

CONSTITUTIONAL INSTRUMENT

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12.0 THE POLICE (DISCIPLINE) REGULATIONS, 2001 - ARRANGEMENT OF REGULATIONS

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THE CONSTITUTION OF SIERRA LEONE (Act No, 6 of 1991)

THE Police (DISCIPLINE) REGULATIONS, 2001

In exercise of the powers conferred on it by subsection (2) of section 158 of the Constitution of Sierra Leone, the Police Council, with the prior approval of the President, hereby makes the following Regulations:-

PART I- PRELIMINARY

1. In these Regulations, unless the context otherwise requires-Interpretation.
“Appropriate police authority” means the member of the Force designated to hear a case under these Regulations;

“Force” means the Police Force of Sierra Leone referred to in subsection (1) of section 155 Of the Constitution;
“Force” means the Police Force of Sierra Leone referred to in subsection (1) of section 155 of the Constitution;
“Inspector-General “means the Inspector-General of Police
Part II- CONTROL AND ADMINISTRATION
 2. (1) Subject to subparagraph (2), the operational control and control and administration of the Force is vested in the Inspector-General, including administration the effective deployment, posting, transfers and other movement of members of the Force.

(1) The Police Council may give broad policy guidelines to the Inspector-General to assist him in the discharge of his responsibilities.
- Duties of Assigned to 3. (1) Every member of the Force shall perform such duties as members of may be him by a superior in police rank, subject to the Force, general direction of the Inspector-General.
(2) The principal responsibility of every member of the Force, whether he is on On or off duty, is to protect life and property, to prevent and detect crime to Maintain peace and good order at all times and by all legal means.
- Hours of duty 4. It is the duty of every member of the Force to carry out all lawful orders and at All times to punctually and promptly perform all assigned duties and to attend to all matters within the scope of the assignment.
- Authorized 5. The authorized establishment of the several ranks of the Force and any

Establishment and any changes thereto shall be subject to the approval of the President and shall be sufficient to provide for the carrying out of police duties under responsible supervision in each tour of duty.

Ranks and Badges, First Column I of the First Schedule together with the respective badges of rank show in Column If of that Schedule.

Beasts, sections And other Force divisions of grouped for supervision by a sergeant or any inspector shall be known as a section: a number of sections grouped for supervision by an inspector shall be know as a subdivision; a number of sections or sub-divisions grouped for supervision by an Inspector shall be know as a subdivision; a number of sections or sub-divisions grouped for supervision by a superintendent or a number of divisions grouped for supervision by an Assistant Commissioner or by a member of the Force directly responsible to the Inspector General, shall be know as a police region.

Channel of Communication 8. (1) A member of the Force shall communicate any grievance or other matter relating to his service in the Force.

(a.a) In the case of a member of the Force who is below the rank of an Assistant Superintendent, through his head of division or region, to the Inspector-General:

Provided that, where the source or object of the grievance or other matter referred to in subparagraph (1) is the head of division or region, the member of the Force concerned may communicate directly to the Inspector-General; and

(a.b) In the case of a member of the Force who is an Assistant Superintendent or above, excluding the Inspector-General; through the Inspector, to the Police Council.

(2) It is an offence against discipline for a member of the Force to seek or obtain the intervention in any grievance or other matter relating to his service in the Force of any person or authority, whether political or otherwise, not referred to in subparagraph (1)

PART III-DISCIPLINE.

7. Subject to these Regulations, a member of the Force Commits an offence against discipline if he commits one or more of the offences against discipline code, sexual schedule in the discipline code set out in the second schedule.

8. (1) Where a report or complaint is received from which it investigation of charges appears that a member of the Force may have committed an offence against discipline the matter shall be referred by the appropriate police authority to an investigating officer for investigation.

(2) The investigating officer shall be of, or above, the rank of inspector, as may be appropriate to the particular case.

11. The investigating officer shall, as soon as in practicable- Personal explanation

(a) Inform the member of the Force in writing of the report or complaint and Give him a written notice.

(i) Informing him that he is not obliged to say anything concerning the matter, But that he may, if he so desires, make a written or oral statement concerning the matter to the investigating officer, and

- (ii) Warning him that if he makes such a statement, it may be used in any Subsequent disciplinary proceedings; and
- (b) submit a report to the appropriate police authority on the matters referred to in subparagraph (a), and any other matters inquired into including the account of witnesses, if any.

Promulgation 12. (1) The appropriate police authority, after considering the report of the Investigating officer and any statement made under paragraph 11, shall decide whether the member of the Force investigated shall be charged with an offence and, if so, he shall as soon as possible cause to be entered on a discipline form the offence with which the member is charged and such particulars as will leave The member in no doubt as to the precise nature of the alleged offence.

(2) A discipline form shall be in the form set out in the Third schedule or in a Form to the like effect.

Provided that where the person is an assistant Superintendent or above; excluding the Inspector-General, the charge or charges shall be formulated by or under the supervision of a law officer.

Document to. 13. Where a member of the Force is charged with an offence, he shall as soon as possible, be supplied with copies of-

- (a) any written statement he may have made under paragraph 11 or of an account of any oral statement so made:
 - (b) the report or complaint on which the charge is founded or so much thereof as relates to the member and of any report thereon, other than the report of the investigating officer, notwithstanding that they may be confidential:
 - (c) any statement relating to the charge made by any witness to be called in support of the charge, together with the name and address of such witness, and
 - (d) any statement relating to the charge made by any person, other than a witness to be called in support of the charge, to the investigating officer or to anybody on his behalf, together with the person's name and address.
1. (1) The member shall be invited to state on the discipline Answer to charges Form-
- (a) Whether or not he admits the charge:
 - (b) The names and addresses of any witnesses to relevant facts whose attendance at the hearing of the case he wishes the appropriate police Authority to take steps to secure.
- (2) Any witness referred to in subparagraph (1) (b) who is a member of the Force shall be ordered to attend at the hearing of the case and any other such Witness shall be given due notice that his attendance is desired and of the time and place of the hearing.
- (3) Where the member admits the charge, the appropriate police authority may dispense with the hearing of the case and recommend to the appropriate disciplinary authority the imposition of the prescribed punishment for the offence, in accordance with subparagraph (2) of paragraph 19.

14(1) The member shall be ordered to appear at the hearing of Procedure at the

Case, which shall be conducted by the appropriate police authority hearing as the presiding officer.

- (2) The case against the member shall be presented by a member of the Force Designated by the appropriate police authority.
- (3) If the member does not admit the charge, the hearing shall proceed as though He denied the charge.
- (4) The standard of proof at any hearing under these Regulations shall be proof on the balance of probabilities.
- (5) Before the case against the member is presented, the member may submit that the facts alleged in the charge are not such as to constitute the offence with which he is charged and the appropriate police authority, if he upholds that submission, shall dismiss the charge to which the submission relates.
- (6) The member may conduct his defense either in person or by a member of the Force selected by himself on his behalf:
Provided that if the member is represented by a member of the Force, the accused as well as his representative, may cross examine the witnesses called in support of the case against him
- (7) An accurate record of the proceedings at the hearing of the case shall be taken and, if a punishment is imposed and the member contemplates and appeal, at his request made within the period during which notice of appeal may be given, a transcription of the record shall be made and a copy thereof supplied to him.

Adjournment 16. The hearing of a case may be adjourned from times to time as the Circumstances of the case may require.

Hearing in 17. (1) If the member does not attend the hearing of the case, the hearing may Absence of be proceeded with and concluded in his absence.

Accused

Provided that-

- (a) If the member is detained in pursuance of the sentence of a court in a prison or other institution to which the Prisons Act, 1960 applies,
No.22 of 1960 and desires to make representations in person at the hearing, the hearing shall not be concluded until the member has been enabled to make such representations:
 - (b) If good reason is given to the appropriate police authority by, or on Behalf of the member why the member is unable to attend the hearing other than that the member is detained as a foresaid, the hearing shall be adjourned.
 - (2) Where owing to the absence of the member, it is impossible to comply with the procedure described in paragraphs 11, 13 and 15 (1), that procedure shall be dispensed with.
18. (1) The appropriate police authority shall allow a complainant Attendance of who is a member of the public to attend the hearing while witnesses are complainant at hearing being examined or cross-examined on the facts alleged in the charge and, such authority considers it appropriate, shall allow him to be accompanied by a personal friend or relative who is not to be called as witness at the hearing.

Provided that

- (a) Where the complainant is to be called as a witness at the hearing, he and any person allowed to accompany him shall not be allowed to attend before he gives his evidence; and.
- (b) Where it appears to the appropriate police authority that a witness may, in giving evidence, disclose information which, in the public interest, ought not to be disclosed to a member of the public, he shall require the complainant and any person allowed to accompany him to withdraw while the evidence is given.
- (2) Where the member gives evidence, then, after the presenting officer has had an opportunity of cross-examining him, the appropriate police authority shall put to him any questions which the complainant requests should be so put and might have been properly so put by the presenting officer and, at his discretion, may allow the complainant himself to put such questions to the member.
- (3) Subject to subparagraphs (1) and (2), the complainant and any person allowed to accompany him shall neither intervene in, nor interrupt, the bearing; and if he or such a person accompanying him should believe in a disorderly or abusive manner, or otherwise misconduct himself, the appropriate police authority may exclude him from the remainder of the hearing.

Decision of appropriate authority 19. (1) The appropriate police authority, shall, at the conclusion of the police hearing, recommend either the dismissal of the case or the imposition

Of one of the following punishments, namely-

- (a) Dismissal from the Force;
 - (b) Requirement to resign from the Force as an alternative to dismissal, Either forthwith or on such date as may be specified in the decision
 - (c) reduction in rank;
 - (d) Fine not exceeding one month's net salary;
 - (e) Eviction from barracks quarters;
 - (f) Restitution for any loss, damage or injury caused by the member as a Result of the offence:
 - (g) Reprimand;
 - (h) Caution
- (2) A recommendation under subparagraph (1) shall be made-
 - (a) In the case of a member of the Force who is below the rank of an Assistant Superintendent, to the Inspector-General, who shall impose any punishment Recommended or as modified as he thinks fit; and
 - (b) in the case of a member of the Force who is an Assistant Superintendent or Above, excluding the Inspector-General, through the Inspector-General, to the Police Council which shall impose any punishment recommended or as modified As it thinks fit.
 - (3) As soon as possible after the appropriate police authority has reached a Decision, that decision shall be recorded on the discipline form and notified in writing to the member.

20. (1) Any member of the Force who is aggrieved by any appeals decision under paragraph 19, may, within 21 days of the notification of that decision to him

Appeal.

(a) If he is below the rank of an Assistant Superintendent, to a tribunal appointed by the Inspector-General whose decision shall be final; and.

(b) If he is an Assistant Superintendent or above, excluding the Inspector-General, to the Police Council whose decision shall be final.

(2) A tribunal under subparagraph (1) (a) shall consist of three persons appointed by the Inspector-General and shall have as chairman a member of the Force who is two ranks above the appellant.

21. In considering which punishment to impose under paragraph Reference to member's personal record 19, regard shall be had to the accused record of police service as

22. A fine imposed in respect of any one offence shall, without recovery of prejudice

To any other method of recovery, be recoverable by deductions fines. From the accused' pay during the period of three months following the imposition of the punishment.

Provided that if the member leaves the Force, the whole amount of any fine unpaid

May be deducted from any pay then due.

1. (1) Where a report of complaint is received from which it suspension appears that a member of the Force may have committed an offence against discipline, the Inspector-General acting on the advice of the appropriate police authority, may suspend the member concerned from office.

(2) A suspension under subparagraph (1) shall not be a punishment but only an administrative measure to facilitate an impartial and timely investigation and accordingly, suspension shall be with full pay and shall be in force until.

(a) It is decided that the member concerned shall not be charged with any disciplinary offence; or

(b) The member has been charged with a disciplinary offence and either all the charges have been dismissed or a punishment has been imposed, or.

(C) the Inspector-General decides otherwise, whichever occurs first.

Record of Discipline 24. There shall be kept in the Force a record of discipline book in which shall be entered every charge made against a member of the Force, Together with the decision thereon and a record of the decision in any further Disciplinary proceedings in connection therewith.

Committees of Inquiry 25. The Inspector-General may from to time appoint a committee consisting of one or more superior police officers to inquire into and report to him on any Matter affecting the good order and discipline of the Force.

Absence Without leave 26 (1) A member of the Force who is absent without leave for 21 days shall have his name struck off the membership of the Force with effect from the First day of such absence with stoppage of pay.

(2) When the member referred to in subparagraph (1) returns to duty, the Inspector-General may, at his discretion order his name to be reinstated.

Delivery ups of Accoutrement And other Property when Leaving Force 27 Every member of the Force who is dismissed or otherwise ceases to hold office in the Force shall forthwith deliver up to any member of the Force under whom he is serving or designated by Inspector-Genera all the clothing, arms, accoutrements and other Government or Force property which may have been supplied to him or entrusted to his care.

28. The Police Council shall be informed by the Inspector- Reports to General from time to time and when it so requests regarding the Police Council Complaints made, the essence of the misconduct complained of, the Quality and manner and the timeliness of the investigations conducted Against a member of the Force, and the outcome of such investigations as Recorded in the Force discipline record referred to in paragraph 24. on disciplinary action

29. (1) Complaints against the Inspector-General shall be made to the Police Council. Complaints Against the Inspector-General

(2) Where any complaint is referred to the Police Council pursuant to subparagraph (1), the Police Council shall investigate the matter and shall, after giving the Inspector-General the opportunity to be heard, submit its report, including its recommendations, to the President.

(3) For the purposes of this paragraph, the Inspector-General and the Deputy Inspector-General shall not form part of the membership of the Police Council.

30. Paragraphs 4, 18,19,20,21 and 22 of the Police Rules, Vol. Revocation VII of the subsidiary Legislation of Sierra Leone, and P1095 ARE HEREBY REVOKED.

FIRST SCHEDULE

RANKS AND BADGES OF RANK

(Paragraph 6)

1.	INSPECTOR-GENERAL	-	Crossed tip staves Surrounded by a Wreath, Two Stars and the National Coat of Arms above.
2.	DEPUTY INSPECTOR-GENERAL-		Crossed tipstaves, Surrounded by a wreath, one Star and The National Coat of Arms above.
3.	ASSISTANT INSPECTOR GENERAL	-	Crossed tip staves surrounded by a Wreath and National Coat of Arms
4.	CHIEF SUPERINTENDENT		- A star and the national coat of arms.
5.	SUPERINTENDENT		-The National Coat of Arms.
6.	ASSISTANT SUPERINTENDENT		-Three Stars
7.	INSPECTOR		- Two Stars
8.	SERGEANT		- Three Chevrons.
9.	CONSTABLE		- Nil

SECOND SCHEDULE

DISCIPLINE CODE

(Paragraph 9)

The following shall be offences against discipline:-

1. Insubordination;
2. Disobedience of lawful orders given him by his superior in rank, whether orally or in Writing or by signals;
3. Disrespect in words, act or demeanour to his superior in rank;
4. Use of abusive or insulting language to, assaulting or quarrelling with any member of the Force;
5. Oppressive or tyrannical conduct towards an inferior in rank;
6. Pawning, selling, giving, leading, losing by neglect, causing willful damage to, Altering without permission, exchanging or failing to report any damage to any of the Articles of clothing, arms, accoutrements or necessaries issued to him or to any other Member of the force, or any Government property;
7. Inattention or misbehavior on parade;
8. Being late for parade;
9. Parading for duty dirty or untidy in person, arms, clothing or accoutrements;
10. Drunkenness;
11. Drinking any intoxicating liquor when on duty;
12. Entering any place licensed for the sale of intoxicating liquors when on duty except in The execution of his duties;
13. Entering any place where narcotic drugs or other illegal substance is sold or served except In the execution of his duties;
14. Removing any armlet or duty badge when on duty or endeavouring at any time to conceal Or disguise his number or identity;
15. Smoking when on duty;
16. Neglect of duty, that is to say;

Failure to work a beat properly r irregular conduct on beat or sentry;

17. Failure to attend to any reasonable request made to him by any member of the public or lack in civility to any member of the public;
18. While being under arrest or in confinement, leaving or escaping from arrest or confinement before being set at liberty by proper authority;
19. Using unnecessary violence to, or ill-using any person in custody;
20. Negligently permitting a prisoner to escape;
21. When knowing where an offender is to be found, failing to report the same or to exert himself to make the offender amenable to law;
22. Failure to assist any person injured or taken ill in his presence;
23. Omission to make any necessary entry in any official document , book or paper;
24. Making or causing to be make or signing any False statement in any official record or document;
25. Prevarication before any court or at any inquiry, or before any superior in rank;
26. Withholding or failing to report promptly any complaint or report against any member Of the Force;

27. Neglecting or refusing to assist in the apprehension of any member of the Force charged with any offence;
28. Protecting any person not being a police officer from his creditors under pretence of his Being a police officer or protecting any police officer in any manner otherwise than is Allowed by law;
29. Making or joining in making any anonymous complaint;
30. Making any frivolous or vexatious complaint;
31. Corrupt or improper practice, which offence is committed by-
 - (a) Lending money to, or borrowing money from any member of the Force or becoming Security for any member of the Force either directly or indirectly;
 - (b) Accepting directly or indirectly any gratuity, gift, subscription or testimonial without the knowledge and permission of the superior police officer under whom he is serving, or receiving any bribe;
 - (c) Incurring debt without any reasonable prospect or intention of paying it, or having Incurred any debt making no reasonable effort to pay the same;
 - (d) Failing properly to account for, or to make a prompt and true return, of any money or Property received by him in the course of his duties;
 - (e) Placing himself under a pecuniary obligation to any person in such a manner as might Affect his properly carrying out his duties as a member of the Force; or.
 - (f) Improperly using, or attempting to use his position as a member of the Force for his Private advantage;
32. Divulging any matter or thing which it is his duty to keep secret;
33. Improperly conveying information directly or indirectly to any person of any warrant or Summons which has been issued or is about to be issued against such person;
34. Communicating to any unauthorized person matters connected with the Force without leave from the superior police officer under whom he is serving;
35. Being absent without leave;
36. Malingering or feigning sickness;
37. Concealing any venereal or contagious or infectious disease, or neglecting or failing to report the fact that he is suffering from such disease;
38. Gambling or permitting or falling to report gambling in police stations or barracks or in Any other premises occupied for the purposes of the Force;
39. Neglect of health, that is to say, neglecting, failing or refusing to obey the instruction of Any medical officer when in hospital or when receiving medical treatment;
40. Committing any act of plunder or wanton destruction of property;
41. Discharging any firearm without just cause;
42. Failing to make or submit any report or return which it is his duty to make;
43. Failing to comply with any standing order issued by the Inspector-General;
44. Criminal conduct, that is conviction in any court of law;
45. Disobeying or otherwise contravening any Barracks code of conduct;
46. Neglect of family responsibility, that is neglect to provide reasonably or to take Reasonable care of dependants, including children born out of wedlock;
47. Any other act, conduct, disorder or neglect to the prejudice of good order and

Police Council
APPROVED BY THE President this 6th day of April, 2001.
ALHAJI DR. AHMAD TEJAN KABBAH, President.

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