



Independent Police Complaints Board (IPCB)



IPCB Head Office
New England Ville, Freetown

Annual Report 2017

THE EIGHT PRINCIPLES OF PUBLIC LIFE

The Eight Principles of Public Life apply to anyone who works as a public office-holder.

This includes all those who are elected or appointed to public office, nationally and locally.

All public office-holders are both servants of the public and stewards of public resources.

The Eight Principles are:-

PATRIOTISM AND LOVE FOR COUNTRY

Holders of public office must put the interest of Sierra Leone and the People above all else.

SELFISHNESS

Holders of public office should act solely in the interest of the public.

INTEGRITY

Holders of public office must avoid placing themselves under any obligation to people or organizations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

OBJECTIVITY

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

ACCOUNTABILITY

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

TRANSPARENCY

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

HONESTY

Holders of public office should be truthful and forthright in all undertakings.

COMMITMENT

All Holders of Public Office should commit themselves to exhibit these principles in their own behavior. Public Office Holders should actively promote and robustly support these principles and be willing to challenge bad and negative behavior wherever it occurs.

**Independent Police Complaints Board
(IPCB)**

**Annual Report
2017**

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ABBREVIATIONS AND ACRONYMS

ACC	-	Anti-Corruption Commission
ACHPR	-	African Commission on Human and People’s Rights
ADR	-	Alternative Dispute Resolution
AGMJ	-	Attorney - General & Minister of Justice
APCOF	-	African Policing Civilian Oversight Forum
APP	-	Annual Performance Plan
ASJP	-	Access to Security and Justice Programme
AYV-TV	-	African Young Voices Television
CDIID	-	Complaints, Discipline and Internal Investigations Department
CHO	-	Complaints Handling Officer
CMS	-	Case/Complaints Management Systems
CO	-	Communications Officer
CRC	-	Constitutional Review Committee
DPP	-	Director of Public Prosecutions
EMB	-	Executive Management Board
FGE	-	Focus Group Engagement
GoSL	-	Government of Sierra Leone
HRCSL	-	Human Rights Commission of Sierra Leone
IESPC	-	Integrated Elections Security & Planning Committee
IO	-	Investigations Officer
IPCB	-	Independent Police Complaints Board
IPID	-	Independent Police Investigative Directorate (South Africa)
IPOA	-	Independent Police Oversight Authority (Kenya)
IGP	-	Inspector General of Police
JSCO	-	Justice Sector Coordinating Office
LAB	-	Legal Aid Board
MIA	-	Ministry of Internal Affairs
MoU	-	Memorandum of Understanding
MP	-	Member of Parliament
NATCOM	-	National Telecommunications Commission
NGO	-	Non-Governmental Organisation
ONS	-	Office of National Security
OO	-	Office of the Ombudsman
PSC	-	Public Service Commission
ROO	-	Regional Outreach Officer
SSR	-	Security Sector Reform
SLP	-	Sierra Leone Police
SLTU	-	Sierra Leone Teachers’ Union
SOPs	-	Standard Operating Procedures
TRC	-	Truth and Reconciliation Commission
UNDP	-	United Nations Development Programme

FOREWORD

I should use this opportunity of tabling the 2017 Annual Report on the activities of the Independent Police Complaints Board (IPCBA), to register my thanks and appreciation to Board Members and Staff for their valued contribution under challenging circumstances enabling the IPCBA continued to deliver on some of its Mandate.

In retrospect, Tuesday 20th October 2015 saw the IPCBA on the threshold and taking a big step forward, having overcome great odds during the period of institution building, and embarking on the quest of charting a way forward using the multi-pronged approach of capacity building, public awareness-raising and education, complaints handling and investigation. Never did I imagine that an innocuous statement I wrote in the 2016 Inaugural Report following the successful Launch of the IPCBA in October 2015 to wit:

“...However, the euphoria of a successful launch following in the wake of institution building activities should be tempered by the enormity of the challenges that lay in wait as the IPCBA embarked on the next steps ...”

would presage the baleful reality of pitfalls and setbacks as outlined in this Annual Report.

Looking back therefore, and drawing from two years of operation experience (2016 – 2017), the Board has been left with the justifiable feeling of a historical neglect as highlighted in chapter 3 of this Report. The sum total of the aforementioned are lost opportunities particularly in the area of capacity building during two years of practice. Also, lack of resources did not allow us to adequately publicize our 2016 programme of Public Awareness-Raising and Sensitization which took the form of Focus Group Engagements (FGEs) covering all twelve Districts and the Western Area (Rural and Urban). IPCBA was only able to produce a limited quantity of the FGE reports with funds provided by the UNDP.

I could recall the utterance of the then UNDP Country Director Sudipto Mukerjee during the formal opening of our New England Ville Office and Launch of the FGE Report on 13th October 2016, that the IPCBA was one of the highly rated national partners of the UNDP, and was pleased with the progress registered thus far within the short period of its existence and in the midst of limited support. He averred that in order to utilize the benefit of the institution and the enthusiasm demonstrated by the IPCBA, Government needed to consider additional support which would at best be supplemented by other goodwill partners. Regrettably there has hardly been any change in the status quo.

The above notwithstanding, the IPCBA, even in a state of deprivation in terms of manpower, financial resources and other logistical needs, continued unfazed to somehow deliver on some of its mandate. I should at this juncture put on record our appreciation of the quality and enduring relationship which within so short a span of time, the IPCBA has forged with the African Policing Civilian Oversight Forum (APCOF) in South Africa. The intrinsic value of this relationship has been aptly described by Advocate Thomas Tshabalala, Chairperson, APCOF, in his FOREWARD to APCOF's 2016 Annual Report as follows-

“we appreciate the IPCBA's confirmation of the value of its relationship with APCOF and in consolidating this relationship by agreeing to serve on the Advisory Board.”

*The IPCBA continues to hold fast to the tenets enshrined in its Codes of Conduct with strict adherence to the **EIGHT PRINCIPLES OF PUBLIC LIFE** serving as the yardstick against which our level and quality of service delivery is constantly measured, and which is reproduced on the inside front cover of this Report.*

I must again commend Board Members and Staff for their collective resoluteness in staying the course. I would like to extend my appreciation to our very few and dependable development partners, the UNDP and APCOF who continue to support us. We never take this for granted and we trust the results of our work will continue to justify your trust and investment in our endeavours.



Valentine T. Collier, GCOR

Chairman

1.0 BACKGROUND

The Independent Police Complaints Board (IPCB) is a non-departmental public body established in July 2013 by the Police Council under Section 158 of the Constitution of Sierra Leone 1991, (Act No. 6 of 1991).

The functions of the 'Board' are set out in Section 3 (1&2) of The Independent Police Complaints Board Regulations, 2013, and include the following:

(1) The Board shall investigate:

- ❖ The death of any person while in the custody of the police;
- ❖ A fatal road accident in which a police vehicle is involved;
- ❖ A shooting incident where a police officer has discharged a firearm or killed a person;
- ❖ Incidents of injuries, assault or wounding caused by a police officer;
- ❖ Allegations of misconduct involving an officer of the rank of Superintendent or higher;
- ❖ Any matter involving misconduct by the police referred to it by the Inspector-General of Police where the Inspector-General of Police thinks an independent investigation will be in the public interest;
- ❖ Any matter or incident which it thinks the action or inaction of the police is likely to impact significantly on the confidence of the people in the police;
- ❖ Any matter whether remote or otherwise, which gave cause for an investigation to be conducted under this regulation.

(2) The Board shall advise the Police Force on ways in which incidents involving the Police Force as provided in these Regulations may be avoided or eliminated.

The functions of the IPCB, set out in the regulations, thus provide the IPCB with a broad mandate to not only receive complaints, but to investigate specific cases of police abuses, and recommend proactive remedial action that can be taken to avoid future reoccurrence.

1.1 Corporate Ethos of the IPCB

The enactment of the Regulations creating the IPCB represents an important milestone in the process of reforming the security sector in Sierra Leone.

Vision

The IPCB exists to ensure that the Sierra Leone Police is responsive to the needs and concerns of the people of Sierra Leone, which it serves.

Mission

The IPCB's mission is to build public trust and confidence in the Sierra Leone Police by seeking to establish the truth, determining fact, and ensuring that justice can prevail.

Guiding Principles

In line with the IPCB's Vision and Mission which consist in its statutory oversight functions, the actions of the IPCB are based on the following guiding principles:-

- ❖ Integrity - consistency of actions, methods and principles based on honesty and truthfulness;
- ❖ Justice and Respect for Human Rights - are the cornerstone of human dignity, freedom and development - Injustice anywhere is a threat to justice everywhere;
- ❖ Independence – the IPCB is not subject to the control or direction of any other authority in the performance of its functions;

- ❖ Transparency and Impartiality – guaranteeing that in the discharge of its functions, fairness and equity will always prevail; and
- ❖ Responsiveness – carrying out its functions with diligence and promptness to meet the needs of its clients.

2.0 UNDP SECURITY SECTOR REFORM (SSR) PROJECT

The UNDP Security Sector Reform (SSR) Project continues to be the key source of support for the operations of the IPCB in terms of capital inputs and through a series of focused interventions aimed at ensuring that the IPCB continues to be empowered operationally to perform its core functions.

During the year under review, the UNDP as part of its **‘Strengthening the Rule of Law, Security and Human Rights in Sierra Leone Project’**, on 21 August 2017, signed an agreement with the IPCB which enabled the Board to organize Town Hall Meetings in Kenema, Bo and Makeni on 14th, 15th and 16th November 2017 respectively. The aim of this Project was to strengthen the justice and security sector institutions to deliver effective services closer to the people and in compliance with human rights standards, through community focused interventions. The Theme adopted by the IPCB for these occasions was:

“IPCB as Trust and Confidence Builder, and how to ensure Justice for all, using the medium of Youth Engagement and Involvement”.

A write up on the Town Hall Meetings is included in chapter 12.0 - PUBLIC AWARENESS-RAISING AND SENSITIZATION THRU’ YOUTH ENGAGEMENT AND INVOLVEMENT of this Report.

3.0 OVERVIEW

The IPCB is still in its nascent stage of development, having opened its doors to the public on Tuesday 20th October 2015.

The IPCB during its phase of institution building which started in May 2014 and which coincided with the Ebola catastrophe, did manage to successfully forge ahead in collaboration with UNDP funded Consultants, APCOF with various assignments key among which were:-

- A Work Study on the staffing of the IPCB and Job Descriptions;
- Board and Staff Members’ Codes of Conduct;
- Standard Operating Procedures (SOPs) that cover the following areas -
 - Board Standard Operating Procedures
 - Policy and Standard Operating Procedures for the Management of Complaints
 - Policy and Standard Operating Procedures for the Management of Investigations
 - Policy and Standard Operating Procedures for the Management of Research within the IPCB
- Communications Strategy and Action Framework
- Monitoring & Evaluation Framework.

In all of the above, the UNDP in particular has been the IPCB’s mainstay of support by providing all of our office requirements including furniture, computers, stationery, a vehicle and funded the rehabilitation of the office building at New England Ville which was formally opened on 13th October 2016.

The IPCB at the start of its operations in October 2015, did have in place most, if not all of the instruments that should have given it a head start to deliver on its mandate.

3.1 Challenges and Constraints

The need for effective and credible police accountability which is a strategic objective of Government is now a reality in Sierra Leone. We however need to remind ourselves that the establishment of the IPCB on its own was not an end in itself. It is important that such an oversight structure has the necessary capacity and powers to carry out its functions effectively.

Based on an assessment of its two years (2016-2017) of operations, the IPCB has identified the following challenges and constraints, which have so far not been addressed, and continue to hamper it from delivering to the full extent on its Mandate. Key among these are:-

i. Status of working relationship with Police Council

IPCB is the creation of the Police Council according to section 158 of the Constitution of Sierra Leone. It would appear that after its establishment, the IPCB has been cut adrift, with no form of meaningful communication or interaction, leaving the IPCB to its own devices.

I would want to believe that no matter how 'Independent' the IPCB is supposed to be, there should still exist some vital points of contact/ reporting lines in place in the interest of good governance and accountability. The kind of stolid silence that has prevailed over the years, has therefore given cause for IPCB to now flag the issue.

ii. Status of working relationship with the Police

There is a seeming lack of cooperation from the Police regarding the signing of a Memorandum of Understanding (MoU) an issue I had raised during an audience with the former Honorable Vice President during the presentation of the IPCB Inaugural Annual Report on Thursday 29th September 2017.

The IPCB, mindful of the need to ensure that there is no duplication of effort or overlap of mandates with the Sierra Leone Police (SLP), found it necessary to put in place formal agreements in the form of an MoU, establishing an official partnership which though not legally binding, yet carry a degree of seriousness and mutual respect expressing a convergence of good will amongst both parties. The IPCB believed this would also provide a good foundation for joint cooperation in delivering on our respective mandates regarding practical arrangements for complaints handling and investigations.

The IPCB had made this intention known as far back as August 2016, and despite several gentle reminders, not even the courtesy of an acknowledgement has been received. It might be of interest to note that other oversight bodies viz: Office of the Ombudsman, Human Rights Commission of Sierra Leone and Nation Commission for Democracy had since signed up.

iii. Limitations in the Current Legislative Framework

Some issues have been identified which speak to the architectural and legislative framework of the IPCB. The IPCB believes that it would be important for consideration to be given to these issues.

The IPCB Regulations cover a number of the elements essential for the effective functioning of an external civilian oversight body, in particular, they provide the IPCB with powers to investigate complaints received and, where appropriate, to conduct investigations. The Regulations also empower the IPCB to make recommendations to both the police themselves and, in the case of criminal behaviour by the police, to the Director of Public Prosecutions (DPP). However, there are some limitations with the current legislation of the IPCB which, if addressed, could further strengthen the potential of the IPCB to become a more effective external civilian oversight agency.

iv. Justification for Proposed Amendments

The areas where the legal framework for the IPCB could be further strengthened with suggested drafts of other proposed amendments at **Annex 1** include:

a. Ensuring that recommendations made by the IPCB receive adequate attention by state actors

One area not articulated in the Regulations is what happens to the recommendations once made to the Inspector General of Police. There is no obligation on the part of the police to implement or respond to recommendations and advice provided by the IPCB. Further, once the IPCB recommends disciplinary sanctions against a police officer, the Regulations are silent on who is responsible for ensuring this happens.

In contrast to this, both the Ombudsman and the Human Rights Commission of Sierra Leone (HRCSL) have clear procedures setting out in legislation regarding how Government should respond to findings.

Addressing the legal standing of the recommendations made by the IPCB is important because the success of a civilian police oversight mechanism requires that such a mechanism not only have the ability to carry out investigations but also to ensure that its recommendations are implemented.¹

b. Oversight of other 'policing agencies' operating in Sierra Leone

The issues raised above, should in equal measure apply to the other two "policing agencies" in Sierra Leone, viz: Chiefdom Police and "City Council Police" otherwise referred to as Metropolitan Police.

During Town Hall Meetings convened by the IPCB on Monday 16th November 2015 in Makeni, Wednesday 18th November 2015 in Bo and on Thursday 19th November 2015 in Kenema, important observations made from the floor concerned the fact that the IPCB Regulations did not provide for any oversight of Chiefdom Police and City Council Police, both of which have been characterized as 'traditionally heavy handed' when dealing with people especially the lower stratum of the social pyramid, and a potential source of restiveness particularly among the younger generation who appear to embrace a more liberal outlook to life.

Similar views had previously been echoed during a BBC Media Action live debate programme held in Freetown on Friday 30th October, 2015, by a representative of Abacha Street Market women and traders.

Extant legislations are as follows:-

- (a) Chiefdom Police Ordinance, 1959, makes provision for the creation of a plurality of Chiefdom Police Forces in section 3 – 'A Tribal Authority or Tribal Authorities for any Chiefdom or group of Chiefdoms may with the approval of the Governor in Council establish a force to be known as the Chiefdom Police Force.'

Provisions in the second paragraph of Section 4 – "Provided that in an emergency any chiefdom police may be required by the District Commissioner or a Superior Police Officer to serve in any area other than that in which he is normally employed.'

Section 5 also provides for a "Watch Committee" in which "the Superior Police Officer commanding the police district' is a member.

Sections 4 and 5 quoted above provide the only tenuous links between the Sierra Leone Police and Chiefdom Police Forces.

- (b) The Police Act, 1964, in section 17- Supernumerary Constables, and section 18 - Special Constables, make provision for the Commissioner

¹ Philip Alston: Human Rights Council Fourteenth session Agenda item 3: Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development - Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions

[of Police] to enlist the services of Supernumerary Constables “on special duties”, and Special Constables “for full-time or part-time employment”.

- (c) The Freetown Municipality Act, 1973, appears to be silent on the issue of ‘City Council Police’ or ‘Met Police’. All that is available in the legislation are veiled references in sections 31, 38, 41 sub-section O, and 43.

c. Establishing legislative accountability for reporting on the functioning of the IPCB

The IPCB Regulations make provision for the IPCB to provide feedback in writing on the outcome of a complaint to both the complainant and the police officer involved in the complaint. The Regulations also entitle the IPCB to disseminate information to any private or public body in order to perform its functions. The IPCB is also required to keep a permanent record of all complaints and investigations.

However, the Regulations do not place any obligation on the IPCB to report to Government, Parliament or the Public. By comparison, the HRCSL has strict reporting obligations spelt out in legislation requiring it to report annually to Parliament.²

The IPCB of its own volition has already begun reporting to Government, Parliament and the public even though there is no legal obligation on the body to do so. In the future, a different Board may decide such reporting is unnecessary and not required, which may be problematic for purposes of operating in a transparent and accountable manner.

d. The enactment of an Act of Parliament that will govern the functioning of the IPCB

The IPCB’s existence is based on Regulations made under section 158 of the 1991 Constitution of Sierra Leone. Therefore, unlike the Office of the Ombudsman and the Human Rights Commission of Sierra Leone, the IPCB does not have its own Act of Parliament which not only governs its operations and functioning but also enables it to make its own regulations.

While the Regulations governing the establishment of the IPCB are themselves relatively comprehensive they do not carry the same weight and status of an Act of Parliament and are more easily open to subsequent amendment by the Police Council. Consideration may also be given in the longer term, for the IPCB to have its own specific Act.

e. Ensuring the responsibility for funding of the IPCB is clearly spelt out in legislation

The IPCB Regulations allow the IPCB to engage any suitably qualified person to provide it with services. However, the Regulations do not stipulate how the budget of the IPCB could be appropriated.

Funding of the Office of the Ombudsman is to be charged to the Consolidated Fund.³ Similarly, the HRCSL is funded from funds appropriated from Parliament and from donors (as long as the latter does not compromise the independence of the Commission).⁴

Based on the above, it may be important that responsibility for funding of the IPCB be clearly articulated through legislative prescripts.

3.2 Risk Factors

IPCB since its inception has perennially faced the twin challenges of paucity of staff and financial support. The IPCB’s lack of human capacity stands as a serious threat to the Board fulfilling its

² Clause 24 of the Human Rights Commission of Sierra Leone Act (Act No 9 of 2004)

³ Section 20 of the Ombudsman Act (Act No 2 of 1997)

⁴ Section 21 of the Human Rights Commission of Sierra Leone Act (Act No 9 of 2004)

mandate; even seed money in the amount of Le 91 million allocated in 2014, up to this day could not be accessed.

Whatever further provisions were made over the years did not fit into any predictable pattern of disbursement – the earliest funds have been made available over the past three years was during the second half of the financial year, making a complete hash of activities and timelines set out in both Strategic Plans and Communications Strategy.

3.3 Paucity of Staff

In order to determine the staff structure of the IPCB, a Work Study was undertaken by the UNDP Consultants, African Policing Civilian Oversight Forum (APCOF) from South Africa in April 2015, which recommended optimal human resource requirements to enable the IPCB perform its legally mandated functions. This led to the determination of the Organizational Structure and Staffing Projection as per the attached at Annexes 2&3⁵. Present staff strength is as follows:-

- i. Board Secretary
- ii. Senior Investigation Officer
- iii. Investigation Officer
- iv. Complaints Handling Officer
- v. Communications Officer
- vi. Regional Outreach Officers x 3
- vii. Assistant Accountant
- viii. Accounting Assistant
- ix. Admin Assistant
- x. Driver
- xi. Cleaner.
- xii. UNDP Contracted Investigation Officers x 2 (contract ends 30.9. 2018)

Our repeated appeals to the Finance Ministry to lift the embargo placed on IPCB staff recruitment starting as far back as June 2014, has fallen on deaf ears and has been inimical to the work of the IPCB as we have for two years now transitioned from institution building to becoming fully operational.

Vacancies which should have been filled are:-

- i. Senior Complaints Handling Officer
- ii. Senior Communications Officer
- iii. Audit & Risk Officer (M&E)
- iv. Investigations Officer x 2
- v. Complaints Handling Officer
- vi. ICT Officer.

The IPCB continues to hold out high hopes for a resolution as clearance has at last been given by Ministry of Finance and Economic Development (MoFED) for the inclusion of staffing requirement in the 2018 Budget.

3.4 Mobility

There is a dire need for at least an additional vehicle to add to the only one now in use to facilitate the work of the Board as it continues to expand its reach countrywide. The only vehicle now in use was donated by the UNDP in 2014. Efforts made over the years for GoSL input in this regard have so far proved fruitless.

4.0 OPERATING ENVIRONMENT

The IPCB at its very inception did set out four key objectives which it believed would form the platform on which its future directions should be based viz:

⁵IPCB 5-Year Strategic Plan-2016-2020, Chapter 5

- a. Opening up of a direct line of communication with the Executive Management Board (EMB) of the Sierra Leone Police
- b. Within the shortest possible time, secure derelict government - owned asset to be rehabilitated for office accommodation rather than relying on costly rented private property
- c. Making IPCB accountable to Parliament and the People
- d. Building Partnerships

The IPCB has so far accomplished all of the above with the sole exception of the absence of any response (not even the courtesy of an acknowledgement) from the Inspector General of Police to our proposal regarding transitional arrangements in the form of a memorandum of understanding dating as far back as 23rd June 2015, backed by several reminders.

5.0 THE IMPORTANT ROLE PLAYED BY INDEPENDENT CIVILIAN OVERSIGHT OF THE POLICE⁶

We need to remind ourselves that the Police, unlike other agencies of government, have certain powers which include the power to arrest and detain and the power to use force including lethal force where necessary. While these powers are necessary in terms of the role the Police may be required to play, they also place the Police in a distinctive and sensitive position within democratic states. It is also precisely because of these powers that suitable control mechanisms are required to ensure that the Police do not abuse their powers and that these powers are only used in the interest of public safety.

In almost all police jurisdictions, a transparent and impartial citizen complaints system represents a cornerstone of ethical policing. Complaints systems therefore exist to ensure that police officers act appropriately and proportionately in their interactions with members of the public, and that the police organisation is responsible, accountable and responsive to the community it serves.

The African Commission on Human and Peoples' Rights (ACHPR) at its 40th Ordinary Session noted **"that accountability and the oversight mechanisms for policing form the core of democratic governance and are crucial to enhancing rule of law and assisting in restoring public confidence in police; to developing a culture of human rights, integrity and transparency within the police forces; and to promoting a good working relationship between the police and the public at large"**.⁷

The important role of independent civilian oversight as part of democratic governance was also recognized in a 2006 Resolution of the ACHPR, urging all African Union Member States **"... to establish independent civilian policing oversight mechanism where they do not exist, and which shall include civilian participation"**.⁸

6.0 EXECUTION OF MANDATE

The IPCB's principal responsibility continues to be focussed predominately on securing and maintaining public confidence in its complaints and investigations systems.

The IPCB as an independent civilian oversight body therefore operates within the Security Sector Reform architecture ensuring democratic governance of the security sector on the basis of the rule of law being recognized as crucial to securing peace and sustainable development.

⁶ IPCB Presentation to the Constitutional Review Committee, 27th November 2015, Chapter 2.

⁷ ACHPR 40th Ordinary Session 15-29 November 2006. Full text of Resolution at Appendix 1

⁸ <http://www.achpr.org/sessions/40th/resolutions/103a/>

6.1 Board Membership and Profiles

The Independent Police Complaints Board (hereinafter referred to as the 'Board') consists of a Chairperson and six other members listed hereunder and as provided for in section 1(2) IPCB Regulations, 2013:



Valentine T. Collier, GCOR

Board Chairman

A career civil servant with many years work experience as Secretary to the Cabinet and Head of Civil Service, Commissioner, Anti-Corruption Commission and Chairman, Public Service Commission. Charged with the overall responsibility of the Board as set out in the Independent Police Complaints Board Regulation 2013. Ensuring that the aims and objectives of the Board are met.



Board Member: Representing the Human Rights Commission Sierra Leone

Ms. Grace Coleridge Taylor Esq. has a wealth of experience and expertise in Management, Project Management, Project Planning and implementation. She has held Senior Management positions at Cable and Wireless Communication (UK) British Telecoms, Sierra Leone Judiciary and National Revenue Authority SL. She also has experience of working with court and Human Rights and advice organisations in the UK



Board Member: Representing of the Sierra Leone Bar Association

Elvis Kargbo Esq. is a Barrister and Solicitor of the Higher Court in Sierra Leone with 16 years practice in both Criminal and Civil Laws. He is a Commissioner for Oaths and Notary Public. He serves as Legal Adviser and Retainer for a number of government and private institutions and companies in and outside of Sierra Leone. Mr. Kargbo is a former President of the Sierra Leone Bar Association.



Board Member: Representing the Anti-Corruption Commission

Mr. Shollay Davies is currently the Deputy Commissioner of the Anti-Corruption

Commission (ACC) in Sierra Leone and Financial Secretary of the Network of Anti-Corruption Institutions in West Africa (NACIWA).

He has served the ACC for over a decade and has worked extensively in the Public Sector.



Board Member: Representing the Inter-Religious Council of Sierra Leone

Haja Mariama Kamara is a Civil Society Activist and the current President of the National Council of Muslim Women in Sierra Leone. She has served in this position for ten years.

She is currently, an Executive member of the Inter-Religious Council (IRC SL), Executive member of the Supreme Islamic Council and Executive member of Women’s Forum Sierra Leone.



Board Member: Representing the Ministry of Internal Affairs

Mr Teddy Munda Williams is a retired Senior Police Officer with over 18 years work experience in the Sierra Leone Police Force.

Built a career in Police Administration and Security Services Management.

Served as Inspector General of Police, 1996 – 1997.

6.2 Board Committees and Meetings

Board Meetings continued to be held on a quarterly basis, as well as Emergency Meetings and Committee Meetings which were held as and when situation so demanded.

6.2.1 Board Committees

The following Committees continued to function in accordance with section 4(2) of the IPCB Regulations, 2013 and section 10 of the IPCB Standing Orders:-

Complaints Handling Committee – comprising:-

- | | | |
|----------------------------|---|---------------------|
| Mr Teddy Munda Williams | - | Chairman |
| Grace Colridge-Taylor Esq. | - | Member |
| Haja Mariama Kamara | - | Member |
| Mr Rashid Kabba (CHO) | - | Co-ordinator |

Terms of Reference

The Committee continues to perform oversight functions as provided in the IPCB Regulations 2013, Standing Orders and Guidance Manual.

Investigations Committee – comprising:-

- | | | |
|-----------------------|---|---------------------|
| Mr. Elvis Kargbo | - | Chairman |
| Mr. Teddy Williams | - | Member |
| Mr. Shollay Davies | - | Member |
| Mr. David Farma (SIO) | - | Co-ordinator |

Terms of Reference

The Committee continues to perform oversight functions as provided in the IPCB Regulations, Standing Orders and Guidance Manual, and in addition, review and prioritize complaints investigations in order to enhance efficiency and, ensure that the review process applies consistent criteria focusing on complaints which either contain extremely serious allegations, or which stand the best chance of being investigated successfully.

Sensitization Committee - comprising

Mr.Shollay Davies	-	Chairman
All Board Members	-	Members
Mr Amadu Sesay (CO)	-	Co-ordinator

Terms of Reference:

The Committee continues to perform oversight functions as provided by the IPCB Regulations 2013, Standing Orders and Guidance Manual, including advice on public information and education, programming and outreach activities.

7.0 BOARD SECRETARIAT AND MANAGEMENT

In order to effectively and efficiently deliver on its mandate, the IPCB is presently organized into a Secretariat headed by the Board Secretary (who is also Head of Management and Support Services), and three other operating departments viz: Complaints Handling, Investigations and Community Outreach, Partnership and Communications.

7.1 Complaints Management

The IPCB is committed to providing the highest possible standard of client service. This includes ensuring that complaints management processes are efficient and effective, have an appropriate degree of independence and adherence to policies and SOPs.

Di IPCB nor go get woke for do if pipul dem nor make we yeri den complain dem – meaning: if there are no complaints from the public, the IPCB will have no work to do. This makes it clear that complaints handling and communicating with complainants are very crucial and central to the work of the IPCB.

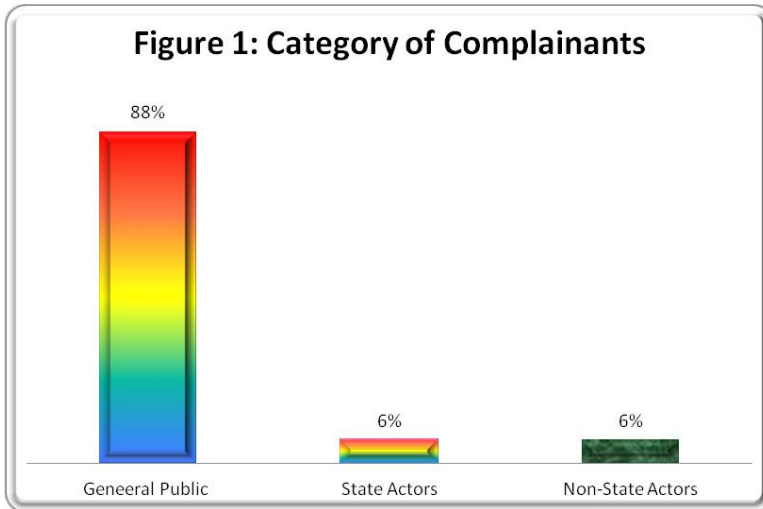
Complaints provide a way for citizens to raise concerns regarding the policing services they receive, and serve as a way of alerting police executives to potential problems with individual personnel or with broader organizational and behavioural practices.

7.1.1 Complaints Management System

The Complaints Management System of the IPCB is responsible for receiving, reviewing and processing of all complaints lodged by the public and the police. It also maintains a database to identify trends and practices in respect of police misconduct and or abuse.

The IPCB Regulations make provision for complaints to be lodged by any person who believes he/she has been affected by the actions of a police officer(s). Complaints can be lodged by a member of the public, a police officer, or a public body, or by a person representing the complainant. A complainant's representative could be a parent, guardian, friend, group of people or a legal professional. Non-governmental or civil society organizations can also lodge complaints on behalf of a complainant. A juvenile (under the age of 17 years) will be required to lodge a complaint through an adult.

Figure 1: Category of Complainants

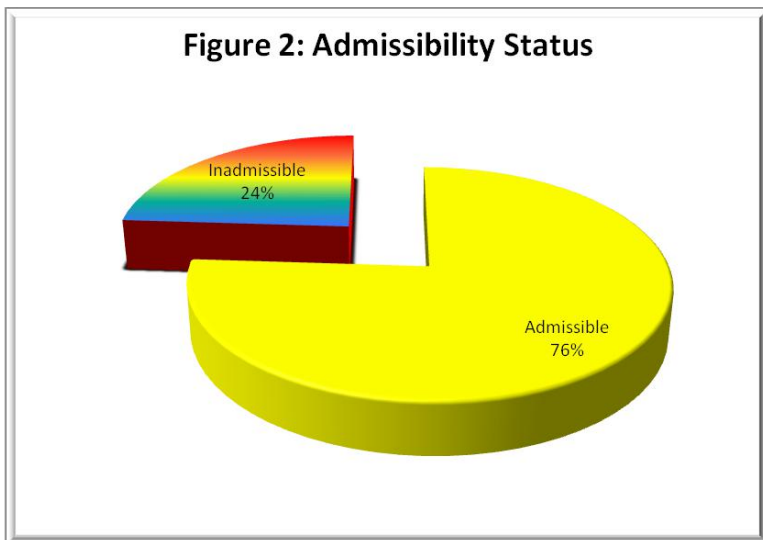


Source: IPCB CMS 2017

7.1.2 Review of Complaints Lodged

During 2017, out of 50 complaints lodged with the IPCB, 44 (88%) were from the public, 3 (6%) were from state actors and 3 (6%) were from non-state actors as illustrated in **Figure 1**.

Figure 2: Admissibility Status

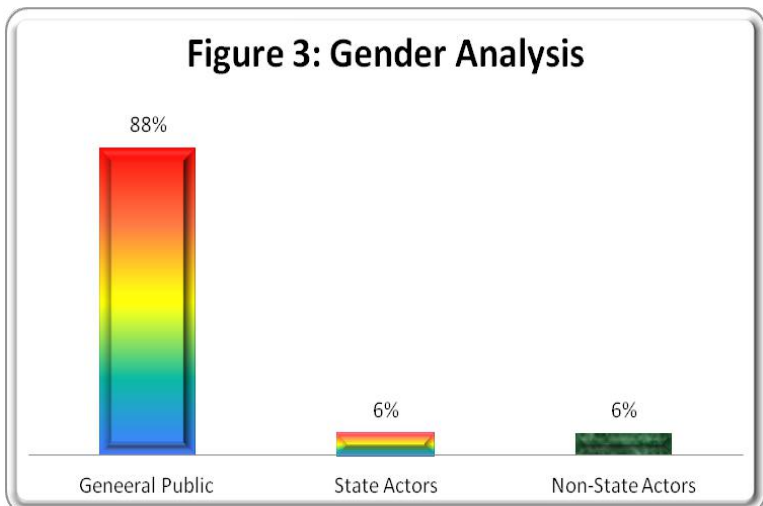


Source: IPCB CMS 2017

7.1.3 Admissibility Status

Data in **Figure 2** below show that 38(76%) of the total complaints lodged were within the mandate⁹ of the IPCB and assigned for investigations. Complaints that were not within the mandate of the IPCB 12 (24%) were referred to other relevant institutions best placed to handle. 2(4%) of the inadmissible files include files that were kept in view (KIV)¹⁰ following a further review by the Committee on Complaints.

Figure 3: Gender Analysis



Source: IPCB CMS 2017

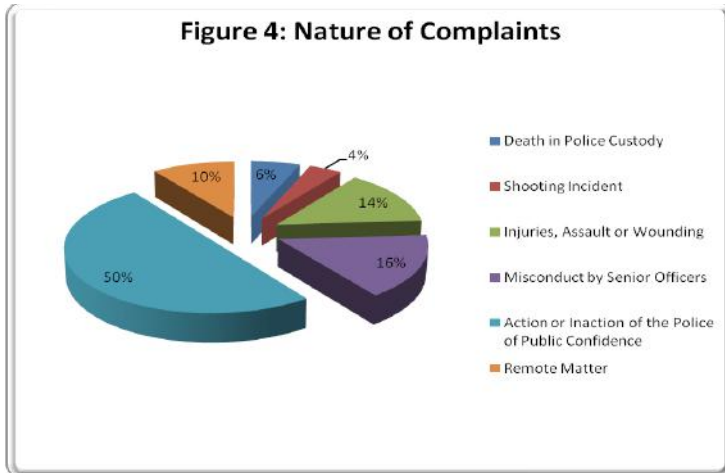
7.1.4 Gender Analysis

Out of the 50 complaints lodged during the reporting period, **Figure 3** below shows that a higher number of complaints registered 23 (64%) were from males, whilst 11(22%) were from females. The remaining 7(14%) of were lodged by other Institutions¹¹ such as the Anti-Corruption Commission (ACC), the Sierra Leone Police (SLP), private legal firms among others on behalf of complainants.

⁹ Functions of the Board as in Section 3 of the Regulations

¹⁰ IPCB Regulations Section 13

¹¹ IPCB Regulations Section 7



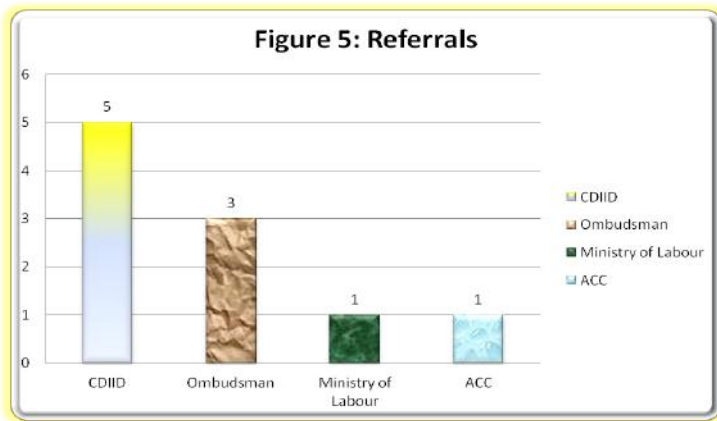
Source: IPCB CMS 2017

matters remote or otherwise which gave cause for an investigation to be conducted as provided for in the Regulations¹⁴. **Figure 4** shows the disaggregated nature of complaints registered by the Board in 2017.

NOTE: These four types of complaints make up more than 90% of the total number of complaints lodged against police personnel in 2017 as against 50% in 2016¹⁵

7.1.5 Nature of Complaints

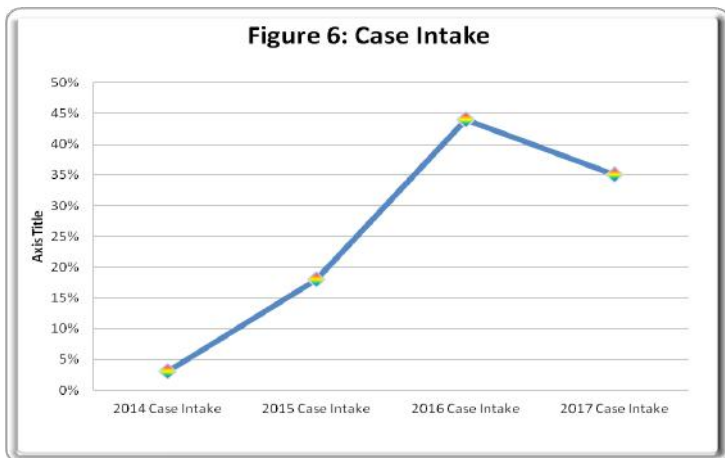
Half of the total number of complaints lodged, 50% were related to unfair handling¹² of matters, unfair treatment, unlawful arrest, detentions or police abuse of office and lack in civility. Complaints relating to misconduct¹³ by senior police officers 8(16%) comprised the second highest complaints followed by the third most offences such as injuries, assault or wounding caused by a police officer which amounted to 7(14%); and fourth in line were



Source: IPCB CMS 2017

7.1.6 Referrals

During this period, the number of referrals decreased¹⁶ by 2% from 26% in 2014-2016 to 24% in 2017. This illustrates an increasing level of awareness by members of the public on where to lodge a complaint. **Figure 5** below illustrates referrals to other institutions



Source: IPCB CMS 2017

7.1.7 Case Intake

The intake of complaints since inception amounted to 143. An increase of 44% occurred in 2016 as compared to the 18% in 2015. There was however a decrease of 9% during 2017. **Figure 6** below represents a graphical comparison of case intake since inception;

the decrease having been brought about by lack of real countrywide penetration of IPCB's public education and awareness-raising and sensitization activities. A case

in point is the failure of its call centre project coupled with all round starvation of resources.

¹² Regulations 3 (1) (g)

¹³ Police Discipline Regulations, 2001

¹⁴ Regulations sec 3(1) (h)

¹⁵ IPCB Inaugural Annual Report 2016: paragraph 14.2.4: Types of Complaints Received

¹⁶ IPCB Inaugural Annual Report 2016: paragraph 14.2.9 Referrals of Complaints

7.1.8 Alternative Dispute Resolution

Certain situations do present themselves wherein the best appropriate method to address complaints lodged is through Alternative Dispute Resolution (ADR). ADR processes such as Mediation, Facilitation Discussions, Peace-making Circles, and Supervisory Reviews are designed to allow voices to be heard.

Although formal investigation is the core components of the IPCB, ADR is also applicable through the IPCB Standard Operating Procedures (SOP) to address citizen complaints. The IPCB’s SOP stipulates an early stage resolution is applicable where complaints are:

- (i) Non- criminal;
- (ii) Non serious;
- (iii) Non contentious;
- (iv) Non- complex; and
- (v) Able to be resolved by way of a short enquiry.



In its Consultation Paper, the Irish Law Reforms Commission 2010 defined ADR as:

“... a broad spectrum of structured processes, including mediation and conciliation, which does not include litigation though it may be linked to or integrated with litigation, and which involves the assistance of a neutral third party, and which empowers parties to resolve their own disputes.”¹⁷

Research on the efficiency of ADR processes (some based on Irish experience) indicates that mediation and conciliation processes often provide a speedy resolution to a specific dispute.

IPCB ADR process is confidential and allows for the exploration of perspectives, an exchange of dialogue and a better understanding between the parties with a view of bridge building between the public and the police. During the past two years, the IPCB has succeeded in amicably resolving disputes after preliminary investigations¹⁸. These complaints constitute 6.3% of the total complaints lodged since inception. Photo above showcase amicable relationships developed at the conclusion of the process. All ADRs are registered in the Complaints Management System of the IPCB.

¹⁷ Report (LRC 98-2010) Alternative Dispute Resolution: Mediation and Conciliation

¹⁸ IPCB Regulations 2013, Section 13

STAFF PROFILE



Emerlin George
Board Secretary



Amadu Femoh Sesay
Communications Officer



Vandy Bawoh
Regional Outreach Officer – East



David B. Bannister
Investigations Officer



Althea Palmer
Assistant Accountant



Lamin Amara
Investigations Officer (Contract)



Thomas M. Lahun
Investigations Officer (Contract)



David M. Farma Jr.
Senior Investigations Officer



Rashid Kabba
Complaints Handling Officer



Mustapha Musa
Regional Outreach Officer – South



Joseph Sesay
Regional Outreach Officer – North



Sylvia Ayodele Clarke
Accounting Assistant



Daniel Bassie
Administrative Assistant



Terrence Edward Williams
Driver

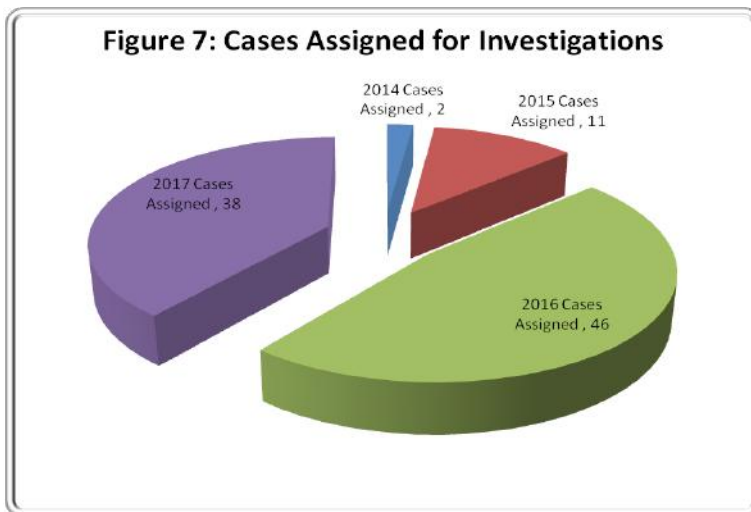


Moses Solomon Ellie
Office Assistant (Contract)

7.2 Investigations

The main duties of an investigator are to gather and assess evidence, exercise judgement, express opinions and make recommendations to the appropriate authority. In the above regard therefore, adherence to good practice requires that an investigation into the conduct of the police be carried out in accordance with set procedures, including safeguards for the complainant, and that the matter be investigated fairly, objectively and professionally. Conducting a thorough and professional investigation not only fulfils the IPCB’s statutory obligations but also helps to increase the public’s confidence in its processes.

On the other hand, a thorough and impartial investigation can also determine that police officers have acted appropriately and proportionately, and will help to increase the trust and faith that the police have in the IPCB and its personnel.



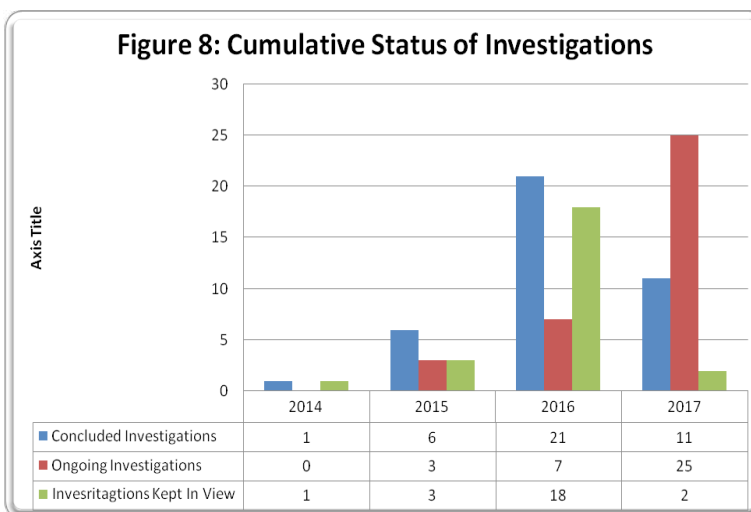
Source: IPCB CMS2014 - 2017

7.2.1 Investigations Review

During the period under review, the Board with assistance from UNDP, was able to retain the services of two Investigation Consultants on a twelve-month contract (October, 2017 - September, 2018) to assist the only Investigator in post.

After much pleading, MoFED approved the hiring of an additional Investigation Officer during 2017 making a total of 4 Investigators. This situation is however of a temporary nature

as come end September, 2018, the UNDP Investigation Consultants contracts will run out. Figure 7 shows annual summary analysis of cases assigned for investigations since inception.



Source: IPCB CMS2014 - 2017

7.2.2 Cumulative Status of Investigations

Based on the number of cases assigned for investigations by the Committee on Complaints, 38% increase of concluded investigations emerged during the reporting period; these include pending investigations brought over from the previous years due to the actions that occurred in 7.2.1 above.

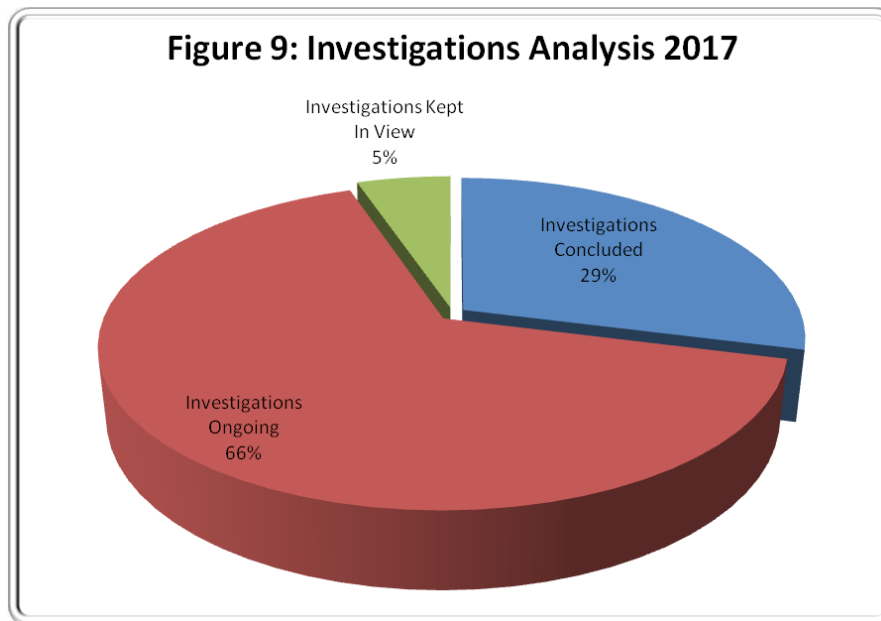
Once investigations are completed, a comprehensive report in each instance is prepared with appropriate findings and recommendations

as provided for in the Regulations¹⁹. Correspondingly, the complainants and the subject officers are also informed in writing on the outcome of investigations and recommendations made as also

¹⁹ IPCB Regulations 2013, Section 25

provided for in the Regulations.

Data in Figure 8 highlight cumulative status of cases assigned for investigation since inception of IPCB’s operations up to 31st December 2017.



Source: IPCB CMS 2017

7.2.3 Investigations Analysis -2017

During the reporting period, there were 38 cases assigned for investigations 25(66%) of the cases are ongoing investigation, followed by 11(29%) were concluded investigations whilst 2(5%) of the total cases assigned were kept in view (KIV). Figure 9 indicates detailed analysis of 2017 investigations status.

7.2.4 Challenges facing Complaints and Investigations

The fundamental challenges militating against the work of these Units are as follows:

- Reluctance of witnesses to attend when invited to do so, and even when in attendance demonstration of much hesitancy in volunteering vital information germane to the issues at hand.
- Inadequate number of Complaint Handlers and Investigators and lack of mobility, to review and investigate cases in a timely manner. The IPCB will without doubt significantly improve on its service delivery to the public if these challenges are surmounted.

7.3 Call Centre Service Facility

It will be recalled that the IPCB on 1st September 2016, entered into an Agreement with the Post Call Centre Services in partnership with the Sierra Leone Postal Services (SALPOST), to provide Call Centre Service to the IPCB, with the aim of providing direct and reliable means to connect complaint calls and messages to the IPCB via the use of mobile phones which were now a common feature in all parts of the country.

It is with regret that the IPCB should concede that things did not work out as expected due to a varied combination of factors chief among which are IPCB’s chronic lack of financial resources and manpower, the disinterestedness of NATCOM, who despite our several attempts to communicate on the issue of helping to facilitate a short code common to all mobile phone networks for easy use and access.

A review and analysis of the causative factors resulting in such a failure is currently being done and it is hoped that with improvements in the Board’s staffing and financial situation among others, a workable solution will be arrived at having learnt from past shortcomings.

7.4 Communications and Outreach

The Community Outreach, Partnership & Communications Department continues to be responsible for the implementation of the IPCB's Communication Strategy and for all matters related to the internal and external communications of the Board.

7.4.1 Communications Strategy

The Communications Strategy developed in 2015 was to ensure its optimal use to popularize the IPCB, how it intends to give full effect to its mandate while at the same time listen to its diverse range of stakeholders, learn from what they were saying, and exploit the opportunities communication offers to secure and maintain public confidence in the work of the IPCB.

Since this Strategy was developed, prevailing circumstances, especially paucity of staff and financial resource during 2016 and 2017 hindered the IPCB from its implementation both at national and local level to its full extent.

7.4.2 Engagement with the Media

Media engagement continues to be a key activity of the IPCB. During the period under review, the Communications and Outreach Department did manage as best as it could to engage with the media on a wide range of issues.

Despite its current paucity of staff and lack of financial support in 2017, the IPCB was able to engage the media through the **Reform Hour Programme** on African Young Voices Television (AYV TV), thanks to the support of the Public Sector Reform Unit's (PSRU) **Pay and Performance Project** funded by Government of Sierra Leone and World Bank.

Thanks to interest manifested by media practitioners from both the Print and Broadcast Media for their countless media enquiries and invitations to get engaged at national, regional and district levels.

7.4.3 Citizen Journalism

The exponential growth of the social media has made a function once the hallowed preserve of the Fourth Estate, now open to non-journalists and social media enthusiasts in the dissemination of information. Citizen Journalism in Sierra Leone has thus empowered local communities and so many other groups to fill in the gaps of mainstream journalism.

In Sierra Leone, Citizen Journalism has become an important activity as many citizens, especially young people with increasing access to multimedia phones and internet facility are consistently involved in the '**BREAKING NEWS**' action of reporting and commenting in real time on multifarious activities as and when they do occur. Some of these growing set of avid reporters are also serving as 'watch dogs' particularly for anti-social activities and other indiscretions within both the private and public sectors.

8.0 RECRUITMENT OF REGIONAL OUTREACH OFFICERS (ROOs) & ESTABLISHMENT OF REGIONAL OFFICES

As part of its efforts at improving on functionality and accessibility at the decentralized level, the IPCB in April, 2017 recruited three Regional Outreach Officers for Bo, Makeni and Kenema.

Here again financial constraints delayed the opening of the Regional offices until September 2017 when thanks to UNDP support, the IPCB was able to equip these offices and providing motorcycles to help with mobility.

These regional offices are currently manned by the three Regional Outreach Officers only with no support staff. It is the IPCB's forlorn hope that the Ministry of Finance and Economic Development will have a change of heart come 2018 by easing off the constraints of human and financial strangulation the IPCB has painfully and quietly endured since its inception.

9.0 REPORTING TO PARLIAMENT AND THE PEOPLE

The IPCB, in keeping with its commitment of making itself accountable to Parliament and the People on Wednesday 11th October 2017, formally laid before the Honorable House its Inaugural Annual Report for 2016.

For the records, financial constraints delayed the publication of the 2016 Report until September 2017 when UNDP financial support was made available. The same situation has repeated itself with the 2017 Report.

10.0 IPCB PARTICIPATION IN THE INTEGRATED 2018 ELECTIONS SECURITY AND PLANNING COMMITTEE (IESPC) ACTIVITIES

The Integrated Election Security and Planning Committee (IESPC) was established by the Office of National Security (ONS) in November 2016 to develop a Comprehensive Election Security and Communications Strategy for the conduct of the 2018 General Elections in Sierra Leone.

During one of its meetings, the then UNDP Election Security Adviser, Ms Jane Rhodes underscored the need for the IPCB as a key oversight and accountability agency for the Police to be brought on board, and in January, 2017, became actively involved in work of the three sub-committees of the IESPC – Planning, Training and Communications.

IESPC comprised of both government and Non-Governmental Organisation in the security sector, including Office of National Security (ONS), Independent Police Complaints Board (IPCB), National Commission for Democracy (NCD), Sierra Leone Police (SLP), Campaign for Good Governance (CGG), United Nations Development Programme (UNDP), Human Rights Commission of Sierra Leone, among others.

10.1 Development of Training Manual for the Security Sector

The IPCB as part of its assignment did two presentations on - '**Police Oversight and Accountability in Sierra Leone**' and '**Handling the Media**', both of which were included in the Election Training Manual which served as a guide for personnel engaged in security duties during the National Elections Commission (NEC) voters' registration exercise and 2018 General Elections.

10.2 Training of Security Personnel for the 2018 Elections

Two training and sensitization sessions were organized for security personnel viz: the Police, Military, Fire Force, Chiefdom Police, on the Civil Voter Registration Process and Election Security Protocols in February and November, 2017 in the three Regional headquarters towns and Freetown. During the above exercises, the IPCB did two presentations on -

- a. Police Oversight and Accountability in Sierra Leone – which addressed the issue of Civilian Oversight Policing in the 21st Century, IPCB's attempts at building police accountability and the envisaged role of the Board during the elections and working in partnerships with other oversight and related agencies.
- b. Handling the Media – focussing on the type and quality of information to share with the public and how such information in what was expected to be sensitive and invariably emotionally charged environments could be adequately disseminated.



IPCB Staff (Far right) and other team members posed for a Photo at Kombayendeh, Kono District

10.3 Monitoring of NEC Voters' Registration Process 6th - 12th April, 2017

The IPCB was among the IESPC Team that monitored NEC voters' registration process at border crossing points in Kailahun and Kono Districts.

The monitoring team comprised of five personnel, each drawn from the Office of National Security (ONS), Independent Police Complaints Board (IPCB), National

Commission for Democracy (NCD), Sierra Leone Police (SLP) and Campaign for Good Governance (CGG), led by the Chairman of the IESPC Mr. Francis Languba Keili.

The team was also joined by the UNDP Election Security Adviser, Ms Jane Rhodes and UNDP Gender Adviser Mrs. Musu Bangura.

The aim of the exercise was to monitor the voters' registration process and an assessment of potential border security threats, since the two districts share many porous crossing points with neighbouring Guinea and Liberia. The team also identified challenges/gap analyses and security dynamics that helped the IESPC better plan security arrangements and deployments, and resource mobilization ahead of the 2018 general elections.

11.0 SIGNING OF MEMORANDA OF UNDERSTANDING WITH KEY OVERSIGHT AGENCIES

The Independent Police Complaints Board (IPCB) on 19th and 20th December, 2017 signed Memorandum of Understanding (MoU) with the Human Rights Commission Sierra Leone (HRCSL) and National Commission for Democracy (NCD) respectively.

The purpose of the MoU is to provide inter alia:

- a framework for the way in which the HRCSL, NCD and IPCB will deal with referral of matters which fall within the remit of their organizations;
- acknowledge the preparedness of the IPCB and the two agencies in the public interest to mutually share within bounds of legality, information in each agency's possession relevant to matters within the jurisdiction of the other; and
- also, reaffirm the commitment of the institutions to the development of a positive and constructive working relationships to achieve the shared goal of the achievement of true Democracy in Sierra Leone.

The signing of the MoUs is consistent with Section 7 of the IPCB Regulations, 2013 which provides that in the performance of its functions, **"the Board as it thinks appropriate may work in cooperation or in consultation with, or disseminate intelligence and information to any person or body whether public or private"**.

12.0 PUBLIC AWARENESS-RAISING AND SENSITIZATION THRU' YOUTH ENGAGEMENT & INVOLVEMENT

12.1 Why Youth Engagement & Involvement?

The IPCB on 20th and 28th September 2017 presented its Inaugural Annual Report together with its 2016 Focus Group Engagement Report to the His Excellency the President and the Honorable Vice President who is also Chairman of the Police Council, respectively.

It was mentioned during the presentations that the IPCB's November 2017 programme would focus on youth engagement and involvement, stating that...**"We have to talk with our young people, and not just talk down to them; we need to get the conversation going. We have to listen to them and see how they can contribute in mapping the way forward"**.

It should in the above regard be noted that the youth population was the highest in history. Over 60% of our population were under the age of 25. Young people are an invaluable national asset and investing in them had the potential of bringing tremendous socio-economic and political benefits to any society. However, our young people continue to contend with challenges including but not limited to marginalization, illiteracy, low self-esteem, violence, crime, social injustices and unemployment, which undermine their rights, their confidence and faith in society, thereby minimizing their contribution to society and in some cases leading to clashes between them and the State.

To help overcome this challenge and provide young people with a place and a voice in their society, governments across the world including Sierra Leone were investing in building systems and structures and introducing laws and policies that support the growth, development and empowerment of young people. It was in that regard that the IPCB decided to organize Town Hall Meetings to engage young people as partners in development to discuss some of the contemporary and challenging issues that they contend with.

These meetings also provided platforms to get messages across to the public particularly our young people with the aim of building local advocacy efforts and identify young people who would get involved in organizing activities of the IPCB in the future.

A total of 303 participants attended, with 60% of invitees comprising young people (both male and female).

12.2 Regional Town Hall Meetings

Since its inception, the Independent Police Complaints Board (IPCB) has adopted a horizontally integrated approach through which it has endeavoured (funding permitting) to directly and regularly engaged its target beneficiaries, especially youth and women on the protection and promotion of their rights. An effective approach used by the IPCB were town hall meetings, which provide a platform through which community members could directly address their concerns and challenges.

As part of its **'Strengthening the Rule of Law, Security and Human Rights in Sierra Leone Project'**, which aimed at strengthening justice and security sector institutions to deliver effective services closer to the people and in compliance with human rights standards, **through community focused interventions in the form of Town Hall Meetings**, the United Nations Development Programme (UNDP) on 21 August 2017, signed an agreement with the IPCB which enabled the Board to plan for and subsequently organize these regional town hall meetings from 14 to 16 November in Kenema, Bo and Makeni respectively, using the theme **"IPCB as Trust & Confidence Builder, and how to ensure Justice for all, using the medium of Youth Engagement & Involvement"**.

Here again, lack of funding unfortunately prevented IPCB from organizing further meetings in the Western Area (Rural & Urban). Full reports on these meetings have been posted on the IPCB website (www.ipcb.gov.sl).

The opportunity was taken during the town hall meetings to introduce and provide some information on the Luanda Guidelines in the form of hand outs sample of which is at **annex 4** .

12.3 The Epilogue

Included in the Town Hall Meetings Report was a ‘parting shot’ by the Chairman, IPCB in the form of an Epilogue which was intended to serve as ‘food for thought’ in future deliberations on this subject and is quoted hereunder in extenso-

“Providing for youth is not just a moral obligation; it is a compelling economic necessity. Study after study has shown the benefits to the young and to their communities of investing in education, reproductive health, job skills and employment opportunities for young people.” Kofi Annan, Former UN Secretary-General. 2007

The above is a powerful and very thoughtful utterance from such an influential mind which ought to create much excitement among the young ... except that the above statement has a familiar ring dating as far back as 1977 when the first meeting of young Commonwealth Leaders was held in Ocho Rios, Jamaica; paragraph 2 of the Declaration of Ocho Rios then stated that **‘increased participation by youth leaders, officials and young politicians in a united effort, within local, national and international institutions, is imperative for hastening the pace of development and for combatting the intolerable evils of unemployment which so extensively pervades the ranks of youth and most directly affects their to equality of opportunity. We therefore as youth leaders, officials and young politicians dedicate our energies and efforts to the full involvement of the young in decision-making at all levels in our countries so that social and economic development can more rapidly be achieved’**.

As it was then (40 years ago), and as it is now, youth marginalization and deprivation were not merely the absence of the opportunity for youth to participate in the production process, because marginalization and deprivation mean much more than the ability to earn a living. There is also the absence of the opportunity to participate in the development of one’s family, one’s community and one’s own country.

13.0 IPCB/APCOF COLABORRATION IN CAPACITY BUILDING

13.1 Training & Capacity Building

The IPCB’s working relationship and healthy collaboration with APCOF, as both Consultants and Mentor has enabled the IPCB to stay on course with its programme of capacity building.

13.2 Training Course on Investigation Skills for Civilian Oversight of the Police

In giving practical effect to the above, APCOF (in the persons of Mr Sean Tait, Director and Ms Louise Edwards, Programme Manager, in collaboration with the IPCB on 22 - 25 May 2017 , successfully delivered a Capacity Building Training Course on Investigation Skills for Civilian Oversight of the Police.

The four-day training course delivered at IPCB New England Ville Office designed by APCOF was experiential in nature, offering participants the opportunity to practice learned skills through role-plays and case studies.

Course participants numbering 27, were drawn from -

- Sierra Leone Police x 5
- Human Rights Commission of Sierra Leone x 2
- Office of the Ombudsman x 2
- Anti- Corruption Commission x 2
- Public Service Commission x 1

- Office of National Security x 2
- Advoc Aid x2
- Freetown Municipality Police x 1
- Bo Municipality Police x 1
- Makeni Municipality Police x 1
- Kenema Municipality Police x 1
- Financial Intelligence Unit x 1
- Small Arms Commission x 1
- IPCB x 4



Participants and Staff of IPCB and APCOF at the Training Course for on Basic Investigations for Police Oversight Practitioners Organized by IPCB and APCOF

14.0 THE LUANDA GUIDELINES – A Rights-Based Approach to Arrest and Pre-trial Detention in Africa

14.1 Regional Expert Meeting, Johannesburg, South Africa

As was reported in the 2016 Annual Report, the Chairman, IPCB was invited by APCOF to participate in a regional expert review meeting in Johannesburg, South Africa in February/March 2016, to discuss the draft toolkit in development to support the implementation of the African Commission on Human and Peoples’ Rights (‘ACHPR’) Guidelines on the Conditions of Arrest, Police Custody and Pre-Trial Detention in Africa (‘the Luanda Guidelines’). Regrettably, financial constraints at the material time prevented IPCB’s participation.

14.2 Strategic Planning Meeting for the Implementation of the Luanda Guidelines in Sierra Leone

The above notwithstanding, the IPCB continued to be an active and committed participant in the process, which culminated in the IPCB organizing a 2-day (Friday 27th –Saturday 28th May 2017) Strategic Planning Meeting for the Implementation of the Luanda Guidelines in Sierra Leone.

This event was co-hosted by the African Policing Civilian Oversight Forum (APCOF), TIMAP for Justice, AdvocAid and The Independent Police Complaints Board (IPCB), with support from the Open Society Justice Initiative, bringing together stakeholders from state institutions, non-governmental organizations and the donor community.

The Strategic Plan was based on a review of the gaps between Sierra Leone’s legislative, administrative and policy framework for arrest, police custody and Pre-Trial detention, and identification of immediate and mid-term opportunities for reform, taking into account the current opportunities presented by the on- going Constitutional Review and review of the Police Act of 1964, and the on-going Public Sector Reform Project.

The purpose of the meeting was to put in place a national plan of action for implementation in Sierra Leone, noting that to date, South Africa, Malawi, Tanzania, Ghana, Tunisia Kenya, Uganda, Cote d'Ivoire have already embarked on implementation of the Guidelines.

The presentation ably led by Mr Sean Tait, Director and Ms Louise Edwards, Programme Manager took participants through the Guidelines by means of a power point presentation followed by a comparative analysis which helped to bring into focus, structure and form, and how they relate to the Sierra Leone situation.

A high point in the presentation was the 'Next Steps' which -

- i. Identified the challenges and opportunities for reform;
- ii. Development of a national plan of action to improve arrest, police custody and pre-trial detention in Sierra Leone;
- iii. Development by the IPCB of a 5-Year Strategic Plan for the implementation of the Luanda Guidelines in Sierra Leone. Copy of Strategic Plan to be found at the IPCB website (www.ipcb.gov.sl)

14.3 Introduction and Contextualization of the Luanda Guidelines

14.3.1 Background to the development of the Guidelines

In May 2014 the African Commission on Human and Peoples' Rights (ACHPR) adopted the **Luanda Guidelines on the Conditions of Arrest, Police Custody and Pre-trial Detention in Africa**. They provide a guide to policy makers and criminal justice practitioners aimed to strengthen day-to-day practice across the region. The guidelines contribute to the growing movement to advance pre-trial justice, recognizing that improvements at the entry point to the criminal justice system positively impact throughout the trial and post-trial stages.

14.3.2 Why are the Guidelines important and how were they developed?

The unnecessary and arbitrary use of arrest and pre-trial detention is a major contributory factor to prison overcrowding in the region. It also feeds corruption, increases the risk of torture and has significant negative socio-economic impacts on suspects, their families and communities. Cognisant of these issues, and of the need to strengthen criminal justice systems, the ACHPR mandated its Special Rapporteur on Prisons and Conditions of Detention in Africa in 2012 to develop a set of practical guidelines on arrest and detention. A number of background studies, regional consultations and expert group meetings led to the final adoption of the Luanda Guidelines at the 56th Ordinary Session of the ACHPR in 2014.

14.3.3 How do the Guidelines promote more effective and fair pre-trial detention?

The guidelines provide an authoritative interpretation of the African Charter and offer specific detail on the measures state parties need to take to uphold, protect and promote the rights of people subject to arrest, police custody and pre-trial detention. In doing so they reinforce the importance of a criminal justice system built on core human rights principles. They aim to ensure fewer arbitrary arrests and a more rational and proportionate use of pre-trial detention. This enables a more effective use of human and financial resources, for example targeted towards legal aid and crime prevention.

14.4 The Luanda Guidelines and Sierra Leone's Framework for Arrest, Police Custody and Pre-Trial Detention - Baseline Assessment²⁰

Prior to the Strategic Planning meeting, Timap for Justice in collaboration with the IPCB in March 2017 did a Baseline Assessment of the Luanda Guidelines relative to Sierra Leone's Framework for Arrest, Police Custody and Pre-Trial Detention. This was primarily a desk-based research which examined extant legislation, policy directives and organizational reports by entities involved in the justice and security sectors. A survey of thirty police personnel from regional police stations in Bo, Makeni and Kenema and drawn from the Criminal Investigation Department (CID) and the Traffic Department, was also done by Timap for Justice to gain an insight into police personnel professional backgrounds, their understanding of the legal frameworks pertaining to arrest and police custody, and the challenges they face in carrying out their duties.

14.4.1 Key Findings from the above were as follows:-

- Sierra Leone has ratified or is a signatory to the majority of international treaties regarding arrest, police custody, and pre-trial detention.
- Sierra Leone's current statutes regarding police custody and pre-trial detention do not have the level of detail outlined in the Luanda Guidelines, but significant reforms are underway with the introduction of the new Criminal Procedure Bill and Bail Regulations.
- Sierra Leone and the Luanda Guidelines have different understandings of "pre-trial detention" due to Sierra Leone's use of both police and court bail as well as the inclusion of the remand hearing within the first trial date. However, new binding Bail Regulations that provide detailed guidance on both types of bail will help align Sierra Leone's framework with the Luanda Guidelines.
- Distrust between police and communities is a deep-seated issue, as highlighted in the Independent Police Complaints Board's (IPCB) survey of public perceptions of the police force and Timap for Justice's survey of police perceptions of challenges in carrying out their duties.
- Determining accurate numbers of arbitrary arrest and detention is difficult as the Sierra Leonean legal framework can be interpreted to allow for arrest in cases that appear to be civil in nature, such as debt and breach of contract.
- Pre-trial detention numbers are high in Sierra Leone, with challenges throughout the justice chain, but especially in the bottleneck between police charging a case to court and the courts completing the case in a timely manner. However, recent initiatives have been successful in providing resources and support to magistrates' court in order to reduce backlog.
- The framework for legal assistance is robust in Sierra Leone as legal aid is formally recognized in the Legal Aid Act (2012), including the role of paralegals. However, the implementation of government-backed legal aid is still in the rollout phase. Civil society organizations such as Timap for Justice and AdvocAid still provide the bulk of the legal assistance services.
- There have been significant improvements in the accountability architecture for policing with the introduction of the IPCB.

14.5 Implementation of the Luanda Guidelines

The Luanda Guidelines recognise the importance of training in ensuring that States, police organisations, correctional services institutions and other criminal justice actors are aware of the Guidelines, and how they can be used to improve national pre-trial systems.

As a member of the African Union, Sierra Leone should apply the Luanda Guidelines to its criminal justice system. This should be done by making changes to laws that are not consistent with the Guidelines, and by improving the way the police, correctional service and the judiciary use their powers, thus giving Sierra Leone a justice system that is fair, efficient and respects the rights of everyone.

²⁰ Copy of Baseline Assessment posted in IPCB Website www.ipcb.gov.sl

15.0 RESOURCE MOBILIZATION

Resources are the inputs that are used in the activities of a program which broadly speaking includes physical, financial and human resources.

The IPCB since its inception has benefitted from a significant donor (UNDP) input in terms of capital outlays on office furniture, equipment and stationery, a 4x4 Toyota Land Cruiser (still the only means of mobility at its disposal), the renovation of the dilapidated structure of the former SLBS/TV Studio at New England Ville, now housing the IPCB and latterly, the hiring of two Contract Investigators for a twelve-month period. Also, it was UNDP funding that enabled the IPCB to in the latter part of 2017 to organize Regional Town Hall Meetings at reported in paragraph 11 PUBLIC AWARENESS-RAISING AND SENSITIZATION THRU' YOUTH ENGAGEMENT AND INVOLVEMENT, not to mention other areas of assistance already reported on.

In retrospect, the IPCB in terms of resource mobilization in the areas of infrastructure and equipment on the average have achieved manageable gains. The down side to this is still the dearth of both human and financial resources which continues to pose serious challenges to the Board's operational capacity as already reported on.

Given below is a summary of GoSL and Donor support during 2017:-

Government of Sierra Leone and Donor Support to IPCB		
DONORS	2017	Le
UNDP - Strengthening Rule of Law Project Funds	406,801,600.00	
APCOF (Investigations Training)	31,074,380.00	
Open Society Justice Initiative (OSJI)	43,800,000.00	
TOTAL DONOR SUPPORT	481,675,980.00	
Government of Sierra Leone	800,000,000.00	
Total Funds received	1,281,675,980.00	

16.0 AUDITED FINANCIAL STATEMENT FOR PERIOD ENDING 2014



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INDEPENDENT AUDITORS' REPORT **TO THE MEMBERS OF INDEPENDENT POLICE COMPLIANT BOARD**

We were engaged to audit the accompanying financial statements of the The Independent Police Complaint Board which comprise the statement of financial position at 31st December 2014, and the statements of comprehensive income, changes in equity and cash flows for the year then ended, and the notes to the financial statements, which include a summary of significant accounting policies and other explanatory notes, as set out on pages 6 to 13

Management's Responsibility for the Financial Statements

The Independent Police Complaint Accountant is responsible for the preparation and fair presentation of these financial statements in accordance with International Financial Reporting Standards and in the manner required by The Independent Police Complaint Board Act and for such internal control as the Accountant determine is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditors' Responsibility

Our responsibility is to express an opinion on these financial statements based on our audit. We conduct our audit in accordance with International Standards on Auditing. Those standards require that we comply with ethical requirement and plan and perform the audit to obtain reasonable assurance whether the financial statements are free from material misstatement.

Basis of opinion

An Audit involves, performing procedures to obtain evidence about amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgement, including the assessment of risk of material misstatement in the financial statements, whether due to the fraud or error. In making those risk assessments, the auditor's consider internal controls relevant to the Organisation's processes to prepare and fairly present financial statements. This assessment informs the designing of appropriate audit processing in the circumstances, but are not undertaken for the purpose of pressing an opinion on the effectiveness of the Organisation's Internal controls. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by management, as well as evaluating the overall presentation of the information in the Financial Statements.

Independent Police Compliant Board
Financial Statements
For the period ended 31st December 2014

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

Opinion:

- In our opinion, the Financial Statements give a True and Fair view of the financial position of The Independent Police Complaint Board at 31st December 2014, and of its financial performance for the year ended in accordance with International Financial Reporting Standards.



ARVS Partners


Chartered Accountants

Freetown

Date:

03/08/2018

16.1 AUDITED FINANCIAL STATEMENT FOR PERIOD ENDING 2015



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INDEPENDENT AUDITORS' REPORT
TO THE MEMBERS OF INDEPENDENT POLICE COMPLIANT BOARD

We were engaged to audit the accompanying financial statements of the The Independent Police Complaint Board which comprise the statement of financial position at 31st December 2015, and the statements of comprehensive income, changes in equity and cash flows for the year then ended, and the notes to the financial statements, which include a summary of significant accounting policies and other explanatory notes, as set out on pages 6 to 13

Management's Responsibility for the Financial Statements

The Independent Police Complaint Accountant is responsible for the preparation and fair presentation of these financial statements in accordance with International Financial Reporting Standards and in the manner required by The Independent Police Complaint Board Act and for such internal control as the Accountant determine is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditors' Responsibility

Our responsibility is to express an opinion on these financial statements based on our audit. We conduct our audit in accordance with International Standards on Auditing. Those standards require that we comply with ethical requirement and plan and perform the audit to obtain reasonable assurance whether the financial statements are free from material misstatement.

Basis of opinion

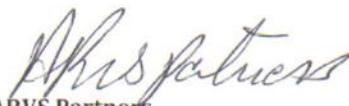
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Independent Police Complaint Board
Financial Statements
For the year ended 31st December 2015

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

Opinion:

- In our opinion, the Financial Statements give a True and Fair view of the financial position of The Independent Police Complaint Board at 31st December 2015, and of its financial performance for the year ended in accordance with International Financial Reporting Standards.


ARVS Partners

Date:

03/08/2018

Chartered Accountants

Freetown

16.2 AUDITED FINANCIAL STATEMENT FOR PERIOD ENDING 2016



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INDEPENDENT AUDITORS' REPORT TO THE MEMBERS OF INDEPENDENT POLICE COMPLIANT BOARD

We were engaged to audit the accompanying financial statements of the The Independent Police Complaint Board which comprise the statement of financial position at 31st December 2016, and the statements of comprehensive income, changes in equity and cash flows for the year then ended, and the notes to the financial statements, which include a summary of significant accounting policies and other explanatory notes, as set out on pages 6 to 13

Managements' Responsibility for the Financial Statements

The Independent Police Complaint Accountant is responsible for the preparation and fair presentation of these financial statements in accordance with International Financial Reporting Standards and in the manner required by The Independent Police Complaint Board Act and for such internal control as the Accountant determine is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditors' Responsibility

Our responsibility is to express an opinion on these financial statements based on our audit. We conduct our audit in accordance with International Standards on Auditing. Those standards require that we comply with ethical requirement and plan and perform the audit to obtain reasonable assurance whether the financial statements are free from material misstatement.

Basis of opinion

An Audit involves, performing procedures to obtain evidence about amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgement, including the assessment of risk of material misstatement in the financial statements, whether due to the fraud or error. In making those risk assessments, the auditor's consider internal controls relevant to the Organisation's processes to prepare and fairly present financial statements. This assessment informs the designing of appropriate audit processing in the circumstances, but are not undertaken for the purpose of pressing an opinion on the effectiveness of the Organisation's Internal controls. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by management, as well as evaluating the overall presentation of the information in the Financial Statements.

Independent Police Complaint Board
Financial Statements
For the year ended 31st December 2016

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

Opinion:

- In our opinion, the Financial Statements give a True and Fair view of the financial position of The Independent Police Complaint Board at 31st December 2016, and of its financial performance for the year ended in accordance with International Financial Reporting Standards.


ARVS Partners

Chartered Accountants

Freetown

Date: 03/08/2017

17.0 ON GOING ATTEMPTS AT BUILDING POLICE ACCOUNTABILITY

We have to constantly remind ourselves that police oversight and accountability despite its obvious and critical importance, is still a phenomenon with a limited but growing profile in Africa. There are still a limited number of personnel that actively operate in the field, and who can boast a complete set of skills, particularly in the area of police oversight.

Police accountability and oversight are human rights and state governance concerns, and there is the pressing need to build a community of practitioners here in Sierra Leone who can become active advocates for increased accountability of the police, and who are skilled enough to identify and act in terms of overseeing the actions of the police.

APCOF, which is a network of African policing practitioners drawn from state and non-state institutions is quite active on the continent in promoting police reform through civilian oversight over policing. The IPCB totally subscribes to APCOF's belief that the broad values behind establishment of civilian oversight is to assist in restoring public confidence, develop a culture of human rights, integrity and transparency within the police and promote good working relationship between the police and the community. This goal is achievable through raising awareness and sharing information on police oversight, providing technical assistance to civil society, the police and new and emerging oversight bodies in Africa. The IPCB became a part and parcel of this coalition of police oversight bodies and practitioners in 2014, and is firmly aligned with the objectives of APCOF which are to:

- Create and sustain public confidence in the police
- Develop a culture of human rights, integrity, transparency and accountability within the police
- Promote good working relationships between the police and the community
- Promote good working conditions in the police.

18.0 CONCLUSION

As already stated above, and demonstrated over the past two years of its existence, the IPCB will assiduously continue to cast itself as a **'BRIDGE BUILDER'**, i.e. maintaining a relationship of trust and confidence between members of the Sierra Leone Police and the community in the interest of the common good.

ANNEX 1**SUGGESTED DRAFTS OF OTHER PROPOSED AMENDMENTS****i. Functions of the Board**

The functions of the Board shall be to—

Re sec. 7 (b) ... add-

- (c) subject to the Constitution and the laws related to freedom of information, publish findings of its investigations, monitoring, reviews and audits as it sees fit, including by means of the electronic or print media;

ii. Powers of the Board

Re sec. 22 (2) continuation of sentence ...

... ensuring that where necessary, the identity of a complainant or witness is not disclosed to their detriment;

Re sec. 25 ... add ...

- (4) The Board shall, where appropriate, provide relevant information to enable a victim of unlawful conduct by a member of the police, to institute civil proceedings for compensation in respect of injuries, damages and/ or loss of income.

Re sec. 25 (2) ...

... including a request for the Director of Public Prosecutions to provide it with his response to any recommendation made by the Board .

Re sec. 3 (2) &/or sec. 25 (2) ...

... require the Police to within a specified, time, provide it with information on issues relating to policy, its implementation and its effectiveness, and its response to any recommendation made to it by the Board.

Re sec. 13 (3)...add ...

- (4) subject to the consent of a complainant, and only if it is not a serious complaint, reconcile or mediate on any matter within its mandate.
- (5) The Board may upon receipt of new evidence re-open any investigation which has been concluded, and may amend or annul any previous conclusions or recommendations.
- (6) The Board shall upon request from a complainant keep the complaint's identity confidential unless it is demonstrably in the interest of justice not to do so, until the investigation has been concluded.

iii. Amendment to sec.25 along the following lines ...

- (1) The Board may after concluding an investigation into a complaint under these Regulations
 - (a) where the investigation , in the Board's opinion, discloses criminal liability on the part of a member of the Police, recommend the prosecution of that member to the Director of Public Prosecutions;
 - (b) where the investigation , in the Board's opinion, discloses negligence in the performance of duty by a member of the Police, recommend disciplinary action be taken against such member;

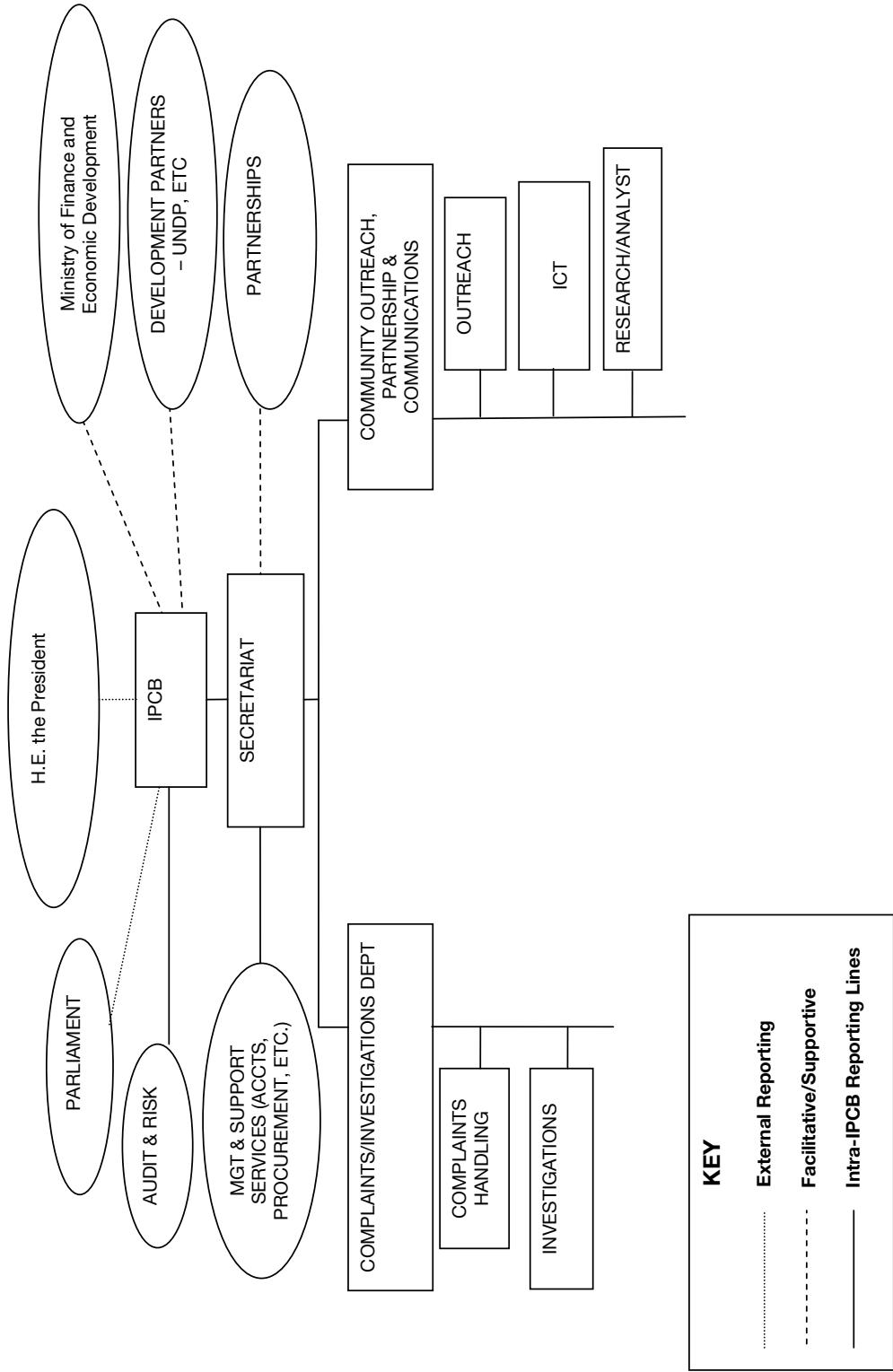
- (c) where the investigation discloses any shortcomings in the processes or procedures employed by the Board, recommend improvement or rectification thereof;
 - (d) recommend that the complainant take any other course of action suitable in the circumstances.
- (2) The Board's investigations, findings and recommendations provided for in these Regulations shall remain in force and effect despite the fact that a person or body—
- (a) under investigation, has since the commencement or conclusion of an investigation, left the employment of the Police; or
 - (b) is no longer acting on behalf of the, under its control or at its behest.

iv. Annual Report

- (1) The Board shall cause an annual report to be prepared for each financial year.
- (2) The Board shall submit the annual report to the Permanent Secretary, Ministry of Internal Affairs within three months after the end of the year to which it relates.
- (3) The annual report shall contain, in respect of the year to which it relates—
 - (a) the financial statements of the Board;
 - (b) the Board's opinion on the adequacy of its funding;
 - (c) a description of the activities of the Board;
 - (d) such other statistical information as the Board considers appropriate relating to complaints to the Board, investigations by the Board and reports by the Board on the results of the investigations;
 - (e) any other information relating to its functions that the Board considers necessary.
- (4) The Permanent Secretary shall within thirty days after receiving the annual report, transmit it to the House of Parliament.
- (5) The Board shall cause the annual report to be published in such manner as the Board may determine.

ANNEX 2

Fig. 1: Organogram of the PCB with External Links and Relationships



**ANNEX 3
STAFF PROJECTIONS – 2016 TO 2020**

POSTS	JOB TITLE 2016	JOB TITLE 2017	JOB TITLE 2018	JOB TITLE 2019
MANAGEMENT			Head of Department – Complaints & Investigations Head of Department – Community Outreach, Partnership & Communications	
SENIOR LEVEL PROFESSIONALS	Senior Investigations Officer	Senior Complaints Handling Officer		
		Senior Communications Officer		
		Audit and Risk Officer (M&E)		
MIDDLE LEVEL PROFESSIONALS	Outreach Officers x3 (North, South and East Regions)	Investigations Officers x 2	Investigations Officer x 1	Procurement Officer
		Complaints Handling Officer	ICT Officer	Human Resource Officer
			Analyst/Researcher	
JUNIOR LEVEL PROFESSIONAL	Accounting Assistant			
	Administrative Assistant	Administrative Assistant		
SUPPORT STAFF	Driver	Driver		
		Dispatcher		
		Cleaner		

ANNEX 4

THE LUANDA GUIDELINES: A RIGHTS-BASED APPROACH TO ARREST AND PRETRIAL DETENTION IN AFRICA

In May 2014 the African Commission on Human and Peoples' Rights (ACHPR) adopted the **Luanda Guidelines on the Conditions of Arrest, Police Custody and Pretrial Detention in Africa**. They provide a guide to policy makers and criminal justice practitioners aimed to strengthen day-to-day practice across the region. The guidelines contribute to the growing movement to advance pretrial justice, recognising that improvements at the entry point to the criminal justice system positively impact throughout the trial and post-trial stages.

A BLUEPRINT FOR PRETRIAL JUSTICE IN AFRICA

Why are the guidelines important and how were they developed?

The unnecessary and arbitrary use of arrest and pretrial detention is a major contributory factor to prison overcrowding in the region. It also feeds corruption, increases the risk of torture and has significant socio-economic impacts on suspects, their families and communities. Cognisant of these issues, and of the need to strengthen criminal justice systems, the ACHPR mandated its Special Rapporteur on Prisons and Conditions of Detention in Africa in 2012 to develop a set of practical guidelines on arrest and detention. A number of background studies, regional consultations and expert group meetings led to the final adoption of the Luanda Guidelines at the 56th Ordinary Session of the ACHPR in 2014.

How do the guidelines promote more effective and fair pretrial detention?

The guidelines provide an authoritative interpretation of the African Charter and offer specific detail on the measures state parties need to take to uphold, protect and promote the rights of people subject to arrest, police custody and pretrial detention. In doing so they reinforce the importance of a criminal justice system built on core human rights principles. They aim to ensure fewer arbitrary arrests and a more rational and proportionate use of pretrial detention. This enables a more effective use of human and financial resources, for example targeted towards legal aid and crime prevention.

“The guidelines reflect the collective aspirations of our states, national human rights institutions and civil society organisations in promoting a rights-based approach to this critical area of criminal justice.”

—Commissioner Med Kaggwa,
ACHPR Special Rapporteur
on Prisons and Conditions of
Detention in Africa

WHAT DO THE GUIDELINES COVER?

The guidelines trace the steps from the moment of arrest until trial, focusing on the decisions and actions of the police, correctional services and other criminal justice professionals. They contain eight key sections covering the framework for arrest and custody, important safeguards, measures to ensure transparency

and accountability and ways to improve coordination between criminal justice institutions.

1. ARREST covers grounds for arrest, procedural guarantees and the rights of suspects and arrested persons including the requirement that they be notified of their rights.

2. POLICE CUSTODY provides a framework for decision making on police bail or bond, and details safeguards for persons subject to police custody, including access to legal services, limitations on the use of force and restraints, safeguards during questioning and recording of confessions.

3. DECISIONS AROUND PRETRIAL DETENTION includes safeguards for suspects who are subject to a pretrial detention order, review procedures and mechanisms to minimise prolonged pretrial detention.

4. REGISTERS are designed to ensure transparency, and provide details regarding the type of information that should be recorded in all forms of record keeping, including arrest registers and those used in police custody and pretrial detention centres

where the information should be made available.

5. DEATHS AND SERIOUS HUMAN RIGHTS VIOLATIONS IN CUSTODY details the procedures that should be followed in the event of a death or rights violation in police custody or pretrial detention.

6. CONDITIONS OF DETENTION includes conditions in police custody and pretrial detention and specific safeguards that apply to these places of detention such as the separation of different categories of detainees.

7. VULNERABLE GROUPS covers groups identified by the African Charter as being at risk or having special needs within the criminal justice system including women, children, persons with disabilities and non-nationals.

8. ACCOUNTABILITY AND REMEDIES includes a range of measures such as judicial oversight, habeas corpus, independent complaints, investigation and monitoring mechanisms, data collection and dissemination and the provisions for redress.

IMPLEMENTATION OF THE GUIDELINES

The final section of the guidelines highlights steps for implementation which is key to the practical realisation of all legal standards.

Who needs to take action to ensure that the guidelines are implemented?

- ▶ **The ACHPR** through promotional, monitoring, reporting and case handling functions.
- ▶ **National governments** through transposition into national laws, policies and practice.
- ▶ **National parliaments** through legislation and parliamentary oversight.
- ▶ **Oversight bodies and civil society organisations** through monitoring, reporting, awareness raising and technical assistance.

What are some of the key actions needed to ensure implementation?

MONITORING AND REPORTING states are required to utilise the guidelines in their reports to the ACHPR. In turn, the Commission plays a key role as monitor of the implementation of the guidelines through state reporting and country visits allowing them to identify challenges, makes recommendations and ensure follow up.

ACCESSIBILITY, AWARENESS AND TRAINING are important to ensure that the guidelines are translated and disseminated in ways that are accessible to target communities. They can usefully be supported by a variety of practical tools and training materials.

NATIONAL IMPLEMENTATION PLANS are critical to promote implementation and should involve all relevant actors from the executive, security and justice institutions, national human rights institutions and civil society.

INFORMATION & NEXT STEPS

The ACHPR, civil society and national human rights institutions are working together to promote implementation of the guidelines including:

- ▶ The guidelines are available in the four African Union languages.
- ▶ Steps are underway to develop a number of practical checklists, templates and training guides to support the implementation of the guidelines.
- ▶ In a number of pilot countries national action plans are being developed.





IPCB LOGO INTERPRETATION

The Logo, which is also its Official Seal, depicts the sum total of the Vision, Mission and Core Values of the Independent Police Complaints Board (IPCB) within the context of Security Sector Reform in Sierra Leone, requiring the building of effective and accountable institutions for increased citizen security and safety.

The above actions are expected to ensure democratic governance of the security sector on the basis of the Rule of Law which is recognized as crucial to securing peace and sustainable development in Sierra Leone.

*Injustice anywhere is a threat to justice everywhere; therefore the **Scale of Justice** unevenly set, is weighted in favour of justice and fairness which should and must reign supreme and, the wings which enable (hopefully and expectantly) that justice will rise and soar over and above all other considerations.*

The national colours are depicted in the wings in flight.

*The Motto, '**DO JUSTLY**' sums up all of IPCB's endeavors in the above regard.*

The motto is also sending out two messages viz: admonishing IPCB to live up to expectations by deeds and actions, and simultaneously 'talking' to the Police and Society in general.



Staff of IPCB and APCOF Consultants at a Training Course on Basic Investigations for Police Oversight Practitioners Organized by IPCB and APCOF on the 22nd-25th May, 2017



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