



Policy Brief

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Addressing the challenges of law enforcement in Africa

Policing in Sierra Leone, Tanzania and Zambia

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INTRODUCTION

Policing lies at the heart of any effective criminal justice system, and many of the challenges faced by judicial systems in Africa directly confront police forces on a daily basis. Increasing populations and rising crime rates confronted by under-resourced police forces reduce the capacity of the police to prevent and investigate crime. International crime, such as the illegal drug trade and money laundering, and the perception of widespread corruption at all levels of governance, further stretch the ability of the police to maintain public confidence. This research has attempted to identify the structural and institutional weaknesses of contemporary policing in three African states, with the aim of making recommendations to increase its effectiveness.

POLICING TODAY: STATUS AND LIMITATIONS

The police forces of Africa's ex-British colonies have their roots in the colonial forces, created with a mandate dominated by the need to stifle dissent and maintain colonial rule. The legal basis for the police forces studied was laid down, following independence, with the passing of legislation establishing the new forces and the first indigenous police chiefs. In all the states examined here, firstly conflict (in Sierra Leone) and secondly tendencies towards one party authoritarianism (in Tanzania and Zambia) impacted on the political independence of police forces, on their capacity and on how they were perceived by the public. Today these police forces are battling the legacy of their past, and still struggling to enforce the highest ethical standards in an environment

where their political masters appear not to prioritise the independence and capacity of the police.

In this policy brief the status of policing in the three states is reviewed in the light of the results of the research.

Sierra Leone

The Sierra Leone Police (SLP) was established in the Constitution of 1991 as an explicitly non-political force, following a period of extreme corruption in the 1980s. The SLP was devastated by the civil conflict that followed, which largely destroyed the infrastructure and capacity of the force. The SLP is supervised by a Police Council representing both Government and civil society, which advises the President on the appointment of the Inspector General who heads the force; police powers and mandate as laid down in the Police Act of 1964.

The challenges faced by the SLP are a direct result of the country emerging from conflict: offences are still dominated by those in the West, arising from migration to urban areas and the growth of urban slums. Assault accounts for 50 per cent of all crime, and fraud and larceny for about 30 per cent; while crime rates have risen in recent years it is unclear if this is a real trend or the result of greater reporting arising from more effective policing. New crimes including terrorism, cyber crime, human trafficking and the drug trade continue to challenge the SLP. Relations between the police and the community do not support effective community policing. Partnerships have been formed with local communities, but the success of community policing depends on the implementation of a proactive and problem solving

policing approach. Corruption remains prevalent in the SLP, fostered by poor remuneration and conditions for police officers, leading to bribe taking becoming routine. In percentage terms budgetary allocation to the SLP has been decreasing even in a time of greater responsibilities given to the force, and police stations in the country remain too few. Crime prevention remains an area where the SLP has no strategic approach. The size of the force remains inadequate: its strength of 9 652 members constituting less than 70 per cent of the number required to meet UN standards of one police officer per 400 members of the population.

Despite the barring of political persons from the force the SLP is highly politicised, permitting the well connected to enjoy impunity, persecution of officers who lack connections and leading to recruitment on a political basis. Perceptions of the SLP are largely negative, with the public considering it corrupt and ineffective. There is a widespread belief that the SLP needs to be decentralised, permitting local managers and divisional commanders to take more control. The Police Act is a maze of archaic legislation, now four decades old, which fails to meet the challenges of contemporary policing. Budget constraints impede the SLP of becoming the modern force it aspires to be: while the force is expanding, vehicles remain grounded. Resource management, financial sustainability and viability of the SLP are major areas of concern. Budget allocations for the years 2002 to 2004 only partially reflect the main aspect of the security sector reform agenda of *more police, less soldiers*.

Tanzania

The Tanzania Police Force (TPF) is established by the Police Force and Auxiliary Services Act, and many of its powers defined in the Criminal Procedure Act. The TPF does not enjoy a monopoly of law enforcement duties, the people's militia, or *Sungusungu*, emerged in the 1980s as an additional tool of the authorities with powers of arrest. The militia lacks training and has in the past both violated the rights of those it has targeted and has sometime sunk itself into criminality. Accountability and reporting mechanisms for the militia remain obscure, with a suspicion that the militia was created to circumvent the rule of law. Accountability mechanisms for the TPF include parliamentary oversight and the Tanzania Commission for Human Rights and Good Governance, which has powers to inquire into abuse of powers. Additionally, the Ethics Secretariat, under the office of the President, as well as probe teams can also serve as oversight of policing. Section 5 of the Criminal Procedure Act gives wide powers to police to place a person 'under restraint' whether or not there are

reasonable grounds for suspecting him or her to have committed an offence: this can give rise to violations of Tanzania's obligations under the African Charter of Human and People's Rights.

The investigation and prevention of crime by the TPF is compromised by poor investigation techniques, a lack of both forensic capacity and expertise at handling evidence. Resources are inadequate, with one officer for every 1183 persons, insufficient transport and communication facilities exist, and officers suffer from low pay and poor conditions. The resulting low morale in the force gives rise to corruption, through abuse of powers and fabrication of cases against the innocent. Public pressure and ignorance of the law allows 'mob rule' to influence police behaviour, while Ministers and other senior figures put pressure on the police to circumvent normal procedure to satisfy their agendas. The TPF lacks specialised services that can aid their work, such as the Victims Support Unit and Public Police Complaints Authority that exist in Zambia. Similarly, specialisation within the force is limited, with the Criminal Investigations Department responsible for investigation of all cases, regardless of seriousness or type. The lack of effective recordkeeping of criminal records has stifled criminal control mechanisms, and the slowness of criminal trials impacts negatively on police work. Public perception of the police is not positive, and community policing remains compromised by a lack of trust of the police, but senior officers have suggested they are aware of these problems. The public sees extreme delays in investigations and an inappropriate attitude towards gender and sexual violence that are treated as a family affair, and for which there are no special facilities.

A basic challenge facing the TPF is a lack of staff for policing, investigation and prosecution, while there are few patrols, and no-go areas persist. The training period of six months is inadequate, salaries are low and conditions for officers poor.

Zambia

The Zambia Police Service (ZPS) is provided for by the Constitution of 1991 and the Police Act of 1965, which has been amended several times, most recently in 1999. In addition to the ZPS a volunteer Police Reserve exists. Whilst the legislative framework is largely adequate, emergency legislation exists that allows the President to detain indefinitely, rendering redundant many legal safeguards. Special units to support the Police, a paramilitary police battalion and a Mobile Unit provide backup in exceptional situations. Both however have

independent command structures that alienate them from day to day policing.

Total ZPS personnel numbers are 13 000, less than half that IS required to meet the recommended UN level of 1 police officer for every 400 persons. HIV rates in the police are comparable to that in the general population, around 16 per cent, and as such illness and death from HIV/AIDS serves to place added pressure on the force's human resources. Management practices in the ZPS are centralised and bureaucratic, limiting its effectiveness, and ensuring that communications within the force are inadequate. A further serious impediment to the delivery of effective and efficient criminal justice is the lack of investigative capacity in most of the agencies. According to the Director of Public Prosecutions, some crimes are not prosecuted because of a lack of credible evidence, mainly as a result of poor investigation techniques coupled with a limited forensic capacity, but a forensic laboratory is under construction. Brutality and other rights violations remain an issue, with 40 cases of police brutality and 83 of unlawful detention recorded in 2006.

A survey in 2003 revealed that over 50 per cent of the public are dissatisfied with the performance of the police; the research conducted for this study found that 80 per cent rated the ZPS as only 'somewhat effective'. It was understood by the public however that much of this failure was due to logistical shortfalls, a shortage of officers and perceived corruption in the service: more than 50 per cent of the public believe the police is the institution in which bribery is most prevalent. There is evidence that public perception of the ZPS is improving however.

The Zambia Police (Amendment) Act of 1996 targeted institutional weaknesses, creating a Victim Support Unit at all levels (station/district/division/HQ) to address the needs of special groups, such as women and children. The units have made notable progress in spearheading a vigorous education and sensitisation campaign aimed at changing the mindset of the police and public toward vulnerable persons; which serves as an example to the region. The minimum qualification to join the police has also recently been increased, and the training curriculum revised to include human rights law. Accountability mechanisms of the role of the police include parliamentary oversight and the Police Professional Standards Unit established in 2003 to investigate corruption, arbitrary arrests and other unprofessional behaviour. The Public Police Complaints Authority (PPCA) (also established in 2003) investigates complaints from the public as well as any deaths in custody. However oversight remains weak: the PPSU has dealt with only three cases since its inception, while the PPCA has received 825 complaints,

made 45 rulings and dismissed 13 officers for abuse of authority. The Anti-Corruption Commission (ACC) is an autonomous institution with a mandate to investigate corrupt practices of all public servants, but levels of convictions have remained low: the ACC still has much to do to ensure that the current legal framework can effectively address corruption.

KEY ISSUES

The key issues facing contemporary law enforcement are common to all three states examined here. Whilst the following have begun to be addressed in one or more of the contexts, all remain challenges:

- Politicisation: Members of government and politicians abuse the police for their own agendas; recruitment is politicised and oversight bodies are partisan.
- Lack of resources: Forces are universally understaffed; communications and transport infrastructures are inadequate, impacting on the quality of police work; evidence handling and forensic capacities are inadequate.
- Personnel: Recruits are not well-educated on intake and training does not address all elements required; human rights violations persist.
- Community policing is frustrated by a lack of trust in the police; public perception of the police is largely negative.
- Corruption: Poor pay and conditions lead officers to take bribes; efforts to address corruption are inadequate and inconsistent.
- Oversight remains limited or insufficiently independent.

RECOMMENDATIONS

To put into place a framework that will allow police forces to address the needs of their societies to investigate and prevent crime requires change at all levels of the criminal justice system.

Appropriate legislation must be in place to ensure that police forces have the framework to function effectively and independently. In Sierra Leone the Police Act is an obsolete piece of legislation that does not accord with the imperatives of modern-day Sierra Leone; parliament should urgently enact new and modern police legislation. The SLP should be made independent of government control to counter politicisation in the force and the composition of the Police Council should be reviewed to make the SLP independent of political interference. In Tanzania and Zambia torture must be criminalised

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and the Convention Against Torture incorporated into domestic legislation. In Zambia, the Inspector General of the ZPS must be appointed by an independent body and protection provided in law for whistleblowers who seek to publicise corruption and other incidents of law breaking within the force.

Human resources remain insufficient in all three forces, and the quality of new recruits is poor. Entry requirements should be reviewed, as they have been in Zambia: in Sierra Leone five WASCE credit passes should be a minimum requirement for recruitment. In all contexts recruitment should be independent of ethnicity and political affiliation. Police in all three forces should receive further training in human rights, accountability and the role of the police in a democracy. HIV/AIDS awareness training must be given to officers and retraining undertaken to replace officers incapacitated by illness. A baseline study to understand the impact of HIV/AIDS on police forces could steer this work. In Tanzania the police force must ensure that the force becomes more sensitive to gender-based violence and treat it as a serious crime rather than a private matter. Measures should include the provision of special rooms for interviewing and counselling women and children who are victims of crimes involving sexual, domestic and gender-based violence.

In Sierra Leone the government should increase the SLP's budgetary allocations to enable it to address the problems of logistics and personnel; the government should construct more police stations and barracks to improve the efficiency and welfare of police officers, and enhance efforts at stemming rising crime. In Tanzania government should increase the budgetary allocation to the police force to facilitate recruitment of more officers, improve incentives, including salaries and accommodation, and modernize its information and communication technology capabilities. A dedicated forensic laboratory should be constructed (as is underway in Zambia), transport provided and investigative tools made available to improve the quality of investigations; and improving criminal records management should be prioritised.

All three forces devote inadequate attention to relations with the public. In both Sierra Leone and Tanzania

the police community relations structure should be enhanced to combat crime more effectively through better cooperation with communities. In Tanzania, the police force should scale up community policing in order to increase the effectiveness of crime prevention and detection, and ensure that police training equips officers with community policing knowledge and skills. Zambia has made genuine innovations through the creation of the Victims Support Unit (VSU) and PPCA, and these innovations can serve as an example to other states. A similar independent complaints procedure is required in Tanzania. In Zambia however the public still lacks awareness of the VSU and PPCA, as well as of their rights more generally: a public awareness campaign is required for these institutions to work effectively. A research facility on criminal justice in Zambia would encourage further innovations in the field.

Corruption in the police force should be treated with the urgency it deserves in all states: the prosecution of all offending police personnel remains the strongest deterrent. In Zambia the positive move to establish the ACC can be reinforced by ensuring its professionalism through the development of a resource centre on corruption to support the ACC.

This study shows that whilst African states face substantial challenges in investigating and preventing crime, innovative approaches can address these; while within the region ideas are emerging which offer lessons for all states facing similar issues.

NOTE

This brief is derived from the country reviews conducted by the AHSI in Zambia, Sierra Leone, Mali, Benin, and Tanzania. See the following ISS monographs: *The Criminal Justice system in Zambia*, No 159; *Sierra Leone: A country review of crime and criminal justice*, No 160; *Mali: Criminalité et Justice Criminelle*, No 162; *Benin: Revue de la Justice Criminelle*, No 163. The monograph on Tanzania is forthcoming.

