

**THE ROLE OF THE POLICE IN THE ADMINISTRATION OF JUSTICE
CASE STUDY OF UGANDA**

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ABSTRACT

The research on the role of the police is presented in the following study that was undertaken to reveal the trend of the police's role in the administration of criminal justice in Uganda from the time it was formed to the present day. The study is divided into sections in which section one introduced us to the role played by a democratic police institution, gave us a background of the study, problem statement, objective of the study, research hypothesis, the research methodology that was used in the study and the literature review that gave background information for the study.

Section two of the paper presented the research findings of the study and the conclusions drawn from the results of the study were presented in the third section as well as recommendations. The paper wound up with the reference material from which the study was done.

LIST OF ABBREVIATIONS

HURINET	Human Rights Network
UPF	Uganda Police Force
CHRI	Commonwealth Human Rights Initiative
CMI	Chieftaincy of Military Intelligence,
HRW	Human rights Watch
JATTF	Joint Anti-Terrorist Task Force
KAP	Kalangala Action Plan
PPU	Presidential Protection Unit

TABLE OF CONTENTS

ABSTRACT	i
LIST OF ABBREVIATIONS.....	ii
TABLE OF CONTENTS.....	iii
ACKNOWLEDGEMENT.....	v
DECLARATION.....	vi
DEDICATION.....	vii
1.0 INTRODUCTION	1
1.1 Background to the study	2
1.2 Problem statement.....	3
1.3 Objective of the study.....	4
1.3.1 Specific objectives.....	5
1.4 Hypothesis.....	5
1.5 Purpose of the study.....	5
1.6 Significance of the study.....	5
1.7 Scope of the study.....	6
1.8 Research methodology.....	6
1.9 literature review.....	6
2.0 RESEARCH FINDINGS	9
2.1 On the Uganda police force structure.....	9
2.2 Leadership	9
2.2.1 Duties of the police.....	9
2.3 On the Crime Situation.....	10
2.4 On the Police function in administration of justice.....	11

2.4.1 Decisions on dealing with crime.....	11
2.5 Public Reaction to Crime.....	12
2.6 Expansion of the police force.....	12
2.7 Challenges faced by the police in the administration of justice.....	13
3.0 RECOMMENDATIONS AND CONCLUSIONS	15
3.1 Recommendations.....	15
3.2 Conclusions.....	16
Bibliography	

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May God Almighty bless you all.

DECLARATION

I Mugerwa Charles Declare that this work is my original work and has not been presented to any institution of higher learning for any academic award and where the work of others has been used, due acknowledgement has been made.

Sign 

Date: 21st SEPT 2010

Mugerwa Charles

Sign 

Date: 26th SEPT 2010

Birungi Phiona

Supervisor

DEDICATION

The work of this magnitude requires time and resources and therefore this work is dedicated to my wife, family and friends particularly Mwesigye Coleb for their moral support.

1.0 INTRODUCTION

The goal and principal objective of any criminal justice system is the effective and efficient delivery of justice. The Administration of the Police and Prosecution, central players, in the justice delivery system must be guided by the cardinal maxim that justice must be manifestly seen to be done at all times. This principle however is more easily stated than applied to a set of facts in a given case. A supposedly just outcome of a case could be viewed with criticism or open controversy by different people. In developing countries where the principles governing the criminal justice system were modeled on the practices and principles acceptable to the former colonial rulers, the criminal justice system, the laws and principles governing it may remain an incomprehensible complexity for the majority of the rural uneducated people. In such a case it is more likely the perception of justice of such people would vary markedly from the official position. In most jurisdictions the police or equivalent institutions have the monopoly of the investigative process mainly because the bulk of crimes are reported to the police. In some jurisdictions the police in addition to investigation undertake the prosecution of suspects as in the case of Tanzania and some common law jurisdictions. Yet in other jurisdictions the functions of investigation and prosecution are carried out by different organs.

In England and Wales where since the emergence of statutory police forces in 1829, the police until recent years, handled both the investigation and prosecution of suspects; a constantly voiced criticism was that the police responsibility for investigation and prosecution could lead to over-vigorous and one sided preparation and conduct of prosecution¹

Since 1986, in England and Wales prosecution is the responsibility of an independent Crown Prosecution Agency clearly separated from the investigative role of the police.

On the other hand the very role of prosecution does raise a number of issues. What role should a public prosecutor play? Should he/she be an investigator in the sense that the prosecutor takes part in the investigation as well as the prosecution of offenders? Under the Inquisitorial System Prosecution Agencies routinely participate in investigations alongside the police, a practice which would be frowned upon in common law (Adversary System) jurisdictions. A legitimate question would be which system (Adversary/Inquisitorial) best responds to the delivery of justice?

Since the police essentially deal with crime we also take some time off to examine the crime situation in the country generally in order to acquaint ourselves with the magnitude of the task of dealing with crime which faces the police as well as the citizens' assessment and reaction to crime. Since our examination of the police organizational and administrative structure points out some outstanding problems we address these in the final section of this

¹(Hetherington 1989:4).

part. In part two we examine the investigation machinery of the police essentially exercised through its Criminal Investigation Department. We take a detailed look at the mandate of the Criminal Investigation Department as well as its place in the administrative structure of the Ugandan Police Force. The investigation of crime gives rise to complex issues and problems.

These are but a few of the complex issues likely to arise when considering the investigative as well as prosecution roles and thus this research set out to examine the role of the Uganda Police force in the administration of justice in the justice delivery as well as its administrative structure.

1.1 Background to the study

“In a democratic society, the police serve to protect, rather than impede, freedoms. The very purpose of the police is to provide a safe, orderly environment in which these freedoms can be exercised.”²

Accountable policing is one of the hallmarks of democracy. In a healthy democracy, a police service exists to protect and support the rights of its community, not to repress or curtail freedom and ensure power for the governing regime. Holding the police to account for their plans, actions and decisions provides the necessary balance to the exercise of professional discretion by police officers. Accountability also provides a means by which the relationship between the police and the state can be kept under scrutiny; a way of providing insulation against internal and external interference with the proper function of the police.

Uganda does not have a democratic, accountable police service. Instead, it has a heavily militarized, colonial-style regime police force that is firmly under the control of the ruling government. The interests of the Government are placed far ahead of the protection of Uganda’s people. The police are responsible for widespread human rights violations, and they have not been held to account. The time is ripe for reform, to separate the police from the military, to establish mechanisms of accountability and to remove the shadow of illegitimate political interference from the work of police officers.

Reform must begin with a strong legislative framework based around the principles of accountability, setting out appropriate standards of behaviour and mechanisms for redress. Beyond the blunt instrument of legislation, police must be supported and held responsible by a web of accountability mechanisms. Police must be accountable to their communities and their government.

Accountability mechanisms can be ad hoc (like commissions of inquiry), provide more sustained oversight (like committees of parliament) or be permanent structures (such as

² - United Nations International Police Task Force

police service commissions and performance evaluation boards). Their value lies both in the ability to immediately check acute misfeasance and provide redress, as well as to examine year on year trends and bring in steady, though gradual, improvements to chronic ailments in policing.

Mechanisms of accountability work best if each are strong and independent enough to monitor each other, yet designed to work in tandem. The weakness of even one mechanism creates knock on effects that compromise the whole structure. For example, civil society groups on their own frequently gather evidence and information to prove criminal or unethical behavior, but without responsive independent prosecutors and internal disciplinary structures, the information and concerns will be seen as remaining outside the state institutions. The entire system – executive, legislature and judiciary, plus the sub-set of the criminal justice system itself – must work effectively as an organic whole.

This report looks at the role of the police in the administration of justice in the Ugandan context. It looks at the development of the Uganda Police Force from the colonial era to date, examines the issues that are facing the police, and considers the legislative and political frameworks within which the police operate. Finally, it looks at the kinds of reforms that need to take place in Uganda, and provides a road map of accountability mechanisms and suggested laws that will deliver Uganda's people the democratic and accountable police service they need and deserve.

1.2 Problem statement

The Uganda Police Force began with the formation of an armed constabulary of 1,400 men in 1899. This para-military force was intended to protect and promote the political and economic interests of the British by suppressing resistance and opposition to colonial policies as well as to quell tribal, ethnic and other clashes. In 1906, the Protectorate Police replaced the constabulary, and an Inspector General was appointed to command the police. By 1912, the police had 15 police stations, and included a Criminal Investigations Division. Although nominally a civilian force, the police frequently carried out military duties.

World War I changed the policing landscape. Border tension with German colonies made the need for increased police strength apparent. In 1914, a police battalion made up of 26 British officers and 750 local men was put together and sent to protect the Uganda-Tanganyika border. Tanganyika – modern day Tanzania – was a German colony at the time. The police acted as a para-military force, patrolling borders, suppressing cattle raids and putting down boundary skirmishes. The formation of this battalion – senior positions filled with British officers and junior ranks made up of locals – is typical of the way the colonial government structured the police. As well as reinforcing colonial mastery, this structure has led to an entrenched mistrust between senior and junior ranks that persists today.

The end of World War II saw an expansion of the Ugandan police. In July 1954, the Legislative Council expanded the police force, establishing new posts and police stations

throughout the country. Special Force Units were also introduced. These units, each made up of 50 police officers, were given crowd control duties and conducted border patrols.

Throughout this period (1906- 1985), the police were a tool of the British Government. Colonial – or regime – policing means that the police are essentially defenders of the government rather than of the people. Under such a system, the police are organized to answer to the regime in power. They are accountable to the political executive and their own hierarchy, but not the people. The system is highly militaristic and authoritarian in design, and its charter of functions is narrow and limited, with major emphasis on the maintenance of law and order. Even recruitment and training were “geared towards ensuring an aggressive and oppressive police force”.

The deterioration in law and order alongside the country’s shift towards militarization resulted in the marginalisation of the police force. During this time, appointments and promotions within the police depended on the candidate’s political stand. Those loyal to the Government were appointed and elevated with little regard for merit. Junior officers who were favoured by the regime would report directly to the presidency, bypassing the established channels of command in the force. The overall morale in the police force was low. As discipline began to erode, corruption was the inevitable result that neither the government headed by an army man relying on the army’s continued support to stay in power, nor the public had confidence in the police to deal with emergencies

President Museveni came to power in 1986, inheriting a corrupt, undermanned; ill equipped, poorly housed and underpaid police force. The size of the force at this time is not known; a recent inquiry into the police put the figure at 30,000 personnel.¹³ Massive recruitment was undertaken by the new Government, but without adequate training, funding and infrastructure, the police were not able to develop into an effective law enforcement body.¹⁴ In addition, Museveni continued to favor the army over the police, and the police continued to be undermined. Since the Uganda Police Force is a full time government institution whose primary responsibility is maintaining law and order in the country but no sincere effort has since been made by any regime to build up the professional capability of the police in playing its role, the above problems pose a negative impact on the role that is supposed to be played by the police in the administration of justice and as such, this paper sought to find out the role played by the police in the administration of justice in the Ugandan context under such conditions.

1.3 Objective of the study

The overall objective of the study is to ascertain the role played by the police in the administration of criminal justice

1.3.1 Specific objectives

- a) To examine the constitutional and statutory provisions for the police in the administration of criminal justice
- b) To examine how the police performs its duties in the administration of justice
- c) To examine what impediments they face in trying to administer criminal justice
- d) To find out what can be done to improve on their performance in administering criminal justice

1.4 Hypothesis

The hypothesis in this research was

H “there is an overall improvement in the police’s role in the administration of criminal justice”

1.5 Purpose of the study

The aim of the study was to find out the role that has been played and continues to be played by the police in the administration of criminal justice in Uganda, what major challenges they face in the execution of this duty as well as the way forward in improving the police in terms of administering justice

1.6 Significance of the study

The study was timely because the world and Uganda in general are facing the challenge of democratic change which is a result of constitutional rule. Therefore this research paper may be used by legal researchers, students and policy makers and will contribute significantly in a bid to provide a modern democratic police institution in Uganda. The researcher will also help the researcher achieve the Diploma in Laws

1.7 Scope of the study

The study focused on the police from the colonial period to the present day Uganda police force and mainly focused on their role in the administration of criminal justice among its functions in serving, protecting and maintaining law and order in the society.

1.8 Research methodology

This referred to the methods that could be used and those that were actually used in gathering data that was related to the study. These included;

Historical outlook

This refers to the trend of how the activities of the subjects in question have been carried out overtime through recorded or published materials or through stories.

Library search

This includes literature researched from libraries as well as publications both electronic and paper formats or books from which reference can be made

Interviews

These are face to face interactions with the subjects in question in which questions are asked by both the interviewee and interviewer and responses recorded in relation to the topic.

Observation

This is the viewing of how the activities concerning the topic are carried out by the subjects in question and recorded against set standards.

In this research, the use of desktop research was carried out using library publications, online searches as well as publications about the police in human rights articles and country reports on the polices

1.9 Literature review

This section focused on the available literature from which the ground work for this study was done

The World Encyclopedia of Police Forces and Correctional Systems. 2006. 2nd Edition. Edited by George Thomas Kurian. Farmington Hills, MI: Thomson Gale talked about The Uganda Police Force as a national police force: its functions among which the administration of justice is one.

Police Force Act talks about the functions of the Police Force as stated thus in the Police Force Act.³

“The Force shall be employed in and throughout Uganda for the preservation of peace, the maintenance of law and order, the prevention and detection of crime, the apprehension and guarding of offenders and the protection of property, and for the performance of all such duties shall be entitled to carry arms”

CHRI 2006, 15 talks of the enforcement of local bylaws in which the police also act in the enforcing crime prevention and control.

Country Report on Human Rights Practices for 2007, talks of the role of the police in carrying out its duties and its role in maintaining human rights in administering justices

Uganda Police Force website provides information on the divisions and departments in the Uganda police force

The citizen 21 April 2008, talked about the trend towards increased militarization of the Ugandan police force

The police, the people, the politics: Police Accountability in Uganda Human Rights Initiative publications country report 2006, talks about the investigation machinery of the Uganda police force that is *The criminal Investigation Department*

According to the publication, from the colonial era, this is one of the four principle departments that answer to the Inspector General of Police under the Assistant inspector General of Police in charge of the Criminal investigation department. He or she is answerable to the Inspector general of police for the proper administration of and the control of personnel in the criminal investigations department. The police general orders (Subsidiary legislation issued by the inspector General of Police to Provide for administration and control of the police force) sets out the general responsibilities of the criminal investigations department (CID)

- a) The prevention of crime.
- b) The efficient investigation and detection of serious crime and incidents.
- c) The collection and collation of all information regarding crime in the country so that the Inspector General and the Government may be kept informed in all matters of criminal interest.

³. (*Uganda Police Act, Cap. 303 Section 4.*)

- d) The maintenance of close and effective liaison with all branches of the Force and, in particular with the General Duties Branch.
- e) The maintenance of criminal records and statistics.
- f) The provision of advice and assistance in all investigations giving rise to difficulty or doubt and the seeking of legal advice as may be necessary.

2.0 RESEARCH FINDINGS

2.1 On the Uganda police force structure

The researcher found out that the Uganda Police Force (UPF), under the jurisdiction of the Ministry of Internal Affairs from the colonial era, is the main security force responsible for law enforcement in Uganda (US 11 Mar. 2008, Sec. 1.d). According to the *World Encyclopedia of Police Forces and Correctional Systems*, in addition to "regular" police work, the Uganda Police Force is also involved in carrying out paramilitary functions, providing security for visiting dignitaries and assisting public prosecutors during criminal proceedings (2006, 920).

2.2 Leadership

The leadership of the police from the colonial era to the present day UPF is headed by an Inspector General of Police (IGP)⁴. A deputy inspector general of police (DIGP) reports to the IGP.

2.2.1 Duties of the police

The functions of the police force, in practical terms, may be said to be the duty of the police within the context of maintaining law and order to prevent the commission of offences, to apprehend those believed to be committing, about to commit, or to have committed offences with the object of bringing them to justice. The extent to which the police will perform their crime control function efficiently and effectively is influenced by among other factors the prevalence or extent of crime.

According to the UPF website, the police force is divided into five directorates: Administration, Operations, Criminal Investigations, Special Branch and Local Administration Police (LAP) (ibid.). The Administration directorate is responsible for finances, resources (including human resources) and police medical services; the Operations directorate works in the area of crime prevention, "safety assurances" and incident responses; the Criminal Investigations Directorate (CID) is responsible for detecting, preventing and investigating crime, compiling information on criminals and gathering evidence for use in criminal prosecutions; the Special Branch collects, analyzes and disseminates information on security and the Local Administration Police, composed of locally recruited officers who have knowledge of local languages and customs (CHRI 2006, 15), is responsible for the

⁴ (Uganda n.d.a; *World Encyclopedia of Police Forces and Correctional Systems* 2006, 920) The IGP is appointed by the President on the Public Service Commission's recommendation and reports directly to the President and to the Minister of Internal Affairs (ibid., 920-921).

enforcement of local bylaws and ordinances . Each of the five directorates is commanded by an assistant inspector general of police (AIGP), who reports to the DIGP⁵

Other branches and units of the Uganda Police Force, include the Legal Department; the Child and Family Protection Unit, which deals with human rights and gender-related issues; the Police Anti-Terrorism Unit, responsible for such activities as diffusing bombs, rescuing hostages and apprehending "terrorists" ; the Mobile Police Patrol Unit (MPPU), which deals with border crimes, including smuggling ; and the Special Force Unit, a paramilitary branch of the police trained in riot control and border patrol (*World Encyclopedia of Police Forces and Correctional Systems* 2006, 921). *The World Encyclopedia of Police Forces and Correctional Systems* also lists the following branches and units of the UPF: the Uniform Branch; the Special Constabulary; the Signals Branch; the Railway Police; the Police Air Wing; the Police Tracker Force; the Police Band; the Police Dog Section; and the Public Safety Unit .

Between 2006 and 2007, the Uganda Police Force reportedly expanded from approximately 27,000 to 48,000 police officers (Xinhua news Agency 1 July 2007). According to official figures, the ratio of police officers to population in Uganda is approximately 1 officer per 1,880 inhabitants. However, there are "significant" variations in the ratio of police officers to population by district, which according to one source, range from 1 officer per 100 inhabitants in the capital city of Kampala to 1 officer per 8,000 inhabitants in certain outlying districts (*World Encyclopedia of Police Forces and Correctional Systems* 2006, 920). There are approximately 6,780 LAP officers in Uganda.

2.3 On the Crime Situation

The past years an average of about half a million crimes are reported to the Police in Uganda. The crimes reported to police over the past eleven years and it is clear that over that period there has been a steady rise of crimes reported to police every year albeit with slight fluctuations in certain years. The increase in the number of crimes reported to police may not be a bad thing in itself. The fluctuation in the statistics of crime reported to police may be a function of the adoption of a particular policing style by the police at a given time. If the police remain in their station houses (reactive style) and wait for victims to report crimes, they may well record fewer crimes as citizens (victims) may for one reason or another neglect to report to police crimes they have been victims of particularly if they consider the crimes to be minor and thus not worth reporting. On the other hand if the police get out of their station houses onto the street or thoroughfare (proactive style) they may end up viewing more crimes and booking more offenders. While the former (reactive style) may have the effect of reducing the statistical figures, the latter (proactive style) may have the opposite effect.⁶

⁵ Deputy Inspector General of Police

⁶ Human Rights Watch (HRW). January 2008. "Uganda." *World Report*

The statistics of crimes reported to police are considered to be the best illustration of the crime situation when compared to records held by other organs e.g. the Judiciary or the Prisons Departments for that matter, we are not unaware of their vulnerability to non reporting, which contributes to be the 'dark figure' of crime. Studies carried out in the USA have put the dark figure as high as 35% of recorded crime in relation to specified offences (Ennis 1967). Another study carried out in three London boroughs concluded that only 10% of crime that had occurred was reported to police (Sparks, Genn and Dodd 1977). Closer to home a recent victim survey carried out in the City of Dar es Salaam (Robertshaw, Louw and Mtani 2001) concluded that there was low reportability rates for particular crimes and high reportability rates for others. Thus while 83% of victims of car theft filed a report with the police, the reporting rates for violent crimes were relatively low with only 47% of victims of robbery and 45% of victims of assault reporting to police, respectively.

The researcher further found that other crimes like crop theft and simple theft were unlikely to be reported to police. Among the factors identified to be at the core of non reporting are: the distance to be covered to reach the police reporting facility, the perceived seriousness of the crime by the victim, a perception that the police would not be interested or would not treat the crime as worth their effort to solve, fear of reprisals where the perpetrator of the crime and the victim were known to each other or were in an intimate relationship and a perception that the police are too corrupt and may require the victim to pay for the assistance they will give him/her.

2.4 On the Police function in administration of justice

The administration of the police is structured in such a way as to be able to control crime. Crime is perhaps the stock in trade and *raison d'etre* of police organizations. Which police organizational structure and administrative set up best responds to the crime control mission will definitely be determined by the prevailing conditions in an area, the political set up, the culture and customs of the people etc. Nevertheless the top leadership as well as middle management of police organizations constantly keep in focus the principal mission of the organizations they lead.

2.4.1 Decisions on dealing with crime

As seen in the HURINET⁷ the Police function of dealing with crime in Uganda involves the making of choices. The police have to decide when, how and where to enforce which law and to what extent. We shall for convenience call the making of such choices the exercise of discretion. The discretion to enforce the law is separable into two categories: administrative and functional discretion.

⁷ Uganda 21 Feb. 2008, 30; see also CHRI Spring 2007, publication,

i) Administrative Discretion

The territory of Uganda covers an area that has a population of 32 million as estimated in the last census. Within that context, at the present police strength a police officer is responsible for an area equivalent to the ratio of police to population is presently 1:800 persons. Because of the paucity of police officers compared to the area of the country the police have to be stationed in various places in varying degrees of numerical strength. The power to decide on the number of police officers to be posted in any area of the country and that of deciding who to post where is what we call the administrative discretion. This has effect on the work of the police. More police officers deployed to one area may result in booking more criminals and thus higher crime statistics while the converse has the opposite effect.

ii). Functional Discretion

While administrative discretion was exercised by the police leadership: the Inspector General of Police, his immediate assistants and heads of units at various levels, functional discretion is exercisable by every police officer of whatever rank. Faced with various criminal incidents for example a police officer attending a road accident has to decide whether to continue to deal with the accident or pursue a pick pocket who is getting away with loot from the accident victims. In a similar dilemma an officer has to decide whether to go after remandees escaping in a stolen motor vehicle or to respond to a call from a night guard at a shop where a burglary has taken place. These are instances of the exercise of functional discretion.

Whichever way functional discretion is always exercised, it has had an effect on the work of the police and its outcome.

2.5 Public Reaction to Crime

The researcher found out that the crime situation and crime rates in particular, in relation to the police organizational structure and administration was twofold. He interpreted the increasing crime rates have a negative impact on the quality of life. The prevalence of particular incidences of crime gives rise to fear of victimization among members of the public.

Fear of crime leads members of the public to take extraordinary measures in self-protection. More importantly however prevalence of crime leads the citizens to question the efficiency and effectiveness of crime control strategies adopted by the police. This is our second reason for examining crime rates.

2.6 Expansion of the police force

Between 2006 and 2007, the Uganda police force reportedly expanded from approximately 27,000 to 35,000 police officers(Xinhua News Agency 1 July 2007). According to official figures, the ratio of police officers to population in Uganda was approximately 1 police officer per 700 inhabitants. However, there are significant variation in the ratio of police officer to population by district which according to one source range from one officer per

100 inhabitants in the capital city of Kampala to one officer per 800 inhabitants in certain outlying districts (*World Encyclopedia of Police Forces and Correctional Systems* 2006, 920). There are approximately 6780 LAP officers in Uganda. **This is an effort in order to improve on the administration of justice in the country.**

2.7 Challenges faced by the police in the administration of justice

The problems faced by the police were found to be many which in turn militate against its effectiveness.

These included

1. Budgetary Problems

The Police Force has serious budgetary constraints. These problems affect the efficiency and effectiveness of the police in terms of its management, administration and above all its ability to discharge its mission i.e controlling crime.

In particular budgetary constraints have brought about persistent shortages of personnel, inadequate skills and mobility problems from time immemorial.

(i) Failure to Recruit New Personnel

With the ratio of police to population standing at 1 to more than 1200 population and one police officer being responsible for more than 20 sq km, the need to recruit new police officers in order to reduce the high ratio is obvious. It is only when there is an adequate number of police officers patrolling the streets that the deterrent effect to crime can be seen and felt by members of the public. Consequently the fear of crime may be reduced and the quality of life enhanced.

To this effect the failure to recruit sufficient personnel due to budgetary constraints has affected the effectiveness and efficiency of the police negatively.

(ii) Training

In the present century when crime is becoming more and more sophisticated the police need new skills in order to meet the challenges of crime. New skills may be transmitted to police officers through training. Budgetary constraints however have made it difficult for the police force to put in place the requisite training to transmit the necessary skills to its officers particularly when the required training is only available in an overseas country.

The level of skills of police officers therefore leaves a lot to be desired. Unfortunately a low level of professional skills makes it difficult to sustain high ethical standards which creates fertile grounds for corruption.

(iii) Inadequate Mobility

Budgetary constraints also restrict the police force's ability to acquire mobility resources like vehicles, motor-cycles, etc. Lack of mobility cripples the police forces ability to respond timely to calls for assistance by the public thus eroding the confidence of the people in the

police force, exacerbates the fear of crime thus lowering the quality of life and the public rating of the effectiveness of the police.

2. Militarization of the police force

Several sources consulted by the Researcher indicated that from the colonial period, there has been a trend towards increased militarization of the Ugandan police force, as shown by the appointment of military officers to senior positions, including the Inspector General of Police⁸. The Uganda Police Force has also created such militaristic units as the Rapid Response Unit [formerly known as the Violent Crimes Crack Unit (HRW Jan. 2008)], the Black Mamba⁹, the Chieftaincy of Military Intelligence (CMI), the Joint Anti-Terrorist Task Force, the Members of the Kalangala Action Plan and the Presidential Protection Unit¹⁰. Several sources describe the distinction between the military and the civilian police force as "blurred"¹¹. This militarization of the police force has led to allegations of "brutal" police tactics and human rights violations (HURINET – Uganda 21 Feb. 2008, 30; CHRI Spring 2007). According to Human Rights Watch (HRW), in August 2007, the Rapid Response Unit detained forty-one individuals in over-crowded cells and reportedly tortured at least three of them (HRW Jan. 2008). These from the colonial era have posed a problem to the administration of Justice.

⁸ *The Citizen* 21 Apr. 2008; CHRI 2006, 12; HURINET-Uganda 21 Feb. 2008, 20

⁹ CHRI Spring 2007; HURINET – Uganda 21 Feb. 2008, 20

¹⁰ CHRI Spring 2007.

¹¹ CHRI Spring 2007; HURINET – Uganda 21 Feb. 2006, 1; CHRI 2006, 12

3.0 RECOMMENDATIONS AND CONCLUSIONS

3.1 Recommendations

Budgetary problems may take time to resolve as they depend on the economic ability of the country. The following are however the various measures that may be taken in particular to resolve the manpower constraints by tapping on available resources i.e. the citizens.

(i) Providing Auxiliary Police Units

These could assist the police in declared areas with special policing needs for their areas of undertaking e.g. agricultural, mining concerns or local governments should be encouraged to establish Auxiliary Police Units. Such units should be under the command and supervision of the Inspector General of Police and remain employees of the concerns in question.

An application for declaration as a special area should be submitted to the President of the country through the Inspector General of Police by the management of the concerns involved.

(ii) Community Policing

This is a policing strategy aiming at involving the community actively in being responsible for the security of their neighborhood. It should be initiated on experimental basis for a few years so that it should assist with the filling of the gaps left out by the few police personnel.

(iii) Design of a Special Constabulary

The Special Constabulary system should be allowed to exist. Negotiations with the Government to fix a rate of allowance to be paid to these citizen volunteers who will assist the police when called upon to do so should be put in place and this will help in the administration of justice by reducing a backlog of work at the main police stations.

(iv) Training on police standards of behavior

The Uganda Police Force should establish a training program in conjunction with the criminal justice providers in order to iron out the roles of the police in the administration of justice and act on human rights standards for its officers in order to enhance on its role in administering justice. This should be for the entire personnel of the force and not for a particular section of the forces' departments.

(v) Separation of police functions from military functions

The present government should separate military functions from the functions of the police keeping the police to maintain law and order through the instruments provided for in the Constitution and other legislature and international instruments in order to provide a democratic police institution that does the right thing without the interference of the government. Government should also ensure sufficient funding, trust and back-up of the police force like the military force but not consider the police force as a marginalized force.

3.2 Conclusion

It is shown in the research findings that the role of the police in the Administration of justice from the colonial period has depended mainly on the sitting government, culture, the ratio of the police to the population, the training of the police, the ethics of the police force, the trend of crime rates from the colonial period to date, the public reactions to crime and the challenges faced by the police in the administration of justice. The police's role in the administration of justice has majorly faced a setback due to lack of training due to lack of resources as seen in the challenges above, militarization of the police, failure to recruit new personnel, inadequate mobility which makes it difficult to sustain high ethical standards which creates fertile grounds for corruption that impacts on its role in administering justice.

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