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THE GHANA POLICE SERVICE (GPS): A PRACTICAL AGENDA FOR REFORM

by

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INTRODUCTION

The cultural and historical context in which an institution develops makes the institution. The cultural and historical context includes both the formal (legal, administrative, bureaucratic, political economy) framework and the informal relations, processes and interactions within and without the institution. The combination of these defines the institution.

Most Ghanaians are dissatisfied with the institution called the Ghana Police Service (GPS). Survey upon survey and various Commissions of Inquiry Reports have shown this to be true. If we are dissatisfied with it, we need to reform it.

To reform the Police institution in Ghana, we need first to learn about the institution. The starting point for Police Reform is filling the crucial knowledge gaps on the police as an institution. The beginning of institutional reform, must involve taking a careful look at the history of the institution, and noting the convergence and

divergence of interests that have attended that history. These should then be mapped to determine the institutional form of the GPS that was produced by various constituencies as they played with the institution, in the context of politico-socio-economic changes, eventualities, and accidents over time, to ensure the protection of their interests. The patterns that emerge, together with the patterns produced by countervailing forces, are the key to the enduring character of institutional forms, the reason for their dysfunction, and contain the possibilities for their reform.

In the last few years, significant learning about the Ghana Police Service has been produced, enough for us to start walking the talk. It will not serve our interests as Ghanaians to talk about Police Reform only at very high levels of abstraction, aided by abstract, fluid, manipulable, rabidly competing, and highly contested concepts such as "human rights", "public sector reform", "national institutional renewal", "public order", "rule of law" "governance" and

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the like, whatever these concepts mean. If we do this, institutional innovation is unduly circumscribed, as it is assumed away, constricted and constrained or subsumed under the abstract categories. When this is allowed to happen, the interpreters of those fluid and manipulable categories ultimately interpret them to exclude innovative institutional reform alternatives. Rather than imprison this paper in the interstices of some conceptual framework, I propose to provide a practical step-by-step guide for the reform of the Ghana Police Service with contextually rational explanations for each step that is proposed.

I propose the following steps:

1. Researching into the psychology of various categories of GPS Officers;
2. Taking the GPS off traffic control;
3. Taking the GPS off what is essentially the collection of debts for private citizens;
4. Improving the conditions of service for the GPS;
5. Facilitating the functioning of "Police Watch" institutions; and then
6. Agreeing with the GPS on a roadmap for continuing reform of their institution in the light of the repositioning of the GPS following the above reforms.

This paper essentially argues for alternatives to the various GPS reform agendas that are available at the Police Headquarters, the computer hard drives of numerous consultants and in the NGO world. To argue for alternatives, is to argue implicitly for another system, and therefore constitutes a blasphemous and heretical rejection of the existing system with all its vested interests. There is an unwarranted fear that the "system" has a certain organicism, a holistic balance of things, a culturally and historically dense and innovative richness, a precariously balanced arrangement of things that ensures that it disappears if you dare to touch it. I completely disagree. For the GPS, this argument is a powerful over exaggeration that has been used to foil several attempts at reform.

I am more than convinced that it is possible to effectively reform the Service into an institution

that meets the law and order needs of the ordinary Ghanaian. But before we examine very practical ways of reforming the GPS, we will discuss institutional reform in Ghana and the basic character of the institution that is sought to be reformed.

INSTITUTIONAL REFORM IN GHANA

Since the mid-1980s, Ghana has been undergoing serious institutional reforms. The 1980s witnessed fundamental reforms of our institutions for the management of the economy. These carried through to the 1990s. In the context of the Economic Recovery Programme (ERP) and the Structural Adjustment Programme (SAP), a National Institutional Renewal Programme (NIRP) was established to see to the reform of many Ghanaian institutions of State. The Public Finance Management Reform Programme (PUFMARP) is an example of these reforms. There was also the divestiture of State-owned enterprises in order to improve performance, reduce or eliminate losses and ultimately make them profit-making concerns. The institutional reforms went beyond the financial sector and into non-financial public sector institutions. The Civil Service Performance Improvement Programme (CSPIP), for example, aimed to improve the performance of the Civil Service in the delivery of public services and to generally eliminate wastage in the Service.

After dealing with macro-level balance of payment issues through ERP and SAP; selling off state-owned enterprises to private concerns (complete with all their assets- in some cases huge landed property acquired by the State) for a pittance; and toying with the reform of the Civil Service, the attention, first of donors, and only second, of Government, was drawn to other institutions of governance without which all the economic and other public reforms would be naught. The National Governance Programme (NGP), setup as part of the Office of the President, and with some periodic, even if erratic, contributions from donor agencies, including the United Nations Development Programme (UNDP), started to work at reforming a list of governance institutions. Parliament, the

Judiciary, other Constitutional bodies such as the Commission on Human Rights and Administrative Justice (CHRAJ), the National Commission for Civic Education (NCCE) and the Electoral Commission (EC) were the first targets. It was soon realized that Police Reform was a must. The Police interface in huge dimensions with the Judiciary and the CHRAJ, for example, as with other governance institutions. Most crimes in Ghana are investigated and prosecuted by the Police. A huge component of complaints to the CHRAJ deal with Police misconduct.' Reforming those institutions without corresponding reforms in the GPS will be very sub-optimal, if they will succeed at all.

POLICE REFORM IN GHANA: THE ISSUES AND THE CHALLENGES

A great booster to the reform enterprise (involving institutions for Democratic Governance) was the 1992 Constitution. This Constitution established new governance institutions such as the CHRAJ and re-established others such as the Judiciary within a liberal democratic framework that includes a comprehensive Bill of Rights. This gave broad latitude to Governmental and Non-Governmental institutions to try their hand at doing institutional renewal of the new and old governance institutions so that they adapt to the new Constitutional democratic dispensation. Various Non-Governmental Organisations - NGOs arose in the mid 1990s and proclaimed their interest in human rights and institutional renewal. These developments allowed for the utilization of democratic space to call for institutional reform in virtually every facet of national life. Not surprisingly, there were calls for the pruning of security sector prerogatives in the light of the new Constitutional democratic

framework and in the context of broader reform of security sector operatives including the GPS. This was the beginning of the problem.

The first faux pas was that many persons and institutions, shocked and overwhelmed by the symptoms of the problems in the GPS, as illuminated by the casting of the light of the 1992 Constitution upon that institution, called for the reform of the brutal, unfriendly and corrupt Police Officer. They also called for the provision of enough resources to Police Officers (presumably after they had been reformed) to enable them better perform their duties.' The 1992 Constitution immediately followed after many years of military rule, including eleven years of continuous military rule under the Government of the Provisional National Defence Council (PNDC) which ended on the 6th of January 1993. During the various periods of military rule, civil liberties were severely circumscribed. The Military and the Police were used as the visible instruments of the State for policing the various and numerous restrictions that were placed on the population and for effecting various rights abuses that were a critical component of the package of military rule. Naturally, the comprehensive Bill of Rights in the Constitution was in stark variance with the various security sector prerogatives that were the order of the day during military rule. The result was very predictable.

Individuals and Civil Society Organizations (CSOs) busied themselves with the micro issues of measuring the existing laws against the new constitutional imperatives and having those that fell short of the standard declared unconstitutional and void.' In similar vein, CSOs busied themselves with protesting certain actions of State officials (including the Police) that did

† See the Annual Reports of Ghana's Commission on Human Rights and Administrative Justice (CHRAJ) for the years 1994-2005. See also Dadzie, Chris 2001, Reconciling Police Practice and Procedure with Fundamental Human Rights and Freedoms Enshrined in the Constitution. Paper delivered at a seminar on "Policing and Detection of Crime in a Democratic Environment for CrD Senior Crime Officers", July 3, 2001, (Unpublished, on file with author). For general issues of police misconduct see the Country Reports on Human Rights Practices in Ghana released annually by the United States Department of State, <http://www.state.gov/g/drlrls/hrrpt/2002118206.htm> and generally, www.state.gov visited March, 2006.

, The Report of the Presidential Commission into the Ghana Police Service, March 1997, popularly called the Archer Report, is one of the strongest on this.

not meet the constitutional standard and again seeking to either prevent them or avoiding them where they had already been taken.' This two-pronged approach to micro-institutional reform is important in itself as providing checks on executive and administrative powers and, more important, sending a signal to holders of Governmental power that they will be held accountable by the citizenry for their actions. Again, ultimately and incrementally, these actions could build a culture of adherence to a particular Rule of Law and Governmental accountability. The problem is that such micro-level reform efforts are very much likely to sweep the broader issues of the GPS under the carpet. In this regard, CSOs will continue to blindly ensure that the Rule of Law and accountability mechanisms are intact and enforced. They will do this zealously, sometimes rabidly, without inquiring into the nature of the Rule of Law that is sought to be preserved and enforced; who the makers of the Rule of Law are; whose interest the Rule of Law ultimately serves; and so forth. Similarly, CSOs are likely to work to ensure the integrity of accountability mechanisms without asking critical questions about the construction and engineering of accountability mechanisms and the ultimate winners and losers in the accountability matrix.

Flowing from the above, it is not surprising that the various calls for Police Reform hardly touched the broader issues. For example, no one called for the reform of the political economy that determines the functions of the Police, or the reform of the Police in the political economy of neo-liberalism and post-modern colonialism.' In the last few years, I have sought to establish that it is impossible to reform the GPS without a corresponding reform of the political economy of

Ghana which has consistently ensured that the Police exist and function to protect the political class, protect business interests and enforce a particular "Rule of Law" that orders society for the benefit of the political and economic classes. When, at the very beginning of this century, a number of agencies started thinking in terms of broader reform of the GPS in the context of first, a tinkering, and then a reform of the political economy of policing in Ghana, they predictably faced very serious obstacles and the process stalled. I have taken the more long-term view of things related to the reform of the political economy of policing.

I am unable to resist the temptation of recounting one anecdote to illustrate the many frustrations that we faced in our various Police Reform efforts. Some time ago, a donor agency paid for us to hold a series of consultations by way of diagnosis of the real problems facing the GPS as a last step to the deployment of a massive Police Reform programme. All the stakeholders, including the Government and the hierarchy of the GPS were all consulted and they agreed to the exercise. Emboldened by this, I personally declared at the end of my opening presentation for the first consultation that all these agreements had been secured and that Officers and men were to, in popular Ghanaian parlance, "feel free" and say from the bottom of their hearts what they thought the real issues in the GPS were and how, in their opinion, these issues could be effectively dealt with. I promised that the usual reprisals that followed upon various attempts by Officers and men in the past to raise some of these issues would not occur this time. I motioned to the then Inspector General of Police (IGP) who was sitting very close to me and he nodded in affirmation. I ended my presentation by stating

³See the cases of *New Patriotic Party v. Inspector General of Police* [1993-94] 2 GLR 459 and *Mensima and others v. Attorney General and others* [1996-97] SCGLR 676, particular how the Supreme Court struck down as unconstitutional the Public Order Decree, 1974 (NRCO 68) and parts of the Manufacture and Sale of Spirits Regulations, 1962, (LI 239) respectively.

⁴See again the cases of *New Patriotic Party v. Inspector General of Police* [1993-94] 2 GLR 459 and *Mensima and others v. Attorney General and others* [1996-97] SCGLR 676, particular how the Supreme Court thrashed the prerogatives of the police in limiting freedom of assembly and freedom of association respectively.

For a concise exposition of this principle see Raymond A. Atuguba, "Ghana: Changing Our Inherited Police Institutions" in Ann Seidman, Robert B. Seidman, Pumzo Mbana and Hanson Hu Li, *Africa's Challenge: Using Law for Good Governance and Development*, (Africa World Press, Trenton, NJ, 2006), pp. 53-77.

that the IGP will leave the working session right after the opening ceremony so that officers and men will indeed "feel free".

I attended this working session with three assistants. I retrieved the hand-written notes of my assistants, added my own notes and synthesized them. I still have copies of the record of the experiential, intelligent, deep and intense thought processes of the officers and men that day. I also have copies of less honest representations that were made during the regional sessions after the GPS hierarchy failed to keep their promise. The Police in Ghana know what is wrong with their Service and how the institution may be reformed. They are just afraid to say it. That day they said it.

I do not know whether it was I or the Police Officers and men who were ignorant. The IGP mysteriously appeared at the working session the next day. I welcomed him with a broad smile and reminded him of our agreement of the day before. He smiled broadly in return and urged that there were certain misconceptions and misrepresentations of the previous day that he felt strongly about and wanted to set right. I did not ask how and why he received a report of the proceedings of the previous day. The reprisals the officers and men were afraid of did come.

The second faux pas was to call for an extension of the reform agendas and toolkits that were used for the reform of economic management institutions, state enterprises and the Public/Civil Service onto the GPS. Emboldened by the "successes" of economic reforms, (or is it headless economic liberalism), Ghana moved with zest into flirting with institutional reform for political and social governance institutions, again at World Bank and IMF prompting. But economic liberalism is easy, although their after-effects can be enduring indeed. It does not take much for a Government to retrench workers, withdraw subsidies, increase petroleum prices annually, eventually deregulate the petroleum sector, constrict the budget for social services, and introduce user fees for health and education.

But the new economic regimes need to be governed. The architects of neo-liberalism assumed that they could apply the same toolkits for institutional reform that were used for economic reform in the reform of governance institutions. But reforming institutions of governance is a different ball-game altogether, more so in Africa with its complex history.

Unlike the police in other Continents, the Police in Africa are institutions of governance, not law and order operatives. From the colonial era to date, the Police have combined some aspects of the roles of Politicians (District Commissioners), Prosecutors, Magistrates, and Policemen. The chief complaints against the Police today are that they are politicized, too powerful, too brutal, and too corrupt. All these are traceable to their historical construction. Before we discuss the practical moves for reforming the GPS, it is necessary to briefly review the current status and nature of the GPS, its history and the various reform efforts that have attended it.

WHAT IS THE STATUS AND NATURE OF THE GHANA POLICE SERVICE TODAY?

The GPS is established under article 190 of the 1992 Constitution as a public service. Article 190 is contained in Chapter 14 of the Constitution. In the very next chapter, Chapter 15, the Constitution picks from the tall list of public institutions in the previous chapter, the GPS and devotes a chapter to it. Not the Army, not the Fire Service, not the Civil Service, not the Legal Service. We all know that the GPS is one of the most important institutions of State; we do not need the Constitution to tell us that. If we are hard on the Police, it is because we in civil society wish it to live up to the arduous responsibility it has been given by us Ghanaians in the Constitution.

The GPS was continued in existence by the 1992 Constitution as a public service. Like most of our public services, it was in existence before the new Constitutional dispensation. But the genesis of the police force, as a public service, is very

peculiar to it. To illustrate this, it will be helpful to draw parallels with another public service such as the Ghana Broadcasting Corporation (GBC).

For comparative purposes, let us look at the genesis and evolution of the Ghana Broadcasting Corporation (GBC). The GBC was set up as a public service broadcaster. There was a conscious and unequivocal intent to set up a public service broadcaster and this intent was operationalized in legislation. It was only after this was done that the Government of the First Republic began a systematic process of turning the Corporation into a State broadcaster.

The Ghana Broadcasting Corporation Instrument, 1965 (LI 472) abolished the Ghana Radio and Television Corporation and replaced it with the Ghana Broadcasting Corporation. Under the law, the Minister for Information could give directions generally to the GBC and the GBC was bound to comply with such directions. Again, the President could at anytime, in the national interest, take over the control and management of the affairs or any part of the functions of the GBC and reconstitute the board; appoint, transfer, suspend, or dismiss employees; and do any act required to be done under the law. The tone for slowly transforming the GBC from a public broadcaster into a State/Party/personal broadcaster had been set.

Not so with the Police. From its very genesis, the GPS was not a public service. It was a State/Party/personal service fashioned for the chief goal of provision of security services to the Governor and his Governmental functionaries; provision of security services to private (chartered) Companies for the purposes of peaceful, effective and efficient exploitation of the natural resources of the Gold Coast; and the enforcement of the "rule of law" for particular political, economic and social ends of the colonialists. The problems of the GPS as an institution are therefore critically different from

the problems of other public institutions that are in need of reform. In the case of the police it is their very DNA⁶ that is malfunctioning, not a diseased part of the body that needs to be treated and discharged or cut off (as is the case of say the GBC). All the reform efforts relating to the GPS have foundered because of a misappreciation of this basic distinction. Police reform will mean a reconstruction of the DNA of the GPS-no less. Just like each of the amino acid residues in DNA is represented by three consecutive nucleotides (a triplet code), each Police Officer or Police Unit possesses three consecutive natural orientations: protect the powerful and rich; preserve their property; and enforce the rule of law such that the lives and property of the powerful are protected, and damn everything else.

Since its establishment, the GPS has consistently exhibited the above traits of its DNA. From the over-policed President and Ministers of State, through key functionaries in Parliament to Judges, the GPS basically exists to ensure that the lives and property of the political class are protected first, and then everything else can follow. The GPS has also consistently protected the interests of the business class. The amount of protection that is provided by the GPS for mining Companies at site in Ghana is tremendous indeed. A more familiar picture is the very cheap security services that the GPS gives to Commercial banks all over the country. And as for the enforcement of the Rule of Law in order to provide a better livelihood for the rich and powerful, we only need to remember how we are actively using the GPS to clear the streets of hawkers and the markets of so-called squatters so that the affluent can maneuver around town and shop in peace and quiet.

PUBLIC DISSATISFACTION WITH THE GHANA POLICE SERVICE

Given the twisted focus of the GPS, it is not surprising that the wider public is extremely dissatisfied with its performance. Many Surveys,

⁶Deoxyribonucleic acid (DNA) is a nucleic acid that contains the genetic instructions for the biological development of a cellular form of life or a virus. All known cellular life and some viruses have DNAs. DNA is a long polymer of nucleotides (a polynucleotide) that encodes the sequence of amino acid residues in proteins, using the genetic code: each amino acid is represented by three consecutive nucleotides (a triplet code). See <http://en.wikipedia.org/wiki/DNA> (Visited 2nd October, 2006).

Reports and Papers conducted or written between 2001 and 2006 by many Organizations attest to this. The evidence is that the Police are perceived to be the most corrupt and the most loathed public institution in Ghana. If we note that the Final Report on the Commission of Inquiry into Bribery and Corruption produced as far back as 1974 listed the Police as the most corrupt public institution, then it appears the characterization has been consistent for some time now. Many times, public disapprobium of the GPS goes beyond acceptable limits and results in mob attacks on Officers of the GPS and their facilities. Pokoo Aikins in his book on the Police actually notes that this is on the ascendancy. This is completely condemnable, but it is not in the least surprising.

A Police Service that orients itself to the satisfaction, indeed over-satisfaction of the security needs of a small and narrow segment of the population cannot expect to receive praise and adoration from the majority of the citizenry who are under served with security and good policing.

What is more, throughout our history, the GPS has been used by politicians for many of their sectarian interests. From the use of the GPS in the colonial era to keep the citizen down and compliant, through its use in the Nkrumah era to silence political debate and its use under various military regimes as a back-up for military brutality on the citizenry, to its use during constitutional eras to arrest, harass and intimidate political opponents and obstruct their activities. The public cannot love an institution that kowtows to such baseness.

THE AGENDA FOR POLICE REFORM

I have noted in this paper that many reform efforts and initiatives relating to the GPS are currently ongoing. What I propose here affects these efforts and initiatives but is not contrary to their spirit.

The first thing to note is that none of the reform efforts go far enough. All of them seek to address

particular ailments of the service, or to amputate some gangrened limb of the Service. None of them looks to change the DNA of the Police.

a) FINAL PIECE OF RESEARCH

All stakeholders are agreed that the Police need to be reformed. Yet the knowledge resources on the basis of which we may construct a reform agenda remain limited in one significant respect. Since the late 1990s, the knowledge situation regarding the GPS has tremendously improved with the production of various Reports, Papers and Books on the GPS. Most of these, however, consist of broad institutional analysis or particular micro-analysis of events and circumstances. Thus, whilst the studies that now exist are good on the history, growth and pathology of the GPS, they give little clue to how the GPS functions in practice. I believe the first step for Police Reform is to do complementary research on the psychology of various categories of Police Officers. Ultimately, institutional reform means changing the behaviour of Police Officers. Yet, Police Officers act or refrain from acting based on a subjective assessment of specific situations and guided by specific, sometimes mundane reasons, but which are plugged into a broader architecture of interest-based micro and macro politics. And all these within distinctive and peculiar national conditions and traditions, threat environments, and historical events.

Unless we are able to penetrate the thought processes of Police Officers and try to understand why they behave the way they do, we will not be able to understand the problem enough to be able to solve it. It is only by considering the incentives and costs of particular Police behavior and the way police officers make that assessment that we can intervene to influence the choices they make for the better.

Flowing from the above, I propose the following practical step. A socio-psychological study needs to be done to ascertain the psychology behind the actions and inactions of Ghanaian Police Officers, especially the impulses and constraints that determine their actions and inactions. The

interaction between the GPS and the majority of citizens is at the level of individual actions and inactions, hence the importance of such a study as a last step in the process of gathering the knowledge resources that we need to deploy a programme for the reform of the GPS. No more background studies need be done after this. We know the problems too well.

b) PREPARING A NATIONAL REFORM AGENDA

The next thing to do is to make the reform efforts a national, consolidated effort. Centralization is not always good, but dealing with a DNA problem is by necessity centralized, otherwise we will individually work at some diseased part of the elephant to no end. It will be critical to identify one governance institution as the lead agency for facilitating Police Reform. This agency would take all the knowledge resources available and role out a reform agenda for the GPS. As usual, the reform agenda should be subjected to thorough debate in the best of Ghanaian traditions. This will allow for a refinement of the agenda and buy-in by various stakeholders.

I deem it important to note once again that a reform agenda that is cabined in one narrow conceptual, theoretical or operational framework will not have the capacity to deal with the DNA of the GPS. To characterize the reform as one in the area of National Institutional Renewal, Public Sector Reform, Governance, Police-Community Relations, even Human Rights will blind the reform operators to the other areas that are equally significant. Such an approach will not affect the DNA of the GPS. Part of the tragedy of Police Reform in Ghana over the years has been the dissection of the issues and the consequential narrow focus of reformists because of their particular agenda and thrust.

The reform agenda must also be at once experimental and functional. Experimental in the sense that we must allow innovation from which we can improve our reform agenda. It must also be functional in the sense that it must take care of issues related to management, performance and

productivity and also have a strong Monitoring and Evaluation element.

c) ELEMENTS OF A NATIONAL POLICE REFORM AGENDA MACRO REFORMS

i) Legal Reform

I suggest the following areas of macro-level reform for consideration as part of the reform agenda. First, we need to enact a new police law that is in tandem with our constitutional dispensation. The current Police Act dates to the 1970s. What will be important in this regard is to ensure that the new Act is consistent with the provisions of the Constitution that deal with supremacy of the Constitution over all other laws (Article 1 and 2); human rights and Directive Principles of State Policy (Chapters 5 and 6); Administrative Justice (Article 23); Due Process (Article 19); Discretionary powers (Article 296); the public service character of the GPS (Articles 190,191, and 199); and the chapter on the GPS itself(Chapter 15).

We will also need to repeal and re-enact the various regulations that govern the GPS; from the Legislative Instruments that govern the details of police administration and disciplinary procedures, through the Standing Orders and Squad Notes, some dating from the beginning of the twentieth century, to the various Service and Administrative Instructions that are issued periodically by the GPS. These subordinate legislation are what guide the day to day operations of the GPS. To the extent that these take their roots from the colonial era, are outmoded and do not measure up to the new constitutional dispensation, to that extent we will have an ill-fitting GPS that very few love, trust and believe in.

ii) Leadership Reform

It is important to deal with leadership reform as part of the reform agenda. It may be critical to appoint an Inspector General of Police (IGP) for the sole purpose of leading a Change Management Team (CMT) that will oversee the implementation of the Reform Agenda and then get out. It might actually be critical to appoint someone from outside the GPS for this

assignment. Such a person must of course be conversant with the issues in the GPS and must understand the process of change management deeply. This person must be capable of working closely with the CMT and the GPS to role out the reform agenda in a sustained manner so that reform out-lives their tenure (that of the CMT included). Above all, it is critical that the CMT has no vested interests in the changes that they will implement.

iii) Management / Administrative IBureaucratic Reform

Another important element of the Reform Agenda is the Administrative/Bureaucratic aspects of things. At the very least, the reform agenda must have a sophisticated internal and external communications strategy. It must also have an aggressive marketing component, externally and internally. This should be complemented with the reform of the Public Relations Directorate of the GPS to manage aspects of the communications and marketing reforms and a sustained broader public image reform of the GPS.

iv) Monitoring and Evaluation and Sustainability of the Reforms

The reform efforts need to be constantly monitored and reviewed and periodically evaluated. This will provide the necessary feedback for improving the reform content and roadmap. Beyond this, the agenda must have a sustainability component that ensures that the Reform Agenda does not end with the exit of the CMT. It is very easy for reform efforts to roll back when sustainability of the reforms are not part of the plan from the very beginning.

v) Strategy

In designing the Reform Agenda, one of the most crucial elements will be the strategy to be adopted for deploying the agenda. Given the current state of the GPS, the many and varied attempts at reform, and the resistances that these faced, only a quite radical reform strategy, complete with shock therapy will do the trick. Reforming a half-conscious GPS is not worth it. Something must

be done to wake the GPS up fully so that reforms may ensue with the full consciousness of the system.

d) MICRO REFORMS

i) Taking the GPS off Traffic Control

I suggest that we hive off from the law and order function of the Police, the function of traffic control, except where such control is within the broader context of more mainstream law and order functions such as preventing or detecting crime. This function could be admirably performed by the Driver and Vehicle Licensing Authority (DVLA). This Authority was established under Act 569 "to promote good driving standards in the country; and ensure the use of road worthy vehicles on the roads and in other public places" and "carry out such other functions as are incidental to the attainment of the object of the Authority".'

The DVLA may be assisted in this function by the District Assemblies. The Local Government Act, 1993 (Act 462) already assigns some traffic control functions to the District Assemblies. Under the headnotes "Control of Traffic" and "Licensing of Vehicles", sections 72 and 76 respectively of the Act charters the District Assemblies to License vehicles and provide some traffic control services for specific purposes. Building on these provisions and calling in aid their general and wide powers under the Act, each District Assembly could easily assume control over traffic control matters in their jurisdiction.

The maintenance of law and order is a traditional Police function, but not an exclusive Police function. In Ghana we have created other institutions for the maintenance of law and order even if we do not realize it: the Ghana Immigration Service, the Customs Excise and Preventive Services (CEPS), the Ghana Standards Board, the Food and Drugs Board, the Forestry Commission, the Labour Commission, the Chief Inspectors and Inspectors of Factories, Offices and Shops; all these have law enforcement functions. Others are Ministry of

7 Sections 2 and 3(2) of the Act.

Finance officials in charge of Exchange Control Issues, Inspecting Pharmacists, the Inspector of Mines, the Department of Game and Wildlife, the Social Security and National Insurance Trust, Health Superintendents, and so forth. Some of these institutions, such as the CEPS, are actually given an array of Police powers including arrest, search and seizure. Again, the Public Prosecutors' Instrument, 1976, (No.4 of 1976) has a tall list of institutions that are given powers of prosecution in order to better perform their law and order functions. It is therefore possible to completely hive off the traffic control function of the GPS to the DVLA and/or the District Assemblies and these latter institutions can be bestowed with the necessary powers of arrest, search, seizure, prosecution and that they need to better do the job.

It is quite easy for the reform of the GPS to proceed with this first move of removing the Police from traffic control duties for many reasons. First, the DVLA has a comparative advantage in traffic control. This is because traffic control is closely related to the DVLA function of driver and vehicle examination and licensing. The DVLA is the only State institution that has both the technical expertise and the equipment to do effective traffic control. The Police actually depend on these capacities of the DVLA to complete their traffic (accident) reports, for example.

The DVLA has complained of late that many a fake certification are "in the system", to use a favourite Ghanaianism. It has had to completely change the character of its certificates because of this. Were the DVLA allowed the exclusive domain of monitoring compliance of drivers and vehicles on the road, it will not only be easier for it to enforce the rules, it will allow it to assess, adapt and improve its systems and services.

Third, this mechanism of hiving off law and order functions to other state institutions has worked very well in other cases. Sanitary inspectors and environmental health officials are today in Ghana satisfactorily inspecting, arresting and prosecuting persons who violate the various environmental health laws and regulations.

Fourth, taking the Police off the traffic control will deal with one of the most loathed functions of the police in the eye of the public and lead to quantum leaps in public perceptions of the GPS. This way the sites for police-public interface are sanitized and the GPS image in the public eye improved. This will undoubtedly facilitate the reform agenda. In the public experience, the sheer arrogance of the Police, public discomfort with Police actions and corruption of Police officers find a neat convergence in the encounter between the citizen and the police officer on the road.

Fifth and flowing from the above, it is important to deal with the arrogance of the GPS as a prelude to the deployment of the reform agenda. We need to drive home to the GPS the fact that they are not all powerful; that they are not indispensable; and that they need to continuously work to justify their continuous relevance. One of the best ways of doing this is to hive off one of their key functions and have it better performed by another State agency.

ii) Take the GPS off Debt Collection for Private Citizens

As noted earlier, to improve the image of the GPS, we need to deal with it at the most common point of interface between the police and the public. Aside road traffic control, the other important point of contact is in the illegitimate police function of collection of private debts for the citizenry. Several studies have shown that the cost of doing business in Ghana is partly enhanced because of the problems with debt collection. This problem of legal failure has created a field day for Policemen who illegitimately use their public law and order powers to collect debts for private citizens. In this they are aided by lawyers who advise their clients to use the Police as a quick and effective means of retrieving private debts. Statistics from the GPS itself show that the Police are doing debt collection for private citizens. Statistics from 1990-1999 show that next to Assault, Stealing, and Threatening, the categories of "Other Offences" and "Fraud" are the highest by way of incidents of crime. The first three categories can

be explained by the fact that a poor country, and a country where resource allocation is quite skewed, will definitely experience a high incidence of such economic crimes as persons assault and threaten one another in the context of struggles over scarce resources and as others simply steal what they need. The picture is no different in the statistics from 2000 to the first quarter of 2006.

Debt collection for private citizens is actually recorded by the Police under "fraud" and "other offences". Thus where it is reported to the Police that money has been borrowed and not paid despite repeated demands from the lender to the borrower, the Police will arrest and detain the borrower on a charge of fraud until the amount is completely paid up or a payment plan that is strictly monitored by the Police is agreed to. The borrower is sometimes let on bail after agreeing to the payment plan but the charges are not dropped until the last penny is paid up. The categories of "fraud" and "other offence" are then the fourth and fifth highest in terms of incidence of crime. From the statistics, 15% of Ghana Police Service time is spent on debt collection for private citizens. If this is the public record, one wonders what the "hidden" record is. This is especially so as the Police take a cut or a "thank you" gift from persons they assist to recover private debts. Taking the GPS off private debt collection exercises will effectively free them for the core law and order functions they are paid to do.

iii) Reviewing the Conditions of Service of the GPS

Once the GPS is taken off traffic control and off debt collection, their conditions of service must be immediately reviewed and reviewed upwards. This is because the mainstay of many a Police officer would have been radically and roughly disrupted. Unless this is done we will have a Police coup on our hands.

iv) Civil Society's Watchdog Role

Once the reform is rolled out, relevant Civil Society Organizations (CSO) should make the

creation and sustenance of citizen Watch Groups to monitor Police performance a priority. This must be complemented by commitment of Government to deal with reprisals from Police when they are being held accountable by CSOs. This will be part of the monitoring and evaluation and sustainability components of the broader reform agenda.

v) Agreeing to a Roadmap for Continuing Reform with the GPS

Once the reforms go this far, it is essential to create complete ownership of the rest of the reform agenda in the GPS. Hopefully by then, the radical reforms would have woken the GPS up and made it ready to take its destiny into its own hands. At that point, broad consultations need to be held with the GPS to roll out a roadmap for continuing reform, in the light of the repositioning of the GPS following the above reforms.

It is critical that complete ownership of the reform agenda falls to the Police only at a particular point in time. To take one little example, if the GPS is in complete charge of the process from the very beginning, it is conceivable that only the unprofitable aspects of their law enforcement functions will be hived off to other institutions. This is already happening with the hiving off of guard duties at Commercial Banks to Private Security Companies. By hiving off aspects of policing duties that are not profitable-like guarding banks, but not the very profitable ones such as road traffic control and private debt collection, the shock therapy that is an essential part of the strategy for the reform agenda will be lost on the GPS. It is for this reason that complete ownership of the reform process must be handed over to the GPS later on in the process.

CONCLUSION

I would like to end this Paper with three short reflections. Public security, like the airwaves and public latrines are public goods. They are national assets. We all have a right to use them and to say our bit on how they may be regulated. If you cannot take that, you have no business

being a Policewoman or man. You may have no business being a Ghanaian. It is my hope that the GPS will take the comments in this Paper in good faith and as a contribution to the greater good of Ghana.

Second, policing problems are not peculiar to Ghana. It is a worldwide problem. Indeed in Ghana, my assessment is that it is easier to reform the Police than, in say, the United States of

America, where the racialization of policing, the construction of race into the DNA of their Police, makes their Police institution incredibly difficult as a reform proposition.

It remains for me to wish that our Police Reform dream becomes reality in my lifetime.

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