

## Police Case – Facilitator’s Guide



**IF YOU WERE ARRESTED, WOULD YOU  
KNOW WHAT TO DO ?**

**WATCH POLICE CASE !**

**ADVOCAID**

Your Guide to Leading a Learning Discussion Using the Police Case DVD

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Supported by Access to Security and Justice Programme (ASJP)

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## **Introduction**

Of all popular media, television illustrates the power of mass communication to inform, educate and influence the public.

Police Case, the made-for television drama produced by AdvocAid, is a four part series that illustrates common issues and themes when people come into conflict with the laws of Sierra Leone. Police Case integrates three unique stories of women in conflict with the law. Three prevalent issues are explored - domestic violence, illegal drug sales and debt. It also highlights legal themes such as: an accused's rights upon arrest, the bail process, the laws of Sierra Leone and the court system.

Each episode of Police Case is approximately 30 minutes in length and uses high quality video production, detailed stories and dialogue in Krio (with English sub-titles), superb acting and dramatic scenarios. Each programme in the series is entertaining and informative and will, no doubt, spark debate and discussion.

Visit the Police Case Facebook page, [www.facebook.com/policecasesierraleone](http://www.facebook.com/policecasesierraleone), for more information about the series, updates on the 2<sup>nd</sup> series coming soon (thanks to the support of UNDP) and to post your comments and views,



## **About this Guide**

This Facilitator's Guide has been prepared to help you organize and lead a learning discussion on legal issues in Sierra Leone highlighted in the dramatic series, Police Case. Of course, we can't cover all the issues but the Police Case stories help highlight several of the most common legal issues encountered in Sierra Leone. This Guide will hopefully serve as a discussion helper, offering ways to use the Police Case films to provide

information about basic legal rights, issues concerning women in conflict with the law and some solutions to matters that involve the Sierra Leone Police and the judicial process.

Stephen Douglas, a media development specialist who has worked in Sierra Leone for several years, drafted this Guide. Further input was given from AdvocAid staff: Simitie Lavalay, Sabrina Mahtani, Sonia Osho-Williams and Alimamy Koroma.

## **About AdvocAid**

AdvocAid is a registered civil society organization in Sierra Leone that works with one of the most marginalized populations in the country: women in conflict with the law (i.e. women who are arrested by the police or in prison).

Established in 2006, AdvocAid facilitates access to justice through the provision of legal advice, alternative dispute resolution, legal representation and legal education workshops for women in the criminal justice system. AdvocAid also works to provide an increased sense of dignity and independence to women in prison through programmes such as English literacy classes, the establishment of prison libraries and the provision of medical treatment. AdvocAid implements a post-prison support program that encourages the reintegration of released women as active members of their community, through access to skills training and continuing education. AdvocAid also focuses on longer-term change through research and advocacy projects and strategic capacity building. For more information, visit: [www.advocaidsl.com](http://www.advocaidsl.com) or [www.facebook.com/advocaidsierraleone](http://www.facebook.com/advocaidsierraleone)

## **Project Background**

AdvocAid has noted that there is a general lack of knowledge about the legal system and rights within the legal system. This is a major factor in women experiencing abuses within the criminal justice system. For example, many women do not know the difference between pleading guilty or not guilty, their right to an interpreter or how to access bail.

The wider community is also unaware about their rights within the criminal justice system and how to best support a family member or friend who has been arrested or charged. There is a great deal of fear of the police and courts due to lack of awareness.

AdvocAid has developed various legal education initiatives over the years to educate women about their rights, such as illustrated booklets simplifying the legal process, posters and radio dramas. Building on these initiatives, AdvocAid used television to communicate legal education messages in an interesting and engaging way through development of the Police Case TV series. The series has been broadcast on SLBC several times and was followed by a live call in question and answer session with a panel of

distinguished civil society partners. It has also been screened widely across Sierra Leone at the Opin Yu Yi Human Rights Film Festival.

## **Goals**

The goal of Police Case is to empower people with knowledge of the law, the legal process and their rights. The programme's aim is to provide a glimpse into the world of law and justice in hopes of reducing personal and community conflicts or disagreements. If people know more about their rights and the legal process, marginalized members of the community are empowered. The objectives are:

- To increase awareness of legal rights and empower people to enforce these rights
- To educate a broad range of audiences, community members, stakeholders and individuals on common legal issues, legal processes, state authorities and laws
- To raise awareness and understanding about issues affecting women in conflict with the law
- To encourage mediation for minor disputes and alternative dispute resolution
- To empower citizens with information and foster discussion so that they can hold State institutions accountable

## **The Team Behind Police Case**

### **AdvocAid**

- Sabrina Mahtani (Executive Director)
- Simitie Lavalley (Legal Officer)
- Sonia Osho-Williams (Programme Officer)
- Juliana Wilson (Finance and Administrative Officer)
- Patrick Stevens (Office Assistant)
- Marvel Lombi (Freetown Paralegal)
- Joseph Samura (Trainee Paralegal)
- Alimamy Koroma (Legal Intern)
- Victoria Koroma (Makeni Paralegal)
- Katumu Kamara (Kenema Paralegal)

### **Production Staff**

- Written and Directed by Jonathon Bundu
- Director of Photography - Idriss Kpange
- Produced by Concept Multimedia
- Production Coordination by Valona Taylor and Emmanuel Hughes
- Edited by Idriss Kpange
- Sound by Abu Bakarr Sallu
- Music composed by Sahr Issa
- Theme song by Sahr Issa and Esther Mikel
- Technical Legal Input by Simitie Lavalley and Alimamy Koroma
- Concept by Sabrina Mahtani



**Actors**

Adama	Whitsunnette Wright
Yeanoh	Mabel Murray
Alusine	David Jarret
Fatmata (Jamba Sales Lady)	Magdalene Ada Duwai
L.U.C. Banks	Osman Kargbo
Take Breeze	Muwahid Gbassay Camara
Paralegal	Ramatu Indira Kamara
Nepoh	Haja Zainab Sesay
Office Bambay	Kindo Armana Sankoh
Lawyer Bayor	Hawa Turay
Officer	Elizabeth Momoh
Officer (Lock Up)	Florence Y. Kamara



## Characters

**Adama** – is a young wife who suffers from domestic violence. During a fight with her husband, she wounds him with a stone in self-defence. Adama is arrested and detained. She is then charged to court

**Alusine** – is Adama’s husband. Alusine has beaten his wife in the past. He is wounded by Adama during a fight

**Vicky** – a paralegal who visits women in detention and offers legal advice and assistance

**Yeanoh** – borrowed money to do business but was unable to pay the full amount back to the creditor. Now she owes money. The Complainant (Nepoh) bribes the police officer (Take Breeze) and she is arrested and detained for the charge of “fraudulent conversion”

**Nepoh**- a market woman who loans money to Yeanoh and demands payment.

**Fatmata** – runs into financial difficulties and she turns to selling jamba to help pay for medical bills and living expenses.

**Take Breeze** – is a stereotypical “bad” police officer. He is seen drinking alcohol on duty. He takes bribes. He doesn’t maintain his files. He doesn’t take statements right away. He doesn’t follow police procedures.

**Bambay** – is a model for a “good” police officer. He informs accused of what they’re charged with. He follows procedures when taking statements. He does not take bribes. He explains situations to people involved with the police.

**Magistrate** – a court official who sits in the court to hear evidence and judge cases

**Lawyer Bayor** – lawyer who represents the accused, Adama

**Police Prosecutor** – presents evidence to the court on the matter being prosecuted

**L.U.C. Banks** – Police Officer in charge of the police division. He supervises police officers at the station.

## Donors and Supporting Partners

- Access to Security and Justice Programme (ASJP)
- GIZ
- Mama Cash
- Open Society Foundations
  
- Inspector General of Police – Francis Munu
- Sierra Leone Police (SLP) Central Division
- Sierra Leone Film Guild
- Sierra Leone Broadcasting Corporation (SLBC)
- Human Rights Commission
- Anti-Corruption Commission
- Timap for Justice
- L.A.W.Y.E.R.S.



## **The Justice Sector**

The justice sector in Sierra Leone, despite significant support (both financial and technical) from the international community, continues to face challenges, which have greatly affected the delivery of justice to the people.

All the various justice sector ministries, departments and agencies suffer a considerable lack of personnel and capacity. Likewise, the Judiciary suffers from a lack of sufficient Magistrates and Judges. There are a limited number of lawyers countrywide with most qualified lawyers practicing in Freetown, leaving the rest of the country starving for professional legal service. The police service has also suffered from a lack of capacity, personnel, conditions of service and corruption.

These challenges are mainly responsible for the lack of trust in the justice system by the majority of the population.

Furthermore, a number of commonly used statutory laws in Sierra Leone are outdated (e.g. the Malicious Damage Act from 1881, the Larceny Act from 1916, or the Public Order Act from 1965). With international support, there have been a number of recent enactments aimed at bringing some of the laws up to dates (especially those protecting the vulnerable groups). These include the Child Rights Act 2007, the Domestic Violence Act 2007, the Devolution of Estates Act 2007, the Registration of Customary Marriage and Divorce Act 2009 and the recent Sexual Offences Act 2012. However, these new legislations largely remain mere paper laws, unknown/misinterpreted by both users and providers.

In addition to the lack of trust, coupled with the lack of understanding of the laws, the majority of the population faces barriers such as poverty, illiteracy, lack of access to information, traditional beliefs, typical gender roles, etc. which prevent them from accessing formal justice. As such, many people quote “hopelessness” when confronted with a legal situation and dealings with police and the courts.

These challenges indicate that legal empowerment is one necessary approach to improving access to justice in Sierra Leone. An important way of empowering people is raising their awareness about the laws and an individual’s rights.



## **Discussion Groups**

### **Planning and Facilitating a Learning Session**

Generally speaking, most gatherings are intended to be learning sessions but sometimes they end up becoming “meetings”. With a few tools, you will be able to make the best out of a learning session.

You can use the P.A.T. approach to prepare for and schedule sessions.

**P for Purpose:** What is the purpose of the session? We usually state this in one short sentence. Example: “This session is to discuss how to apply for bail”. With a clearly defined purpose the facilitator will be able to guide the discussion.

**A for Agenda:** This is the backbone of learning sessions and even most meetings. An agenda is meant to coordinate and direct the session and ensuing discussions. Make a list of what needs to be discussed, how long you believe it will take, any activities that might be conducted and the person who will be presenting the item.

**T for Time frame:** Typically, people can concentrate for up to two hours. If a learning session is to be productive it should be done within that timeframe.

### **Preparing to Facilitate**

You will be leading the learning discussion and it’s important to be prepared. Here is a checklist of things to do before you meet the discussion group.

- Read this guide
- Organize the location for the discussion. Book the hall or request space in the community. Prepare logistics such as chairs, tables and refreshments (if necessary)
- Ask special guests or additional resource people to attend
- Spread the word or advertise the event within the community
- Develop the agenda
- Photocopy the monitoring sheet (see Appendix 1)
- Gather additional resource materials
- Organize the required equipment to show the Police Case DVD
- Be on time and be prepared

It's also important to know a little about your audience. For example, if you are talking with a select audience such as men or market women or young people, you'll need to tailor the discussion to their own interests and concerns.

### **Conducting a Group Discussion**

1. Find and establish a place for the group to meet. This could be in a school, a church, a rented hall, under a tree or any other quiet place where a group can sit together and meet.
2. Encourage community members to come to the group discussion. You'll need electricity to operate a television, computer or projector. Ensure that you have a good presentation system or laptop with speakers and that it is placed so that everyone in the group can see and hear it.

### **Icebreaker Activity**

This '*Sort and Mingle*' game is a *get-to-know-you icebreaker* with a little bit of active movement (walking around the room or raising hands, meeting and talking to others). If the group is small, you can ask people to move around the room – using the corners or sides of the room. Or, if the group is large, you can simply ask people to raise their hands. This can be played indoors or outdoors, but indoors is ideal. No special materials are required and there's no mess.

#### ***Instructions for Sort and Mingle***

There are two parts to this icebreaker. The first half is the "Sorts" game. The facilitator suggests two contrasting choices and everyone must move to a corresponding corner or location in the room. (For example. "Do you prefer village life or life in the city?" Or, "Do you prefer chicken or meat?") Then the facilitator suggests two more choices and everyone moves again to the corresponding section of the room. In this way, each person must move to somewhere and might get "lost" in the crowd. Some sorts that might also work well include: fufu or rice; inside vs. outside; beach or forest; football or cricket; and so on.

If it's a fairly large group, you can simply ask participants to raise their hands.

The second half of the icebreaker, the "Mingle" game, works as follows: The facilitator suggests a general category and the group is asked to mingle around to find others that have the same answer and they clump up to form a larger group. After about thirty seconds to one minute, the facilitator asks each group call out their answer. If a person is unique and is the only one with an answer, that's okay.

Examples of mingles: your favorite place; your favorite sport; the kind of animal you like best; your favorite food; and so on.

Both parts of this icebreaker game help people introduce themselves in a fun, interactive format.

## **Required Equipment**

- You'll need a power supply, either the National Power Authority or a portable generator.
- Television and DVD player. It is recommended that you also use external speakers to improve sound quality or
- Computer and monitor equipped with a media player. Extra speakers would be helpful if you're using a computer to watch the DVD with a larger group.
- Laptop (with media player) and projector. You'll also need speakers and a display screen (a white wall or sheet will also work).
- You could try and show the DVD at a local video hall, which has all the necessary equipment or partner with an organization that does.

## **Using the Police Case DVD**

The Police Case DVD contains four episodes and they run approximately 25 minutes per episode. A title menu will provide options for play and list the episodes from One to Four. Choose one of the episodes to watch or choose Episode One to begin watching the entire DVD.

It's recommended to watch one episode at a time and then lead a discussion on the topics and laws portrayed. The stories are integrated and it would be helpful to start with Episode One to provide a background to each of the cases. The stories evolve from Episode One.

### **To watch the Police Case DVD on a computer**

- Open the CD/DVD tray, and insert the Police Case DVD. Close the tray.
- Select Play DVD with your mouse or cursor after Windows detects the DVD and launches the "Auto Play" window.
- "Windows Media Player" is usually installed and will be opened by default or you can manually open Windows Media Player, or your other DVD software. Click on "Library," then the DVD. Depending on your computer programme, you might also be able to access your DVD via the File, Library or Play menu.
- Increase or decrease the volume as needed.

### **To watch the Police Case DVD on a television with a DVD player**

- Connect all cables, power cords, etc. and turn on all equipment.
- Open the DVD drawer and insert the Police Case DVD.
- Choose "Play"
- There will be opening music and a selection menu will appear.
- Choose an episode (1-4) to view.
- Increase or decrease volume as required.

## **Discussion Guidelines**

### **Before the Programme**

1. Following the opening remarks and welcome address you can proceed to the programme.
2. Explain the topic of the discussion and the major theme of the specific episode you are playing.
3. If there is time before the programme begins, invite participants to comment on their own experiences with the topic, so they can compare them later with what they heard in the programme i.e. have you ever been asked for a bribe in order to get bail at the police station?
4. Watch the programme.

### **After the Programme**

1. Turn off the DVD player and television or stop the DVD in the computer.
2. Ask if anyone would like to open the discussion with comments on what they have seen and heard. If open discussion begins freely, it might not be necessary to use prompting questions.
3. Be sure participants listen carefully and respectfully to one another, and that everyone is given the chance to speak.
4. If it is necessary to prompt discussion, you can use some or all of the questions and ideas found later in the Guide.
5. Summarise key legal issues (below) at the end of the discussion so participants have the correct information. It may be useful for write these on a blackboard or provide handouts.

### **Tips for Leading Enriching Discussions**

1. Try to ensure that no one dominates the discussion. You can do this by directing questions to or asking for comments from specific people, rather than always asking for an open response and waiting for someone to respond.
2. Respect all answers and comments, and encourage all group members to respect one another, even if they disagree. It may be useful to have the group members set rules for the discussions that everyone can agree on.
3. Encourage participants to keep their comments and answers brief so that everyone has a chance to join in.
4. Pay close attention to the person speaking. Keep side conversations to a minimum, so everyone can hear the person talking.
5. Encourage participants to listen carefully to each other, and consider the opinions of others before disagreeing with them.
6. Encourage participants to look for solutions to concerns and problems, rather than just listing their complaints or relating their individual stories/situations.

## **Managing Challenges in a Group**

With planning and sensitivity, the number of challenges you encounter should be small. However, you can't plan for everything, so in this section we'll look at what to do when an issue does arise.

The key to successfully handling a heated discussion is to move quickly and decisively, but carefully. The first thing to do when you face a challenge is to listen closely to what's being said. Then you will want to gather and analyze the information that is made available to you. Try to summarize the issue by re-stating the concern.

Remember, these challenges or concerns can be looked at as learning opportunities. It is your chance to collect all information, address the issue with good decisions, and show your leadership or facilitator skills. Remember, it is always okay to ask for help. And, it's okay to say, "I'm not sure" or "I don't know".

## **Record-Keeping (Monitoring and Evaluation)**

As with any learning discussion, it's important to keep some basic records. For example, who attended, where the event took place, points or issues raised, level of discussion, etc. This basic form of monitoring and evaluation helps collect feedback on the programmes.

Collecting feedback/data and making some observations about the discussions will help improve the project and hopefully make further projects more effective and efficient. It would be very useful for AdvocAid to obtain feedback about the Police Case DVD and Facilitator's Guide. Please consider e-mailing feedback information to [advocaid@gmail.com](mailto:advocaid@gmail.com) or call the AdvocAid Office on +232 33 572526/ +232 79 193414. You can also visit the Police Case Facebook page and share your comments and views: [www.facebook.com/policecasesierraleone](http://www.facebook.com/policecasesierraleone)

### **An example of monitoring data to collect:**

Please see Appendix 1 for a sample that could be photocopied for use at a learning session.

#### **Today's Meeting**

Date:

Time:

Facilitator's name:

Facilitator's contact information:

Program watched: Title: \_\_\_\_\_ Episode: \_\_\_\_\_

Where was this discussion held?

How many participants were there? Total: \_\_\_\_\_ Female: \_\_\_\_\_ Male: \_\_\_\_\_

Approximate age range? Youngest: \_\_\_\_\_ Oldest: \_\_\_\_\_

In what language did the discussion take place?

What were some interesting points or questions raised in the discussion? (Write your notes here):

## Themes and Story

Police Case is a drama about three women in conflict with the law and affected by the criminal justice system in Sierra Leone. Major themes of the series are 1) domestic violence, 2) debt and fraudulent conversion and 3) illegal drug sales.

There are other recurring themes that include 1) corruption in the police force, 2) legal processes such as arrest, bail, court appearances, detention, etc. 3) legal education on issues such as “innocent till proven guilty” and the right to a lawyer while in detention.

### **Potential “prompt” questions**

- What did people learn from the programme?
- What, if anything, will people do differently because of something they heard/saw during the programme?
- What did people like/dislike about this particular programme?
- Was the situation in the drama something they’ve experienced or have any knowledge of?
- Has anything like this happened in your community?
- Do you believe the information from the legal expert?
- Are the laws that were highlighted implemented or understood?

### **Deepening the discussion**

- **Recognition/Naming:** Ask if anyone in the group knows people like those in the programme? Identify the characters and talk about their situations.
- **Personal Experience Sharing:** Have you had an experience with the Sierra Leone Police Force?
- **Solutions or Predicting the Next Step:** Let’s say XXX happened... what would you do?
- **Role Playing:** How would you behave in court? How would you behave when arrested? This could be re-enacted via short skits.
- **You Be the Judge/ Police Officer:** What would you do if you were the judge? How would you handle the situation if you were a police officer?

## **Episode One**

### **Synopsis:**

The story opens with Adama and her husband, Alusine, fighting outside their house. Adama hits Alusine with a stone during the fight to protect herself. Adama then runs off.

Alusine reports the matter to the police station where he provides information to Take Breeze, the police officer. He's given a medical report form.

Adama is arrested and put in handcuffs. A police officer, Take Breeze, puts her into a cell with two other women. Adama tells the women that the police officer didn't take her statement. She tells them that the police didn't address her medical needs and didn't allow her to make any phone calls to relatives.

The three women talk about having to give the police "a small thing" and if you don't they put you in the detention cells. They talk about the "advantage".

Adama recounts how she has been beaten in the past by her husband, Alusine, and her family has tried to intervene. She has made reports to the Family Support Unit (FSU) before but nothing came out of those reports.

#### **Flashback:**

Adama remembers how she's been beaten by her husband in the past on a number of occasions.

In the police cells, Yeanoh, tells her story.

#### **Flashback:**

We see the police, Take Breeze, having a drink of alcohol while he waits.

Yeanoh is visited by a market woman, Nepoh, to whom she owes money. The market woman says she wants her money. Yeanoh is not able to pay her the balance of the money owing. Yeanoh pays her some more of the money. Yeanoh pushes the market woman away and slams the door in the market woman's face. .

Nepoh, the market woman, gets Officer 'Take Breeze' to arrest Yeanoh.

Back in the cells, Adama explains that debt is not a criminal matter but should be mediated or handled in the civil courts. Yeanoh explains how no statement was taken from her and she was just put in the police cells.

Vicky, a paralegal, talks to the police officer, Take Breeze. Take Breeze says there is no one in the cells but then finally agrees to take her down to detention area. Vicky visits



the three women in a holding area and explains what a paralegal does. She explains that a paralegal is not a lawyer but is someone who is trained to provide legal advice and assistance. Her services are free of charge.

L.U.C. Banks has to talk to Take Breeze in his office. Take Breeze is drunk. The LUC is angry that Take Breeze isn't doing his work properly. People are complaining about Take Breeze... about taking bribes and intimidating people. The LUC wants Take Breeze to act properly... he should have taken statements when he's arrested people. He complains that Take Breeze has a bad attitude about suspects.

The LUC says that suspects are "innocent till proven guilty" according to the Constitution.

The third woman, Fatmata, tells her story about being arrested for selling jamba.

**Flashback:**

Under cover police officer, Take Breeze, approaches a group and secretly says he wants to buy jamba. The woman, Fatmata, sells the officer a stick of jamba and he then arrests her.

Vicky, the paralegal, meets with the LUC and explains that statements have not yet been taken from the women in detention and that Adama needs to have medical care. The LUC says that medical treatment will be arranged for Adama. A nurse will come to treat Adama but, there's a cost and her relatives will have to pay. Vicky talks to the LUC about the police taking statements from each of the women and possibly granting them bail.

**Major Themes**

- Rights upon arrest
- Domestic violence

**Questions for Discussion**

- Do you know of anyone or has anyone here been involved in a similar situation to the scenarios in Police Case?
- What do you think of the behavior of the police officer, Take Breeze?
- If you were arrested, would you know what to do? What are your rights in the police station?
- What is a paralegal?
- Adama explains how she is often beaten by her husband, Alusine. Is this legal? Where could she go for help?
- Is retaliating or reacting in self-defence legal?

## Key Points to Highlight:

### Rights upon arrest

- The police must have reasonable grounds to arrest you (i.e. they suspect you have committed an offence or are about to commit an offence. They cannot arrest you for no reason or just because they are police officers.)
- The police must inform you immediately about why you have been arrested
- The police must inform you immediately about your right to legal representation. If you know of any lawyers or legal aid organizations you can ask the police to contact them or to allow you to contact them.
- You have the right to remain silent. You do not have to answer questions the police ask you. However, a Judge at court later might ask you to explain why you remained silent.
- A paralegal is not a lawyer but is a person who has basic legal training. They can help you understand your rights and help you through the criminal justice process.
- You have the right to contact a friend or family member to inform them about your detention
- You are innocent until you are proven guilty. Just because you are accused of a crime does not mean you are a “criminal” and have no rights
- You have the right to legal representation and should ask the court or prison to contact legal NGOs to assist you if you cannot afford a lawyer. If you are charged with murder then the Government needs to provide you a lawyer in the High Court if you do not have one. If you are under 18, the police must inform your parents, guardian or Ministry of Social welfare immediately after you are arrested. You must not be detained in a police cell with adults.

### Domestic Violence

- Domestic violence is any physical or sexual abuse, economic, emotional, verbal or psychological abuse and harassment, that takes place in a ‘domestic relationship’.
- A domestic relationship is where a couple are married or cohabiting, have a child together, are courting, or are in a perceived romantic relationship. It also protects co-tenants, children, parents and house-helpers.
- Domestic violence is now made a criminal offence punishable by up to two years’ imprisonment and/or a fine up to Le 5 million.
- If anyone is suffering from domestic violence, they should not sit in silence but should seek help from the Family Support Unit which is at any police station. They can also seek help from human rights organisations.
- If you are being tried for wounding or killing someone, you are allowed to raise the issue of “Self-defence”, which means you applied the force against that other person because you were trying to protect yourself or someone else or your property. However, a Judge will have to assess each case individually to see whether the action was self-defence and whether the force used was proportionate and reasonable. It is advisable to seek help early on before a matter gets worse and enters the criminal justice system as in Adama’s case.

## **Episode Two**

### **Synopsis**

The episode opens with Take Breeze taking a statement from Adama. The police officer is harsh and demanding. However, Adama says there should be two officers present and she should be told what she is being investigated for. Take Breeze says human rights are not good and tells Adama to shut her mouth. He says the police have the power and tries to intimidate her.

Take Breeze takes Adama's statement but she cannot read and he does not read the statement back to her. Take Breeze insists she put her thumbprint on the document without explaining what's on the pages. Take Breeze forces her to put her thumbprint on the pages of the statement, a sign that she agrees with what is written in the statement although she does not know what it contains.

A relative brings food to the cells but Take Breeze intercepts this and doesn't give the food to the women in the police cell.

Vicky, the paralegal, overhears the conversation between Take Breeze and Adama and looks concerned. She goes to the LUC to complain about the police process. The LUC assigns Bambay, another police officer, to take control of the cases.

The women in the police cells start to yell through the bars about being kept in the cells for longer than two days. They state that they should be released on bail or be charged to court.

The LUC takes Take Breeze off the cases because he is not doing his job correctly. He reminds Take Breeze that the suspects can't be kept in police detention for longer than 72 hours without getting bail or being charged. Take Breeze complains about being taken off the cases.

Officer Bambay takes over and re-takes Adama's statement in the presence of another woman police officer. He explains what she has been charged with and the process she's to undergo. He also explains her right to not say anything. He explains Adama's right to a lawyer. Adama says she has a lawyer in the family and wants to contact her. Bambay says they can wait to take the statement until he contacts the lawyer.

LUC Banks reprimands Take Breeze again. LUC Banks explains about the Police Complaints Unit and Anti-Corruption Commission who may take action against Take Breeze. The LUC will not defend Take Breeze's actions which are against police regulations.

Lawyer Bayoh arrives and sits by Adama while she makes her statement.

**Flashback:**

Adama remembers the fights between her and her husband. She remembers the beatings he gave her and she remembers how she hit him with a stone during the last beating.

Police Officer, Bambay, reads back Adama's statement and she fully understands and agrees with the contents of the statement. Lawyer Bayoh is there to protect the rights of Adama. Both police officers ask Adama more questions about the statement.

LUC Banks meets with Yeanoh and has reviewed her file. He explains to her about the process of bail. The LUC says bail is free but she should follow the guidelines. Yeanoh tells the LUC that Take Breeze charges 100,000Le (approximately US \$23) for bail. The LUC yells at Take Breeze again.

Yeanoh leaves to get the bail process started.

**Major Themes**

- Rights when you are arrested
- Bail process at the Police Station
- Debt

**Questions for Discussion**

- Have you ever given a statement to a police officer?
- What has been your experience with trying to obtain bail at the police station?
- Do you think you have to pay a fee to a police officer in order to obtain bail?
- Do you know someone who has received bail in a case?
- What do you need to obtain bail at the police station?
- Is borrowing money and not being able to pay the money back a criminal offence?
- How can you get your money back from someone who has borrowed it but is not paying it back?
- Do you think someone should be arrested for debt i.e. if they cannot pay back money to someone?

## Key Points to Highlight

### Rights Upon Arrest

- If you give a statement to the police they must write it down and explain it to you before you sign it. Do not sign any statement you have not read or the police have not explained to you.
- Never confess to a crime unless you have really committed the crime. Often police officers will tell you if you confess you will be released or this will be then be sorted out in a “family way”. If you make a confession that is not true this can be used to convict you at court.
- While you are detained in a police station you have the right to receive water and food, to see your relatives and to be treated well.
- A police officer cannot keep you in a police station for more than 72 hours (3 days) without charging you and taking you to court for less serious offences.
- If you are charged with a serious offence (such as murder) then a police officer cannot keep you in a police station for more than 10 days without charging you and taking you to court.
- A police officer is not allowed to beat you or ask you for a bribe. If a police officer treats you badly you can bring a complaint against him through the Complaints Section of the Police, a senior police officer or a human rights organization, such as the Human Rights Commission.
- If you are asked for a bribe, report this to a senior police officer. You can also report this to the Anti Corruption Commission or human rights organisations.

### Bail

- You can be released from the police station while your case is still going on provided that you meet the bail conditions or requirements that the police give you. This is called “bail” at the police station
- To access bail you may need a “surety” – this is a person who will promise the police to make sure you keep to the bail conditions set by the police and that you will not run away. You need to be over 21 to be a surety and it is best to ask someone who is a responsible citizen i.e. has a permanent job, a house book etc.
- You can ask the police officers or a paralegal to contact your relatives/ someone who could stand as a surety.
- The surety needs to bring some identification documents (i.e. national ID, bank statements and two passport photographs – these photographs can also be taken at the court as there are lots of photographers there)
- **BAIL IS FREE!** You do not need to pay money to get bail. NO POLICE OFFICER HAS A RIGHT TO ASK YOU FOR MONEY. The surety only promises the police that they will pay money if the accused person runs away. The surety will only be asked to pay money if the person who is granted bail runs away.
- If you are granted bail and run away, you can be charged with another criminal offence and your surety can be arrested and asked to pay the money promised
- You need to ask the Police to grant you bail – even if you do not have a lawyer or a paralegal you can ask for bail

- You need to persuade the Police that you will attend court and comply with any conditions if you are released on bail and will not run away.

### Debt

- Fraudulent conversion charges in Sierra Leone are often applied to situations where the debtor is unable to repay a sum of money they had initially agreed to repay the complainant within a stated period of time
- If you borrow money from someone and genuinely are unable to pay the money back, this is called “debt”. Debt is a civil issue and not a criminal issue.
- However, often in Sierra Leone, issues of debt are taken to the police and people charged with “fraudulent conversion” which is a criminal offence under the Larceny Act 1916. To be convicted for fraudulent conversion, the Prosecution need to prove you deliberately took the money and did not intend to pay it back.
- If someone owes you money, it is better to talk to them about it or to go a community elder, Market Women’s Association or human rights organization to try and have the matter mediated and arrange for the person owing you the money to pay it back in installments.
- If the person who owes you money is arrested and convicted, you will most likely not get your money back as they will either serve time in prison or pay a fine to the court.

## **Episode Three**

### **Synopsis**

Episode opens with Vicky, the paralegal, visiting the women in the detention facility. The women complain about the conditions in the cells. Vicky tells the women to be patient.

The Magistrate is in court and the case will go ahead. The lawyer and the Police Prosecutor are there. Vicky gives Adama a shawl to wear over her head (as women need to cover their heads in court) and explains what will happen in court.

Vicky explains what guilty or not guilty means. She counsels Adama to make her own choice based on how she feels. Vicky interviews the women about their circumstances.

Adama doesn't understand English well so the court clerk reads the charges in English and explains in Krio. The Clerk reads the offence that Adama is charged with and the particulars of that offence (the elements that make up the offence). He asks for a plea – for Adama to say whether she is guilty or not guilty (whether she did the offence or did not do the offence). But, Adama doesn't understand. The Clerk speaks in Krio and goes over the particulars of offence.

Adama pleads not guilty on both charges. The Magistrate asks for the case to proceed but the prosecution does not want to proceed and asks for an adjournment. Adama doesn't understand.

Back at the station, Yeanoh and the complainant, Nepoh (the market woman), meet with Officer Bambay. Officer Bambay is trying to see if he can mediate the debt case between them. They come to an arrangement and write up an agreement/contract note. Officer Bambay tries to negotiate between the two. He urges Nepoh to take the money that has been given back and be patient to receive the rest.

In the court cells, Vicky counsels Fatmata (the woman arrested for selling jamba) about pleading guilty or not guilty. Vicky tells her that she should explain to the Magistrate the circumstances of her arrest and what lead her to sell jamba.

#### **Flashback:**

Fatmata explains how her husband was hurt at work and couldn't make money. They were getting desperate for money and she decided to sell some jamba to help pay for medical expenses and food.

Fatmata, the woman accused of selling jamba, appears in court and pleads guilty.

### **Major Themes**

- Illegal drug sales
- Court process

## Questions for Discussion

- Do you know someone who sells or uses illegal drugs? What drugs are illegal and which ones are legal?
- What are the circumstances that lead Fatmata to turn to selling illegal drugs?
- How should people behave in court?
- What does it mean to plead guilty or not guilty?
- What happens when someone is confused in the courts? Can they ask for help?

## Key Points to Highlight

### Sales of Illegal Drugs

- It is illegal to sell drugs, such as jamba, brown brown or cocaine or be found in a place where such items are being sold. If you are caught, you can be sentenced to several years imprisonment for selling drugs. If you are desperate for money, try and find other ways to support yourself as selling drugs can cause you to end up in prison.
- Drugs, such as jamba, are harmful to your health and addictive – once you start taking them it is hard to stop.

### Court Procedures

- There are different types of courts. Cases begin in the lower courts, which are called Magistrates Courts. Serious offences may later be tried in the High Court
- When you first attend court for less serious offences, the court clerk will tell you what you are charged with and ask you to plead “guilty” or “not guilty”. For serious offences you will not be asked to plead.
- You should only plead guilty if you have really done the offence and understand the exact charge against you. Do not plead guilty because someone tells you to do so or because you feel pressured.
- You should dress smartly for court and speak to everyone politely and with respect. Women must cover their hair and not wear trousers. Men must wear long-sleeved shirts
- You may have to wait a long time to have your case heard and your case may be “adjourned” – which means moved to another date for hearing
- A trial is where the court will hear evidence and decide whether there is enough evidence to prove whether you are guilty or not
- The Prosecution will try and prove that you did the offence and will bring people (witnesses) who can talk about what happened
- You can also bring your own witnesses and explain your side of the story after the Prosecution has finished with their own witnesses. You need to ask a paralegal/ lawyer or the court to contact these people for you
- When your case is called, you will stand in the “dock” – a wooden structure – with a police officer or court clerk next to you
- If you do not have a lawyer, you have a right to ask questions to the people who are coming to bring evidence against you in order to prove your side of the story
- If you do not know what is happening at court, you have the right to ask questions and ask someone to explain



- You have a right to an interpreter if you do not know the language being spoken. Tell the Magistrate if you do not understand what is being said.

## **Episode Four**

### **Synopsis**

The Magistrate has listened to Adama's case. She states that everyone is innocent until proven guilty. The Magistrate rules that Adama should be granted bail with one surety who is approved by the Master and Registrar.

Adama meets with the Court Clerk to complete the bail process. He insists on getting money for bail and asks for Le 15,000,000 Le (approximately US \$3,448). But, Adama tells the Court Clerk that bail is free. She calls Vicky, the paralegal, to inquire about the bail process. She knows the surety has to supply passport pictures, etc.

Vicky comes to the Court Clerk's office. She gets angry with the Court Clerk and tells him not to charge Adama money for bail as bail is free. The Clerk denies asking for a bribe. They argue. The Clerk tries to intimidate Adama and tries to delay the process.

The Clerk eventually gives and processes the bail bond for Adama so that she can be released.

Fatmata, the woman who sold jamba, pleads guilty at court. Fatmata tries to explain her situation to the court.

#### **Flashback:**

Fatmata and her husband have bills and the husband can't work right now. They decide to sell jamba to help pay for medical bills and to take care of the family.

The Magistrate is considerate towards Fatmata and warns her not to take part in jamba sales again. Fatmata is sentenced but at the minimum level. She is sentenced to a term of imprisonment of 3 months or a fine of Le 600,000. One or the other. She says she will pay the money.

Two months have now passed. Adama is tired with the court case as it has been going on for a long time. She is now staying with her Aunt. She wants to call her husband, Alusine, as he still has many of her things. She is advised by her Aunt that she shouldn't call her husband because the case is still on and he is the Complainant.

The market woman, Nepoh, and Yeanoh, who owes her money, go to the police. Yeanoh pays the remaining money which is owed to Nepoh and Officer Bambay hands over the money to Nepoh. Nepoh tries to give him money as a thank you for his help but he refuses as he says he is just doing his job. The case is settled meaning that Nepoh has her money back and Yeanoh did not have to go to court.

Take Breeze comes and wants money from Officer Bambay for the settlement of the case. But Officer Bambay didn't take any money.

Adama is back in court. The Police Prosecutor calls witnesses. Alusine, her husband, is called to testify. He is sworn in. Alusine gives testimony in Krio.

**Flashback:**

Husband and wife fighting... and Adama wounds Alusine.

Lawyer Bayoh (Adama's lawyer) starts to ask questions of the witness, Alusine. The case finally comes to the end and the Magistrate is to give her judgment... The Magistrate says the investigation wasn't complete and did not account for the previous beatings of Adama. Alusine should have also been arrested under the Domestic Violence Act or the Public Order Act. Adama has to refrain from violence and the Magistrates gives Adama advice. She also admonishes the police for lack of investigation in the case. Adama is happy at being released.

Take Breeze takes a bribe and LUC Banks sees the corruption. Take Breeze begs the LUC in the LUC's office. Take Breeze is sacked for corruption.

Adama is released. She goes on to talk to other groups about domestic violence. She becomes an advocate for women. She encourages the young women that they should not suffer silently with abusive husbands and find support from organizations. They should advise a friend in a similar situation to take action before it is too late.

The last scene shows a man beating his wife. Some women (who have been attending a training held by Adama) rush in to try and stop the beatings. The final message for us all to take away is that we all have a role to play in ending domestic violence and should not ignore what is happening to people in our communities.

**Major Themes**

- Bail at Court
- Trial and Court Processes
- Domestic Violence

## Questions for Discussion

- What are some of the things that are important to remember while you're going through the court process or a trial?
- What sort of information is important to tell the Magistrate and courtroom?
- What should you do if you don't understand what's going on in the courtroom?
- How should you behave while out on bail?
- What is domestic violence?
- What should you do if you or someone you know is experiencing domestic violence?

## Key Points to Highlight

### Bail at Court

- You can be released while your case is being heard provided that you keep attending your court hearings. This is called "bail"
- To access bail you need a "surety" – this is a person who will promise the court to make sure you keep attending court and will not run away. You need to be over 21 to be a surety and it is best to ask someone who is a responsible citizen i.e. has a permanent job, a house book etc.
- You can ask the prison officers or a paralegal to contact your relatives/ someone who could stand as a surety.
- The surety needs to bring some identification documents (i.e. national ID, bank statements and two passport photographs – these photographs can also be taken at the court as there are lots of photographers there)
- **BAIL IS FREE!** You do not need to pay money to get bail. NO COURT CLERK OR POLICE OFFICER HAS A RIGHT TO ASK YOU FOR MONEY. The surety only promises the court that they will pay money if the accused person runs away. The surety will only be asked to pay money if the person who is granted bail runs away.
- If you are granted bail and run away, you can be charged with another criminal offence and your surety can be arrested and asked to pay the money promised
- If you are granted bail it is important you attend your court hearings and comply with any conditions i.e. not contacting Prosecution witnesses, reporting to police station etc.
- You need to ask the Magistrate or Judge to grant you bail – even if you do not have a lawyer you can ask for bail
- You need to persuade the Magistrate that you will attend court if you are released on bail and will not run away.

### Court procedures

- You should tell the Magistrate about
  - Any children you have
  - Your job
  - A house you own/ rent
  - Family obligations

- That you have never been convicted for a crime before
  - Other information to show them you are a good citizen and will not run away when released on bail
- It is important to remember and write down your next court date to make sure you attend on the right day
  - It is important to remember
    - Dates you go to court
    - Name of court and Magistrate/Judge
    - What is being said at court
  - You have a right to an interpreter if you do not know the language being spoken. Tell the Magistrate if you do not understand what is being said
  - Once the evidence has been heard, the Magistrate/Judge will decide whether you are guilty or not guilty.
  - If you are guilty, you will be sentenced. The time you have spent in prison during trial will be deducted from your sentence
  - You should tell the judge reasons why your sentence should be reduced i.e. if you have young children, this is your first offence, etc.
  - If you are sentenced and think you are not guilty or the sentence is too high, you can appeal. You can ask the prison welfare officer or legal aid organization to assist you.

### Domestic Violence

- Domestic violence is any physical or sexual abuse, economic, emotional, verbal or psychological abuse and harassment, that takes place in a 'domestic relationship'.
- A domestic relationship is where a couple are married or cohabiting, have a child together, are courting, or are in a perceived romantic relationship. It also protects co-tenants, children, parents and house-helpers.
- Domestic violence is now made a criminal offence punishable by up to two years' imprisonment and/or a fine up to Le 5 million.
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- If you are being tried for wounding or killing someone, you are allowed to raise the issue of "Self-defence", which means you applied the force against that other person because you were trying to protect yourself or someone else or your property. However, a Judge will have to assess each case individually to see whether the action was self-defence and whether the force used was proportionate and reasonable. It is advisable to seek help early on before a matter gets worse and enters the criminal justice system as in Adama's case.

## **Legal References**

It's important to refer to the actual applicable laws of Sierra Leone if the need arises. This Guide can't provide all the laws but here is a selection of the laws most relevant to the Police Case series.

### **Domestic Violence**

#### **The Domestic Violence Act, 2007.**

Being an Act to suppress domestic violence, to provide protection for the victims of domestic violence and to provide for other related matters.

#### **PART II - OFFENCE OF DOMESTIC VIOLENCE**

**2. (1)** It is an offence under this Act for any person in a domestic relationship to engage in any act of domestic violence.

(2) For the purposes of subsection (1), domestic violence means any of the following acts or threat of any such act:-

(a) physical or sexual abuse;

(b) economic abuse;

(c) emotional, verbal or psychological abuse, including any conduct that makes another person feel constantly unhappy, humiliated, ridiculed, afraid or depressed or to feeling adequate or worthless;

(d) harassment, including sexual harassment and intimidation;

(e) conduct that in any way harms or may harm another person, including any omission that results in harm and either-

(i) endangers the safety, health or wellbeing of another person;

(ii) undermines another person's privacy, integrity or security; or

(iii) detracts or is likely to detract from another person's dignity or worth as a human being.

(3) An offence under subsection (1) shall be punishable by a fine not exceeding Le5,000,000 or by a term of imprisonment not exceeding 2 years or by both such fine and imprisonment.

**3. (1)** A domestic relationship means a family relationship, a relationship akin to a family relationship or a relationship in a domestic situation that exists or has existed between a complainant and an offender and includes a relationship where the complainant –

(a) is or has been married to the offender;

(b) lives with the offender in a relationship in the nature of a marriage notwithstanding that they are not, were not married to each other or could not or cannot be married to each other;

(c) is engaged to the offender, courting the offender or in an actual or perceived romantic, intimate, or cordial relationship not necessarily including a sexual relationship with the offender;

(d) and the offender are parents of a child, are expecting a child together or are foster parents to a child;

(e) and the offender are family members related by consanguinity, affinity or adoption; or would be so related if they are married either customarily or under any enactment or were able to be married or if they were living together as spouses although they are not married;

(f) and the offender, share or shared the same residence or are co-tenants;

(g) is a parent, an elderly blood relation or is an elderly person who is by law a relation of the offender;

(h) is a house-help in the household of the offender;

(i) lives in or attends a public or private care institution and is under the care and control of the offender; or

(j) is in a relationship determined by the court to be a domestic relationship.

(1) have regard to -

(a) the length of time the persons spend together;

(b) the place where that time is ordinarily spent;

(c) the manner in which that time is spent; and

(d) the duration of the relationship.

(3) Without prejudice to subsection (1), a person is in a domestic relationship where the person -

(a) is providing refuge to a complainant whom an offender seeks to attack; or

(b) is acting as an agent of the offender or encouraging the offender;

**4. (1)** A single act may amount to domestic violence.

(2) A number of acts that form a pattern of behavior may amount to domestic violence even though some or all of the acts when viewed in isolation may appear minor or trivial.

(3) When a cause for complaint has arisen between persons in a domestic relationship and the persons do not cohabit, none of those persons shall enter into the residence of the other person without permission.

**5. (1)** A victim of domestic violence or any other person with information about domestic violence may file a complaint about the domestic violence.

(2) A child may be assisted by a next friend to file a complaint of domestic violence.

(3) Notwithstanding subsection (1), a complaint of domestic violence shall be filed by a social welfare officer or healthcare provider where the intervention is in the interest of the victim.

(4) Where a victim is, for any reason, unable to file a complaint personally, a member of the victim's family may file a complaint on behalf of the victim.

(5) Where a person who could have been a complainant under this Act has died, the complaint may be made by the deceased person's personal representative or by a member of the deceased's family or any other person competent to represent the deceased.

(6) A complaint of domestic violence shall be filed with the police at the place where -

(a) the offender resides;

(b) the victim resides;

(c) the domestic violence occurred or is occurring; or

(d) the victim is residing temporarily, where the victim has left his or her usual place of abode.

**6.** A police officer shall respond promptly to a request by any person for assistance from domestic violence and shall offer such protection as the circumstances of the case or the

person who made the report required even when the person reporting is not the victim of the domestic violence.

**7.** (1) When a police officer receives a complaint under subsection (6) of section 5, the officer shall –

- (a) interview the parties and witnesses to the domestic violence, including children;
- (b) record the complaint in detail and provide the victim with an extract of the complaint upon request in a language the victim understands;
- (c) assist the victim to obtain medical treatment, where necessary;
- (d) assist the victim to a place of safety as the circumstances of the case or as the victim requires where the victim expresses concern about safety;
- (e) protect the victim to enable the victim retrieve personal belongings, where applicable;
- (f) assist and advise the victim to preserve evidence; and
- (g) assist and advise the victim of his or her rights and any services which may be available.

(2) Police assistance to a victim under paragraph (c) of subsection (1) consists of issuing a medical form to the victim and, where necessary, sending the victim to a medical facility.

(3) A victim of domestic violence who is assisted by the police to obtain medical treatment under paragraph (c) of subsection

(1), shall be entitled to free medical treatment and a free medical report within fourteen days of the issuance of the medical form.

(4) Family mediation or intervention shall not be a bar to the investigation or prosecution of a complaint of domestic violence.

**8.** (1) A police officer may arrest a person for domestic violence with a warrant issued in pursuance of this Act or without a warrant.

(2) A police officer may arrest a person for domestic violence without a warrant where –

- (a) an act of domestic violence is committed in the presence of the police officer;
- (b) the police officer is obstructed by the person in the execution of police duties; or
- (c) the person is held in lawful custody under this Act and has escaped or attempts to escape from such custody.

(3) A police officer may arrest without warrant upon reasonable grounds of suspicion, a person who –

- (a) has committed an offence of domestic violence; or
- (b) is about to commit an offence of domestic violence and there is no other way to prevent the commission of the offence.

(4) A police officer may arrest a person without warrant if the officer has reasonable cause to believe that the person has contravened or is contravening a protection order issued under section 12 or 13.

**9.** (1) A person may, without warrant, arrest another person if that other person commits an act of domestic violence in his presence.

(2) A person may, without warrant, arrest another person where the person has reasonable suspicion that the other person has committed an offence of domestic violence.

(3) A person who effects an arrest under subsection

(1) or (2) shall, within a reasonable time, being not more than twelve hours after the arrest, hand over the person arrested to the police.

## **Bail**

### **From the Sierra Leone Constitution of 1991**

Protection from arbitrary arrest or detention.

17. (1) No person shall be deprived of his personal liberty except as may be authorised by law in any of the following cases, that is to say —

- a. in consequence of his unfitness to plead to a criminal charge; or
- b. in the execution of a sentence or order of a Court whether in Sierra Leone or elsewhere in respect of a criminal offence of which he has been convicted; or
- c. in the execution of an order of the High Court or the Court of Appeal or the Supreme Court or such other court as may be prescribed by Parliament on the grounds of his contempt of any such court or of another court or tribunal or commission of inquiry as the case may be; or
- d. in the execution of an Order of a court made in order to secure the fulfilment of any obligation imposed on him by law; or
- e. for the purpose of bringing him before a court or tribunal, as the case may be, in execution of the order of a court; or
- f. upon reasonable suspicion of his having committed or of being about to commit a criminal offence; or
- g. in the case of a person who has not attained the age of twenty-one years, for the purpose of his education or welfare; or
- h. for the purpose of preventing the spread of an infectious or contagious disease; or
- i. in the case of a person who is, or is reasonably suspected to be, of unsound mind, addicted to drugs or alcohol, or a vagrant, for the purpose of his care or treatment or the protection of the community; or
- j. for the purpose of preventing the unlawful entry of that person into Sierra Leone, or for the purpose of effecting the expulsion, extradition or other lawful removal of that person from Sierra Leone or the taking of proceedings thereto.

(2) Any person who—

- a. is arrested or detained shall be informed in writing or in a language that he understands at the time of his arrest, and in any event not later than twenty-four hours, of the facts and grounds for his arrest or detention;
- b. is arrested or detained shall be informed immediately at the time of his arrest of his right of access to a legal practitioner or any person of his choice, and shall be permitted at his own expense to instruct without delay a legal practitioner of his own choice and to communicate with him confidentially.

(3) Any person who is arrested or detained in such a case as is mentioned in paragraph (e) or (f) of subsection (1) and who is not released shall be brought before a court of law—

- a. within ten days from the date of arrest in cases of capital offences, offences carrying life imprisonment and economic and environmental offences; and
- b. within seventy-two hours of his arrest in case of other offences; and if any person arrested or detained in such a case as is mentioned in the said paragraph (f) is not tried within the periods specified in paragraph (a) or (b) of this section, as the case may be, then without prejudice to any further proceedings which may be brought against him he shall be released either unconditionally or upon reasonable conditions, including in



particular, such conditions as are reasonably necessary to ensure that he appears at a later date for trial or proceedings preliminary to trial.

(4) Any person who is unlawfully arrested or detained by any other person shall be entitled to compensation therefore from that other person.

### **From the Criminal Procedure Act of 1965**

79. (1) A person charged with murder or treason shall not be admitted to bail, except by a Judge.

(2) When a person is charged with any felony, other than murder or treason, the Court may, if it thinks fit, admit him to bail.

(3) When a person is charged with any offence other than those referred to in subsections (1) and (2), the Court shall admit him to bail, unless it sees good reason to the contrary.

(4) A person may be admitted to bail at any time, and thereupon shall be discharged from custody or prison if he is not detained for any other cause.

(5) A Judge may, if he thinks fit, admit any person to bail although the Court before whom the charge is pending has not thought fit to do so.

(6) The accused who is to be admitted to bail shall procure such surety or sureties as in the opinion of the Court will be sufficient to ensure his appearance as and when required, and shall with him or them enter into a recognisance accordingly.

(7) The Court may dispense with sureties if, in its opinion, its so dispensing will not tend to defeat the ends of justice.

(8) When the accused is required to procure a surety or sureties, the recognisance of the sureties may be taken separately and either before or after the recognisance of the accused.

Power of police to admit to bail.

80. (1) Notwithstanding anything contained in section 79 any constable in charge of a police station may take bail by recognisance conditioned for the appearance of an accused person before the Magistrate's Court, on a day and at a place to be mentioned in such recognisance, there and then to be dealt with according to law, in the following cases—

a. When an accused person is arrested without warrant on a charge of having committed any offence other than murder or treason; and

b. When an accused person is arrested under a warrant endorsed for bail as provided by section 29.

(2) A recognisance so taken shall be of full and equal obligation on the parties entering into the same, and liable to all proceedings for the forfeiture and levy of recognisances provided by section 129.

(3) Such constable as aforesaid shall enter in a book, kept for that purpose in every police station in the Western Area and lock-up in the Provinces, the name, residence and occupation of the person entering into recognisance, and of his surety or sureties, if any, with the condition of the recognisance, and the sums deposited or acknowledged.

(4) Such book shall be laid before the Magistrate present at the time when and place where the recognisor is required to appear, and such Magistrate may enlarge the recognisance to such further time as he may appoint.

## **Rights upon arrest**

### **Criminal Procedure Act 1965**

4. (1) In making an arrest the constable or other person making the same shall actually touch or confine the body of the person to be arrested, unless there be a submission to the custody by word or action.

(2) If such person forcibly resists the endeavour to arrest him, or attempts to evade the arrest, such constable or other person may use sufficient force to effect the arrest but no more.

(3) Nothing in this section gives a right to cause the death of any person except when a constable or private person is legally attempting to arrest the person killed, upon a charge of treason, felony or inflicting a dangerous wound and the arrest of such person cannot otherwise be accomplished.

(4) If a constable is assaulted or obstructed when making any arrest, it shall be the duty of any private person, on whom he may call for aid, to go to his assistance.

Search of place entered by person sought to be arrested.

(5) If any person acting under a warrant of arrest, or any constable having authority to arrest, has reason to believe that the person to be arrested has entered into or is within any place, the person residing in or being in charge of such place, shall on demand of the person so acting or such constable, allow him free entry thereto and afford all reasonable facilities for a search therein.

### **Arrest Without Warrant**

11. Any person may arrest without a warrant –

- a. any person who in his presence commits a felony;
- b. any person whom he suspects of having committed a felony, if such felony had actually been committed and such private person has reasonable grounds to believe that the person arrested has committed that felony;
- c. any person offering to sell, pawn or deliver any property which such private person has reasonable grounds to believe to be stolen property;
- d. any person about to commit an act which would manifestly endanger another person's life;

### **Protection from arbitrary arrest or detention From the Sierra Leone Constitution of 1991**

17. (1) No person shall be deprived of his personal liberty except as may be authorised by law in any of the following cases, that is to say –

- a. in consequence of his unfitness to plead to a criminal charge; or
- b. in the execution of a sentence or order of a Court whether in Sierra Leone or elsewhere in respect of a criminal offence of which he has been convicted; or
- c. in the execution of an order of the High Court or the Court of Appeal or the Supreme Court or such other court as may be prescribed by Parliament on the grounds of his contempt of any such court or of another court or tribunal or commission of inquiry as the case may be; or
- d. in the execution of an Order of a court made in order to secure the fulfilment of any obligation imposed on him by law; or

- e. for the purpose of bringing him before a court or tribunal, as the case may be, in execution of the order of a court; or
- f. upon reasonable suspicion of his having committed or of being about to commit a criminal offence; or
- g. in the case of a person who has not attained the age of twenty-one years, for the purpose of his education or welfare; or
- h. for the purpose of preventing the spread of an infectious or contagious disease; or
- i. in the case of a person who is, or is reasonably suspected to be, of unsound mind, addicted to drugs or alcohol, or a vagrant, for the purpose of his care or treatment or the protection of the community; or
- j. for the purpose of preventing the unlawful entry of that person into Sierra Leone, or for the purpose of effecting the expulsion, extradition or other lawful removal of that person from Sierra Leone or the taking of proceedings thereto.

(2) Any person who—

- a. is arrested or detained shall be informed in writing or in a language that he understands at the time of his arrest, and in any event not later than twenty-four hours, of the facts and grounds for his arrest or detention;
- b. is arrested or detained shall be informed immediately at the time of his arrest of his right of access to a legal practitioner or any person of his choice, and shall be permitted at his own expense to instruct without delay a legal practitioner of his own choice and to communicate with him confidentially.

(3) Any person who is arrested or detained in such a case as is mentioned in paragraph (e) or (f) of subsection (1) and who is not released shall be brought before a court of law—

- a. within ten days from the date of arrest in cases of capital offences, offences carrying life imprisonment and economic and environmental offences; and
- b. within seventy-two hours of his arrest in case of other offences; and if any person arrested or detained in such a case as is mentioned in the said paragraph (f) is not tried within the periods specified in paragraph (a) or (b) of this section, as the case may be, then without prejudice to any further proceedings which may be brought against him he shall be released either unconditionally or upon reasonable conditions, including in particular, such conditions as are reasonably necessary to ensure that he appears at a later date for trial or proceedings preliminary to trial.

(4) Any person who is unlawfully arrested or detained by any other person shall be entitled to compensation therefore from that other person.

## **Larceny and Fraudulent Conversion**

### **The Larceny Act 1916**

The crime of ‘fraudulent conversion’ is contained in section 20(1)(iv)(b) of the Larceny Act 1916. The Act defines the crime as follows:

*“Every person who having either solely or jointly with any other person received any property for or on account of any other person; fraudulently converts to his own use or benefit, or the use or benefit of any other person, the property or any part thereof or any proceeds thereof; shall be guilty of a misdemeanor and on conviction thereof liable to penal servitude for any term not exceeding seven years.”*

The crime is intended to criminalize the use of property for purposes other than that for which it was given and/or intended. For example, if you are given money to purchase a car for your friend but instead you use it to pay for something else and never intended to purchase the car in the first place.

However, fraudulent conversion charges in Sierra Leone are often applied to situations where the debtor is unable to repay a sum of money they had initially agreed to repay. The specific intent of the complainant to defraud is not always evident. Fraudulent conversion in Sierra Leone has evolved far beyond the definition contained in the Larceny Act.

## 20 Conversion

(1) Every person who—

(i) being entrusted either solely or jointly with any other person with any power of attorney for the sale or transfer of any property, fraudulently sells, transfers, or otherwise converts the property or any part thereof to his own use or benefit, or the use or benefit of any person other than the person by whom he was so entrusted; or

(ii) being a director, member or officer of any body corporate or public company, fraudulently takes or applies for his own use or benefit, or for any use or purposes other than the use or purposes of such body corporate or public company, any of the property of such body corporate or public company; or

(iii) being authorized to receive money to arise from the sale of any annuities or securities purchased, or transferred under the provisions of Part V. of the Municipal Corporations Act, 1882, or under any Act repealed by that Act, or under the Municipal Corporation Mortgages, &c, Act, 1860, or any dividends thereon, or any other such money as is referred to in the said Acts, appropriates the same otherwise than as directed by the said Acts or by the Local Government Board or the Treasury (as the case may be) in pursuance thereof; or

(iv)(a) being entrusted either solely or jointly with any other person with any property in order that he may retain in safe custody or apply, pay, or deliver, for any purpose or to any person, the property or any part thereof or any proceeds thereof; or

(b) having either solely or jointly with any other person received any property for or on account of any other person fraudulently converts to his own use or benefit, or the use or benefit of any other person, the property or any part thereof or any proceeds thereof; shall be guilty of a misdemeanour and on conviction thereof liable to penal servitude for any term not exceeding seven years.

## 32 False Pretences

Every person who by any false pretence—

(1) with intent to defraud, obtains from any other person any chattel, money, or valuable security, or causes or procures any money to be paid, or any chattel or valuable security to be delivered to himself or to any other person for the use or benefit or on account of himself or any other person; or

(2) with intent to defraud or injure any other person, fraudulently causes or induces any other person—

(a) to execute, make, accept, endorse, or destroy the whole or any part of any valuable security; or

(b) to write, impress, or affix his name or the name of any other person, or the seal of any body corporate or society, upon any paper or parchment in order that the same may be afterwards made or converted into, or used or dealt with as, a valuable security; shall be

guilty of a misdemeanour and on conviction thereof liable to penal servitude for any term not exceeding five years.

## **Illegal Drugs**

### **From the National Drugs Control Act, 2008**

#### **PART III–DRUG ABUSE, DRUG TRAFFICKING AND RELATED OFFENCES**

**7.** A person who, without lawful authority–

- (a) prepares, extracts, manufactures, produces, or cultivates a prohibited drug;
- (b) collects, transports, imports, exports, transships or transmits any prohibited drug;
- (c) supplies, administers, sells, exposes or offers for sale or otherwise deals in or with any prohibited drug, commits an offence and is liable on conviction to life imprisonment.

**8.** A person who, without lawful authority–

- (a) buys, sells, possesses or has under his control, any drug or uses any drug by smoking, inhaling, sniffing, injecting or otherwise introduces the drug into his body;

or

- (b) injects any person with or in any manner administers a drug to any person, commits an offence and is liable on conviction to imprisonment for a term not less than five years.

## **Appendices**

### **1. Monitoring and Evaluation Sheet**

# Police Case

## Monitoring and Evaluation Sheet

### Learning Session – Police Case DVD

Date: \_\_\_\_\_

Time: Morning \_\_\_\_\_ Afternoon \_\_\_\_\_ Evening \_\_\_\_\_

Location: Where was this discussion held?

\_\_\_\_\_

Facilitator's name: \_\_\_\_\_

Facilitator's contact information: \_\_\_\_\_

Program watched: Title: \_\_\_\_\_ Episode: \_\_\_\_\_

How many participants were there? Total: \_\_\_\_\_ Female: \_\_\_\_\_ Male: \_\_\_\_\_

Approximate age range? Youngest: \_\_\_\_\_ Oldest: \_\_\_\_\_

In what language did the discussion take place? \_\_\_\_\_

What were some interesting points or questions raised in the discussion? (Write your notes here):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

AdvocAid, Upper Brook St., Freetown  
[advocaid@gmail.com](mailto:advocaid@gmail.com) +232 33 572526/ +232 79 193414

## **2. Organisations Where You Can Go For Help**

### **AdvocAid**

39 Upper Brook St.

Freetown

[advocaid@gmail.com](mailto:advocaid@gmail.com)

+232 33 572526/ +232 79 193414

In the provinces, AdvocAid offices are based with the following partner organisations:

#### **Bombali c/o Access to Justice Law Centre**

Bombali (1 Flower Corner, Catholic Mission, Makeni)

232 76 901637

Kenema c/o Timap for Justice (22 Lucia St. Kenema)

232 76 895008

Bo & Moyamba c/o Timap for Justice (49 Upper Kai - Tibbie St. Bo)

232 76 894131

Kono – opening soon

### **Access to Justice Law Centre**

Bombali (1 Flower Corner, Catholic Mission, Makeni)

232 76 901637

Koinadugu (Catholic Relief Service Compound, Kabala)

232 78 574033

### **Anti Corruption Commission**

3 Gloucester Street

Freetown (the ACC has offices across the country)

232 76 - 394 -111 / 232 76 - 394 -111

### **Centre for Access to Justice, Peace and Human Rights**

11 Tondogai Street, Moyamba

232 76-510050

### **Centre for Democracy and Human Right**

4 Teko Road, Makeni

232 76689724

**Center for Accountability and Rule of Law (CARL)**

59 Upper Brook St.

Freetown

232 76 365499/232 33 997333

**CDIID – Complaints Division and Internal Investigation Department**

Police Headquarters, George St.

Freetown

**Defence for Children International**

Tenbeh Town

Freetown

232 76624060,/ 232 33576763

8 Turay Street, Kenema

**Human Rights Commission of Sierra Leone**

Tower Hill

Freetown (the Human Rights Commission has branches across the country)

23276 603 194

**L.A.W.Y.E.R.S.**

11 Percival St., Freetown

232 76 860291

**Namati**

31 Murray Town Road,

Freetown

**Network Movement for Justice and Development**

9 Jangah St., Bo

025 204 - 033/232 76 613322

Kono

2 Suku Tamba St., Koidu

025 204 - 035/232 76 735101

**Office of the Ombudsman**

Opposite Electricity House

Siaka Stevens St.

Freetown



**Prison Watch**

10 Gabriel Street  
Freetown  
23276-680532

**Timap for Justice**

4E Mudge Farm  
Off Sir Samuel Lewis Rd.  
Freetown  
022 230 - 053/022 230 – 279

Freetown Rural (Santigiya House Texaco Lorry Park)  
232 76 632319

Bombali (1 Ladies Mile Street, Makeni)  
232 76 326099

Bo (49 Upper Kai - Tibbie St. Bo)  
232 76 894131

Kenema (22 Lucia St. Kenema)  
232 76 895008

**Society for Democratic Initiatives**

Howe St.  
Freetown  
23276 657 456