reduction in pay, reprimand or caution is a finding of breach of discipline.^{xli}

Decree No. 68/DF/431 of 29th October 1968 on General Rules and Regulations of the National Security Corps was the first legal instrument to regulate police matters separately from all other civil servants. Prior to this date, the legal status of the police was regulated by Decree No. 66/DF/53 of 5th February 1966, as amended by Decree No. 68/DF/222 of 10th June 1968 on General Rules and Regulations of the Federal Public Service. As part of the general defence force, the police force was subjected to disciplinary rules and procedures as the military under a military code.^{xlii}

In 2001 Decree No 2001/065 on the Special Status of the Corps of Functionaries of the National Security came into existence. It includes an article setting out a code of offences.^{xliii} Article 94 of the Special Status defines disciplinary fault to be all violations of professional duties and obligations, whether by action or omission. An agent who comes late to work, is absent from work, a call or a meeting; who leaves his work place before the normal closing time, fails to observe orders, leaves his duty post without a good reason... is guilty of the offence of breach of orders.^{xliv} The acts of insubordination covers a broad spectrum, which include insolence or inconvenient gesture to a superior officer, verbal threats against a superior officer, executing orders late and in bad faith, not executing orders at all, the using of service vehicles without authorization, neglecting to maintain equipment and a manifest violation of the hierarchy^{xlv}. An agent who takes part in political activities, uses a service vehicle for personal benefits, fails to use professional discretion, goes about without authorization with service arms and ammunition is guilty of the offence of Characterised Negligence and Professional Faults. Any agent that acts

violently or brutally against persons in custody or other persons brought to the police station is guilty of the offence of faults against honor, obligation and probity.^{xlvi}

Unlike the police where all offences apply to all officers regardless of junior, sub-officer or officer, in the Gendarmerie, an offence or disciplinary act is applicable to an officer depending on the rank of the officer. For instances in the 'non restriction of liberty' category of offences a blame (query letter) is limited to junior and sub-officers but where the blame or query letter comes as a result of major disciplinary act, only the senior officer gets it, (Article 108 of Decree 2007/199 of 7th July on the Rule of General discipline of the Armed Forces)

The disciplinary authorities must apply or propose to apply only sanctions that are stated in the Special Status. In other words, there can be no sanction without a fault prescribed by the law.^{xlvii} All disciplinary sanctions must be limited to the disciplinary offences stated by the Special Status. As stated, the range of disciplinary offences covered by the Special Status is quite limited. This contrasts with France, where the police have a code of police ethics,^{xlviii} which elaborately covers a wide range of disciplinary offences. The absence of a permanent and elaborate guide to regulate the day-to-day activities of the police has led to a general disciplinary gap within the ranks of the Cameroon Police Force. Decree No 2001/065 of 12th March 2001 on the special status of the police delineates disciplinary offences in only one article. No matter how this single article could be interpreted, it cannot possibly cover all the faults that a police officer might commit. The institution of a code of ethics such as that in France would certainly solve the problem of faults that have not been spelt out in the Special Status.

Disciplinary Procedure

Articles 89 to 139 of the Special Status of the police regulate discipline in the Cameroon Police. The procedure begins when an officer is alleged to have committed a fault.^{xlix} Where the officer is faced with two proceedings, judicial and disciplinary, the disciplinary procedure stops until judicial proceedings have been concluded.¹ The disciplinary procedure consists of three phases: the notification stage, the hearing stage and the decision-making stage. To these three phases could be added a fourth concerning the transmission to the head of the police corps (Delegate General) of disciplinary documents where the sanction does not need a decision from the disciplinary council.^{li}

INITIATING THE DISCIPLINARY PROCEDURE

- a) A range of political and police authority may exercise disciplinary control
- b) Police are subject to overwhelming political control and interference
- c) Several provisions on control and discipline of officers but inefficient due to absence of a comprehensive code of ethics, harmonised complaint and disciplinary process, political interference, corruption and favouritism.

The hierarchical superior is one of several authorities empowered to initiate the disciplinary procedure against a police and Gendarmerie officers, (article 112 of police special status and article 104 of the Decree No 2007/199 of July 2007 on the rules of general discipline of the Armed force)^{lii} Article 112 of the special status states that a warning letter from the hierarchical

superior of a police officer must as a condition sine qua non precede any act leading to disciplinary sanctions. An accused officer has to produce evidence that he will rely on in his defence and submit it with his response to his immediate hierarchical superior or to the authority that signed the warning letter.^{liii} Conversely, where an accused officer fails to respond to the accusations within three days, he is considered to have committed a fault and is guilty of the allegations levied against him.^{liv} He will thus be required to face the disciplinary council.

The Disciplinary Council

The Disciplinary Council is a body charged with the duty of investigating, hearing and passing decision on police officers accused of a fault. The decision of the council is consultative.^{lv} The council normally sits in Yaoundé or anywhere else as may be directed by the Delegate General for National Security.^{lvi} At the level of the provinces, a provincial disciplinary Council operates under the authority of the provincial police services. The competence of this council is limited to disciplinary matters concerning officers in the ranks of guardian of the peace, inspectors of police and assistant superintendent of police.^{lvii} Provincial disciplinary councils therefore do not discipline commissioners of the police.

Article 113 of the Special Status creates the Disciplinary Council, which is charged with the emitting of consultative opinions on the propositions on professional disciplinary sanctions. The headquarters of the Council is in Yaoundé, but could sit in any other police station if it is the decision of the Head of the Police Corps.

Article 114 provides for the Regional Disciplinary Councils under the authority of Regional Delegates for National Security of each of the ten Regions of Cameroon. The Regional councils are empowered to handle procedural disciplinary matters concerning police personnel of the ranks of Police Constables, Police Inspectors and Assistant Superintendents of Police in service at the level of the region. The Regional Councils does not sit on matters concerning commissioners of police. The organisation and functioning of Regional Disciplinary Councils are governed by a special legal text independent of the Special Status.

SEIZING THE DISCIPLINARY COUNCIL

A disciplinary matter is brought before of the disciplinary council only when the primary disciplinary authority (hierarchical superior) of the officer in question considers that the sanctions require either the decision of the head of the corps (Delegate General) or the opinion of the Disciplinary Council. To this end, the hierarchical superior prepares the disciplinary file, which will contain the evidence against the officer, his written explanations or response, the results of the inquiries, the nature of the disciplinary fault, previous disciplinary records, and proposed sanctions. This file is forwarded to the office of the Delegate General for National Security for his consideration. Three options are open to him: to annul the case, to pronounce sanctions directly on the officer at fault, or to refer the matter to the disciplinary council for its opinion.^{lviii} If the Delegate General resorts to the third option, the council must be called immediately. But before the council sits, the permanent secretariat of the disciplinary council makes arrangements for the hearing.

THE PERMANENT SECRETARIAT OF THE DISCIPLINARY COUNCIL (SPCD)

The Permanent Secretariat of the Disciplinary Council (SPCD), which plays a key role in the disciplinary procedure in the Cameroon police, was created and organised by Decree No 94/202 of 7th October 1994. The decision to send a matter in front of the disciplinary council is prepared by the secretariat.^{lix} The secretariat designates members of the Disciplinary Council, states the facts of the case, and lists sanctions in both the second and third categories.^{lx} The file, together with the decision from the Delegate General, is sent to the president of the council who in turn sends copies to all designated members of the council as well as to the accused officer. He has seven days from the date of receipt of the document from the President of the council to submit his statement of defence (Memoire en defense).^{lxi} Seventy-two hours before expiry of this seven-day period, the president summons the officer to appear before the disciplinary council. Members of the council are informed in like manner.^{lxii}

THE HEARING OF THE DISCIPLINARY COUNCIL

The disciplinary council sits in private session. The accused officer or his representative and witnesses are then given a chance to present their cases.^{lxiii} The council decides by a majority vote. In the event of a tie, the vote of the president is preponderant.^{lxiv} This decision, (process-verbal), which is signed by the president and all the members of the council, includes a summary of the arguments raised during the deliberations, and the vote passed on the decision.^{lxv}

Conditions Necessary for the Validity of the Decision of the Disciplinary Council

The first condition to render the decision of the disciplinary council valid is its composition. The disciplinary council is composed of police officers and civil servants who are thought to be neutral from other specialties in the administration. Both are appointed by an order of the Delegate General.^{lxvi} The president of the council must be a police officer having at least the rank of divisional commissioner. Other members include a “rapporteur” who must be of the same rank as the agent at fault and five other police representatives.^{lxvii} The president of the council has the power to invite any member of the public whose competence could assist in deciding the case, but that person does not participate in the vote.^{lxviii} Persons who were engaged at an investigative stage of the procedure as well as descendants and associates of the accused officer cannot be members of the disciplinary council.^{lxix} Furthermore, hierarchical principle demands that a junior officer cannot be part of the disciplinary council deciding a matter concerning a superior officer.^{lxx} For instance, the decision of the Prime Minister dismissing Police Commissioner Meligui^{lxxi} was squashed by the Supreme Court for failure to respect the rules relating to the composition of the Disciplinary Council. In that case, it was held that the absence of two officers of the same rank as the officer at fault renders the council illegal, thereby making the decision of the council null and void.^{lxxii} Secondly, members of the disciplinary council must always show impartiality, as failure to do so will render the decision of the council invalid.^{lxxiii} The next condition is in respect of time limit. As a general rule and in accordance with the principle of fair trial, all officers facing the disciplinary council procedure must be given sufficient time, at any stage of the trial process, to prepare for their defence. They also have a right to self-defence and the procedure must guarantee this right. Where this right is not respected, the decision of the council will be null and void.^{lxxiv}

Public Perception of Effectiveness of the System

In practice the system of police internal control in Cameroon operates as subset of a system that is generally very corrupt, ineffective and unaccountable. Interviews with a number of civilians and police officers showed that the public and the police agents alike do not have faith in the police internal control system. Many hold the view that because of excessive control of the state over the police; institutionalise corruption, ethnic considerations, overt favoritism, police internal control systems like all other control systems in governmental circles in Cameroon is simply not working.

Cameroon is country where it is known and accepted that civil servants especially those of the finance department embezzle public funds. This act has been giving several names known to all Cameroonians, some of these names include '*Choko, motivation, Gomboh, Nyarie*, and in the police and Gendarmerie; Control whose proceeds are known as *contre rendu*.

The phenomenon of *contre rendu* which requires that an officer sent to a duty post must take "kick backs" or some money to his boss and his boss to his own up to the Delegate General has greatly limited the effectiveness of police internal control system in Cameroon. One of the interviewee said;

"Police agents are much more interested in what they take home on a daily basis than having to keep the police corps as disciplined as it should be. Due to the quest to fill the pockets, superior police officers who are supposed to maintain police internal discipline are often lukewarm so as not to lose face with a fellow colleague and risk the chance of having little or no compliance as regards the amount (*contre rendu*) that would be brought to him by junior officers sent to a duty post^{lxxv}.

The entire administrative system in Cameroon has become as a game where every one expects to get some form of bribe or the other to get administrative work done. Police recruitment, promotion and advancements are all associated with corruption. The present Delegate General of the Police, Mr Edou Emmanuel, is trying to remake the face of the police by reinstating the morality inquiry that is done before any one is recruited in to the police. Prior to this date it was commonplace to find some one in the police with very poor moral background. Many have been ex-convicts and hardened criminals. With these set of people in the police it becomes very difficult for police internal system to strive.^{lxxvi}

Some of the members of the public interviewed hold that police agents in Cameroon are more or less demi-gods recruited and placed on the highways to lord over other Cameroonians and road users. They argue that if the internal control means was viable, officers that take bribe publicly would have been brought to book.

However, a few of those interviewed hold the view that the Cameroon police are subjected to heavy-handed disciplinary mechanism. They hold the view that the mechanism put in place to ensure internal discipline is better than that of the military and the gendarmerie. But they lament that the disciplinary procedure is never or seldom followed because of the phenomenon of "man know man", which actually determines your status following whom you know in the system.

The same offence that may be committed by two officers would result to different disciplinary measures. Increasingly Delegate General had resorted to pronouncing disciplinary sanctions without going through the normal disciplinary procedure. Oftentimes agents get the decision pronounced over the radio or see it on the pages of newspaper before knowing that he had committed a disciplinary offence or a disciplinary procedure was opened against him. This act of successive Delegate Generals got in to climax when the former Delegate General, Mr Edgar Mebe Ngoh, made excessive use of this method to sanction agents. A proposed strike was rumored amongst police agents who claimed that he Mr Mebe Ngoh was acting ultra vires and against the norms of the police. He was promptly called to other duties to save the government the embarrassment.

Challenges Facing Internal Control System in the Cameroon Police

As a leadership tool, discipline often fails to prevent bad behaviour. The perception that it is unfair causes employees and administrators to become divided by the “us versus them” mindset. Recent research confirms that disciplinary process is a major source of real or perceived unfairness within most agencies. These types of perceptions are what often generate the anger and frustration that countless officers use to rationalize their defiance and misconduct. Some officers come to view their administrators as adversaries. Some sworn personnel grow to be disillusioned and dissatisfied, even though they were enthusiastic; passionate recruits a few years prior. This has caused Cameroon police agents to view discipline as measure used to undermine their authority and Police administrators and managers to apply selective disciplinary methods in the Cameroon police. A number of ways that discipline has been perceived in Cameroon shall be examined below

DISCIPLINARY SYSTEM STILL GENERALLY VIEWED AS A MEANS TO “PEG” A POLICE MEMBER

Generally, officers exercising disciplinary authority prefer to use informal methods of control to deal with recalcitrant members, such as having a one-on-one chat.^{lxxvii} If formal sanctions are unavoidable, the unit commander prefers to refer or forward the disciplinary file to the disciplinary service in Yaoundé, even though the matter would have been within his competence.^{lxxviii} This phenomenon in Cameroon of “you scratch my back and I’ll scratch yours” and that of “a goat eats where it is tethered”^{lxxix} has been a major factor in forestalling and destroying accountability in the police and government circles. The reluctance or outright refusal of a hierarchical superior to take initiative and use his powers to sanction an officer at fault has instituted an endemic malpractice in the Cameroon police. Not only has it nurtured laxity, insolence, insubordination, absenteeism and excessive arrogance on the part of the junior ranks of the force who may have the protection of a “godfather” somewhere, it has also given corruption, unaccountability and all manners of administrative malpractices a pride of place.

The phenomenon of “a goat eats where it is tethered”^{lxxx} has contributed to bribery and corruption in the Cameroon civil service. “Kick-back” proceeds account for the reluctance of some senior officers to initiate or impose sanctions on culpable junior officers. Imposing sanctions can mean that the senior officer is ready to forfeit his status and command over a junior officer who may be protected by a “godfather”. At worst, the senior officer could even

lose his rank or position. Such an environment places police managers in a very difficult position.

The “Chef” syndrome^{lxxxix} in the Cameroon police fuels the culture of police violence as a sacred mission. Police officers have been chosen by God to perform the difficult task of maintaining Gods’ order. The police, a creation of the king, a messenger of the king, the king sent by God, are not supposed to be questioned. This belief system, combined with a military-style management structure, aggravated by the neo-colonial structures left behind by the French and the British, coupled with the absolute powers of the governing class, has had a significant effect not only on the way discipline is understood within the ranks of the Cameroon police, but also how the concept of accountability is viewed.

The extent to which the police see themselves as part of the “first line of defence” against what is often termed the enemies in the house (civilians) has undermined the quality of police discipline in Cameroon. With the Cameroon police force’s increasingly brutal subjugation of popular resistance to dictatorship and unaccountability of state institutions, police discipline is measured in terms of commitment and dedication to a police organisation that is involved in enforcing the dictatorial state’s oppressive laws.^{lxxxii}

REACTIVE AND DISCRIMINATORY NATURE OF THE INTERNAL CONTROL SYSTEM

The internal disciplinary system of the Cameroon police is usually put into effective action only when the police are being vilified by the masses, the press and international community for egregious violations of human rights, such as extra-judicial killing, involvement in armed robbery, extorting money from foreign diplomats, or when the victim is a prominent person.^{lxxxiii} On these occasions, the police would either dismiss such erring officers from service or quickly convoke trials ostensibly to douse public anger against the activities of its officers. In one such incident involving police officers extorting money from Europeans in 2005, the Delegate General quickly set up a high-powered investigation panel and the police officers were sanctioned.^{lxxxiv} The Delegate General for National Security, Edgar Alain Mebe Ngo'o on 8th March 2005, signed two disciplinary decisions, one suspending a police officer, Ntoko Jules, and two Inspectors, Issa Baba and Njib Nsougui. Both inspectors were caught in the dragnet of the special police watchdog squad for offences relating to corruption and extorting money from foreigners in the Douala airport. The decision to launch the special police watchdog squad was taken on the arrival of the new police superior in a bid to clean up the image of the police corps in Cameroon.^{lxxxv}

The practice of instituting police internal disciplinary action in only cases of police abuse involving prominent individuals or those which are shockingly outrageous has greatly hindered the Cameroon people from complaining of human rights abuse by the police, as there is no hope that erring officials will be brought to account for their misdeeds.^{lxxxvi} Moreover, information or statistics on discipline are hardly available to the public. Information and decision are provided reactively and on an ad hoc basis when the police come under severe public criticism for doing little to bring its erring members to book.^{lxxxvii} It is significant that one cannot get statistics on complaints against the police or even commendations that officers have received in the course of their work within a given period. This gives the impression that such statistics are prepared to suit the occasion in question, and are not maintained as a routine or regular feature of police

work and administration.^{lxxxviii} These reactive and discriminatory actions of the police have significant effects not only on police accountability, but also on general police performance in Cameroon.

However, present trends in Cameroon show that the number of police officers investigated or disciplined for acts of misconduct has greatly increased since the inception of multiparty democracy in 1990. This increase is more marked with the ongoing fight against corruption and unaccountability that began after the Cameroon government was ranked number one most corrupt government in the world in 1998 and 1999, and the police in 2005.^{lxxxix} While the war against corruption and unaccountability may be well deserved, it has not generally come as a result of genuine political will to ensure discipline and accountability within the ranks of the police in particular or in governmental circles in general, but in response to pressure from international institutions such as the International Monetary Fund (IMF), the World Bank and the donor community. In the last few years, these international actors continued to tie their aid to good governance and democratisation.^{xc}

DISCIPLINE AS A LOW PRIORITY

Successive Delegate Generals of the police at the national and provincial levels in Cameroon have failed to recognize discipline and disciplinary mechanism as tools that could be used in a fair and consistent manner to remove those police officials who are undermining police efficiency and police/public relations. This could be gleaned from the priority areas of concern, resource allocation to disciplinary mechanisms and, more importantly, absence of periodic review of the disciplinary system. Police authorities in Cameroon rarely publish policing plans or strategies. And when they do, such articulation rarely goes beyond identification of armed robbery and establishment of ad hoc taskforces to tackle it, which hardly provides more than momentary succor.^{xci} A welcome departure to this is provided by the order of the Delegate General for National Security, Mr Edgar Alain Mebe Ngoh, to place emphasis on human rights in the training of police officers. This proactive priority agenda is commendable, given the fact that it is an innovation in the contemporary history of the Cameroon police force.

LACK OF BUDGETARY ALLOCATION

A further proof that discipline has a low place in the Cameroon police force is reflected in the fact that none of the disciplinary mechanisms in the Cameroon police has an annual budget for its operations. The personnel are equally not provided with the logistics such as rapid transportation for use in investigating citizens' complaints against the police or attendance to distress calls. All of these mechanisms, especially those at the provincial level, apart from being ad hoc, have no writing materials for recording complaints; working telephone lines, fax machines or computers for keeping tracks of the complaints. The officials involved depend on rare handouts from the police authorities to carry out their functions. As a result, citizens lack confidence in them and rarely bother to send their complaints to them because of the resource constraints and the low status they enjoy in police hierarchy of priorities. Moreover, the internal disciplinary mechanisms are rarely evaluated by the police authorities to find out how they are performing and what are required to make them perform optimally.

LACK OF COORDINATION AND DOCUMENTATION

Lack of coordination and documentation is another major problem facing the various internal disciplinary mechanisms in the Cameroon police force. This results not only from the fact that there are too many stages that disciplinary action could be taken, but also because the main disciplinary body, the disciplinary Council, is not a permanent body and its decision is consultative and not binding.

Recommendations to Improve Police Internal Control in Cameroon

For the Cameroon police to achieve and sustain a culture of discipline, accountability and integrity, the system of policing, recruitment, training, general service delivery and the conduct of both the internal and external disciplinary mechanism must be reformed.

Political and Administrative disciplinary process must embrace a new paradigm of self-accountability for all agents; one in which the commissioners are not exempt. In other words, the goal should be to achieve self-accountability, rather than merely holding officers accountable after indiscretions occur^{xcii}. Although “disciplining” police agents for a policy violation is both common sense and tradition, there are several other approaches that can result in the ultimate level of integrity, self-accountability. The whole paradigm of police discipline and accountability should be transformed. For instance, the word “discipline” or “punishment” creates negative reactions among some officers. Many people perceive it to be the same as punishment and for some, it is the reason they have become cynical. How ironic that a leadership technique intended to promote ethical behaviour sometimes destroys the unity and teamwork so essential for integrity. Merely using the phrase self-accountability in lieu of discipline is beneficial^{xciii}.

Research on police integrity and corruption has led to the understanding of how to prevent the “us versus them” mentality, while establishing an outlook in which employees actually want to hold themselves and others accountable for their actions^{xciv}. The new self-accountability paradigm requires a number of sequential accomplishments to be achieved.

Police administrators must acknowledge and correct the flaws of the current discipline system. The initial step for reaching self-accountability is to identify the faults of the current discipline process and correct them. Wherever wrongdoing exists, it must be acknowledged, confronted, and resolved. By doing so, leaders will be replacing the superficial and futile tradition of mere negative reinforcement, with having the legitimate potential to achieve the ultimate solution to misconduct through self-accountability.

Administrators should openly hold themselves accountable for addressing the ethical problems of the police. Ignoring apparent ethical problems is glaringly hypocritical and thwarts any desire to achieve self-accountability. It is unlikely that junior officers would want to hold themselves accountable when they know their commanders are not doing the same. The truth is that some police commissioners just want to get to retirement. Many of them are instantly resentful and defensive at the mere inference that they are, or have ever been indifferent to

ethics and integrity. Actions speak louder than words, however. The reality is that most Cameroon police agents have never had any ethics training. A vast majority of police officers in Cameroon feel far more stress from rampant backstabbing, internal politics, hidden agendas, favoritism and blatant unfairness, than they do from simply doing their job. At first glance, it may seem illogical that an administration would not be deeply committed to maintaining a high level of organizational integrity. In a number of case studies, it was ego that prevented the commander from acknowledging serious problems until it was too late. Research has found many situations where hiding ethical failings had literally become a tradition, with commissioner after commissioner ignoring severe problems so it will be “the next guy’s” predicament.

2- Leadership’s arrogant indifference to potential problems usually serves as the most fertile breeding ground for misconduct. Being indifferent to internal flaws can be devastating. When neglected, the damage often spreads like cancer. However, if discipline and accountability are high priorities to an executive, they provide the best solutions for corruption. When police administrators begin to openly address their ethical problem areas, they become role models for self-accountability. The criticisms that cynics could use to demean them would turn into powerful reasons that officers should hold themselves accountable for their own actions.

The Cameroon Police should develop information materials such as brochures and flyers, detailing information about how citizens can file complaints against police officers, and the processes involved in the investigation and disposition of the complaints. Information dissemination through radio and television stations should also be utilized

Police managers should be held accountable by tracking statistical indicators of integrity. This requires that Constant Accountability Tracking (CAT) or a similar process be established. The CAT program is a process that holds commissioners directly, fairly and regularly accountable for the levels of integrity of the officers they supervise. This is done by constantly tracking citizen complaints, complimentary letters and phone calls from citizens, internal commendations, internal grievances, confirmed violations of policy, use of overtime and sick time and use of force. Monthly meetings are held for the purpose of divisions presenting the integrity indicator levels to upper administrators. The administrators who hear the presentations at CAT meetings must create a helpful atmosphere, rather than degrading supervisors who present unfavorable data. This is contrary to the demeaning and ridiculing of supervisors that sometimes occur at meetings within departments that hold similar meetings to track crimes rates^{xcv}.

Education should be used as an element of accountability. Internal discipline can be improved by seeing that the concerned officer(s) complete a self-study training program about the type of misconduct he or she committed, as part of the consequence.

Steps should be taken to help transform an adversarial culture into one of self-accountability. Obvious internal problems should be addressed. The fact that junior officers have witnessed their top leaders’ self-accountability by acknowledging and addressing problems that have caused constant bitterness will serve as both inducement and justification that other employees must now hold themselves accountable for their actions. Role modelling is the most powerful

way to alter behaviour in virtually any setting. When officers have seen that supervisors and administrators commit unethical acts with no consequences, it should be expected that others would attempt to do the same. All levels of leadership must consistently serve as model so that others will do the same.

To achieve all of the advantages that self-accountability has to offer, officers must honestly care about the work they do and those they are sworn to serve. While great policing care about those things naturally, research confirms that how employees are treated has an enormous influence on the behaviour of even the best officers. In other words, workplace cultures are the result of conditions that are produced by leaders, they do not happen by accident. Either the leaders or other people with influential personalities create the cultures of various units within an agency. For the culture of any shift, unit, squad or division to be filled with honor and integrity, trust, respect and honesty have to be constantly demonstrated by its leaders.

Powerful career survival training should be conducted at least a four-hour block of internal training for all employees. Instead of referring to it as ethics training, the entire tone of the session should be changed to “Career Survival” training. Just the phrase “ethics training” can prompt some officers to find an excuse not to attend. Many others will assume it is going to be dry, boring lecture and not walk into class with a positive attitude. Speaking of walking into the classroom, it is absolutely crucial that the top administrators attend the first session, or have a separate one just for the agency leaders.

Self-accountability cannot be successful in Cameroon without a corresponding change in the Legal frame of internal discipline. There should be a complete code of conduct that would be exhaustive of all possible offences that a police agent may commit. This code of conduct would by pass the caveat that sanctions could only be meted to offences stated by the law.

The decision of Disciplinary Council should be made binding instead of being consultative or a recommendation to Delegate General. Most of the time the members of the disciplinary council become disillusioned when the Delegate General who has the power either to accept or reject the commendations does not heed to their recommendations.

Training should be provided to all staff; particularly those involved in data presentation and analysis to enable them provide adequate analysis of cases handled by the division and their dispositions. Police authorities should review statistical reports provided by the Disciplinary Council to familiarize them with the level of misconduct exhibited by officers and areas, which violations occur frequently, and develop strategies for improving officers’ conduct.

The disciplinary process should be simplified and copies should be produced and distributed to all members of the force to ensure that they are aware of the code of conduct and rules and regulations and the penalties for violations. Periodic workshops and in-service trainings should be conducted to discuss the police code of conduct and ethical issues.

More resources should be made available to the disciplinary process as lack of means of investigation; keeping records and disseminating information hamper the smooth working of the disciplinary process.

Internal discipline could not achieve its full potentials without a corresponding external oversight mechanism. In this wise, sustainable external oversight mechanisms should be given a free hand to function. Civil society organisations, Non Governmental organisations and other external mechanisms to hold the police accountable should be encourage and a healthy collaboration should exist between them and the police. The Police should not view them as critics but as partners in development.

Attaining high levels of internal police discipline would require an enviable democratic environment where there is respect of the rule of law, freedoms of speech and human rights. In Cameroon democracy has not been given a chance to flourish. Successive presidential elections have been characterised by too many irregularities. The Constitution has given too much power to the President; the police are under his direct authority. With all these in place it would be difficult for the police to seek and attain sustainable levels of internal control. As such, the state must democratize, open up to plurality and embrace constructive criticism that would strengthen democracy and development. The State should release its grip on the police and make it a community police rather than a state based police, which is answerable only to governmental authorities.

Most importantly the Cameroon people, institutions and government should stop corruption as a way of life and provide the necessary logistics and resources to enable the police perform effectively. Any society that acclaims evil is doomed to perish, for as it is written “virtue exalts a nation but sin is a reproach”. Corruption, greed and tribalism are those evils that the Cameroon people and the government must fight in order to build a nation with institutions capable of having enviable internal police control systems.

This study has highlighted a number of important issues that are directly relevant to police internal control. Improving the values, standards and effectiveness of the Cameroon police as a whole is vital. Given the history of the Cameroon police, as in other former colonies in Africa, it should be transformed from a police ‘force’ to a human rights orientated police service.^{xcvi} The police need to undergo a profound change in values, competencies and standards. The extent of the change that is required and the difficulties facing the police can easily lead one to despair. However, it must be recognised that any organisational transformation is multi-faceted and complex. It has to be recognised, therefore, that in an organisation such as the police, “there is no such thing as a sample solution”. What there needs to be, however, is recognition that there is a problem and that it probably requires a multi-faceted and coordinated response, starting at the top and running right through each level of the organisation.^{xcvii}

An enormous number of changes have taken place in the police since the institution of multi-party democracy in 1990. The task of establishing new rules and regulations, restructuring the National Security, instigating new training programmes, a rank system, a culture of transparency and political accountability to a democratically elected government has been no small feat. However, there is also a broad realisation that there are still unacceptably high levels of corruption, misconduct and criminality within the Cameroon police. Given the current state of the training and internal control regime in the Cameroon police, this study concludes on the

premise that enhanced police service requires a high level of training and discipline amongst its members. An effective disciplinary system will be a key foundation upon which to build real accountability. It is important to note, however, that the changes required by the police to ensure an effective disciplinary system are multi-dimensional. Not only is there the need for drastic improvement in policing and management skills at all levels, but there is also a need for a change in the cultural mindset and overall priorities within the police. The phenomenon of “the goat eats where it is tethered”, which has implanted excessive corruption within the ranks of the police, must be eradicated. In order to do this, the government must increase police salaries and improve their working conditions. Discipline must begin from the top to the bottom, so much so that no one should be exempted.

Considering the fact that the police are not a driver of change in the society, the government will have to change its mindset and pursue proper governmental accountability with determination. Discipline and accountability cannot be implemented in the police in isolation, leaving other governmental agencies to flourish in money obtained through corrupt means. The police officers who stand on highways to collect 500 francs from transporters and other road users often defend themselves that the customs officers, treasurers, customs officials, magistrates and many other civil servants collect millions of francs each day and are acclaimed by the public for being rich people. The government needs to address the general corruption, indiscipline and unaccountability that characterise the Cameroon administration. A culture of self-accountability should also be encouraged. Without these changes, internal discipline of the Cameroon police will remain but a fleeting illusion.

ⁱ US Department of State [Background Notes on Cameroon](#).

ⁱⁱ Such as in: “Mvan a bandit beaten to death illustrated by Cameroon Tribune No 8613/4812 of July 2006. see also, note 132, P.54 Supra

ⁱⁱⁱ National Commission on Human Rights and Freedom’s Annual Report 2001.P. 20

^{iv} Mawbi I, Comparative Policing Issues (Unwin Hyman Ltd 15/17 Broadwick Street, London W1V 1FP, UK 1990), p.35.

^v Article 2

^{vi} Ibid Article 5

^{vii} See also Decree of 1st March 1854 and 20th May 1903.

^{viii} Ibid Article. 13.

^{ix} Article 19 of *Code de delits et de peines du 3 brumaire an IV*.

^x See Article 2 (the process verbal) of “Arête” of 7 November 1925 instituting the police stations of Yaounde and Douala.

^{xi} Ibid Article 15.

^{xii} Article 38(1) of the 1961 Federal Constitution of Cameroon.

^{xiii} Issues on nationality, status of foreigners, internal and external security of states, emigration and immigration, the state of persons and property and judicial police for major breaches of criminal law were all within the prerogatives of the Federal Authorities

^{xiv} Article 1 Para 2 and 3 of Decree No 63-DF-216 of 6th July 1963. Creating A Federal Security Service.

^{xv} Dermot PJ Walsh, op. cit., p. 13.

^{xvi} Ibid.

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- ^{xvii} Article 1(2&3) of Decree no 63/DF/216 of 6th July 1963, Creating and organising the Federal Sureté.
- ^{xviii} Although it is traditional to refer to a constable as a common law peace officer, the designation of Guardian de La Paix comes from France. Unlike the English constable whose powers stems from his common law rights, the powers of the guardian de la paix are defined by law within the strict respect of his attributions.
- ^{xix} Article 4 (4) of the Special Status.
- ^{xx} Guilibite Jean Georges, *Police Camerounais et Respect de la Hierarchie*, Memoire de fin de formation, (Ecole Normale Superieure de Police yaounde, 2003), p. 1.
- ^{xxi} Article 2(2) of Decree No 94/199 of 7th October 1994 on the general status of the civil service.
- ^{xxii} Article 3 of the Special Status and article 5 of Decree 2002/003 of 4th January 2002 on the Organisation of National Security.
- ^{xxiii} Article 5(2) Decree 2002/003 of 4th January 2002 on the Organisation of National Security.
- ^{xxiv} *Ibid.*, Article 8.
- ^{xxv} Dermot Walsh, *op. cit.*, p. 15.
- ^{xxvi} The Delegates General of the Police, like the Prefect de Police in France, are not always police officers themselves.
- ^{xxvii} Article 3 of Decree no 2001/065 of 12th March 2001 on the special status of The Corps of Functionaries of National Security; Article 8 of Decree No 2002/003 of 4th January 2002 on the Organisation of the General delegation of National Security.
- ^{xxviii} Article 4(5) of the Special Status of the Police.
- ^{xxix} Article 18 of Decree No 2002.003 of 4th January 2002 on the Organisation of the General Delegation for National Security.
- ^{xxx} *Ibid.*, Article 5.
- ^{xxxi} Section 78 (1),(2) & (3) f Law N0 2005/007 of 27th Jly 2005 On the Criminal Procedure Code.
- ^{xxxii} Article 102 of Decree no 94/199 of 7th October 1994 on the General statute on the Public Service.
- ^{xxxiii} Article 102 of the Special Status.
- ^{xxxiv} Article 3 of the Special Statute of the Police.
- ^{xxxv} *Ibid.*, Article 3(2).
- ^{xxxvi} Article 3 of the Special Statute of the Police, See also Article 1 and 8 of Decree no 2002/2003 of 4th January 2002 on Organisation of The General Delegation For National Security.
- ^{xxxvii} Interview with senior police officer who opted for anonymity on the 12th of March in Yaounde.
- ^{xxxviii} Interview with a very senior police commissioner of police in January 2003 who for obvious reasons opted for anonymity.
- ^{xxxix} Article 94 of the Special Status.
- ^{xl} *Ibid.*
- ^{xli} *Ibid.*, Article 89. Normally, such a finding can be reached only by an inquiry formally established by a hierarchical boss or any disciplinary authority.
- ^{xlii} Law No. 67/LF/9 of 12th June 1967 relating to the general organisation of Defence.
- ^{xliiii} Article 94 of the Special Status.
- ^{xliv} Article 94 (a) of the Special Status; unlike France, there is no separate Code of conduct of the police in Cameroon.
- ^{xlv} *Ibid.*, 94.
- ^{xlvi} *Ibid.*, 94 (d & e).
- ^{xlvii} Article 30 (1)&(2) of Arrete No 2003/CAB/PR du 16th Avril 2003 Sur L'organisation et le fonctionnement des organes consultatif dela Surete Nationale.
- ^{xlviii} Decret Francais No 86/592 du 18 Mars 1986 Portant code de Deontologie de la Police Nationale.
- ^{xlix} Article 89 of Decree No 2001/065 of 12th March 2001 on the Special Status of Functionaries of the National Security. For disciplinary faults, see Article 94 of the same Decree.
- ^l *Ibid.*, Article 89 (2).
- ^{li} Article 35 of Arrete No 203 CAB/PR du 16 Avril 2003, Portant Organisation et fonctionnement des organes consultatifs de la Surete National.
- ^{lii} Other authorities include the Delegate General, Head of Services and the Disciplinary Council.
- ^{liii} Article 37 of Arrête No 203 CAB/PR du 16 Avril 2003, Portant Organisation et fonctionnement des organes consultatifs de la Sureté National.
- ^{liv} Article 112 (3) of the Special Status and Article 39 of Arrête No 203 CAB/PR du 16 Avril 2003, Portant Organisation et fonctionnement des organes consultatifs de la Sureté National.

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- ^{lv} Ibid., Article 113(1).
- ^{lvi} Ibid., Article 113(2).
- ^{lvii} Article 114 of the Special Status.
- ^{lviii} Article 41 of Arrête No 203 CAB/PR du 16 Avril 2003, Portant Organisation et fonctionnement des organes consultatifs de la Sureté National.
- ^{lix} Article 122 of the Special Status.
- ^{lx} Ibid.
- ^{lxi} Ibid., 122(4).
- ^{lxii} Ibid., Article 124.
- ^{lxiii} Ibid.
- ^{lxiv} Ibid., 127(5).
- ^{lxv} Ibid., Article 128.
- ^{lxvi} Ibid., Article 115.
- ^{lxvii} Ibid., 115(1).
- ^{lxviii} Ibid., Article 115 (5).
- ^{lxix} Ibid., article 115 (3).
- ^{lxx} Federal Court of Justice/ ACY; 4 November 1966, Moukoko James Emmanuel.
- ^{lxxi} Decree no 64/16,05, 1964.
- ^{lxxii} La Cour Supreme du Cameroun Or 31 ay 1966, CP Melingui Benoit.
- ^{lxxiii} Commissioner of police Bene B'ella Lambert, CS/CA. 13.05 1976.
- ^{lxxiv} CS/CA; May 1990, CPP Edzoa Georges Maurice.
- ^{lxxv} Interview with a police office in Dschang in March 2010 during field work
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- ^{lxxvii} Interview with the Commander of the Gendarmerie Legion. Menoua Division Western Province, Cameroon on 28th January 2002.
- ^{lxxviii} Article 116 of the Special Status “Disciplinary sanction in the first category can be pronounced without the consultation of the Disciplinary Council. The chief of service or the unit commander of the police unit could pronounce them”.
- ^{lxxix} Siake Jean Paul, La defense des droits des Fonctionnaires de la Sureté National en cas de Faute Commise Dans l'exercice de leurs Fonctions, (Memoire de fin de Formation De Police June 2003, unpublished), pp. 38-39.
- ^{lxxx} Jean Francois Bayart, The State in Africa, The Politics of the Belly (Longman, London and New York 1993), p.xvii.
- ^{lxxxii} See various Amnesties International Reports on the State of Police Brutality in Cameroon.
- ^{lxxxiii} Suspension of Amuogou Atagana Moise, Police officer in Douala International Airport, (Post on line .com March 2007) US Department of State, Country Reports on Human Rights Practices in Cameroon Released by the Bureau of Democracy, Human Rights, and Labour March 4, 2002
- ^{lxxxiv} Ibid
- ^{lxxxv}
- ^{lxxxvi} Demanding bribes for any service that the police render has become the rule in the Cameroon police. The people have somehow accepted this and are living with it. Resisting complying may cost more, if taken to the police station. No one seems to complain anymore, because no disciplinary action is taken when a complaint is made.
- ^{lxxxvii} Amnesty International Reports, Transparency International, US Embassy state report, etc,
- ^{lxxxviii} Interview with the National Commission of Human Rights in October 2006,
- ^{lxxxix} Transparency International Corruption Survey 1998 and 1999,
- ^{xc} Claude Kabemba, Corruption Report: Central Africa Coverage: Burundi, Cameroon Central African Republic, Chad, Democratic Republic of Congo, Equatorial Guinea, Gabon, Republic of Congo, Rwanda, São Tomé and Príncipe 2003,
- ^{xci} Decree No Creating the Operational Commandment in Douala in 2001,
- ^{xcii} Mayor's Task Force On Police Discipline Report And Recommendations November 27, 2001
- ^{xciii} Ibid
- ^{xciv} Ibid
- ^{xcv} Ibid
- ^{xcvi} Brogden M, The emergence of the police-the colonial dimension, in Time Newburn (ed), (Policing Key Readings), pp. 69-77.

^{xcvii} Gareth Newham, Transformation and the Internal Disciplinary System of the South African Police Service, (Research report written for the Centre for the Study of Violence and Reconciliation, November 2000); Newburn, Tim, 'Understanding and Preventing Police Corruption: Lessons from the Literature.' (*Police Research Series Paper* Home Office 110, 1999), p. 48.