

- (iii) discloses confidential information;
- (i) knowingly misleads the Board or an officer of the Board by giving false information; or
- (ii) knowingly makes or causes to be made, a false complaint,

commits an offence and is liable on summary conviction to a fine of four hundred thousand leones or to imprisonment not exceeding six months or to both.

MADE this 20th day of May, 2013.

ALHAJI SAMUEL SAM SUMANA,
Chairman.

CONSTITUTIONAL INSTRUMENT

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

THE INDEPENDENT POLICE COMPLAINTS BOARD REGULATIONS, 2013 Short title.

IN EXERCISE of the powers conferred upon it by section 158 of the Constitution of Sierra Leone, 1991, the Police Council hereby makes the following Regulations:-

1. (1) There is hereby established the Independent Police Establishment of Independent Police Complaints Board (hereinafter referred to as the "Board").

(2) The Board shall consist of-

- (a) a Chairman who shall be appointed by the President from among persons with formal qualification in any profession or discipline relevant or appropriate to the functions of the Board;
- (b) a Commissioner of the Human Rights Commission of Sierra Leone selected by members of the Commission;
- (c) a representative of the Sierra Leone Bar Association;
- (d) a representative of the Anti-Corruption Commission;
- (e) a representative of the Inter-Religious Council;

Establishment
of Independent
Police
Complaints
Board.

- (f) a representative of the Police Council who is not a member of the Police force; and
- (g) a retired senior police officer selected by the Minister responsible for Internal Affairs on the advice of the Inspector-General of Police.

Term of office of Board.

2. (1) The term of office of a member of the Board shall be three years and the member may be re-appointed for another term only.

(2) A member of the Board may be removed by the Police Council, body or person who selected the member for inability to perform the functions for which the member was selected.

Functions of Board.

3. (1) The Board shall investigate the following:-

- (a) the death of any person while in the custody of the police;
- (b) a fatal road accident in which a police vehicle is involved;
- (c) a shooting incident where a police officer has discharged a firearm or killed a person;
- (d) incidents of injuries, assault or wounding caused by a police officer;
- (e) allegations of misconduct involving an officer of the rank of Superintendent or higher;
- (f) any matter involving misconduct by the police referred to it by the Inspector-General of Police where the Inspector-General of Police thinks an independent investigation will be in the public interest.
- (g) any matter or incident which it thinks the action or inaction of the police is likely to impact significantly on the confidence of the people in the police;

- (h) any matter whether remote or otherwise which gave cause for an investigation to be conducted under this regulation.

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

4. (1) The Board shall meet to perform its functions at the time and place to be determined by the Chairman. Meeting of Board.

(2) Subject to these Regulations, the Board shall regulate the procedure for its meetings or investigations.

(3) A decision of the Board shall be by a simple majority of the members present and voting and the Chairman shall have a casting vote in the event of equality of votes.

5. The Board shall have a Secretary who shall be in charge of the Secretariat of the Board. Secretariat of Board.

6. (1) The Board shall have the powers, rights and privileges as are vested in the High Court of Justice or a Judge of the High Court at a trial in – Powers of Board.

- (a) there enforcement of the attendance of witnesses and examining them on oath; and
- (b) compelling the production of documents.

(2) Notwithstanding subsection (1), the Board shall also have power to require –

- (a) any person, within a specified time and in writing, to provide any information or to answer any question which the Board considers necessary in connection with any investigation which the Board is empowered to conduct under these Regulations; and

- (b) that any facts, matters or documents relating to a complaint, be verified or otherwise ascertained by oral examination of the person making the complaint.

Co-operation with any person or body.

7. In the performance of its functions, the Board may, as it thinks appropriate—

- (a) work in co-operation or in consultation with; or
- (b) disseminate intelligence and information to any person or body, whether public or private.

Power to appoint specialists.

8. The Board may, on such terms and conditions as it thinks fit, engage any suitably qualified person to provide it with services and assistance in the exercise of its functions.

Investigation on receipt of complaint.

9. The Board may conduct an investigation on its own initiative or on the basis of a complaint made by a member of the public, a police officer or a public body.

Limitation to make complaint.

10. (1) A complaint shall not be entertained under these Regulations unless it is made to the Board not later than one year from the day on which the person making the complaint first had notice of the matter alleged in the complaint.

(2) The Board may conduct an investigation pursuant to a complaint not made within the period prescribed in sub-regulation (1) only if it considers that there are special circumstances which make it proper to do so.

Making or continuing of complaint on behalf of complainant.

11. Where a person –

- (a) makes a complaint under these Regulations and dies;

- (b) makes a complaint and for any reason is unable to act for himself after making the complaint; or
- (c) could have made a complaint but died before doing so or is for any reason unable to act for himself,

the complaint may be made or continued by his personal representative, a member of his family or other individual suitable to represent him.

12. The Board shall ensure that a permanent record of every complaint, the proceedings and the result of the investigation are maintained. Recording of complaint.

13. (1) The Board may conduct a preliminary investigation to assist it to identify whether or not there is conduct to justify a more complete investigation under these Regulations or refer it to the Director of Public Prosecutions or the Inspector-General for further action. Preliminary investigation.

(2) The Board may, in considering whether or not to conduct, continue or discontinue an investigation have regard to such matters as it thinks fit including whether or not in its view—

- (a) the subject matter of the investigation is trivial;
- (b) the conduct or matter concerned occurred at too remote a time to justify an investigation; or
- (c) the complaint is frivolous, vexatious or not made in good faith.

(3) Where the Board has decided to refer a matter under sub-regulation (1) or to discontinue a matter under sub-regulation (2), it shall, in writing, immediately inform the person who made the complaint of the decision taken and the reason for that decision.

Entry to public premises.

14. (1) For the purpose of an investigation, the Board may –
- (a) enter and inspect any premises occupied or used by a public body or authority in that capacity;
 - (b) inspect any document or other thing in the premises; and
 - (c) take copies of any document in the premises.

(2) A public body or authority shall make available to the Board such facilities as are necessary to enable the powers conferred by this regulation to be exercised.

- (3) Sub-regulation (1) shall not apply where–
- (a) under any enactment an objection to production of the document or other thing may be upheld;
 - (b) public interest may justify an objection to an inspection of the premises;
 - (c) a public or local authority or public official acting in such capacity enjoys a privilege under any enactment; or
 - (d) under any enactment duty or secrecy or other restriction on disclosure applies to a public authority or public official.

Entry unto private premises.

15. (1) Where the Board wishes to enter private premises in furtherance of an investigation it shall first obtain a search warrant from a court.

- (2) For the purpose of an investigation, the Board may –

- (a) enter and inspect any premises occupied or used by a person;
- (b) inspect any document or other thing in the premises; and
- (c) take copies of any document in the premises.

(3) A person shall make available to the Board such facilities as are necessary to enable the powers conferred by this regulation to be exercised.

16. The Board may hold hearings for the purpose of conducting an investigation. Hearing.

17. The Board may hold its hearings in public or in private, or partly in public and partly in private as it considers appropriate. Public and private hearings.

18. (1) When conducting a hearing the Board is not bound by the rules or practices of evidence and can inform itself on any matter in such manner as it considers appropriate. Evidence and procedure.

(2) The Board may require hearings to be conducted with as little emphasis on an adversarial approach as is possible and wherever possible, written submissions may be presented.

19. Where the subject matter of a complaint or an investigation is the subject matter of judicial proceedings, the Board shall not commence or continue an investigation pending the final outcome of those proceedings. Hearing in relation to Judicial proceedings.

20. Where a person satisfies the Board that he has a substantial or direct interest in the subject matter of a hearing, the Board may authorise him to appear at the hearing or a specified part of the hearing. Right of appearance of interested persons.

21. The Board may allow a person giving evidence at a hearing to be represented by a legal practitioner. Legal representation.

Power to
summon
witnesses.

22. (1) The Board may summon a person to appear at a hearing at a time and place named in the summons—

- (a) to give evidence; or
- (b) to produce such documents or other things as are referred to in the summons.

(2) The Board may require a person appearing at a hearing to give evidence on oath or affirmation.

(3) A witness who has been summoned to attend before the Board shall appear and report from day-to-day unless he is excused from attendance or until he is released from further attendance.

(4) No person shall be compelled for the purpose of an investigation under these Regulations to give any evidence or produce any document which he could not be compelled to give or produce in judicial proceedings.

Examination
and cross-
examination
of witness.

23. (1) A person authorized or required to appear at a hearing or his counsel may, with the leave of the Board examine or cross-examine any witness on any matter that the Board considers relevant.

(2) A legal practitioner appointed by the Board to assist it may examine or cross-examine any witness on any matter that the Board considers relevant.

(3) A witness examined or cross-examined under this regulation has the same protection and is subject to the same liabilities as a witness in judicial proceedings.

Legal
assistance for
witness.

24. (1) A witness who appears or is about to appear before the Board may apply for legal assistance.

(2) The Board may approve the grant of legal assistance to the applicant if it is satisfied that this is appropriate, having regard to—

(a) any injustice to the witness if assistance is declined;

(b) the significance of the evidence that the witness is giving or appears likely to give; and

(c) any other relevant matter.

25. (1) Upon the conclusion of an investigation, the Board shall make an assessment and form an opinion as to whether or not the subject matter of a complaint—
Conclusion of investigation.

(a) has or may have occurred;

(b) is or may be occurring;

(c) is or may be about to occur; or

(d) is likely to occur.

(2) The Board may, based on its assessment or opinion under subsection (1), recommend whether consideration should be given to prosecute any person for a criminal offence or invoke disciplinary proceedings against any person, and may make recommendations for the taking of any other action that the Board considers appropriate.

(3) The Board shall, in writing, immediately inform the person who made the complaint and the police officer concerned of the action taken and the reasons for the action.

26. (1) A person who—

(a) having been served with a summons to attend before the Board as a witness, fails to attend;

(b) is a witness and who departs from a hearing without the authority of the person holding the hearing;

Contempt of
Board.

- (c) having been served with a summons to produce any document or other thing in his custody or control, fails to do so;
- (d) being called or examined as a witness before the Board refuses to be sworn or to make an affirmation or refuses or otherwise fails to answer any question put to him;
- (e) misbehaves before the Board;
- (f) interrupts the proceedings of the Board;
- (g) publishes or discloses, or permits or allows to be published or disclosed, any evidence given before the Board or any of the contents of a document produced at a hearing which the Board has ordered not to be published or disclosed; or
- (h) does any other thing that, if the Board were a court, would be contempt of court.

commits contempt of the Board.

(2) Sub-regulation (1) (h) does not apply to an officer of the Board in the lawful performance of his functions.

Punishment for contempt. 27. (1) A contempt of the Board may be dealt with in accordance with this regulation.

(2) The Chairman may present to the High Court, a certificate setting out the details which the Chairman considers constitute the contempt.

(3) Where an offence is certified under subsection (2), the Court may inquire into the matter and after hearing any witness who may be produced against or on behalf of the person charged for the offence, and after hearing any statement that may be offered in defence, deal with him in any matter in which the Court could deal with him if he had committed the like offence in relation to the Court.

(4) Where a person is punished under this regulation he is not relieved from complying with a summons issued by the Board and the Board may enforce his attendance by a warrant.

(5) A person is not liable to be punished for contempt of the Board if he establishes that there was a reasonable excuse for the act or omission concerned.

28. A person who –

Offence.

- (a) obstructs an officer or member of staff of the Board in the exercise of the functions or powers of the Board.
- (b) procures false testimony of a witness;
- (c) knowingly gives false or misleading evidence at a hearing;
- (d) bribes a witness;
- (e) in any way causes a disadvantage to a person because that person appeared as a witness before the Board;
- (f) impersonates an officer or member of staff of the Board;
- (g) assaults an officer or member of staff of the Board in the performance of his functions;
- (h) without lawful justification or excuse –
- (i) hinders or resist the Board or any other person in the discharge of functions under these Regulations;
- (ii) fails to comply with any lawful requirements of the Board or any other person under these Regulations;