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An Overview Of The Ghana Police Service

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Preface

This is a broad-based study that seeks to understand the structural and developmental processes that have taken place in the Ghana Police Service (GPS) since colonial times. The sphere of activities to be covered are wide, and thus a certain ‘brutal’ selectivity was used to enable the paper capture the dynamics of the developmental process that are crucial to defining how a police service should function in an increasingly confident and vocal constitutional democratic environment.

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Acronyms

BNI	Bureau of National Investigations
CAF	Confederation of African Football
CID	Commissioner of Investigative Department
COP	Commissioner of Police
GoG	Government of Ghana
GPS	Ghana Police Service
ICITAP	International Criminal Investigative Training Assistance Programme
IGP	Inspector General of Police
MFW	Media Foundation for West Africa
NLC	National Liberation Council
PDD	Presidential Detail Department
PNDC	Provisional National Defence Council
PP	Progress Party
PSO	Private Security Organisations
SP	Special Branch

Introduction

Popular perceptions about the Ghana Police Service (GPS) are far from flattering. Not only that, less than half a decade ago it was recognised in official governmental circles that, internally, the Police had ‘not strictly followed the laws and regulations governing’ appointments and promotions within the service. For a public service institution, which ought to place a high premium on record keeping as a means of prosecuting cases and for its own internal appointments and promotion procedures, the processes of record keeping and the state in which these records, which should form the basis for critical decision-making are found have been described as being at best ‘abnormal’. Equally, for a service that should uphold the law and whose functions and prescribed roles are to detect and prevent crime, some officers of the Ghana Police service have been found capable of falsifying official records and making ‘insertions ... in such a criminal manner as to defy detection’. If aspects of the service are permeated with such weakness – both structural, professional and of a nature involving its personnel - to what extent can the GPS fulfil its mandate?

Several reasons account for the almost love-hate nature of police-public relations. A recent survey conducted by the University of Ghana in 2001 aptly captured the nature of these relations.¹ While the public accepted the need for an efficient and friendly service and were in certain instances welcoming of the services provided by the Police, there was an underlying sense of mistrust and discomfort.² There is no doubt that the Police Service in Ghana performs one of most important, essential and key services to the state, it is also one of the most misunderstood and misperceived state organisations in Ghana. It was with this general public perception in mind that the terms of reference sought to ‘provide ... [an] overview of the institution of policing in Ghana over the years’.³

In attempting to achieve the broad objective that was set would mean an approach that examines the structure and organisation of the force and the operational instructions under which it functions. What is remarkable about the Ghana Police Service especially when one takes a long-term historical perspective of the development of the Service has been the virtual inability or unwillingness of successive administrations – both the Police leadership and the political leadership – to implement the recommendations of the diverse committees that have been established.

In the preparation of this paper, one of the disturbing observations that were quickly made was the extent to which very little about the Police Service in Ghana had been documented and written down. Equally, surprising and worrying was how little information and materials – primary and secondary source materials - were really in the public domain. Thus, while there was collaboration with several

¹ . See public survey report by Kwesi Ansu-Kyeremeh and Essuman-Johnson, A National Survey on Public Perceptions of the Police in Ghana, ACCRA, 2001

² . See World Bank & Ghana Centre for Democratic Governance, 2000. *The Ghana Governance and Corruption Survey: Evidence From Households, Enterprises and Public Officials*. Accra, Ghana: CDD

³ . Letter from MFWA, September 10, 2001.

officers who were generous in giving their time and effort, there were virtually no materials to be obtained. Not only that, the archives of the force was simply not in a state to preserve materials. This notwithstanding, however, several individuals made available their personal copies of important documents and materials.

Therefore to adequately deal with the problematic of the force and to appreciate what its assessment needs are, this paper is divided into five sections (chapters). First, it starts with a general historical overview of the force in terms of its origins and development. Second, is an outline of the structural development, growth and expansion of the service from its inception in the colonial period until 2001. Since the Police Service is one of the regulating arms of government, it would be useful and appropriate to review the legislative, constitutional and other legal instruments regulating the service. In an earlier paragraph, it was posited that while different governments seeking to examine the service and correct any problems and anomalies within the service, in most cases, have established several committees the recommendations of the reports have not been acted on with dire consequences.⁴ Thus, this paper will examine and review the reports of commissions or committees of inquiry affecting the structure, organisation and work of the police. Consistent with the analysis, the paper will examine the service as at anno 2001 by providing a critical perspective on the challenges confronting the service in a democratised society. Finally, the concluding section will discuss 'whither the police service in Ghana today' by raising issues that can contribute to a better understanding of the challenges faced by the service.

History Of The Origins And Development Of The Police In Ghana

There is some controversy as to when formal policing started in Ghana. Michael Teku argues that '[p] olicing in the Gold Coast started in 1831 when Captain George MacLean formed a body of one hundred and twenty-nine men to maintain and enforce the provisions of the "Treaty of Peace" which he signed with the Coastal chiefs and the King of Ashanti'⁵. Probably, the first real effort to document the history of the Police Force in Ghana was the work done by W. H. Gillespie.⁶ While the essence of this work was not to over-elaborate on the specificity of the date for the establishment of the Ghana Police, there is an inclination to accept Teku's arguments because of the multiple occurrences on the Gold Coast especially around the Cape Coast castle at this period. Though Teku does not provide some of the key historical occurrences during this period, Gillespie's dating from 1844 captures the famous Bond of 1844 drawn up between the Fante chiefs and MacLean prior to the Battle of Nsamankow. In another work, Pokoo-Aikins has dated his

⁴ . An interesting aspect of this problem was the non-implementation of the recommendations of the Boyes Report of December 1971, which had as one of its terms of reference 'to survey the Ghana Police Service and advise on its structure and effective organisation as well as the modernisation of its equipment *particularly for crowd control*' (my emphasis). See *A Report on The Ghana Police Service following a survey by Mr. R. P. Boyes, Q.P.M.*, December 1971, p. 1

⁵ . Teku, Michael Kwame Agbeko. *An Evaluation of Records Management Practices in the Police Headquarters Registry*, University of Ghana, 1984, p. 1; see also Avuyi, Paul & Michael Teku, *Outline History of the Ghana Police Service 1931 – 1960*. Accra, Ghana, n.d.

⁶ . See Gillespie, W. H. *The Gold Coast Police, 1844 – 1938*. (London)

work only from the start of the Second World war and does not give any indication as to why this delineation.⁷ In the text of his monograph, however, he gives indications that some sort of force was in existence in the colonial era.

For the sake of the logical development of the argument as spelt out in the problem formulation earlier on, some time will be spent on the development of the force. The men recruited in 1831 were trained and deployed to perform civil police duties until their activities were formalised in 1873 when an ‘ordinance to provide for the better regulations and discipline of the armed police force’ was enacted.⁸

As the force grew and expanded, other improvements were initiated.⁹ Teku argues that some of these included the establishment of an Escort Unit, Railway Unit, Marine Police and Criminal Investigations Department. Some of the new regulations enacted to enhance the work of the force and respond to the challenges that it faced were as follows:

- Police Regulations, 1922, No. 7;
- Police Reward Fund Regulations, 1922, No. 8;
- Transport and Private Property (Police Escort) Regulation, 1922, No. 20;
- Police Force (Volunteer Police Reserve) Regulations 1939, No. 16; and the
- Unclaimed property Disposal Regulations 1941, No. 37¹⁰

While not discussing some of the issues that will be taken up later, it is imperative that any analysis of the development of the Ghana Police situates such processes within its proper context. Due to the increasingly sensitive materials being transmitted by the Service, a Wireless Division was established in 1949. The first such major effort dealing with such developmental processes was *A Report Upon the Gold Coast Police* known as the Young Report of 1951 which sought to advise the Gold Coast government on the organisation, training and methods of policing in the colony.¹¹ Young’s concerns dealt with several facets of the increasingly growing force among others training, equipment and the prevention and detection of crime. Other key areas dealt with by the Report included the status of the Police and the formation of Police Council. But most critically, Young sought the establishment of a Police Force that was truly independent of political and extraneous influences to the service.¹²

⁷. Pokoo-Aikins, J. B. *The Police in Ghana, 1939 – 1999*. n.d (Accra, Ghana Police College) mimeograph

⁸. Ankama, S. K. *Police History – Some Aspects in England and Ghana*. (Essex, Silken, 1983), p. 35. The interesting thing about this ordinance was the empowerment it gave the Governor to formulate regulations for the efficient running of the force.

⁹. The most comprehensive historical account of Police Development in Ghana is Avuyi & Teku, op cit.

¹⁰. Teku, op cit, p. 2

¹¹. See Young, A. E. Colonel. *A Report Upon the Gold Coast Police*. (Accra: Government Printer, 1951), paragraph 1. see also Pokoo-Aikins, op cit, p. 78, Teku, op cit, p. 2ff

¹². This recommendation of AE Young will recur in several of the constitutional provisions of Ghana, including the 1992 constitution.

Crucial to Young's work was a definition of who a Police Officer is. This will need some extensive quotation. According to the response of Government when accepting the report,

... a Police Constable is a citizen serving the office of a Constable, thereby having certain powers and being liable to certain responsibilities. *He* serves the *Sovereign* ... and is a servant of the state exercising *original* authority.¹³

As part of the developmental process, 1952 saw the establishment of a specialised squad comprising of twelve women. Their functions were to deal specifically with cases of juvenile delinquency and offences committed by women. Not much seems to have been done on the feminine front in terms of recruitment and training and promotion. There was an increasing perception that the men did not give cases dealing with women and therefore after much lobbying and several petitions to the IGP the Police Administration consented to the establishment of the Women and Juvenile Unit (WAJU) of the Service in October 1998.¹⁴ Presently, two offices are in Accra and Kumasi.

Closely related to internal developmental process in the Police service were the general political developments in the country. With independence in March 1957 came Nkrumah's Africanisation policy in which Ghanaians were promoted to fill the positions previously held by Europeans. As a result, Mr. Madjitey became the first Ghanaian head of the Police force in 1958. A Presidential Detail Department (PDD) was eventually established to cater for the President's security. A birds-eye view of the Service in the immediate aftermath of self-rule in 1951 was as follows:

Table 1: Composition and Strength of Ghana Police Service as at 1952

Force	Strength of Superior (Senior) Officers	Junior Officers	Total
Europeans	74	0	74

¹³. Memorandum by the Commissioner of Police, *The Present Role and Statutory Functions of the Ghana Police Force, Its Organisation and Distribution of the Force, Staffing, Training and Equipment*. (Accra, June 1958) para. 2 (unpublished). The quotes in original are mine. Notice the lack of gender sensitivity in the report and the allegiance of the Officer to the Queen of England and not the Prime Minister of Ghana, Dr. Kwame Nkrumah. The rationale for the use of the word original is difficult to ascertain. In interviews with several officers, the operationalisation of the word has been difficult to explain.

¹⁴. WAJU's aims are to tackle domestic offences, cases pertaining to women and children. Rather inexplicably, it also seeks to promote domestic harmony and unity. WAJU does not consider itself as necessarily pro-female. A more substantive discussion of the role of women in the service will be undertaken time and space permitting, but it is assumed that the discussions encompass the general Ghana Police Service developments that affect women. According to WAJU officials, they work in conjunction with the Legal Aid Board, Department of Social welfare, the Commission on Human Rights and Administrative Justice (CHRAJ), the Family Tribunal and the Federation of International Women Lawyers (FIDA). For a comparative international perspective on Policewomen, see J. Brown, A. Hazenberg & C. Ormiston, 'Policewomen: an International Comparison', in R. I. Mawby, ed., *Policing Across the World: Issues for the Twenty-First Century*. (London: UCL Press, 1999)

Africans	18	3,388	3406 ¹⁵
Total	92	3388	3480

Source: Interviews and Teku, op cit, p. 3, Pokoo-Aikins, op cit.

Consistent with Ghana’s status as a fully independent state, 1959 saw the establishment of an Armoured Car Squadron to deal with instances of security threats to the state and the establishment of a Police College to undertake the systematic training of officers.¹⁶ Since the establishment of the College, conditions have progressively deteriorated to the extent that several departments of the College have been closed down.¹⁷

Due to the need for critical infrastructural developments, a new building to headquarter the Police Service was opened in 1962. The first major post-independence act to be promulgated was the 1965 Police Service Act (Act 284) which came into force by an amendment of the new National Liberation Council (NLC) decree 25 (NLCD 25). It provided for:

The organisation of the Police service, the appointment, promotion and retirement of Police Officers and the conditions of service, disciplinary proceedings and other matters relating to the Police Service.¹⁸

The NLC handed over power to a democratically elected government in 1969, which passed a Police Service Act (Act 350) in 1970 and took effect in January 1971. It incorporated all previous Acts and Decrees relating to the Police Service.¹⁹ This Act spelt out clearly, the functions of the force. For example Section 1 (1) stated that the duty of the Police Service was to ‘prevent and detect crime, apprehend offenders, and maintain public order and safety of persons and property’.²⁰ Under Act 350, the Police Council functioned as an advisory body on

¹⁵. It is important that the African figure is put into the right context. Because of the fluid nature of nationality and citizenship, British colonial officers could serve in any part of the colonies. Thus in the General Police of the 1950s, there may have been officers from Nigeria, Sierra Leone, West Indies, Liberia and Togoland and Dahomey.

¹⁶. For a detailed discussion of the decisions around the establishment of the Police College, see *Annual Report of the Ghana Police for the Year Ending 31st December 1959*. (Accra: Government Printer), pp. 7-23. See Boyes Report of 1971

¹⁷. See Faibille, Egbert, Jnr. ‘How NDC Ruined Police Service – Recruits Practice ‘Stand and Load’’, *The Independent*, 1 November 2001, pp. 1 & 8, Mensah, Kent & A Harruna Attah, ‘Who Shot the Police?’, *Accra Mail*, November 5, 2001, pp. 1 & 4

¹⁸. NLCD 25. It is important that the NLC’s sensitivities to the Police Service are put into proper perspective. The Council had four senior Police Officers as members: JWK Harlley, BA Yakubu, AK Deku and JEO Nunoo. For some of the background materials and politics surrounding this fascinating synergy between the Police and Military, see Pokoo-Aikins, op cit, pp. 15 – 18. Also, Barker, Peter, *Operation Cold Chop: A Coup That Toppled Nkrumah*. (Tema: Ghana Publishing Corporation, 1979), pp. 177 – 179

¹⁹. See Police Service Act, 1970 (Act 350) (Ghana Publishing Corporation (Printing Division, Accra-Tema)

²⁰. *ibid*. This conforms to some of the concerns raised by the Young Report of 1951, paragraph 1

appointments, welfare and discipline, selection and training, Police-public Relations and the adjudication of disciplinary appeals from serving officers.²¹ A relatively unknown facet of the Police Service Act 350 (1970) is that it is the first known legislative instrument to govern private security organisations (PSOs) in Ghana. Under section 38 (1) the Minister may by legislative instrument make regulations:

- Controlling the establishment and operations of any private security organisation;
- Requiring the registration of all private security organisations;
- Regulating the conditions under which a private security organisation may employ any person;
- Regulating the use of uniforms by any private security organisation; [and]
- Prescribing fees and forms for any of the above purposes.²²

In a further development, Act 350 defined and delineated what could come under the designation 'private security organisation'. This according to Act 350 '... includes any organisation which undertakes private investigations as to facts or the character of any person, or which performs services of watching, guarding, patrolling or carriage for the purpose of providing protection against crime, but does not include the Police Service, the Prisons Service or the Armed Forces of Ghana'.²³ Aware of the possibility of definitional problems and the difficulties that may arise thereof, the Act also provided avenues for resolution of such knotty issues that 'any doubt as to whether or not an organisation is a private security organization for the purposes of this section shall be determined by the Minister'²⁴

In Ghana, the Private Service (Private Security Organisations) (amendment) Regulation 1994 Bill was promulgated by the democratic regime of Jerry Rawlings. The Bill was institutionally placed under the Police Force, which is under the Ministry of Interior by section 38 of the Police Services Act, 1970 (Act 350). The Bill was initially passed as Police Service (Private Security Organisations) Regulations 1992 Legislative Instrument (L.I.) 1571. A slight amendment in terms of the registration fee resulted in LI 1579.

Subsequently in 1974 the Police Force (amendment) Decree 303 (NRCD 303) amended sections of Act 350.²⁵ Critically, the Police service was institutionally removed from the administrative and bureaucratic control of the Public Services Commission and the service was renamed the Ghana Police Force. Several key

²¹ . See Act 350, Part III, Sections 10 – 16. See how this relates to the Boyes Report of 1971, pp. 241ff

²² . Police Service Act, 1970 (Act 350) Section 38 (1)

²³ . Ibid Section 38 (2)

²⁴ . *ibid*, Section 38 (3)

²⁵ . By this time, the democratically elected government headed by Prime Minister Kofi Busia had been overthrown, the recommendations of the Boyes Report unimplemented and a new government, the National Redemption Council (NRC) established.

changes were brought about. Two key ones were that the Police Council was now chaired by the IGP and several distinctive branches were formed.²⁶

The major occurrences in the development of the force were the acceptance that the IGP was of cabinet rank. Also, on the advice of the Police Council in May 1991, the post of Commissioner of Police was expanded by the creation of the posts of Commissioner of Police Operations and Technical Services to join the already established ones of Commissioner of Investigative Department (CID) and the Bureau of National Investigation (BNI)

Structural Developments And Growth Of Service

In the section above, some tangential reference was made to the developmental processes in the Ghana Police.

Table 11: Growth and Expansion of Force Personnel From Colonial to 2001

1	2	3	4	5
Year	Force Strength In thousands		Population of Ghana in Millions	Police/Population Ratio
	(a)	(b)		
1947	2,700		circa 4.01	1:1483
1952	3,480		circa 4.06	1:1490
1957	6,000		6	1:1000
1971	19,410		8.5	
1992	15,484		16	1:1033
1999	16,212	25,000	18.5	1:1400 ²⁷
2001	14,412	37,000	circa 18.5	1:1421

Source: 2(a) represents the actual strength of the Ghana Police force at present, while 3(b) represents what ought to have been the projected growth of the force in relation to the population

What explains the rather fascinating dilemma in which the Ghana Police Service progressively is reduced in strength while the population increases? As a ratio in relation to 2001 population figures, the full complement of the Ghana Police Service should be about 37,000 men to effectively police a population of almost 19 million. However, as the above statistics show, the service is short of almost 23,000 men. Several critical questions and issues arise. First, what explains this deficit in men? Second, what policies and strategies can be put in place (a) to improve and

²⁶. This was a major change from the recommendations of the Young Report in which the Police Council was not chaired by the head of Police. However, Article 201 of the 1992 Constitution makes the Vice- President Chair.

²⁷. The recommended ideal UN figure for police/citizen ratio is 1:500. This figure includes officers like tailors, masons, draughtsmen, painters, plumbers, electricians, carpenters, ward assistants, laboratory assistants, mortuary attendants, records personnel and dispensary assistants, see *Government Statement on the Report of the Presidential Commission into the Ghana Police Service*, OP/S.809 of 11 May 1999, para. 23.2. p. 17. The Archer Report of 1997 projected a service of 25,000 officers by December 1998. p. 13

enhance recruitment and (b) to retain those in the service and enable to make a career? These are key questions and issues that should be touched on in the concluding section of the paper.

Review Of Legislative, Constitutional Instruments Regulating The Ghana Police Service

This section deals with the legislative and constitutional framework and regimes that underpin the Ghana Police Service. Regime has been consciously chosen to denote the values, norms and decision-making processes that should support the functions and performance of the Ghana Police Force. While discussing these legislative and constitutional frameworks, this section will do two things. First, it will review the main legislation on the Police and secondly attempt to bring out any differences if any. The legislation and constitutional frameworks that will be used as the basis for the analysis are:

1963	Security Service Act, 1963 (Act 202)
1969	Republican Constitution, Chapter 13, The Police Service, Sections 142 – 144;
1970	Police Service Act, 1970 (Act 350);
1974	Police Force (Amendment) Decree, 1974;
1979	Republican Constitution, Chapter 17, Sections 172 – 175; and
1992	Republican Constitution.

Although the Security Service Act (202) of 1963 did not directly deal with the Police Service, for its efficient functioning, aspects of its authority were equated to that of the Police. According to Section 4 (1), 'For the purpose of the efficient performance of the functions assigned to the Service by this Act, Rules may be made conferring on the members of such department, branch or division of the Service as may be specified in the Rules the powers of superior police officers in relation to investigation, search, arrest and detention'.²⁸

The 1969 Constitution saw the Police Service as part of the Public Services of Ghana. It also established a Police Council (Article 143), which consisted of:

- A member of the Public Services Commission;
- The Head of the Police Service;
- A representative of the Attorney-General;
- The official head (Principal Secretary) of the Ministry responsible for internal affairs;
- A representative of the Ghana Bar association; and
- Not more than three other members, one of whom shall be a person who shall have held office as a senior Police Officer, as the President may, acting in accordance with the advice of the Prime Minister, appoint.²⁹

²⁸ . Security Service Act, 1963, Act 202. Section 4 (I)

²⁹ . 1969 Republican Constitution, Section 143 (1)

Provision was also made for Regional Police committees. Probably the most important single legislation governing the Ghana Police Service after the diverse constitutional provisions is the Police Service Act, 1970 (Act 350). This Act sets out in minute detail, several facets of policing in Ghana. The key aspects of the report deals with:

- Functions of the Police (Part I, Sections 1 – 9);
- Structure and Conditions of Service (Part II, Sections 10 – 16);
- Misconduct and Unsatisfactory Service (Part IV, sections 17 – 22);
- Complaints and Offences (Part V, sections 23 – 29);
- The Volunteer Police Reserve (Part VI, Sections 30 – 31); and
- Miscellaneous and Supplemental, (Part VII, Sections 32 – 41).

The functions and composition of the Police Council are the same as in the 1969 Constitution. As mentioned earlier on, one of the more troubling and least known aspects of Act 350 is Section 38, which seeks to control private security organisations. Official fascination with private security companies does not seem to have changed nor waned throughout the last couple of years. Rather, there seems to be an official acquiescence that private security organisations are a necessary compliment to the Ghana police service. This rather naïve perception does not take into consideration the disturbing international networks of some of the ‘faceless’ foreign investors in the private security industry.³⁰ In fact the Archer Report of 1997 recognised the fact that more and more policemen are needed to undertake mundane duties like guarding banks. The Archer Report sought to make a justifiable argument for empowering private security organisations (PSO) to take over some of the functions of the police. This problem has been recognised by government as problematic especially in terms of the need to release such officers to undertake other more critical duties. The Presidential Commission into the Ghana Police Force, popularly known as the Archer Commission in 1997, referred to this problem.³¹ Government, aware of the police manpower shortage and the increasing duties that it has to see to argued that:

... it is the hope of Government that in the future when circumstances improve it will be possible for the Police to disengage from this when the Banks and Private Security Organisations would have developed enough capability to take over Bank guard duties to enable the Police Service (Private Security Organisations) Regulations 1992 (LI 1571) to be amended to permit bank guards to handle weapons’.³²

³⁰ . For two critical analysis of this phenomenon, see Aning, Kwesi Emmanuel. ‘Privatisation and Commercialisation of Security in Ghana’, 2001, August mimeo and Aning, Kwesi Emmanuel, ‘ Whither Africa’s security in the New Millennium: State or Mercenary-induced Stability?’ *Global Society*, Vol. 15, No. 2, June 2001.

³¹ . See Paragraphs 9.25 and 9.26

³² . See *Government Statement on the Report of the Presidential Commission into the Ghana Police Service*. (OP/S. 809), 11 May 1999. For more sophisticated analysis of the problematic of privatised policing, see Forst, Brian & Peter K. Manning, *The Privatisation of Policing*. (Georgetown University Press, 1999). Gocrest undertakes transportation of monies for Banks, namely Standard Chartered and Barclays. This is especially so for the Legon branches of these banks. Interestingly, because of the lack of firearms, the Ghana Police force provides the protection of these cash transports. It will be interesting to analyse the percentage of Police officers detailed to perform these services as against other services.

A major change in the constitutional provisions governing the Police Council was the elevation of the Vice-President as a member and Chairperson of the Council.³³ The 1992 constitution had slight changes to members of the Police Council. In Chapter Fifteen, Article 201, sections f, g, and h new representations included a representative of the retired Senior Police Officers Association, two members of the Police Service, appointed by the President, acting in consultation with the Council of State one of whom shall be of a junior rank, and two members appointed by the President. There are additions worthy of note and which reflect the changes that had taken place in the country as a whole and the force in particular. First the addition of members of the retired Senior Police Officers association was recognition of the immense expertise that was available and could be brought to bear on the work of the Police Council. Second was the addition of a Police officer of junior rank to certainly bring to the fore some of the problems faced by junior ranks. It is, however, doubtful if this hope was ever fulfilled³⁴. Also, it could reflect some of the dying aspects of the romantic notions of the revolution in 1981.

Although the 1992 Constitution also made the Vice-President the Chairman of the Police Council, in the aftermath of the serious constitutional and potentially dangerous security crisis that developed between President Jerry Rawlings and the late Vice-President Ekow Nkensen Arkaah, some modifications were made in which the Vice-President is no more the Chair.³⁵

Review Of Reports Of Commissions Or Committees Of Inquiry Affecting Structure, Organisation And Work Of The Police

Consistent with the format and style that has been adopted in the section above, the approach that will be applied here will be to acknowledge all the reports that are in existence. The essence of this format will be to (a) understand the background to and rationales for establishing these commissions, committees or inquiries, (b) examine and analyse the key recommendations in these reports, and finally (c) interrogate the extent to which key recommendations were acted upon and if not so its impact on the general performance of the Ghana Police Service at the time of writing.

³³. 1979 Constitution, Chapter Seventeen, Section 173 (1) a

³⁴. See for example, Avuyi, Paul. 'Ghana Police is Sick', *Chronicle*, 10 – 13 August 1995; *Memorandum from Assistant Staff Officer to Inspector-General of Police, 'The Year 1990 – An Overview'* 15 January 1990.

³⁵. In an interview with former Vice-President, John Attah-Mills, he explained in detail the touchy nature of the problems raised by the split between President Rawlings and his vice in which the vice formally left the governmental coalition to head another party coalition but maintained his Vice-Presidential position.

The format that will be adopted for this section will be a short background description of the rationales leading to the establishment of a commission, committee or inquiry. This will be followed by a short analysis of some of the key findings and then the recommendations and governments' responses. Time and space permitting, a comparative analysis of the recommendations will be made to establish whether commissions are established to deal with specific problems or because of the non- implementation of earlier recommendations there is a vicious cycle of repetition. The major reports that will be examined in this section are the:

- A Report Upon the Gold Coast Police (commonly known as Young Report, 1951);
- Secret Service Act 202, 1963
- A Report on the Ghana Police Service (commonly referred to as the Boyes Report, December 1971);
- Report of Enquiry into Promotions Within the Police Service (known as Tibiru Report), August 1986;
- Haupenbauer Report, June/July 1979³⁶
- Government White Paper on the Report of Enquiry into Promotions within the Police Force, Secretariat Form No. A38 1986;
- Report of the Chief Constable of Norfolk Constabulary on the Assessment of the police Service in 1992 (what is known as the Ryan Report)³⁷

- Security and Intelligence Act 1996 (Act 526);
- Report of the Presidential Commission into the Ghana Police Service (commonly called the Archer Report), 1997; and
- Government Statement on the Report of the Presidential Commission into the Ghana Police Service, May 1999. OP/S.809
- White Paper on the Report of the Presidential commission of Inquiry into the Accra Stadium Disaster, May 2001

Detailed Analysis of Individual Committee Reports & Enquiries and Government White Papers

- *A Report Upon the Gold Coast Police (commonly known as Young Report, 1951);*

The rationale for what has come to be popularly known as the Young Report, written by a Commissioner of Police from London in 1951 was the imminent independence of the Gold Coast colony and the need by the then Colonial administration to be advised on the organisation, training and methods for policing the Gold Coast. Also, the terms of reference sought to achieve a force that was properly trained and equipped for two key things:

- The prevention and detection and crime; and finally

³⁶ . Several individuals mentioned this report but I could not lay my hands on an original or copied version. This report was a commission of inquiry into riots within the GPS as a result of junior officers arresting their senior officers.

³⁷ . This is one report that we were unable to have access to and evaluate.

- The maintenance of law and order in a modern state.³⁸

This report covered the key aspects of policing and police administration. Other important facets of policing covered included the status of the police and crucially the formation of the Police Council. An Interim Police Council was subsequently established and held its first meeting under the Self-government administration of Kwame Nkrumah in Accra on 8th April 1953.³⁹ Due to the self-government status of Ghana in which issues of Defence, Foreign Affairs and the Economy were still under British control, the Interim Police Council was also made up of both Ghanaian and British officials with a British Chairman. The Chairman was the British Minister who held the portfolios for Defence and Foreign Affairs. This Council was made up of officials from:

- A representative from the Ministry of Local Government;
- A representative from the ministry of Finance;
- A representative from the Attorney-General's Department;
- Commissioner of Police; and
- One representative from each of the six regions to be appointed by the Governor on the recommendation of the Minister for Local Government and the advice of the Cabinet.

This report was accepted wholly with only very slight modifications, with especially the Police Council appearing in all subsequent reports and constitutions of Ghana.⁴⁰ What is fascinating about the Young report was his argument for the massive decentralisation of both the operational and administrative machinery so as to ensure the efficient functioning of the organisation. Consistent with the changes that were occurring in Ghanaian society as a whole, Young posited that it was necessary to *characterize* particularly the status of a Police Officer in an emergent democratic society. Young argued that, this definition was essential because (a) it placed the functions and roles of the officer squarely within society and (b) permitted him/her to function optimally.

- *A Report on the Ghana Police Service (commonly referred to as the Boyes Report, December 1971);*

The terms of reference for R.P. Boyes was⁴¹:
to survey the Ghana Police Service and advice on its structure and effective organisation as well as the modernisation of it equipment particularly for crowd control.⁴²

³⁸ . Young, op cit, paragraph 1, Teku, op cit, p. 2

³⁹ . Interview in Accra, 19 October 2001, Pokoo-Aikins, op cit, p. 4

⁴⁰ . See for example the 1992 Republican Constitution of Ghana, Article 201, which established the Police Council and Article 203, which spells out the functions of the Council.

⁴¹ . Members of Boyes' Commission were Superintendent William Agbetteh, Corporal Joseph Nuamah and Staff Officer Superintendent Norman Ellis.

⁴² . Boyes Report, op cit, p. 1

Even though the terms of reference given to Boyes was to examine (a) the structure, (b) effective organisation and (c) equipment for crowd control, one can argue that this is the single most comprehensive report of the Ghana Police Service to date. Divided into 18 sections with an extensive appendix, Boyes methodically touched on every aspect of the police service. The issues that he dealt with were:

- Organisation of the Service;
- Proposed Changes in Organisation of Police Headquarters;
- Establishment;
- Responsibilities of Territorial Officers;
- Pay – Existing and career structure;
- The need for a planned intake of recruits;
- Training – General;
- Appointments and Promotions;
- Administration – General
- Crime – General;
- Traffic – General;
- Border Guard;
- Conditions of Service;
- Escort Police;
- Welfare – General;
- Public Order and the Containment of Order;
- Conclusions; and
- Summary of Recommendations.

It is obvious from the above that the Boyes report is a detailed and extensive *tour de force* of the police service. My analysis will deal with the key parts of the recommendations. In terms of the organisation of the force, Boyes recommended that there should be a major evaluation of the force in 1976/77, which was not done until the major reports of 1986 and 1999.⁴³ Boyes recommended a substantial overhaul of the organisational structure of the Police with the elimination of certain categories of Constables and different categories of Superintendents to be simply known as Superintendents. Similar substantive suggestions were made in respect of the organisation of Police headquarters. With respect to salaries, Boyes argued that Constable pay should equate that of the Army Corporal, with the salary of a Chief officer equated to that of a General. With respect to training, and recruiting, he recommended for the formation of a recruiting department with a cadet system and syllabus in place.⁴⁴ With training, a key recommendation was reduction in the arms training component to moderate the militaristic aspect of the training. In section 16, Boyes recommended that only Inspectors and above should be trained in crowd control, while the continued use of firearms in crowd situations was to be considered. Among other crowd control mechanisms recommended were: training in police tactics for crowd control, blue riot helmets to be used and specific riot shields to be obtained. Finally, battery loudhailers were to be obtained.⁴⁵

As will be seen in the subsequent analysis, most or all of the recommendations proffered by Boyes were not implemented. Several factors may account for this

⁴³ . Boyes Report, op cit, p. 241

⁴⁴ . *ibid*

⁴⁵ . *ibid*, p. 250

anomaly. Boyes presented his report on 30 November 1971 to the Prime Minister, Kofi Busia. As is now history, the Prime Minister's Progress Party (PP) government was overthrown barely three months later. Thus, the government did not even have the time and opportunity to issue a White Paper on report. It is now a purely theoretical discourse as to what would have been done with extensive recommendations.

- *Report of Enquiry into Promotions Within the Police Service (known as Tibiru Report), August 1986; and Government White Paper on the Report of Enquiry into Promotions within the Police Force, Secretariat Form No. A38;*

These reports will be taken as one and commented on simultaneously. If there is any single commission of inquiry report that depicts and captures the extent of the nature of what can be characterised as the 'rot' within the Ghana Police service, it is the above-mentioned Report of Enquiry⁴⁶ and the subsequent Government White Paper on the Report. The background to this committees work was due to the level of malpractices and irregularities that were detected in Police promotions between 1 November 1985 to 31 January 1986. It was with this as a background that the PNDC member responsible for the Interior froze all promotions within this period and established the committee with terms of reference below. This committee's terms of reference were to:

- Enquire into the mode of selection in recent promotion exercise within the Police Service covering the period 1st November, 1985 to 31st January, 1986, namely promotions made within Constable Class II Police Officer to Deputy Commissioner of Police;
- Ascertain as to whether or not, there were any irregularities in the mode of selection in the promotions;
- In case there were any irregularities, find out the cause of the irregularities and, to recommend measures to be adopted to prevent such irregularities in future:
 - Ensure, that the claims of all Police personnel affected are considered;
 - Examine generally, the present procedure for making promotions within the Police Service, and recommend improvements/changes if any, that should be made;
 - Investigate any other matters, which may appear to the Committee to relate to the foregoing, and which in the opinion of the Committee ought, in the interest of the Police Service, to be enquired into, and make such recommendations as the Committee may think fit.

The committee made a number of interesting but very worrying findings. It discovered a number of irregularities and malpractices in the mode of selection for promotions. Not only that, misdeeds were also found in the competitive examinations, administrative promotions and promotions made out of turn.⁴⁷ In the phraseology of the Committee, there was also '*downright dishonesty in the dropping of names of successful candidates and replacing them with names of unsuccessful candidates in the pass-list*'.⁴⁸ In the litany of irregularities within the service, which the committee found, there were instances where officers who

⁴⁶ . Members of this commission of Enquiry were Mr. JE Tibiru, Mr. SJ Afari, Mr. E Bosompem-Twum, G/Sergeant GK Amevuvor and Mr. EK Nyamalar.

⁴⁷ . See Government White Paper on Report of Enquiry, p. 3

⁴⁸ . *ibid*, p.3. For a detailed analysis of these malpractices, see the Report of Enquiry, paragraphs. 11 to 16

deserved to be considered were not considered at all for promotion. There were certain general characteristics defining the fate of these officers. Among some of the possible reasons were those:

- Whose personal files could not be traced⁴⁹;
- Who had suffered prisoner escapes even in cases where the prisoner had later on been captured.⁵⁰

The bulk of the Report of Enquiry dealt with the discovery of irregularities (paragraphs 11 to 85) and examined specific complaints. In accepting the Report of Enquiry and issuing its own White Paper, the government approved the Reports recommendations for the nullification of promotions of staff, resulting from names 'fraudulently inserted in the approved list'⁵¹ and subsequently went ahead and stripped fifteen (15) officers of their new ranks to which they had been promoted from 1 November 1985 and ordered the IGP to transfer them from their stations.⁵² 14 (fourteen) officers were subsequently promoted to different levels while others had different comments made on their petitions.⁵³ Sections 25 – 69 dealt with general issues while the subsequent sections dealt with substantive issues dealing with the remit of the committee.

In the subsequent sections, the committee made recommendation concerning how to stem these irregularities but made an insightful comment that, '... Government is aware, that appointments and promotions in the Police Service within the past few years, *have not strictly followed the laws and regulations governing them.*'⁵⁴

Furthermore the report of Enquiry found instances where officers had entered the Police College with inadequate qualifications while those with better qualifications had been passed over.⁵⁵ Probably, the most serious reflection of the

⁴⁹ . See the concerns expressed about the state of records keeping in Teku, op cit; See also, *Memorandum from Asst. Staff Officer 111 to The Inspector-General of Police, - The Ghana Police Administration* 12/1/90, This memorandum argued that '... record keeping/management at our Registries, Orderly Rooms and Internal Archives could best be described as *abnormal* ... Files are either scattered on desks or piled up in heaps on the floor and on top of shelves. Shelves which are overcrowded making retrievals cumbersome are also weak, old and damaged ... Movement of files are not properly monitored while some important informations (sic) needed could not be traced in records ... As for the internal archives, there continue to remain a very big eyesore' (my emphasis) p. 2. The memorandum concluded with 'My action plan on corrective measures could be submitted in due course for your consideration', p. 3. See also Boyes Report of 1971, sections 15.34 to 15.35

⁵⁰ . *ibid.* According to an internal memorandum reviewing the Police Service in 1990, 'More than 600 cases of misconduct by personnel were recorded. A careful study revealed that absence from duty and *prisoner escapes* topped the list of offences'. (My emphasis). See *Memorandum from Assistant Staff Officer to Inspector-General of Police – The Year 1990 – An Overview*, 15.01.91, p. 3

⁵¹ . See *Government White Paper*, Section 7, p. 4

⁵² . *Ibid*, pp. 4-5

⁵³ . *Ibid*, see sections 10 – 24, pp. 5 - 8

⁵⁴ . *ibid*, section 70, p. 24. Interestingly enough, some of the recommendations made by Tibiru's committee were made earlier by the 1971 Boyes Report. For the specific sections dealing with appointments and promotions, see Boyes Report, Section 8, pp. 107 - 113

⁵⁵ . *ibid*, pp. 24ff

level of rottenness in service was the discovery that fifteen policemen and women had their names fraudulently inserted to be promoted. According to the Government White Paper, '[t]he insertion was done in such a criminal way as to defy detection'⁵⁶

Almost a decade and a half after the delivery of this report, several internal memoranda have still criticised the nature of record keeping that makes it impossible to locate these files while concurrently not containing sufficient information for assessment.⁵⁷

Report of the Presidential Commission into the Ghana Police Service (Known as Archer Report, March 1997) and *Government Statement on the Report of the Presidential Commission into the Ghana Police Service OP/S. 809* (May 1999)

This Presidential Commission was appointed on 21 February 1996.⁵⁸ Its terms of reference were:

- a. Review the structure and operations of the Service and determine its response to the law enforcement needs of the nation;
- b. Consider the report of the Chief Constable of Norfolk Constabulary on the Assessment of the police service in 1992 and make the necessary recommendations;
- c. Assess the manpower needs of the Service and determine appropriate ways of securing and maintaining a motivated service;
- d. Examine ways and means of decentralising aspects of the Police Administration so that Regional and District Organisations can be involved in the provision of the logistic needs of the Service;
- e. Look into all other matters that would enhance the effectiveness of the service.⁵⁹

Certain remarkable issues come out of the Archer Report, which in a way reflects the dilemmas on the non-implementation of the recommendations of earlier reports. Archer's report is divided into two parts, which in a certain sense reflects some of the concerns that earlier reports had dealt with. Part of the Report dealt with:

- Command Structure;
- Devolution of Powers;
- Relationship between the service and Regional/District Political Authorities;
- Recruitment and Training;

⁵⁶ . *ibid*, section 74, p. 27. Five officers submitted different names totalling fifteen and these were inserted into the promotions list. While the *Report of Enquiry* wanted them to be dealt with by way of 'departmental disciplinary action', paragraph 92. The Government White Paper, however, argued that they should be sacked with immediate effect.

⁵⁷ . *Government White Paper*, section 75, p. 28. In 1991, an internal memorandum argued thus: 'our records management system has not undergone any significant improvement. All attempts so far made to update the system failed to attract serious administrative attention', *Memorandum from Assistant Staff Officer to Inspector-General of Police, the Year 1990: An Overview*, p. 7, 15.10.91

⁵⁸ . The committee comprised of Mr. Philip Edward Archer (Chair), Kofi Awoonor, Ms. Justice Ivy Ashong, WO1 James Cole, Mr. Charles Ankomah, Ms Clothilda Amenga-Etego, and E. Owusu-Poku – Member/Secretary (presently IGP)

⁵⁹ . Executive Summary, Part 1, p. 2

- Promotions;
- Transfers;
- Civilianisation;
- Appraisal System; and
- Discipline.

Part 2 tackled critical issues of logistics for the Police and comments on the *Report of the Chief Constable of Norfolk Constabulary on the Assessment of the police Service in 1992* (what is known as the Ryan Report).

In this section of the paper, I will only highlight the key aspects of the report. Archer's Report showed concern with the recruitment difficulties and the fact that it does not reflect the ethnic composition of the country. Not only that, in the post-recruitment and training phase, '... a number of policemen/women ... have not benefited from any further training after the basic recruit course'.⁶⁰ In summarising the conclusions of the report, members of the committee argued that while Ghana make every effort to meet the needs of a modern police service that will provide the tool for combating crime and safe-guarding the nation's stability into the 21st century. Yet, the objective conditions for fulfilling these noble aims are not present within the service. In an analysis of the state of the art and the art of the state of the police, the report posited that:

The present conditions of the Service are deplorable. It is woefully undermanned, ill-trained and ill-equipped. Its motivation is almost nil and its morale low. There is no cooperation in the leadership, which is riven with petty divisions more often than not formented [sic] by Service heads. ... The top is heavy due to an uncoordinated promotion scheme that does not always consider the availability of jobs to which people are promoted.⁶¹

From the above, it is quiet obvious that the state in which the Police Service finds itself makes it impossible for the service meet the challenges of 21st century policing. For example apart from the infrastructural collapse of the service,⁶² the issue of manpower deficiency was stressed. According to the Committee,

The Service should embark on a major recruitment drive for an additional *10,000 men/women* by the fiscal year ending December 1998 to bring its strength to at least 25,000.⁶³

It is clear from the above quotation that when the report was presented (March 1997) and the time frame set by the Archer committee Report and the time span it took the government to issue its statement on the Report (May 1999) that the recruitment drive timetable could not be met. More than half a decade after the presentation of the report, not only has the government and police administration

⁶⁰ . See *Executive Summary of Archer Report*, p. 6

⁶¹ . *ibid*, p.7. Subsequently, the Commission noted that '[t]he most critical observation the Commission wishes to make is that at present there is a wide gap between the current leadership ... [which] has resulted in the near total lack of supervision down the various command chains within the Service', pp.8ff

⁶² . *ibid*, p. 9

⁶³ .*ibid*, p. 13 (emphasis mine)

been unable to recruit new officers, even retaining serving officer has been problematic. In responding to the recommendation for manpower increase, Government argued for the increase in the manpower of the police arguing that ‘...[g]overnment is taking steps to address this issue’.⁶⁴

- *White Paper on the Report of the Presidential commission of Inquiry into the Accra Stadium Disaster, May 2001*⁶⁵

This committee was established in the aftermath of what came to be known as the Accra Stadium Disaster when on 9 May 2001, a scheduled football match between Accra Hearts of Oak and Kumasi Asante Kotoko resulted in a pandemonium among spectators. In response, Police Officers reacted by firing volleys of tear gas unto the stands resulting in a stampede that resulted in the death of 126 spectators.

In response to this tragedy and exercising the powers conferred on him under Article 278 (1) of the 1992 Republican Constitution, the President subsequently appointed a commission to inquire into the disaster and make a report on it to him.

The terms of reference of the Commission were to:

- Investigate the causes and circumstances leading to the deaths and injuries suffered by spectators at the Accra sports Stadium on the occasion of the Accra Hearts of Oak/Kumasi Asante Kotoko football match on 9 May, 2001;
- Inquire into the preparedness of the nation’s public bodies to deal with such disasters and emergencies;
- Inquire into any other matter which appears to be incidental to or reasonably related which in the opinion of the Commission ought to be inquired into;
- Make recommendations to prevent future occurrence of such disaster;
- Make recommendations to enhance the capacity of the nation’s public bodies to deal with such disaster;
- Make recommendations to sanction any public officer where appropriate;
- Make such other recommendations as it considers appropriate;
- Submit, within one (1) month, its report to the President, giving reasons for its findings and recommendations.⁶⁶

On the surface, the terms of reference of the commission of enquiry does not specifically mention the police. Yet, those who witnessed the television footage of police behaviour and response to the disturbances would be in no doubt that the commission’s report would come to deal with the Police.

⁶⁴. See *Government Statement on the Presidential Commission on the Ghana Police Service*, p. 8

⁶⁵. Members of the Committee included Mr. Sam Okudzeto, Professor GKA Ofori Amaah, Professor Akua Kuenyehia, Professor Agyeman Badu Akosa, Mr Ken Bediako, Mrs Regina A. Apotsi and Mr. Miguel AF Ribero.

⁶⁶. *Report of the Presidential Commission of Inquiry into the Accra Sports Stadium Disaster of May 9th 2001* (known as Okudzeto Report). The Commission subsequently requested an extension to the one-month deadline, which was granted. It eventually presented an Interim Report to the President on 19th June 2001 and its final Report on 25th July 2001.

One of the key institutions that presented evidence before the commission was the Police. The findings of the Commission argued that ‘the police response was unsatisfactory, and for quiet *obscure reasons*, included policemen armed with thunder shots, plastic shots (rubber bullets) and tear gas who were detailed to be on duty at the stadium’. If the Okudzeto Commission had bothered to read some of the earlier Commission Reports, especially the recommendation of Boyes, what seemed like obscure reasons in the year 2001 would in reality have been a reflection on the inability of and non-implementation by past administrations – both political and police leadership – to implement earlier recommendations which dealt specifically with crowd control.⁶⁷ Lacking the requisite training and experience in handling such weapons and their effects when discharged into a crowd, it ought not to have come as a surprise that the officers handling these weapons responded without any reflection to the commands issued by their senior officers and ‘... fired indiscriminately into the North Stand’.⁶⁸

There are several other disturbing aspects of the points raised above. First, take for example the Riot Drill used in training Police Officers. It dates from the 1940s and its procedures do not meet the needs of a modern society.⁶⁹ Second, is that in evaluating the procedures employed in training the hundred (100) or so officers who undertake the Cadet Officers Course 34 in which 5 of the 6 indicted officers participated, the participants were not trained in riot control.⁷⁰ In fact during training, none of the mentioned equipments discharged to them on the fateful 29 May 2001 had been used before. There are several interesting points with respect to tear gas training among Police officers. Sometime in 1996 and 1999 some officers were sent to France and got some minimal training in the usage of some French equipment. A similar training was made in the aftermath of the Bill Clinton visit to Ghana in which the International Criminal Investigative Training Assistance Programme (ICITAP) gave some skill training to about 200 officers of the GPS.⁷¹ However, much as one appreciates the role of donor and partner countries in supporting the GPS, the usage of different methods – US and French – procedures may confuse GPS efforts at using these equipments. Finally, in several interviews with serving police officers, it became clear that even in the aftermath of the December 17 2000 incident at the Accra Sports when during the first Confederation of African Football (CAF) football match between Accra Hearts of Oak of Ghana and Esperance of Tunisia, there was a similar teargas episode in which the then vice President, John Attah-Mills had to be evacuated. There was no investigation into that incident. The argument is that such an incidence became possible precedence for what took place later.

To fully capture the series of unfortunate chain of incidents that resulted in the catastrophe, I would need to extensively quote from Part 2 of the Government White Paper, which was exclusively devoted to the Police. This is a damning criticism of the performance of the police officers at the Stadium but implicitly of

⁶⁷ . See Government White Paper on the Okudzeto Report, paragraph 5 (b) (my emphasis)

⁶⁸ . *ibid*, Paragraph 5 ©

⁶⁹ . *The Riot Drill*, Accra, Gold Coast: Government Printing Department, 1949.

⁷⁰ . Interview, Accra, 30 November 2001.

⁷¹ . *ibid*

the service as a whole. Characteristic of police unwillingness to follow laid down regulations and procedure; the White Paper posited that ‘... the policemen on duty on that day had not complied with their own operational guidelines for either the issuance of firearms or their correct use’.⁷² In the aftermath of the issuance of the Okudzeto Report, ‘Policemen and women ...are unhappy with the governments acceptance of the Commission’s recommendation’ to indict six (6) senior police officers on manslaughter charges.⁷³ According to the said report, senior officers are very indignant and worried about the impact of this decision on police morale.⁷⁴ Probably, the most effective manner to put these concerns about ‘morale’ and ‘indignation’ in their proper perspective will be to cite in considerable detail Part 2 section 7 of the Okudzeto Report. But before then, interviews with several serving police officers indicate that because of the nature of the Okudzeto Report, confidence and morale within the service which was at an all-time low has now ceased to exist and there is even talk of an ‘*aluta*’⁷⁵. Furthermore, no officer is prepared to take responsibility, fearing that giving *lawful orders* might be interpreted as giving *superior orders*, which in the course of this research was explained as non-existent in the police service unlike in the army.

The Commission, after reviewing the available evidence, concluded that the policemen on duty that day had not complied with their own operational guidelines for either the issuance of firearms or their correct use and further noted that:

- The requirement of warning was not resorted to by the police;
- Though the initial firing of thunder shots achieved the objective of stopping the vandalism, the police nevertheless resorted to the indiscriminate firing of rubber bullets and tear gas. The firing therefore did not cease when the objective had been attained;
- The manner which the police fired at the retreating spectators establishes that the firing was employed by them as an instrument of punishment of the spectators, the majority of whom had patently not taken part in the vandalism;

(i) *There was a clear conspiracy of silence amongst the policemen who appeared before the Commission, which was intended to subvert the cause of justice since the commission was unable to arrive at a conclusive decision as to which officer or officers ordered the first shot.*

The above is important because of the culture of *esprit de corps* within the Police service. If the arguments presented above are anything to go by, then there is a critical and urgent need for a serious overhaul of the Police Service. The argument here is that if the serious indictment of certain individuals within the service by the 1986 Tibiru Report is anything to go by, then the service has not fundamentally changed in the way that it conducts its business. If since 1986 when the Tibiru Commission characterised acts by some officers as either ‘downright dishonesty’ or

⁷² . *ibid*, paragraph 7

⁷³ . *The Weekend Statesman*, ‘Police Angered by May 9 Charges’, November 9, 2001, p. 8 The officers concerned were the following: Chief Superintendent Nana Koranteng Mintah; A.S.P. John Asare Naami; A.S.P. Frank Awu; A.S.P. Benjamin Bosomi Bakomora; A.S.P. Francis Aryitey Aryee; and A.S.P. Faakye Kumi.

⁷⁴ . *ibid*, p. 8

⁷⁵ . Interview, Accra, 30 November 2001.

‘criminal’,⁷⁶ and a little over a decade later yet another official enquiry sees some members of the service as ‘... conspir[ing] ... to subvert the cause of justice ... [thus denying the] commission [a chance] to arrive at a conclusive decision’, then it is imperative that what the Police service needs may not necessarily be new communication equipments, cars and other infrastructural needs, but a new code of conduct and behavior that lifts them over and above the petty scheming of survival.

Government endorses the overall findings of the Commission in its interim report, especially regarding culpability these police officers. Government takes the firm view that the police must bear primary responsibility for the occurrence of the disaster, mitigating circumstances notwithstanding. It is the considered view of government that had the correct operational guideline for crowd dispersal being followed by the police, this tragedy would never had occurred and would never have led to the painfully high number of fatalities that occurred that day. The Commission recommended that the officers identified above be criminally charged for murder/manslaughter. It is the view of government that manslaughter is the preferable charge, having regard to the clear intent to cause harm, which resulted in the deaths. The Attorney General is accordingly so directed to proceed. In the light of the above, government directs that the practice of policemen and officers wearing their uniform whilst off-duty to gain free access to stadium and other public places should cease forthwith.

As far as the men who actually did the firing were concerned, government is satisfied that they were obeying *superior orders*. Government thus endorses the Commissions’ further finding that the policemen were in flagrant breach of Standing Orders of the Police Service and directs the Inspector-General of Police to ensure that the men involved are disciplined in accordance with service instructions. Government has noted the commissions’ observation that the guidelines on Police Duties at Stadium issued by the police on 31st May 2001 should be extended to other crowd events, for which police have a constitutional responsibility to protect. Accordingly, government directs the Inspector-General of Police to comply forthwith and enter into immediate consultations with the NSC on the possible revision and implementation of the guidelines.

Police Training

Accordingly, government has endorsed the Commissions’ recommendations that the following measures be introduced by the Inspector-General of Police to ensure that incidents such as the May 9th Stadium disaster never occur again.

- (a) The police are to be equipped with batons, helmets and protective shields as a matter of urgency;
- (b) Police personnel to be assigned to riots/crowd control duties must, as a matter of course, receive specialized training in all aspect of riot/ crowd control;
- (c) Proper operational orders must always be drawn up specifying the nature of the operation, the mode of operation, the time of commencement of the operation and most importantly the time of falling out;
- (d) Firearms must not be taken for Stadium duty, but if found desirable or necessary, must definitely not be taken into the arena
- (e) Tear gases should never be fired under any circumstances in an enclosed arena as a means of crowd control or dispersal.

⁷⁶ Tibiru Report, op cit, pp. 3 & 27

Police Armoury

In response to the multitude of problems raised by the Okudzeto Commission, Government directs that:

- (a) Armourers should be trained in weaponry;
- (b) Armourers should also be trained in stock keeping,
- (c) The arms register should always indicate the type and nature of ammunitions issued out and specify live ammunitions returned;⁷⁷
- (d) The armourer should insist and recover all spent cartridges, where possible, and where not, a report should be made for an investigation to take place;
- (e) There should be monthly stocktaking, certified by the Unit Commander and forwarded to the Regional Commanders.

Additionally, Government further directs that with immediate effect:

- I. Regional police commands will now take control of security in stadia;
- II. The introduction of arms and ammunition in the inner perimeter of stadia is completely forbidden;
- III. Police officers on duty at the stadia should also be protected with, and should wear at all times, distinctive clothing over their uniforms;
- IV. Officers and men should be given adequate training in the use of equipment and, in particular, when they should be used.

Crowd Event Officers

In order to prevent, or at least minimize the perpetration by undesirable elements of anti-social and criminal activities in the event of disaster, Government endorses the following recommendations of the Commission:

- (a) Consideration should be given to the appointment of Crowd Event Officers for each region and for each Police Division, reporting to a Senior Police Officer at the Police Headquarters;
- (b) Officers selected for these positions should be specially trained in the country and possibly overseas, so that upon the completion of their training, they should progressively pass on their expertise to every division and every police station in this country.

Challenges Of The Ghana Police Service In A Democratic Setting

This section starts with a hypothetical but controversial statement. If people get the leaders they chose, then one can argue that Ghana has got the Police Service it deserves. What is being alluded to above is that external pressure, conditions and circumstances do count. Simply put, the Ghana Police Service will not be able to perform and meet the challenges expected of it in a democratic society and its

⁷⁷ . For an analysis of the weaknesses in the arms register, see Aning, Kwesi Emmanuel, et al, *Between Indifference and Naiveté: The Problematic of Small Arms Manufacture in Ghana*. Accra, July 2001

culture will not be reconstructed without a change in broader social and political conditions.⁷⁸

The point here is that going through the interviews, primarily and secondary documents, there is both a lack of political and administrative will to transform the Ghana Police Service. As has been proved above, while governments have been willing to establish different commissions and committees of inquiry, there has been a shocking silence on the implementation of the recommendations made. The end result is the progressive deterioration of the service to such an extent that it may even be controversial to argue that there is a Ghana police Service. What one can say is that there has been a consistent institutional decay to such an extent that the 'Service' is only in name and not by action or performance. In an apt description provided by an insider, the service is a '... whited [sic] sepulchre which indeed appear beautiful outward but within is full of rotten bones'⁷⁹ To what extent has the internal rot been stopped? What are the potential possibilities for this force being able to perform optimally in a democratic setting?

The Ghana Police Service has a statutory responsibility to protect life and property and ensure the due maintenance of law and order throughout the territorial boundaries of the country. These functions are performed within the broad framework of Article 200 (3) of the 1992 Constitution and the *Police Service Act, 1970* (Act 350).

Section I (1) of the Police Service Act states that:

"It shall be the duty of the Police to prevent and detect crime, to apprehend offenders, and to maintain public order and safety of persons and property". In the administration of justice in any constitutional government, the role of the police is of immense significance. This is essentially so because in the common law accusatorial legal regime, the court system of judicial adjudication can only be effective if complemented by a well-organised police institution. It can be argued that in the special context of human rights enforcement, the enjoyment or otherwise of the fundamental freedoms of the individual citizen largely depends on the manner in which the Police discharge their statutory functions.⁸⁰

In the performance of such statutory functions, every single action that a police officer takes can have considerable implications or consequences on the liberty of the citizen with whom there are dealings. Such interactions can either be positive or negative. In fact, this explains why the police and human rights issues are always in the news. Almost on a daily basis, the police (or other law enforcement officials who exercise police powers) come under barrages of attack and criticism as a result of reports complaints or allegations of blatant violations of individual civil liberties and rights. Sometimes, some of these accusations are based on legally justifiable

⁷⁸ . For interesting perspectives, see Cawthra, Gavin. *Policing South Africa: The SAP and the Transition from Apartheid*. (London: Zed Books, 1994)

⁷⁹ . See Avuyi, Paul. 'The Police Administration's Fury – One Police Man's Crusade', *Chronicle*, 21 – 24 September 1994.

⁸⁰ The sections following have borrowed heavily from Awortwi, Sam Wilfred, 'Policing and Personal Security – An Operational Perspective', mimeo

grounds; at other times, they do not hold any substance of truth or legal justifiability.

This phenomenon tends to throw into question the professional, ethical and moral integrity of police officers that are traditionally charged with the responsibility of enforcing the law - an essential part of which responsibility is to protect individual security by safeguarding his rights and freedoms. Like their counterparts in other parts of the world, the police in Ghana have not been spared the unpleasant indictment of alleged brutalities, improper arrests, unlawful detentions, the conduct of illegal searches, unjustifiable use of force and firearms, oppression and other forms of high-handedness which are patently inimical to the protection of civil liberties.

There is no doubt that a constitutional democratic order generally places measured legal limitations and restraints on the hands of the police in their use of coercive power and authority in ensuring societal order and control. This is because the police often face the dilemma of protecting the rights and liberties of the individual while at the same time maintaining peace and public order in a socio- democratic setting for the benefit of the entire society. In playing this rather complicated role, the police encounter the often-unpleasant situation of having to negotiate the complexities that arise with the inevitable conflicts between justifiable individual rights and societal interests. This state of affairs underscores why it is sometimes said that law enforcement is forever at odds with civil liberty.

The use of police powers under all circumstances but certainly under democratic constitutional dispensations, therefore, calls for the exercise of strict professionalism and extreme caution. Not only that, prudence, fairness and firmness on the part of every police officer in the discharge of his duties. What this means is that there is always the need for a careful balancing of law and the dictates of public order on the one hand, and the need to protect and guard individual liberties and security on the other.

A summary of the powers of the police in the area of individual security and liberty protection (or their curtailment) may be given as follows, the:

- (a) Power of arrest (either with or without warrant);
- (b) Period of detention in police custody (Under Article 14 - (3) of the 1992 Constitution, a person who is arrested, restricted or detained shall be brought before a court within 48 hours after the arrest, restriction or detention);
- (c) Granting of bail to suspects in police custody;
- (d) Detention without trial;
- (e) Power of entry, search and seizure;
- (f) Powers in relation to crime prevention; and
- (g) Taking of confession statements from suspects

The consistent political and bureaucratic rhetoric concerning why the force is unable to attain its results is the lack of financial wherewithal. The paper, however, take the position based on the interviews and internal memoranda that there are several of the recommendations in the diverse official commission reports and inquiries that can be implemented without financial cost to the Service.

In spite of what might seem to be a critical comment, there are possibilities for improving the performance, moral and functioning of the service without huge

capital outlays. The essence of this section is not to replicate the recommendations of the different commissions; rather it seeks to capture some of the concerns and suggestions that (a) were made in the reports and (b) from interviews.

As mentioned earlier and obvious from the publically available documents, one key issue that the Police Service would need to do is to introduce new approaches to training. There is no gainsaying that there will be the need to continuously retrain members of the GPS. It is recognised that changing the perceptions of experienced officers and acquiring new skills may be difficult but this can be helped in terms of the training given to new recruits before they are socialised into the occupational culture of the station.

It is also important that the teaching of human rights issues are made central in the teaching process to meet the needs of an increasingly democratising society. This is important because of the need to change the 'tough cop culture' that has been allowed to develop over the last couple of decades.

If there is any single issue that has also gone right through the commissioned reports and have been emphasized by the May 2001 Accra Stadium disaster, it is the issue of riot and crowd control.

Recruitment and Personnel Policy have been extensively dealt with in the paper but there is the growing need to expand the recruitment centres and distribute them evenly around the country. Such a process contributes to bringing diverse people with different background into the force to enrich its diversity.

Democratising the Force in a democratic Environment has several implications. Is unionising the GPS a possible solution?

Riot and Crowd Control and the critical need to employ new methods in their application will be necessary. Probably another important way forward for servicing society might be the introduction and improvement in community policing.

Is there a New Basis for Policing? There is no doubt that if the Ghana Police service is to fulfil its own operational mandate and satisfy and fulfil the expectations of a sceptical but vocal public, then there will be the need to begin to tackle the broader challenges that arise in transforming this force into an effective one. In involving communities as a response to tackling the challenges that it faces, it may be a good idea to learn from other forces where the transformational process has been undertaken with some success.

Probably a new challenge to the Ghana Police Service is the rising spectre of vigilantism as a response to police inability to deal with violent crime.

Does the number of IGPs who have served the police service reflect some of the inherent problems being faced by the service?

Table 3: Previous and Present Holders of the Position of Head or Inspector General of Police⁸¹

S/No.	Name	Rank	Period of Service
A.	Captain George Maclean	Administrator	1831 - 1844 ⁸²
B.	Commander Hill	Governor	1844 – 1859
C.	Captain Glover	Commander	1859 –
D.	Captain A. W. Baker	Inspector-General	1873 - 1876
E.	Captain J. S. Hay	Inspector-General	
F.	Mr. Alex Grant		
G.	Captain Bryden		
H.	Lt. Colonel E. B. McInnis	Inspector-General	1886 - 1890
I.	<i>Force under control of the Governor</i>		<i>1891 - 1893</i>
1.	Major AW Kitson	COP	1893 – 1910
2.	Mr. EV Collins	COP/IGP	1910 – 1917
3.	Mr. DRA Bettington	IGP	1917 – 1924
4.	Lt. Col. HWM Bamford	IGP	1924 – 1938
5.	Mr. EC Nottingham	IGP	1938 – 1944
6.	Mr. RWH Ballantyne	COP	1944 – 1948
7.	Captain P. Eckel	COP	1948 – 1949
8.	Mr. MKWEV Collins	COP	1949 – 1957
9.	Mr. AL Alexander	COP	1958 – 1958
10.	Mr. ET Madjitey, cbe	COP	1958 – 1964 ⁸³

⁸¹ . Diverse interviews with Police Officers between September – October 2001. See also Pokoo-Aikins, op cit, Appendix 6.

⁸² . A to I represent officers who lead what can be described as the nucleus of what was eventually to be the Ghana Police Service.

11.	Mr. JW Harley, mov	COP/IGP	1964 – 1969 ⁸⁴
12.	Mr. RD Ampaw, BL	IGP	1971 – 1972
13.	Mr. JH Cobbina, gm	IGP	1972 – 1974
14.	Mr. E Ako, cv, dso	IGP	1974 – 1978
15.	Mr. BS Kwakye, osg, dso	IGP	1978 – 1979
16.	Mr. CO Lamptey, BL	IGP	1979 – 1979
17.	Mr. FP Kyei, BA (Hons)	IGP	1979 – 1981
18.	Mr. RK Kugblenu BA, LLB (Hons) BL	IGP	1981 – 1984
19.	Mr. RS Omane	IGP	1984 – 1986
20.	Mr. CK Dewornu	IGP	1986 – 1989
21.	Mr. JYA Kworfie, BA (Hons)	IGP	1990 – 1996
22.	Mr. P. Nanfuri BA (Hons), LLB (Hons) BL	IGP	1996 – 2001
23.	Mr. E. Owusu-Poku	IGP	2001

Contributions To Understanding The Police And Policing In Ghana

Whither the Ghana Police Force? Is there a new basis for policing? These are difficult questions to answer. This paper has consistently posited the lack of police administration and political will to transform the Ghana Police Service to respond effectively to the needs of society. The argument here is that if the police service is to be successfully transformed to meet new and diverse societal challenges, then such transformational processes should not merely involve changes in the police service itself and the way it interacts and responds with the society of which it is a member. Rather, if such transformations are to be successful, it must take in the political, economic and social environment within which it functions. But most especially it should transform the negative legacy of being seen as a corrupt ‘buyable’, non-performing service.

The poor evaluation of the police by the public calls for an examination of some of the institutional factors that influences police effectiveness. As mentioned earlier on, the recent study on public perceptions of the police demonstrated public disaffection with the conduct, integrity and effectiveness of the Ghana Police Service. Unfortunately, such disappointment is expressed in the form of hostile actions towards the police resulting in a police-community relations that is based on mistrust and hostility.

However, there are alternative ways of examining the problem. Police inability to adequately discharge the services that are expected from the Service by the public is also due to problems with telecommunications and transportation.⁸⁵ One can catalogue several factors that contribute to these difficulties. These are:

- Poor funding of the service;
- Inadequate facilities for police work;
- Poor resources management;

⁸³ . Member of the National Liberation Council, 1966 – 1969

⁸⁴ . Member of the National Liberation Council, 1966 - 1969

⁸⁵ . See *The Ghanaian Times*, ‘The Police’s Car Problem’, November 1, 2001, p. 1

- Poor attitude and orientation.

While it can be argued that all these factors are *within* and *beyond* the service, one can argue that with the change in the political climate in Ghana citizens are no more alienated from the government. Thus both government and the police to change their image should exploit the cooperation that permeates all societal activities in Ghana.

This paper makes concrete recommendations based on the analysis so far undertaken in terms of (a) structural reforms, (b) institutional reforms, (c) legislative Reforms, and (d) Civil Society Initiatives.

Structural Reforms

- such reforms, which deal with the general Ghanaian political and economic structure, should have as its main aim embedding the democratic gains made by the polity since January 2001. While this will mainly be in the domain of the economy and politics, it is argued that such transformational process will have a synergistic impact on the Police Service

Institutional Reforms

- it was posited earlier that there was a reciprocal mistrust and hostility between the police and community. It is recommended that the level of police-community interaction should be increased and improved to engender trust and cooperation to improve individual, societal and national security;
- there is no gainsaying that to improve efficiency and performance, the need for equipment must be paramount. The critical essence of capacity building is not just to improve the output of policing services, but it can contribute to boosting morale, enhancing performance and promoting positive perception of police officers by citizens;
- While training and retraining have been emphasised, sandwich and refresher courses should be provided for all officers to improve professional skills to enable them withstand and respond to changing socio-economic, political and technological challenges. Not only that, the acquisition of such skill should also aim at the ultimate goal of promoting good relationship with communities and protecting human rights and rule of law in the country;
- It is increasingly becoming clear that in the information technology field, the country as a whole is not up to date and it is therefore logical to suppose that the police service may be lacking in the requisite technique to combat modern crime. It may be imperative for the force to train, recruit or collaborate with technically qualified criminologists to design appropriate and reliable criminal and law enforcement information management systems;
- At present, it is doubtful if the regulations and laws governing the use of firearms conform to any international conventions and principles on law enforcement.

APPENDICES

APPENDICE I

Appendix 1: Code of Conduct for Law Enforcement Officials (Adopted by the UN General Assembly, Resolution 34/169 of 17 December 1979)

Article I

Law enforcement officials shall at all times fulfil the duty imposed upon them by law, by serving the community and by protecting all persons against illegal acts, consistent with the high degree of responsibility required by their profession.

Article 2

In the performance of their duty, law enforcement officials shall respect and protect human dignity and maintain and uphold the human rights of all persons.

Article 3

Law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty.

Article 4

Matters of a confidential nature in the possession of law enforcement officials shall be kept confidential, unless the performance of duty or the needs of justice strictly require otherwise.

Article 5

No law enforcement official may inflict, instigate or tolerate any act of torture or other cruel, inhuman or degrading treatment or punishment, nor may any law enforcement official invoke superior orders or exceptional circumstances such as a state of war or a threat of war, a threat to national security, internal political instability or any other public emergency as a justification of torture or other cruel, inhuman or degrading treatment or punishment.

Article 6

Law enforcement officials shall ensure the full protection of the health of persons in their custody and, in particular, shall take immediate action to secure medical attention whenever required.

Article 7

Law enforcement officials shall not commit any act of corruption. They shall also rigorously oppose and combat all such acts.

Article 8

Law enforcement officials shall respect the law and the present Code. They' shall also, to the best of their capability, prevent and rigorously oppose any violations of them. Law enforcement officials who have reason to believe that a violation of the present Code has occurred or is about to occur shall report the matter to their superior authorities and, where necessary, to other appropriate authorities or organs vested with reviewing or remedial power.

APPENDICE 11

UNITED NATIONS BASIC PRINCIPLES ON THE USE OF FORCE AND FIREARMS BY LAW ENFORCEMENT OFFICIALS

General Provisions

1. Governments and law enforcement agencies shall adopt and implement rules and regulations on the use of force and firearms against person by law enforcement officials. In developing such rules and regulations, Governments and law enforcement agencies shall keep the ethical issues associated with the use of force and firearms constantly under review.
2. Governments and law enforcement agencies should develop a range of means as broad as possible and equip law enforcement officials with various types of weapons and ammunition that would allow for a differentiated use of force and firearms. These should include the development of non-lethal incapacitating weapons for use in appropriate situations, with a view to increasingly restraining the application of means capable of causing death or injury to persons. For the same purpose, it should also be possible for law enforcement officials to be equipped with self-defensive equipment such as shields, helmets, bullet proof vests and bullet proof means of transportation, in order to decrease the need to use weapons of any kind.

3. The development and deployment of non-lethal incapacitating weapons should be carefully evaluated in order to minimise the risk of endangering uninvolved person, and the use of such should be carefully controlled.
4. Law enforcement officials, in carrying out their duty, shall, as far as possible, apply non-violent means before resorting to the use of force and firearms. They may use force and firearms only if other means remain ineffective or without any promise of achieving the intended result
5. Whenever the lawful use of force and firearms is unavoidable, law enforcement officials shall:
 - a) Exercise restraint in such use and act in proportion to the seriousness of the offence and the legitimate objective to be achieved;
 - b) Minimise damage and injury, and respect and preserve human life
 - c) Ensure that assistance and medical aid are rendered to any injured or affected persons at the earliest possible moment;
 - d) Ensure that relatives or close friends of the injured or affected person are notified at the earliest possible moment.
6. Where injury or death is caused by the use of force and firearms by law enforcement officials, they shall report the incident promptly to their superiors, in accordance with principle 22.
7. Governments shall ensure that arbitrary or abusive use of force and firearms by law enforcement officials is punished as a criminal offence under their law.
8. Exceptional circumstances such as internal political instability or any other public emergency may not be invoked to justify any departure from these basic principles.

Special provisions

9. Law enforcement officials shall not use firearms against persons except in self defence or defence of others against the imminent threat of death -or serious injury, to prevent the perpetration of a particularly serious crime involving grave threat to life, to arrest a person presenting such a danger and resisting their authority, or to prevent his or her escape, and only when less extreme means are insufficient to achieve these objectives. In any event, intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life.
10. In the circumstances provided for under principle 9, law enforcement officials shall identify themselves as such and give a clear warning of their intent to use firearms, with sufficient time for the warning to be observed, unless to do so would unduly place the law enforcement officials at risk or would create a risk of death or serious harm to other persons, or would be clearly inappropriate or pointless in the circumstance of the incident.
11. Rules and regulations on the use of firearms by law enforcement officials should include guidelines that:

- a) Specify the circumstances under which law enforcement officials are authorised to carry firearms and prescribe the types of firearms and ammunition permitted;
- b) Ensure that firearms are used only in appropriate circumstances and in a matter likely to decrease the risk of unnecessary harm;
- c) Prohibit the use of those firearms and ammunition that cause unwarranted injury or present an unwarranted risk;
- d) Regulate the control, storage and issuing of firearms, including procedures for ensuring that law enforcement officials are accountable for the firearms and ammunition issued to them;
- e) Provide for warnings to be given, if appropriate, when firearms are to be discharged; Provide for a system of reporting whenever law enforcement officials use firearms in the performance of their duty.

Policing Unlawful Assemblies

12. As everyone is allowed to participate in lawful and peaceful assemblies in accordance with the principles embodied in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, Governments and law enforcement agencies and officials shall recognise that force and firearms may be used only in accordance with principles 13 and 14.

13. In the dispersal of assemblies that are unlawful but non-violent, law enforcement officials shall avoid the use of force or, where that is not practicable, shall restrict such force to the minimum extent necessary.

14. In the dispersal of violent assemblies, law enforcement officials may use firearms only when less dangerous means are not practicable and only to the minimum extent necessary. Law enforcement officials shall not use firearms in such cases, except under the conditions stipulated in principle 9. Policing Persons in Custody or Detention

15. Law enforcement officials, in their relations with persons in custody or detention, shall not use force, except when strictly necessary for the maintenance of security and order within the institution, or when personal safety is threatened.

16. Law enforcement officials, in their relations with persons in custody or detention shall not use firearms, except in self-defence or in the defence of others against the immediate threat of death or serious injury, or when strictly necessary to prevent the escape of a person in custody or detention, presenting the danger referred to in principles 9.

17. The preceding principles are without prejudice to the rights, duties and responsibilities of prison officials, as set out in the Standard Minimum Rules for the Treatment of prisoners, particularly rules 33, 34 and 54

Qualifications, Training and Counselling

18. Governments and law enforcement agencies shall ensure that all law enforcement officials are selected by proper screening procedures have appropriate moral, psychological and physical qualities for the effective exercise of their

functions and receive continuous and thorough professional training. Their continued fitness to perform these functions should be subject to periodic review.

19. Governments and law enforcement agencies shall ensure that all law enforcement officials are provided with training and are tested in accordance with appropriate proficiency standards in the use of force. Those law enforcement officials who are required to carry firearms should be authorised to do so only upon completion of special training in their use.

20. In the training of law enforcement officials, Governments and law enforcement agencies shall give special attention to issues of police ethics and human rights, especially in the investigative process, to alternatives to the use of force and firearms, including the peaceful settlement of conflicts, the understanding of crowd behaviour, and the methods of persuasion, negotiation and mediation, as well as to technical means, with a view to limiting the use of force and firearms. Law enforcement agencies should review their training programmes and operational procedures in the light of particular incidents.

21. Governments and law enforcement agencies shall make stress counselling available to law enforcement officials who are involved in situations where force and firearms are used.

Reporting and Review Procedures

22. Governments and law enforcement agencies shall establish effective reporting and review procedures for all incidents referred to in principles 6 and I I (f). For incidents reported pursuant to these principles, Governments and law enforcement agencies shall ensure that an effective review process is available and independent administrative or prosecutorial authorities are in a position to exercise jurisdiction in appropriate circumstances. In cases of death and serious injury or other grave consequences, a detailed report shall be sent promptly to the competent authorities responsible for administrative review and judicial control.

23. Persons affected by the use of force and firearms or their legal representatives shall have access to an independent process, including a judicial process. In the event of the death of such persons, this provision shall apply to their dependents accordingly.

24. Governments and law enforcement agencies shall ensure that superior officers are held responsible if they know, or should have known, that law enforcement officials under their command are resorting, or have resorted, to the unlawful use of force and firearms, and they did not take all measures in their power to prevent, suppress or report such use.

25. Governments and law enforcement agencies shall ensure that no criminal or disciplinary sanction is imposed on law enforcement officials who, in compliance with the Code of Conduct for Law Enforcement Officials and these basic principles, refuse to carry out an order to use force and firearms, or who report such use by other officials.

26. Obedience to superior orders shall be no defence if law enforcement officials knew that an order to use force and firearms resulting in the death or serious injury

of a person was manifestly unlawful and has a reasonable opportunity to refuse to follow it. In any case, responsibility also rests on the superiors who gave the unlawful orders.

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