

Vincent Adzahlie-Mensah

*Department of Social Studies Education, University of Education, Winneba, Ghana.
Email: vadzahliemensah@gmail.com*

Harrison Kwame Golo

*Centre for Conflict, Human Rights and Peace Studies, University of Education, Winneba, Ghana.
Email: hkgolo@uew.edu.gh.*

&

Samuel Asiedu Okanta

Ghana Police Command and Staff College, Winneba Ghana. Email: samuelokanta@yahoo.com

Knowledge of suspects' rights among suspects and police officers in Accra

Abstract

This paper is a case study research that explored human rights awareness among police officers and suspects in Accra, Ghana. It specifically explored four major themes: Police awareness of obligation to protect suspects' rights; Suspects' awareness of police obligations to guarantee suspects' rights; Police awareness of suspects' rights; and suspects' awareness of their rights. Simple questionnaires and interviews were the main methods used for data collection. One hundred and fifty suspects and 55 police officers were interviewed. Using democratic policing as a theoretical framework, the paper highlights that both police officers and suspects have limited knowledge of suspects' rights. The findings highlight that police tend to violate suspects' rights mainly because suspects do not challenge the violations. Suspects felt disempowered to challenge police violations of their rights mainly because of a perceived code of silence among police and connivance between police and the courts.

Key words: *human rights, suspects' rights, police, obligation, violations*

Introduction

The theoretical discourse and philosophy underlying this paper is the emergent concept of democratic policing – a 21st century policing principle rooted in the respect for suspects' rights in police practice. The concept of “democratic policing” reflects international consensus about basic values of policing in a democracy. Stone and Ward (2000) explained that democratic policing creates a “double demand” on police by “requiring that police adhere to high standards of conduct while also providing high standards of service.” Democratic policing operates with the principle that the mission of the police in democracy is to become a part of the community by respecting the rights of suspects than stand apart from it by visiting force on suspects (Hess & Wroblewski, 2003). Broadly, the United States Agency for International Development (USAID) (2007) views “the basic precepts of democratic policing” as follows:

Democratic police uphold the law; they are accountable to democratic oversight institutions and to the communities they serve; they are transparent in their activities; they are representative of the community they serve; they give highest operational priority to protecting the safety and rights of individuals and to protecting human rights; they treat their personnel decently, and seek to build professional skills and conditions

Knowledge of suspects' rights among suspects and police officers in Accra

of service that support efficient and respectful service delivery to the public (USAID, 2007, p.1).

In that sense, democratic police institutions demonstrate a strong respect for the law, including constitutional and human rights law (CHRI, 2007, p.33). Operationally, democratic policing requires that police are accountable - ensuring that the police use their powers and resources to promote the rule of law within prescribed parameters (Newham, 2005). In that context, Newham argued that democratic policing require that mechanisms are established to ensure that police autonomy is kept in check without completely tying the hands of the police to tackle criminals. However, as police are embedded in particular social, political and economic environments, policing priorities and styles are often the result of political debate and deliberation (Okanta, 2015).

Democratic police are expected to use their powers and resources appropriately, which in turn is an important determinant of police legitimacy (Stone & Ward, 2000; Bayley, 2001; Newham, 2005). In countries undergoing a process of democratic transition, police legitimacy will typically be low, as in the Ghanaian situation where there are some negative perceptions of the police (Stone & Ward, 2000; Okanta, 2015). Within a human rights perspective, a central argument concerns police accountability to the law at three levels – (a) Internal or Departmental Control, (b) State or Governmental Control, and (c) Social or Civil Society Control. What is becoming increasingly apparent in the policing literature is that the primary mechanism for holding individual police officials accountable and empowering the public to resist abuses of their rights do exist, practically (Pelser, Schnetler & Louw, 2002; Rauch, 2004).

A central argument in the literature is that if basic human rights are to be protected and people are to live in safe and secure communities, the policing function must serve - and be seen as serving - the needs of the people (Hess & Wroblewski, 2003; USAID, 2007). Democratic policing surveys and explores how police observe basic rights of suspects in practical policing. It questions whether policing standards are democratic or that procedures respect suspects' rights. This research adopted democratic policing as a theoretical framework for its utilitarian purpose: that it can serve to survey and explore the extent to which democratic principles are integrated into both policing procedures and every-day policing.

The theory of democratic policing has been adopted for this research because of the human rights perspective that it brings to policing. Given that democratic policing requires the observance of democratic principles and values (such as respect for human rights), it is the best theoretical framework suited for a research that seeks to explore police respect for suspects' rights. As such, the theory is adopted because it is overtly grounded in ensuring that policing is examined from a human rights perspective.

Suspects rights in international standards on Police arrest

The *United Nations (UN) Criminal Justice Standards for Peace Keeping Police* states that “every kind of cruel, inhumane or degrading treatment is forbidden, whether physical or mental” (UN, 1996, p. 48). Aside from that, the UN, the International Committee of the Red Cross (ICRC) and Ghana Police Service (GPS) have a plethora of human rights documents regulating Policing. Examples of those documents include International Human Rights Standards on Policing (ICRC, 2015) United Nations Declaration on Human Rights Education and Training (UN, 2012), Human Rights Standards in the Use of Force (UN, 2009) and Human Rights Standards and Practice for the Police (UN, 2004). Some older ones include United Nations Criminal Justice Standards for Peace Keeping Police (UN, 1996), and The Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment (UN, 1987) and Code of Conduct for Law Enforcement Officials (UN, 1979). The Ghana Police Service Handbook (GPS, 2010) and the 1992 Constitution of Ghana (GoG, 1992) outlined many rights for suspects. From those documents the following rights, which constitute the sub-themes, are listed as suspects' rights.

Protection against torture and discrimination

Article 5 of the UN Code of Conduct for Law Enforcement Officials (1979) and Article 1 of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment (1987) explains that torture to encompass any act by which severe pain or suffering, whether physical or mental, is intentionally

inflicted on a person. Torture may be used for such purposes as obtaining information or a confession from a person. It may also be used for the purposes of punishing an individual for an act the individual or a third person has committed or is suspected of having committed. Further the Convention explained that torture may take the form of any pain inflicted with the purpose of intimidating or coercing person(s) based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person(s) acting in an official capacity.

Yet, torture does not include pain or suffering arising only from, inherent in, or incidental to, lawful sanctions. Article 5 of the UN Code of Conduct for Law Enforcement Officials (1979) succinctly prohibits torture of any form and under any condition. It demands that no law enforcement official may inflict, instigate or tolerate any act of torture or other cruel, inhuman or degrading treatment or punishment. Further, law enforcement officials may not invoke superior orders or exceptional circumstances such as a state of war or threat of war, a threat to national security, internal political instability or any other public emergency as a justification of torture or other cruel, inhuman or degrading treatment or punishment.

The idea is that there is no justification for the use of torture. The implication is the protection of suspects from being tortured by police for any imaginable or administrative reason. The provision thus guarantees suspects rights not to be tortured during, or upon arrest and detention.

Suspects' rights to information during arrest

Hess and Wroblewski (2003) suggested that suspects have rights during arrest, popularly known as the Miranda warning (ordered by the U.S. Supreme Court in *Miranda v. Arizona*). A suspect's rights consist of the right to remain silent and right to consult a lawyer and have that lawyer present during any questioning. The suspect is however reminded that he needs not to say anything unless he wishes to do so, but whatever is said can be used against him in a court of law and that if he cannot afford a lawyer, one will be appointed for him if he so desires. Those rights have come to be known as the judges' rule which protects suspects' from self-incrimination (Hess & Wroblewski, 2003; GPS, 2010; ICRC, 2015). Whereas police officers are duty bound to give enough guidance as to what rights the suspect has, there is little literature to understand whether provisions are observed in police operations in Ghana.

Right to information during arrest by shooting

Fleeing felons have the right to be warned of the consequences of the attempt to flee arrest. Hess and Wroblewski (2003) and Newburn (2008) noted that law enforcement officers cannot shoot fleeing felons unless the latter presents an imminent danger to life. They argued that general policing requires that if a felon is fleeing and an Officer believes that felon is a significant threat to the Officer or others, the officer should shout a loud warning, '*stop or I will shoot*' before firing. It is mandatory that the warning is loud enough that everyone who might be a witness to both the fleeing and the use of deadly force will hear the warning in addition to the fleeing felon. Whereas there is literature concerning how police are required to observe this right, there is little literature to understand whether police in Ghana observe those principles (Newburn, 2008; Bruce, 2011).

Suspects rights upon arrest

According to the Tiwana (2005), the suspects' rights after arrest include right to security of person; fair trial; to be presumed innocent until proven guilty by a court of competent jurisdiction; not to be subjected to arbitrary interference with privacy, family, home or correspondence; not to be subjected to unlawful attacks on honour or reputation; prohibition of torture and other inhuman or degrading treatment; be treated with compassion and consideration; confidentiality and care in handling sensitive information; not to be compelled to confess or to testify against himself or herself; investigatory activities shall be conducted only lawfully and with due cause; neither arbitrary, nor unduly intrusive, investigatory activities shall be permitted and right to prompt and impartial investigations. The guarantees above suggest that suspects' right are largely protected in Police operations and procedures. The indication is that suspects would not be subjected to treatments that do not respect their rights. It also suggests that Police are trained

Knowledge of suspects' rights among suspects and police officers in Accra

to understand such rights and to respect them or guarantee that suspects enjoy such rights during Police operations.

Rights of 'special groups'

The Tiwana (2005) explains that women are entitled to the same rights as men upon arrest and detention. Those rights include: women are only interrogated or detained under the supervision of female police officers; searched by female officers and staff; detained separately from male detainees; be given a medical care; given special measures for child-care and treatment during pregnancy.

For Pike (1985) the respect of suspects' rights should be understood in the two different contexts – the policer officer's regular job and the experience of the arrested person. Although arrest is a familiar occurrence to the police officer, it should never be overlooked that it is often a traumatic and unfamiliar experience for the person being arrested. Therefore, the power to arrest should not be exercised lightly; it should be exercised only where necessary. It is important to avoid arbitrary arrest with little or no suspicion, which is the hallmark of oppression.

From the literature reviewed so far, it may be observed that the power to arrest is not to be exercised lightly; there are inherent rights for suspects. Police officers are mandated to observe those rights. Yet there is little research to understand how police officers in Ghana are required to respect those suspects' rights, especially how they do so in day-to-day policing. It is in that context that this research is relevant.

Research questions

Given the theoretical background in which this paper is situated, the key research questions explored were

- What are police officers and suspects' awareness of police obligations to guarantee suspects' rights during arrest and detention?
- What are police officers and suspects' awareness of various suspects' rights?

Methodology

The research adopted pragmatics approaches using both quantitative and qualitative methods of data collection and analysis. Simple questionnaires and interviews were the main methods used for data collection. The questionnaires included Likert scale items that were administered to 150 suspects and 55 police officers. Interviews reported in the findings were conducted with 10 suspects in police cells and 6 officers. The police officers interviewed included two (2) from the Criminal Investigations Department and two (2) arresting officers and two (two) Station Officers. The participants were selected using purposive and convenience sampling techniques.

The data were analysed using template analysis in which the data were categorised and discussed under four main themes. Given that this research had to do with security practice and human rights, permission was sought from gatekeepers – senior police officers, to gain clearance for the conduct of the research. Individual participants were also contacted separately for their consent before one-on-one interview were conducted or questionnaires were administered.

There were 83 (55%) males and 67 (45%) females. Out of that, 77% (117 suspects) were aged below 40 years while 21 (14%) were aged below 45 years. The data also shows that only 12 (8%) of suspects were above 45 years. Police Officers involved in the research were 39 (70%) males and 16 (30%) females. In terms of age, 43 (78%) Police Officers were aged below 40 years while 8 (15%) were aged below 45 years. The data show that only 4 (7%) of suspects were above 45 years. The Police Officers involved in the research have ranks which ranged between Lance Corporal and Chief Inspector. The data show that 24 (42%) were Lance Corporal while 11 (20%) were Corporals. As the data show, 10 (18%) were Sergeants while five (5) representing nine (9%) each, were of the Inspector and Chief Inspector ranks.

Findings

The main findings presented here are organised in line with the research questions. We first present the data on whether police officer’s and suspects are aware that the Police have some obligations towards securing rights for suspects. We then presented the data on the participants’ awareness of suspects’ rights.

Table 1: Police awareness of their obligations to protect suspects’ rights

Police Obligation	Frequency	%
Inform suspect of the offence committed leading to arrest in a language he understands.	34	62
Tell the reason for restrain or detention	51	93
Inform suspect to remain silent	52	95
Inform suspect to consult a lawyer of his own choice	31	56
Take suspect to a Police Station or any legitimate detention centre.	50	91
Allow suspect to inform near relative of his arrest and location of his detention.	55	100
Get an interpreter who can speak suspect’s language to facilitate process of enquiry.	45	82
Arrange for bail within 48 hours	34	62
Bring suspect before a magistrate after 48 hours either for court bail or remand into Police or Prison custody.	35	64
Not torture or coerce suspect as way of obtaining evidence	20	36
Not to humiliate suspect	25	45
Not to shoot fleeing felon without warning	5	9
Total mean awareness	36	66

Table 1 presents data on police awareness of their obligations to suspects in arrest procedure. The data show that police were generally aware (66%) of their obligations to suspects. However, only 5 (9%) were aware of the obligation not to shoot a fleeing felon without warning while only 20 (36%) were aware of the obligation to not torture suspects as a way of obtaining information. In addition only 25(45%) were aware of the obligation to not humiliate suspects. The obligation that all (100%) Police Officers were aware of is the duty to allow a suspect to contact a near relative about the arrest.

The interviews reveal that some Police Officers were aware of suspects’ rights but intentionally violate those rights. As an Officer noted,

If I see an armed robber, all I will do is to shoot. Even if he dropped his gun and is running I will just shoot. All these about rights is nonsense.

Another Officer stated that *if you want to respect rights you will not achieve your policing objective*. The officer continued to comment that,

Knowledge of suspects' rights among suspects and police officers in Accra

Some suspects will not tell you the truth unless you threaten or torture them small. This gentle interrogation processes will not lead you anywhere.

Observations show that some Officers spank suspects. When Officers were asked why they do so they explained that it is a way of humbling *these small boys who gave us such a tough time before we arrested them*. Spanking of suspects was occasionally observed at three of the Police Stations involved in the research.

It was also observed that some suspects were pushed or dragged violently to counter back or into the cells. These suspects were mainly young men or drivers. Occasionally, the Officers will make insulting comments such as, *thieves, criminal, you are a complete drunkard*.

Table 2: Suspects awareness of police obligations to guarantee suspects rights

Police obligation	Frequency	%
Inform suspect of the offence committed leading to arrest in a language he understands.	5	3
Tell the reason for restraint or detention	120	80
Inform suspect to remain silent	5	3
Inform suspect to consult a lawyer of his own choice	0	0
Take suspect to a Police Station or any legitimate detention centre.	135	90
Allow suspect to inform near relative of his arrest and location of his detention.	50	33
Get an interpreter who can speak suspect's language to facilitate process of enquiry.	5	3
Arrange for bail within 48 hours	20	13
Bring suspect before a magistrate after 48 hours either for court bail or remand into Police or Prison custody.	5	3
Not torture or coerce suspect as way of obtaining evidence	30	20
Not to humiliate suspect	24	16
Not to shoot fleeing felon without warning	0	0
Total mean awareness	33	22

Table 2 presents data on suspects' awareness of Police Officers obligations to suspects in arrest procedure. As the data show, suspects were generally not aware of police obligations in arrest procedure. Suspects were mostly aware that arresting Police Officers have the obligation to take suspects to police station 135 (representing 90%) of suspects. Another 120 (representing 80%) were aware of police obligation to give reason for the arrest. The data also indicate that no suspect (0%) was aware that police are obliged to inform a suspect of his/her the right to consult a lawyer. Also, no suspect (0%) was aware of police obligation to not shoot a fleeing felon without warning.

Interview results show that suspects were generally not aware that Police have obligations towards suspect. The suspects interviewed thought that police have the right to use any kind of force against a suspect as they [police] may wish. One suspect succinctly explained this point in stating that,

As far as I am concerned, the police can do anything to an arrested person. They are not bound by any law. Will you report them to themselves or you take them to court where they are already going to take you. Remember the police and the courts work together.

Other suspects were also concerned that the courts are likely to condone and connive with Police Officers to incarcerate suspects or violate the rights of suspects. As one suspect explained,

For me I know the rich will be free but we the poor will be kept here. Even if you go to court, the people at the courts will only believe what the police tell them. My friend drivers have always suffered from that. They say once the Police talk to the judges they just sentence you without wasting time.

This kind of view was expressed variously by different suspects, particularly those involved in motor traffic offences. The indication was that suspects did not trust the police as people who are aware of suspects' rights.

Table 3: Police awareness of suspects' rights

Suspects Rights	Frequency	%
The right to be told in a language he understands, the offence committed leading to arrest.	35	64
The right to be told reason for restrain or detention	45	81
The right to be informed to remain silent	36	65
The right to be informed to consult a lawyer of his own choice	26	47
The right to be taken to a Police Station or any legitimate detention centre.	55	100
The right to be allowed to inform near relative of his arrest and location of his detention.	46	84
The right to be given an interpreter who can speak his language to facilitate process of enquiry.	34	62
The right to bail after 48 hours by Police or to be brought before a magistrate either for court bail or remand into Police or Prison custody.	37	67
The right not to be tortured coerced or humiliated	34	62
The right to be presumed innocent until found guilty	55	100
Total mean awareness	40	73

Table 3 presents data from questionnaires on Police Officers' awareness of suspects' rights in arrest procedure. The data show that police were generally aware (73%) of suspects' rights. All (100%) Police Officers indicated awareness of the suspect's rights to be taken to a Police Station or any legitimate detention centre and the right to be presumed innocent until found guilty. The data also shows that 45 (81%) Police Officers were aware of the suspect's right to be told reason for restraint or detention while the right to be allowed to inform near relative of his arrest and location of his detention stands at 84% (representing 46 respondents).

What was concerning is that only 26 (47%) were aware of suspects' right to be informed to consult a lawyer of his own choice. The data that about 35%, representing of nine (9) out of 55 Officers, claimed not to be aware of the suspects' right to be informed to remain silent. Similarly, concerning was the data that only 62% of Officers claimed they were aware of suspects' right not to be tortured coerced or humiliated. It implies that 10 out of 55 Officers were not aware that suspects have such right. The same was the case of the right to be given an interpreter who can speak his language to facilitate process of enquiry.

Follow-up interviews with Police Officers indicate that police do not respect suspects' rights because of field mentorship problems. An Officer explained that,

Knowledge of suspects' rights among suspects and police officers in Accra

For me, I have never seen nor heard any arresting police officer talk to suspects about their rights since I started police work. They taught us at school but it seems theory is different from the practice in the field.

Another problem was that Officers believed talking to suspects' about rights is a waste of time. An Officer noted that,

Some of these people cannot even afford the services of a lawyer. The legal aid people do not have people to attend to the poor so you will be wasting your time talking about things like, 'you have the right to remain silent and to talk only in the presence of a legal counsel...'Where are they [suspects] going to get the legal counsel and how will they pay? It is just a waste of time!

The import of that statement is that the Officer thought that it is worthless talking to some categories of suspects about rights. Another Officer told how they selectively suspects' rights as follow,

What is the value of information about rights when the suspect cannot claim those rights. We tell those we think can claim those rights.

Also, our observations at Police Stations showed instances where suspects' were verbally abused. In one instance, the Officer threatened a suspect noting that,

Don't you know I have the power to keep you here in the cell for as long as I want? If you do not write your statement and you continue to talk I will lock you up in this cell to rot!

Upon this statement the suspect complied with every single thing the Officer commanded. The suspect responded to every question that was put to him from this point. The suspect never asked any question; rather she was pleading for mercy. We observed how she felt powerless to challenge the Officer. When I interview the suspect later, she stated that,

My brother, if I don't comply who will talk for me? Police officers will always support their friends. They will form a gang against me. I don't have anyone so I have to comply.

At the heart of the suspect's concern was official conspiracy. She knew she has a right to be respected but felt that internal Police processes would conspire against any claim of harassment she may make. The Station Officer confirmed the suspects' fears about 'official conspiracy' in explaining that,

I think sometimes our officers abuse suspects rights because of two reasons: 1) they feel that the suspects do not know who to complain such abuses to and 2) the suspects do not report to us because they think we will side with the officers.

Another Station Officer also explained the problem has a real cause and perceptual causes. According to him, *some suspects think police do not discipline officers who mishandle or mistreat suspects so they don't report but this is a fallacy.* The Officer explained that,

the real problem is with police 'code of silence'. I think the Police Service's code of silence is the cause of all these problems because we do not rebuke our officers publicly. We discipline those recalcitrant ones who breach professional code of conduct but this is not known to the public. It is in our reports and we rebuke officers daily but may be it only happens in my office here. The suspect or members of the public will not be aware.

Another Station Officer explained that,

I may say we police are guilty because sometimes other officers see their colleagues abusing suspects' rights but they do not report. This is why suspects think we conspire against them. It is something we have to think of dealing with.

Given the Officers' comments and that of the suspect, it seems there was a real problem with police perception of suspects' rights. Whereas that might be the subject of a fully research, the comments point to the need to examine police perception of suspects rights, and more so whether suspects were aware of their rights.

Table 4: Suspects' awareness of their rights

Suspects Rights	Frequency	%
The right to be told in a language he understands, the offence committed leading to arrest.	5	3
The right to be told reason for restrain or detention	121	81
The right to be informed to remain silent	4	3
The right to be informed to consult a lawyer of his own choice	3	2
The right to be taken to a Police Station or any legitimate detention centre.	150	100
The right to be allowed to inform near relative of his arrest and location of his detention.	23	15
The right to be given an interpreter who can speak his language to facilitate process of enquiry.	150	100
The right to bail after 48 hours by Police or to be brought before a magistrate either for court bail or remand into Police or Prison custody.	45	30
The right not to be tortured, coerced or humiliated	130	87
The right to be presumed innocent until found guilty	14	9
Total mean awareness	65	43

Table 4 shows the suspect involved in the research were generally not aware (43%) of their rights. All 150 respondents (representing 100%) were aware of the rights to be given an interpreter who can speak his language to facilitate process of enquiry and the right to be taken to a Police Station or any legitimate detention centre. Also, 130 (87%) indicated that they were aware that suspects are not to be tortured, coerced or humiliated. Another 121 (81%) were aware of the right to be told reason for restraint or detention. However, suspects awareness of the six (6) other rights ranged from below 45(30%) for the right to appear before a magistrate within 48 hours to as low as 3 (2%) for the right to be informed to consult a lawyer of his own choice and 4 (3%) for the right to remain silent.

Interviews suggest that suspects were not aware of their rights enshrined in Police arrest procedure. A suspect remarked that, *I never knew I have rights as a suspect*. Also, another suspect stated, *I do not know of anything called suspects rights or rights of arrested persons*. One suspect summarise the naivety about suspects rights in stating that,

What do you mean when you talk of my rights as suspects? I only know that police cannot do certain things to me but I do not know I have any rights.

Also, observations show that suspects do not know their rights. As I observed, no suspect insisted on not writing statements or to speak only in the presence of a legal counsel.

From the comments, suspects and police officers think police officers violate suspects' rights and concurrently fail in their obligation to protect. Whereas the suspect attributes the problem to a 'code of

Knowledge of suspects' rights among suspects and police officers in Accra

silence' - systemic process of connivance within the police service, the police officer attributed it to a station level problem. The common denominator is that both groups agree that police violates suspects rights.

Discussion

In terms of police awareness (of their obligations and suspects rights) and the implications, the results suggested that police were generally aware of their obligation to protect suspects' rights. That would normally suggest that police are exposed to the knowledge of protecting suspects' rights. Yet majority of police were not aware of their obligation not to torture or coerced suspect as way of obtaining evidence. That implies that police still have not been sufficiently educated on the suspects' right to protection from torture and all forms of ill treatment.

Given that protection from torture is a cardinal human rights issue worldwide, police not being aware raises a serious concern. It gives the impression that the Basic Police Training Programme does not give sufficient exposure to police recruits regarding international human rights concerns. It suggests that police recruits and officers are not essentially pre-disposed to practices and standards required by the UN Code of Conduct for Law enforcement agencies. It indicates that police have not been exposed much to the provisions against torture in the 1992 Constitution. In tandem with that, majority of police officers were also not aware of their obligation not to humiliate suspects. Thus although police seem to be generally aware that they had obligation to protect suspects' rights, it may be argued that they were unaware of two fundamental issues – protection from torture and ill-treatment - that protect a suspect from abuses.

In addition, police were not aware of their obligation not to shoot fleeing felons without warning as required in the Criminal Code, Police Handbook and the Service Instructions. Cumulatively, the results raise questions about how the Ghana Police Service is investing to produce Officers that would help achieve its stated vision to become a world-class Police Service capable of delivering planned, democratic, protective and peaceful services up to standards of international best practice" (Ghana Police Service Handbook 2010, p. 6). It speaks to how police officers are being equipped with the knowledge they require to act in accordance with existing laws, respect and protect human dignity, maintain and uphold rights of all persons, perform their duties politely, respectfully and professionally, and treat all persons in a courteous manner consistent with the demands of the police profession.

In terms of police awareness of suspects' rights, the data indicated that police were generally aware that suspects' have rights. Whereas that showed that police knew suspects' have rights that might be protected, the data highlighted that majority were unaware of the right to be informed to consult a lawyer of his own choice. What that means is that police could easily flout the 'judges rules' or Miranda rights of suspects. This was evident in the qualitative data which indicates that police actively encourage suspects' to become victims of self-incrimination. It also implies that police may often interrogate suspects without informing them of the right to a lawyer. That would mean that the court system might need to be more critical of the evidence police present against suspects.

However, it speaks more to the police administration about how police are trained to conduct criminal investigation within a democratic context such as in Ghana. It speaks to how police officers are trained to act impartially and in accordance with existing laws (Ghana Police Service, 2010; Bruce, 2011). It speaks to how police treat all suspects as innocent persons as demanded by the 1992 Constitution of Ghana and the Ghana Police Service Instructions. Thus the results speak to the imperative of accelerated human rights education for police officers as required by the United Nations human rights standards (UN, 2004, 2009). Human rights education would help improve Police officers' knowledge of their obligation to protect suspect's rights. It will help reduce abuse of suspects during arrest while promoting a democratic culture that improves Police professional practice.

The results concerning suspects' awareness of Police obligation to protect suspects' human rights, indicated that most suspects were unaware. Although most suspects were aware of police obligation to tell the reason

for restraint or detention and the obligation to take suspect to a Police Station or any legitimate detention centre, the evidence results showed that many were not aware of other responsibilities. That would suggest that many suspects have not had the opportunity for human rights education. This poses a challenge to the extent to which Ghana has invested to fulfil its obligations to human rights education as demanded in the United Nations Declaration on Human Rights (1948). It further explains why police could encourage suspects to engage in self-incrimination as the results of the qualitative data show.

Additional to that, it explains why suspects would not challenge abuses by police officers as the qualitative data show. More so, the suspects, as do the police, were not aware that they have the right to a lawyer. As such, suspects felt disempowered in their encounters with the police. The implication is that the hope of the Ghana Police Service to strive at all times to uphold the law in a courteous, fair, firm and impartial manner in order to win public confidence (Ghana Police Service, 2010) seemed to be a mirage.

In terms of suspects' awareness of their own rights, majority were aware of four rights out of 10 rights presented to them. Those were a) the right to be taken to a Police Station or any legitimate detention centre; b) the right to be told reason for restraint or detention; c) the right not to be tortured coerced or humiliated; d) the right to be given an interpreter who can speak his language to facilitate process of enquiry.

A cursory look at the rights they claimed to be aware of are basic human values that they think they needed to be allowed to have. Every human being expects to communicate with people in a language he understands and is comfortable speaking. Once denied, the suspects would naturally feel disempowered. This is confirmed by the data indicating that only five (5) out of 150 suspects were aware of the right to be told in a language they understand, the offence committed leading to arrest. Aside from that only four (4) out of 150 suspects were aware of the right to be informed to remain silent; while only three (3) out of 150 suspects were aware of their right to be informed to consult a lawyer of their own choice. The main problem with suspects being unaware of their rights is that the police act with impunity. As such, the findings thus speak to the imperative of accelerated human rights education given that it can be empowering to suspects.

Conclusions

This research explored police and suspects awareness of suspects' rights. From a theoretical standpoint premised in the respect for human rights, the study results indicated that suspects were neither aware of their rights nor police obligation to protect. The results further showed that although majority of police officers were aware of suspects' rights and the obligation to protect, they were not aware of some fundamental rights - the right to be informed to consult a lawyer of his own choice. Similarly, police were not aware of three fundamental obligations such as protection from torture, ill treatment and not to shoot fleeing felon without warning. The findings point to need for a greater human rights education for both police and civilians on suspects' rights. The imperative for accelerated human rights education on suspects' rights is the potential it offers for improving the culture of policing and to safeguard suspects' rights. Public education on suspects' rights protect police from falling foul of the law and from civil prosecution at the courts.

Recommendations

Based on the findings, the following are recommended for policy and practice to improve police knowledge of their obligation to protect suspects' rights:

- Integration of human rights education into the Basic Police Training curriculum
- Regular in-service training for all police Officers on Human rights
- The Police administration may need to collaborate with the National Commission on Civic Education to sensitize both the Public and Police Officers on Suspects Rights.

For improving the knowledge of suspects on their rights and police officers' obligations to protect, we recommend accelerated public human rights education within communities and the integration of human rights education into the national education system at all levels of education and training, both formal and informal.

References

- Bruce, P. (2011) "Submission to The Portfolio Committee on Justice and Constitutional Development" *Re: Criminal Procedure Amendment Bill, 39 of 2010*. 22 July 2011 s.p.
- Bayley, D. H. (2001). *Democratising the police abroad: What to do and how to do it. Issues in international crime*. Washington DC: National Institute of Justice, Office of Justice programmes, US Department of Justice. Commonwealth Human Rights Initiative (CHRI).
- Tiwana (2005). *Manual on Human Rights training for police in Commonwealth West African Countries*. Marlborough House: Commonwealth Secretariat
- CHRI (2007). *The Police, the People, the Politics: police accountability in Ghana*. Accra: Commonwealth Human rights Initiative (CHRI)
- Deletsa, A. (2007). *The Police and Prevention of Human Rights Abuses: A Case Study in Winneba*. Accra: Ghana Police College.
- Faull, A. (2010a). *Behind the badge: the untold stories of South Africa's Police Service members*. Cape Town: Zebra Press
- Faull, A. (2010b) Missing the target: when measuring performance undermines police effectiveness, *South African Crime Quarterly*, 31 (2010) 19–25.
- Faull, A. (2011). *Corruption in the South African Police Service: civilian perceptions and experiences*, ISS Paper 226, Pretoria: Institute for Security Studies
- Fenwick, H. and Phillipson, G. (2003). *Text, Cases & Materials on Public Law and Human Rights*. London: Cavendish
- Foucault, M. (1977). *Discipline and Punish: the birth of the prison*, London: Penguin Books
- Hess, K. M. & Wroblewski, H. M. (2003). *Police Operations: Theory and practice*. Belmont: Wadsworth/Thompson Learning
- ICRC (2015) *International Human Rights Standards on Policing*. Geneva: ICRC
- Newburn, T. (ed.) (2008) *The handbook of policing*. Portland Oregon: Willan Publishing.
- Newburn, T. (ed.) (2005). *Policing: key readings*, Cullompton: Willan Publishing
- Newham G. (2005) Strengthening democratic policing in South Africa through internal systems for officer control. *South African Review of Sociology*, 36(2)
- Newham, G and Bruce, D (2000) Racism, brutality and corruption are the key human rights challenges facing the transformation of the SAPS, 2000, retrieved March 2014 <http://www.csvr.org.za/articles/artgnd2.htm>
- Nickel, J. (2010). Human Rights. *The Stanford Encyclopedia of Philosophy* (Fall 2010 ed.).
- Okanta, S. A. (2015) Police arrest and Suspects' rights: A comparative Study of Ghana and South Africa. MA Dissertation, Ghana Armed Forces Command and Staff College (GAFSC).
- Okeshola, F. B. (2013) Human Rights Abuse by Nigerian Police in Four Selected States and the Federal Capital Territory, Abuja. *British Journal of Arts and Social Sciences*. pp. 242-250
- Pelser, E., Schnetler, J. & Louw, A. (2002). *Not everybody's business: Community policing in the SAPS priority areas*. Pretoria: Institute for Security Studies Monograph Series, 71.
- Pike, M. S. (1985). *The Principles and Practice of Policing*. Hampshire: Macmillan
- Pokoo-Aikins, J. B. (2009). *The Police in Ghana 1939-2009*. Accra: Highpoint
- Quantson, J. (2006). *Ghana: National Security... The Dilemma*. Accra: Napasvil
- Rainbolt, G. W. (2006). Rights Theory. *Philosophy Compass* 1 (2006) ET 003, 1–11 Oxford: Blackwell Publishing
- Rauch, J. (2000). *Police reform and South Africa's transition*. Braamfontein: Centre for the Study of Violence and Reconciliation. Accessible on www.csvr.org.za
- Rauch, J. (2004). *Police transformation and the South African Truth and Reconciliation Commission*. Race and Citizenship in Transition Series. Braamfontein: Centre for the Study of Violence and Reconciliation.
- Stone, C. E., & Ward, H. H. (2000). Democratic Policing: A Framework for Action. *Policing and Society*, 10 (1)
- UN (1979) Code of Conduct for Law Enforcement Officials. Geneva: United Nations
- UN (1987) The Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment. New York: United Nations
- UN (1996) *United Nations Criminal Justice Standards for Peace Keeping Police*. Geneva: United Nations
- UN (2004) Human Rights Standards and Practice for the Police. *Professional Training Series No. 5/Add.3*, New York and Geneva: United Nations.
- UN (2009) Human Rights Standards in the Use of Force. *UN Peacekeeping PDT Standards, Specialized Training Material for Police* 1st edition.
- UN (2012) United Nations Declaration on Human Rights Education and Training, A/RES/66/137. New York: United Nations,
- USAID (2007). *USAID Program Brief: Anticorruption and Police Integrity*. Vermont: Security Sector reform Program