



Timap for Justice Criminal Justice Pilot

Impact Evaluation Report

Submitted to the Open Society Justice Initiative

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Executive Summary

Program description and evaluation design

This report summarizes a year-long, quantitative impact evaluation of the Criminal Justice Pilot program (CJP) carried out by the Sierra Leonean NGO Timap for Justice. Timap's CJP program employed trained paralegals to provide pro bono legal aid to individuals accused of crimes, with the goal of reducing the incidence of excessive and unlawful pre-trial detention. The program operated in three districts -- Bo, Tonkolili, and Bombali -- representing roughly 20% of Sierra Leone's population and incorporating three prisons, six police stations, and three magistrates' courts. The evaluation was carried out between August 2009 and December 2010 by the Centre for the Study of African Economies (CSAE) at Oxford University, at the behest of the Open Society Justice Initiative, with additional funding from the UK Department for International Development through the International Growth Centre.

By the latter stages of the evaluation, CJP paralegals recorded over 400 cases per month in which they directly intervened. The goal of this evaluation is to measure the impact of this intervention -- and the broader, diffuse impact of paralegals work and presence -- on the rate of unlawful pre-trial detention and, more broadly, extended incarceration of accused persons not (yet) convicted.

The evaluation is based on a large-scale quantitative data-collection exercise. In all, the evaluation team conducted over 2,893 interviews in police stations and 1,884 interviews in prison, and observed and recorded almost 5,000 court cases. Police and prison custody records were digitized in December 2011 and used to generate baseline and endline measures of key outcome variables (arrest rates, police detention times, incarceration rate, time spent in prison, overall remand population and status upon release from either police or prison). Police custody records data was collected for key periods between March 2009 and October 2010, while prison data was collected for two discrete cohorts (March – May 2009 and March – May 2010) given relatively slow turnover in prisons. In all, records were digitized for over 7,200 police detainees and 1,200 prison inmates.

Finally, observers conducted 60 semi-structured, qualitative interviews with police, prison, and court officials, detainees (current and former), prisoners (remand, on trial, and convicted), as well as with the paralegals and lawyers providing legal aid. Observers also recorded their own observations and experiences during their many hours in prisons, police stations, and courts.

The evaluation design is based on a “differences-in-differences” approach, using the quantitative data to compare key outcome indicators before and after the CJP intervention across (i) “full treatment” sites that received intense daily observation plus legal intervention by paralegals, (ii) “observation only” sites matched on observable characteristics, and (iii) “control” sites in which only records data was collected at the end of the intervention. We measure the effect of the CJP as the difference in the rate of change in outcome indicators between “full treatment” and “control” sites.

Results

Looking first at detention within police station jail cells, we find the program reached almost 70% of individuals detained by the police in treatment sites by late 2010. This contact created greater awareness about detainees’ legal rights, most notably in detainees’ knowledge about the length of time the police can hold them. The CJP also led to a 13% increase in access to bail or release without charge in police stations. Qualitative work revealed that a system of bribe payments for bail access is fairly rampant in police jails, and that detainees who do not pay bribes or who are not helped by Timap are frequently not bailed. Timap’s presence did little to alter this bribe system for detainees who are not their clients.

Data from the baseline report showed that the problem of excessive detention in Sierra Leone resides primarily in prisons rather than police detention. This happens primarily through extended delays in court hearings and case verdicts for defendants held in remand. While overall incarceration rates in Sierra Leone appear low by international standards at 28.6 prisoners per 100,000 population, the share of those incarcerated who have not been convicted of any crime is extremely high, at 64.4%.

The core impact evaluation can be summarized in two main points. Secondary points are contained throughout the report.

1) Paralegals increased the share of detainees receiving bail and decreased new arrivals in prisons.

Perhaps the strongest result from the impact evaluation is the effect on access to bail and prison intake. Results show that paralegals providing legal aid were successful in gaining freedom for police detainees. Legal aid from paralegals increased the share which was released on bail by approximately 13%, based on diff-in-diff analysis of police records. Furthermore, this effect is corroborated by a completely independent data set derived from prison records, where legal aid achieved a significant reduction in new arrivals into prisons. (Release by police and fewer arrivals in prisons are two sides of the same coin.)

2) Paralegals were associated with a significant decline in the share of prisoners held in remand without being tried or convicted.

The presence of Timap paralegals coincided with a drop in the share of remand prisoners relative to control sites. The share of prisoners held in remand without being tried or convicted was reduced by approximately 20 percentage points relative to control sites. This is entirely consistent with qualitative reports that one of the central functions of paralegals in prisons was to ensure inmates appeared in court and received a hearing.

The final section of the report looks beyond the direct implications of the quantitative data analysis and offers recommendations about the program based on the observations of the evaluation team members and interviews with Timap management.

1 Introduction

Timap for Justice and the Open Society Justice Initiative launched a Criminal Justice Pilot (CJP) paralegal program in September 2009 in three rural districts of Sierra Leone. The program is intended to provide systematic access to justice to those detained at police stations and prisons, and employed 6 paralegals and 1 lawyer (now 10 paralegals). Paralegals solicit criminal cases through several strategies, including regular monitoring of police stations and prisons, outreach to communities, and taking up cases that are brought into their offices. The pilot is part of a larger justice-sector reform program underway across Sierra Leone.

From July 2009 to October 2010, the Centre for the Study of African Economies, Oxford University (CSAE) conducted a quasi-experimental evaluation of the impact of the program. The evaluation relies on a before and after, difference-in-difference design, which tracks progress on a variety of indicators at both Timap ‘treatment’ sites (i.e., police stations and prisons) as well as ‘control’ sites in neighboring districts of Sierra Leone where Timap does not yet operate. The evaluation has both a qualitative and quantitative component. The evaluation was funded through research grants from the Soros Foundation and the International Growth Centre.¹

1.1 Program motivation

Costs of pre-trial detention

A principal motivation behind this research project, and the underlying work by both OSJI and Timap, is the belief that the arrest and extended detention of individuals by the police without access to trial or other forms of due process is a violation of fundamental human rights. Furthermore, excessive reliance on extended detention is costly to society at large, both economically and socially. These costs include the monetary costs to the government of processing and housing detainees for long periods in a justice system already severely under-resourced, as well as the costs to detainees’ families. For instance, detainees held in police custody usually pay for their own food or arrange for their families to bring it to them. Detainees also may suffer indirect costs in lost earnings, the stigma of having been arrested, and spending an undue amount of time away from their families—all before they have even been tried, much less convicted. In a country largely devoid of functioning labor unions or a forum for labor complaints, even one day away

¹ The views expressed in this report do not necessarily reflect those of the Soros Foundation, the International Growth Centre, DfID or their partners.

from work can mean the permanent loss of a job. If the detainee employs workers, drives transport, or trades with others then a wider circle of people suffer economically as well.

But perhaps the highest cost of excessive and arbitrary pre-trial detention, albeit somewhat intangible, is its toll on good governance. Lax, and in particular, discretionary enforcement of laws and police procedures—for instance, the failure to enforce Sierra Leone’s 72-hour/10-day limit on police detention before a court appearance—undermines the workings of the justice system as a whole. If the public perceives that enforcement is arbitrary or unfair, they may be unwilling to cooperate with the formal justice system, act as witnesses or bring new cases forward. Furthermore, discretionary use of pre-trial detention by low-ranking officials creates myriad opportunities for corruption. Indeed, the rampant, almost ubiquitous prevalence of petty bribe-taking is both costly in a purely monetary sense for indigent defendants, and contributes to the broader view that justice is for sale.

Early intervention

The Criminal Justice Pilot is based on the hypothesis that *early intervention* using paralegals—in collaboration with lawyers—in the criminal justice system will have a large impact on extended pre-trial detention and its costs, as outlined above. An associated hypothesis is that such early intervention may also affect the trajectory of the case and prevent abuses or miscarriage of justice at a later stage. The impact evaluation attempts to measure both the direct effect of the CJP on pre-trial detention, as well as the possible indirect effects.

1.2 Aims

Evaluation of CJP impact

This research project is an impact evaluation. Thus its primary goal is to rigorously quantify the causal impact of Timap’s Criminal Justice Pilot on reduced rates of pre-trial detention, increased conviction rates, reduced arrest rates, abuse, and other problems in the formal criminal justice system. In short, its aim is to identify “what works” — in particular, which aspects of Timap’s work are most effective and thus deserving of priority. Little rigorous quantitative evidence exists on the design of effective post-conflict access-to-justice and legal empowerment programs, and it is hoped that the evaluation will provide unique insights for policy, particularly as paralegal work goes national.

Impact evaluation versus program assessment. It is worth highlighting the difference between an impact evaluation and other forms of evaluation commonly conducted in the development industry—what we refer to as ‘program assessment’. The statistical techniques used for impact evaluation are designed to

measure the average effect of the program on a specific set of beneficiaries. They measure whether outcomes have improved. They are *not* principally concerned with evaluating the efficiency or competency of the implementing organization (i.e., Timap). Those are tasks for a program assessment. If it is found that Timap's CJP has failed to produce a significant impact by the time of follow-up data collection, the impact evaluation will be only modestly informative as to whether this was because (a) the intervention was poorly designed, (b) it was poorly implemented, or (c) other factors intervened, such as deliberate 'push-back' by police or prison officials. Disentangling these alternative stories, if at all possible, will largely depend on qualitative interviews and observations.

Understanding the criminal justice system

To understand the work of the CJP one must first understand how the criminal justice system works. When an individual is arrested by the Sierra Leone Police, he or she is taken to a detention cell at the nearest police station. If the offense is minor, or non-felonious, he or she can be held for up to 3 days before being released on police bail, charged to court, or released without charge. If the offense is major, or felonious, the same applies but for 10 days. Anyone charged with a non-felonious crime or some felonious crimes can be bailed out by a surety. A surety is usually a local resident in good standing who can ensure the accused appears in court for his or her first hearing, although the requirements for sureties vary at the discretion of the police. If the accused is a no-show, the surety is punished with either a fine or arrest. Importantly, paralegals can complete applications for bail in police stations.

If the accused is not released on police bail but his case is charged to court, the accused will spend his time awaiting trial as a remand inmate in the local prison. If he has committed a non-felonious offense, he remains in remand until his trial finishes in the magistrate court and he is either sentenced or released. During his time on remand, he may apply for court bail. If the accused is charged with a felonious offense, he remains in remand until his case passes through the magistrate's court on a preliminary investigation, or PI, and continues on to the High Court, unless the magistrate dismisses the case or a High Court judge grants him bail. Criminal cases are usually prosecuted by police prosecutors, who are generally not lawyers but are trained in basic law. Besides PIs and cases of minor crimes, the magistrate's courts also hear civil and commercial disputes in which the value does not exceed Le 5,000,000. Defendants, however, are normally not represented, and may only be defended by a lawyer. Paralegals are restricted to writing bail applications for their clients in court, but usually require a lawyer to complete the application.

For the purposes of the impact evaluation, we define pre-trial detention as any detention that occurs before a verdict has been reached on a case. This includes detainees held in police detention and remand inmates in prisons. We define pre-trial detention in this way for the simple reason that in the Sierra Leonean system an inmate's case can be said to be on "trial" from the first time he stands before a magistrate, which is often directly after the police have charged him to court. Even though the case is then technically being heard, the inmate can spend weeks and even months waiting for a decision to be reached on his case, which is where the injustice, and the real cost to the accused, occurs. Defining pre-trial detention as strictly pre-trial would signify that the only pre-trial detention that occurs is at the police station, which is not compatible with the CJP's goals.

1.3 Timap's Criminal Justice Pilot

Timap for Justice

Timap for Justice is a Sierra Leonean non-profit organization that seeks to provide free legal advice to indigent clients and victims of human rights abuses. For two main reasons—Sierra Leone's dualistic legal structure between the formal and customary systems and a dearth of lawyers in the country—Timap is primarily staffed by paralegals.

Timap's community justice program is separate from the CJP, and is described here solely for background information. In 2009 it employed between 25-30 community-based paralegals who were based in thirteen offices around Sierra Leone, and now employs 58. The paralegals differ from trained lawyers in their ability to navigate both the formal and customary systems. Because they are familiar with formal law, they are able to educate communities and mediate in some cases at the police stations. Because they are not lawyers, they are also able to interact with the customary system, mediating cases, educating officials about customary laws, and advocating for social change. The model of the "core" program involves education, negotiation, organizing, advocacy, and mediation.

The Criminal Justice Pilot

The Criminal Justice Pilot is a pilot legal aid program, separate from the "core" program although with some overlap in shared space and personnel, being run in three main towns in Sierra Leone's Provinces. At the time of the pilot, six paralegals and one lead paralegal were spread over six police stations and three prisons in Makeni, Bo, and Magburaka. The number of CJP paralegals has since risen to ten. Their work is meant to primarily focus on minimizing the excessive and arbitrary use of pre-trial detention. The rest of this section provides an overview of the CJP, based on qualitative observation and interviews conducted with Timap CJP staff in March and April 2010.

Mandate

CJP paralegals work in police stations, prisons, and courts in their assigned region, interacting primarily with detainees and remand prisoners who have not yet been sentenced or acquitted. Paralegals see their involvement in the criminal justice system as a way for detainees to fast-track the process, and to ensure that the relevant laws governing criminal justice—in particular, detention and bail regulations outlined in the Criminal Procedures Act of 1965, are adhered to. Paralegals note that, given the lengthy court delays and frequent adjournments, the best way to avoid excessive detention is through bail. Since excessive detention occurs both in police stations and while an inmate awaits trial as a remand prisoner, the CJP was structured to emphasize bail as the primary avenue for reducing the length of pre-trial detention both in police stations and prisons.

The paralegals also note that most detainees do not understand their rights or how to obtain bail, and so inform them of the laws governing their detention, and of the bail process. Through their involvement in their clients' initial detention, they also aim to educate the authorities, complainants, family members, communities, prison inmates, justice officials, Police Boards, and other interested parties as to the legislative process that should follow an arrest. They aim to speak to as many detainees as possible to ensure that as many individuals as possible gain knowledge of their legal rights and of Sierra Leonean criminal procedure.

As part of their work they also contact sureties, facilitate complainant and witness appearances at trial, and assist in litigation. Due to restrictions on the extent paralegals can represent clients, they must sometimes obtain the help of Timap's lawyers.

Tools

CJP paralegals list several tools they use to achieve their mandate:

Providing legal advice and information. Paralegals are regularly trained in statutory law and use this knowledge to provide their clients with on-the-spot legal advice and information about their rights under detention.

Contacting and informing sureties. Bail is generally not granted in the absence of a surety. Paralegals seek to identify and contact a suitable surety for their client, inform the surety of her/his responsibilities, and persuade reticent sureties to appear on behalf of their client on the assigned date.

Facilitating complainant and witness appearance for trial. Paralegals may contact complainants or witnesses to ensure that they are aware of their responsibility to appear and testify when the case comes to court.

Filing applications for bail. CJP paralegals identify detainees and remand prisoners eligible for bail, gather information about their case, and put together the required paperwork. Official bail applications typically require involvement by lawyers working for or with Timap.

Providing advocacy. Paralegals identify the particular police, prison or court officials involved in a client's case and advocate for their clients' rights when appropriate.

Assisting in litigation. Paralegals typically seek active involvement from Timap lawyers in two circumstances: (a) if the paralegal is unable to secure bail for their client due to obstructive officials, or other unreasonable delays in the process; and (ii) if the case fits the criteria for formal legal representation from Timap (i.e. if the client is indigent, faces a gross miscarriage of justice, and if the resolution of the case has potential for wider social impact).

Paralegals note that general 'monitoring' of police stations and prisons is beyond their mandate, as this could sour relations with police and prison officials, on whose cooperation they rely to gain access to clients. They focus mainly on identifying individuals formally entered into the detention system, and determining the best way to secure bail for them. They anticipate that their regular presence may marginally improve food rations and phone calls, but do not expect to have had a drastic effect on conditions of detention.

Record keeping and monitoring

The paralegals maintain rigorous records. Every client seen and action taken in a given day is recorded in a journal. Client records are maintained in an individual ledger which is stored in the local Timap office, alongside hardcopy files on each client. Every month, each paralegal submits a monthly report detailing their clients for that month and the actions taken with respect to their cases. These reports are sent to Timap's head office in Freetown.

In partnership with the CSAE, Timap has also developed a systemized central database for the CJP in the head office which records the identity of Timap clients, where they are, and what services Timap has rendered. The database will make it easier to record and track Timap clients around the country.

1.4 Interaction with CJ system

Routine

Paralegals visit their assigned police stations and prisons regularly, generally making a daily stop at the police station in the morning to speak to all individuals detained overnight. There is no client screening: paralegals speak to all individuals detained in holding cells. They inform them about their legal rights, the bail process, and how long they can be held in detention.

The rest of their day depends upon their caseload, the court schedule, and the needs of their existing cases. These might involve contacting a detainee's surety, or speaking with the investigating officer to arrange bail. In prisons, paralegals seek out remand prisoners who may need assistance in securing court bail.

Role in police stations

CJP paralegals attempt to take all cases that arrive at the police station, opening a new case file on each detainee they are able to interview. They assist lawfully arrested detainees to apply for bail in cases where, in their view, the detainee is unlikely to flee and poses no immediate danger to the community; and b) assist unlawfully arrested detainees to secure their release. Paralegals also identify and locate sureties, and educate them about a surety's role and responsibilities. In cases where the detainee has the right to bail, paralegals explain the bail process, and help the detainee apply for bail. In cases where a detainee is being held longer than is permitted by law, Timap provides her/him with legal aid to either fast-track the case or secure the detainee's release.

Role in prisons

CJP paralegals identify all remand inmates—inmates who have not yet been sentenced and thus, for the purposes of the CJP work, fall into the category of 'pre-trial'. In cases where remand inmates have not previously applied for bail or have been erroneously denied bail by a magistrate, the paralegal explains the bail process and aids the inmate in launching a new application for court bail. The paralegals also identify, contact and inform sureties of their role and responsibilities. In cases where remand inmates have been awaiting trial through several court adjournments, the paralegals refer the cases to Timap lawyers.

Role in courts

Paralegals are not permitted to directly represent their clients in court. Thus in cases that meet the Timap criteria outlined earlier (cases that involve an indigent defendant, an abuse of rights, and a potential for

impact), the CJP paralegals may refer specific cases to Timap lawyers. Once a client's case has been identified as needing formal legal assistance, the paralegal acts primarily as a conduit of information between the coordinator, the client, and the relevant court official in either the Magistrate or High Court. Paralegals sit in court to observe their client's hearing, taking note of any follow-up actions or dates they need to observe. Through the CJP, Timap paralegals interact with court officials on a daily basis ensuring that procedures are followed. Often times, court officials sympathetic to the conditions detainees face offer Timap information on specific detainees they can help.

2 Evaluation Methodology

2.1 Aims and approach

Metrics of impact

Timap’s Criminal Justice Pilot in Sierra Leone, as well as this evaluation, form part of OSJI’s Global Campaign for Pretrial Justice. As noted in early project documents, the broad, over-arching objective of this global campaign is to promote “criminal justice for the poor in low-income countries that is equitable, rational, accountable, and mitigates economic and other costs to victims, defendants, and the state.”²

Table 1 reproduces the list of impact indicators originally proposed by OSJI (2009, op cit.) and summarizes the coverage of each indicator in the Timap quantitative data collection.

Table 1. Coverage of proposed impact indicators.

	Proposed Impact Indicator (Cape, 2009)	Comment on Availability in Timap Evaluation
A	Local crime rates	Crime victimization data will not be produced, as household interviews are not conducted. Subjective assessments of crime rates may emerge from qualitative interviews. Official crime rates from police records and police detainee monitoring will be available. Note that these may evolve due to changes in either the underlying crime rate, or changes in reporting rates.
B	Numbers of people arrested and/or detained by police, by reference to whether in receipt of legal advice/representation	Yes, available from police detainee interviews.
C	Length of detention in police custody, by reference to whether in receipt of legal advice/representation	Yes, available from combination of detainee interviews and police records on release dates. Data on detention times is fragile, however, to deliberate misrepresentation of release dates by police and the known practice of shifting detainees between stations to conceal their presence.
D	Measures of police misconduct, eg., assaults, bribe-taking, involuntary confessions	Yes, available from police detainee interviews.
E	Numbers of people proceeded against, formally diverted from prosecution, and released without further action	Yes, though as with basic PTD indicators, there is some dependence here on the integrity of official police records.
F	Numbers of people in prison: sentenced and un-sentenced	Yes, available from inmate interviews and prison records.
G	offence suspected/charge	Yes, from detainee interviews.
H	previous offending history	Yes, from detainee interviews.

²Ed Cape, 2009, “Promoting equitable and accountable criminal justice for the poor: Discussion paper on the methodology for assessing the impacts of pre-trial legal representation for the poor.”

I	previous bail history	Omitted inadvertently.
J	whether legally advised/represented, and	Yes, from detainee interviews.
K	reason for detention	Yes, from detainee interviews.
L	The numbers and proportion of those release pending trial who are arrested for breach of bail, re-offending, etc.	In principle, it will be possible to calculate this statistic by linking detainees identities across repeat offenses. In practice, there will be high costs to doing so, and it has yet to be confirmed that it will be logistically and financially feasible.
M	Average length of time between commencement of criminal proceedings and final disposal, by reference to whether the defendant was in pre-trial detention or at liberty	As with the above, it will in principle be possible to calculate this by linking initial detainee interviews to follow-up information on final disposal from courts. Financial and logistical considerations to be assessed.
N	Average length of pre-trial detention, and length of detention by interval (eg. numbers detained for more than 1 week, 1 month, 3 months, etc.)	Yes, available from detainee interviews and follow-up record retrieval. An initial picture of the situation is give by the snapshot taken at the baseline in police stations and prisons.
O	Conviction rates, by reference to whether had legal advice/representation, and whether kept in pre-trial detention	Yes, contingent on fully linking court records to detainee interviews as noted above.
P	Proportion of sentences that are custodial sentences, by reference to whether had legal advice/representation, and whether kept in pre-trial detention	Yes, available from prison inmate interviews (which include case history).
Q	Average length of custodial sentence, by reference to whether had legal advice/representation, and whether kept in pre-trial detention	Yes, available from prison inmate interviews (which include case history).
R	Any data on legal aid in criminal cases, eg., overall expenditure, number of cases in which legal aid granted	Yes, incidence on legal aid is available from detainee and prisoner interviews. Expenditure data may be accessed from Timap.
S	Any data on prison conditions (including violence in prison), and health of prisoners, including data from interviews/case studies, and including the financial implications	Yes, available from prison inmate interviews.

A note on measuring justice

Identifying appropriate quantifiable metrics of justice to serve as the basis for an impact evaluation of this sort is a daunting task—one which our data collection strategy has attempted to address by proposing a long list of alternatives and attempting to cover all the bases. Nevertheless, defining indicators poorly, or excluding certain important dimensions of a good outcome may lead the evaluation to misrepresent the program’s impact, or more ominously, incentivize Timap paralegals or other actors in the justice system to work toward targets that are counterproductive.

The experience of Malawi’s Prison Advisory Service (PAS), serves as a cautionary tale on properly defining objectives, especially when relying on inflexible quantitative metrics. In the PAS case, a strong focus on processing detainees awaiting trial appears to have shifted the problem from excessive use of pre-trial detention to (arguably) quick convictions and alarmingly rapid growth in incarceration rates.

From 1999 to 2005 the program saw a 4% decline in PTD combined with a massive 74% increase in the overall prison population.

As Varenik (2008) notes, the combination of quantitative and qualitative evidence can help to overcome the potential for “gaming” overly simplistic quantitative metrics that fail to capture hard-to-measure dimensions of good outcomes. If the intervention simply pushes the problem elsewhere, outside the scope of quantitative data collection, then open-ended qualitative interviews will be especially valuable in uncovering these unforeseen side-effects. Our qualitative survey, described below, attempts to serve this role.

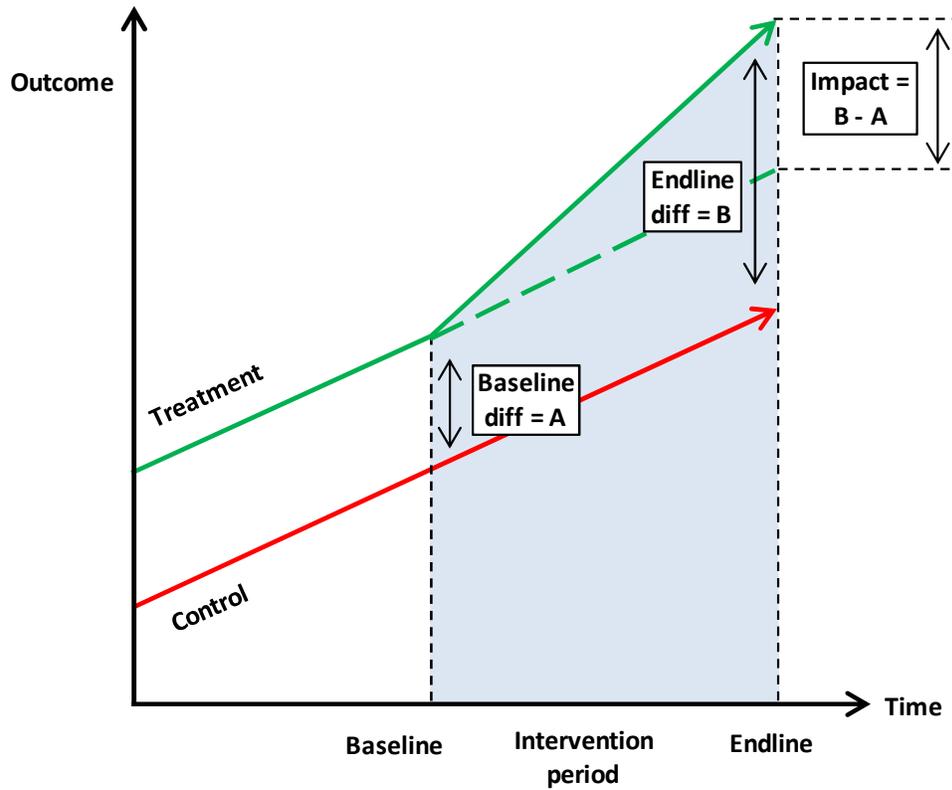
2.2 Quantitative data collection

The fundamental challenge of impact evaluation is to measure causal effects of a project, distinguishing these effects from other factors that may cause differences (in cross-sectional comparisons) or changes (over time) in outcome indicators. The goal is to construct a valid counterfactual: What would have happened if Timap had not been present?

The basic strategy to establishing a counterfactual employed in this evaluation is known as a “differences-in-differences” approach. Survey sites were divided between (i) “full treatment” sites that receive intense daily observation plus legal intervention by paralegals, (ii) “observation only” sites, matched on observable characteristics, which also receive daily observation but no paralegals, and (iii) “control” sites in which only records data was collected at the end of the intervention.

In short, we ask whether outcome indicators, such as the average pre-trial detention time, improve over time more in areas where Timap is working than in areas where it is not. To carry out the differences-in-differences analysis, the quantitative data collection involves the following components:

Figure 1. Difference-in-differences analysis.



Baseline data collection. First, interviews were collected in prisons in both “full treatment” and “observation-only” sites with every prison inmate and a sample of prison officials. Second, daily monitoring of police stations at both treatment and control sites was conducted from August 5 to December 15, 2009. An attempt was made to interview all detainees who spent at least one night in jail, and basic data was collected on all arrests even if a night was not spent in jail. Third, enumerators have returned to police stations and prisons in all evaluation sites to collect official records on arrest rates, police detention times, incarceration rate, time spent in prison, overall remand population and status upon release from either police or prison. Each quantitative instrument is described below.

Follow-up data collection. Follow-up interviews followed a similar pattern to the baseline data collection. We did not seek to re-interview the same detainees or prisoners. Rather, we drew a new sample of cases from both prisons and police stations. In prisons, a second round of surveys interviewed all prisoners at a point in time. In police stations, three more months of additional monitoring interviewed a random sub-sample of arrestees in both treatment and control sites. The decision to move to sampling rather than interviewing all detainees was taken on the basis of the higher arrest rates than originally anticipated, leading to sample sizes much greater than strictly necessary for the evaluation, and the cost of

conducting so many interviews. Enumerators again returned to police stations and prisons in all evaluation sites to collect official records on key indicators.

The follow-up survey included an additional component not present in the baseline. CSAE enumerators sat in the magistrates' courts in each of the six treatment and control sites every day the courts were in session, recording basic details of every case to be heard during the follow-up data collection period. This new data was collected to support already-collected data regarding the frequency and length of court adjournments.

'Full treatment' sites. Full treatment sites refer to prisons or police stations where Timap's CJP is actively working and CSAE enumerators maintained a routine presence during their data collection: Makeni, Magburaka, and Bo.

'Observation only' sites. Observation only sites include both police stations and prisons where Timap is NOT present. These sites were selected to be, in as much as possible, comparable to the full treatment sites in terms of population, economic make-up, geographic size, urban and rural make-up, number of prisons, police stations, and courts, number of justice sector NGOs working in the area, and crime rate. While Makeni, Bo, and Magburaka are full treatment sites, Kono, Kenema, and Port Loko are observation only sites. Because there are far fewer prisons than police stations, the prisons receive their inmates from multiple sources. Thus it was necessary to divide treatment and control sites at a broad geographic level, such as by district rather than strictly by town.

Control sites. One feature of this evaluation in particular poses a unique challenge, which has forced an element of methodological innovation beyond the standard differences-in-differences setup: there is an obvious concern that the presence of CSAE enumerators at "observation only" sites (both prisons and police stations) may have a positive impact on these sites. This positive effect of merely being observed is known in the social science literature as a "Hawthorne effect". In the case of this evaluation, Hawthorne effects could lead us to underestimate Timap's impact, by making observation only sites look "too good".

To measure—and thus overcome—any Hawthorne effects, the sampling strategy relies on an additional set of sites that are not subject to the same intensity of data collection. No direct interviews were conducted with prisoners or detainees. CSAE enumerators were not present on a regular basis. Instead, a single baseline and follow-up visit were made to these sites to retrieve official records of arrest and detention rates. The baseline was conducted using the same logbooks for official records that were used in the treatment and control sites. Control sites are Bonthe, Kambia, Kailahun, Kabbalah and Pujehun.

2.3 Quantitative interviews

Interviews with police detainees

Individual interviews with police detainees were collected through daily monitoring of arrests at treatment and control police stations. Interviews were conducted on a one-on-one basis with the detainees while they were in detention. Interviews were conducted in private, without the supervision of police, and are strictly confidential. Detainees were informed about the purpose of the interview and told that enumerators would not intercede on their behalf.

A 291-question survey was administered to every detainee encountered by the enumerators in the police detainee cells who had spent at least one night in custody, in all treatment and observation-only sites. The questionnaire covers the detainees' experiences in police custody, the details of their cases and personal backgrounds, their knowledge of law and individual rights, and whether they have been charged to court or are applying for police bail. The questionnaire includes an addendum where the arresting officer is asked to comment on the detainee and his/her case. This survey instrument was administered daily from August 4th to December 15th 2009. For the endline it was edited and administered from August 27th to October 30th 2010.

Interviews with prison inmates

Interviews with prisoners were similar in purpose and structure to police detainee interviews. The survey instrument included most of the information from the detainee interview—asked retrospectively about the inmate's arrest and time in police custody—as well as questions about more recent experiences in prison and the proceedings of the prisoner's case.

The 333-question survey was asked to every inmate in all treatment and observation-only sites from August 4th to August 20th, to collect information on the 'stock' of inmates. Subsequently, enumerators made weekly visits to all prisons in treatment and control sites to interview any new prisoners who had been incarcerated that week. The questionnaire covers the inmates' experiences in police custody and prison, the details of their cases and personal backgrounds, their knowledge of law and individual rights, the number of times they have been to court, and whether they have applied for either police or court bail. Weekly visits continued until December 15th, 2009. The instrument was then edited and administered again from August 27th to October 30th 2010.

Interviews with police and prison officials

Prison and police officials were interviewed and all institutional records were collected and recorded. The purpose of official interviews relates less to the collection of impact indicators, but rather an attempt to

measure intermediate changes that Timap may cause on officials' attitudes and behaviors. The questionnaires were relatively short, and administered to every police and prison official present during the period of data collection, August 4th to December 15th, 2009. The survey included questions on demographic background, professional history, and personal attitudes toward justice, law enforcement, detainees, and prisoners. There was no endline for this survey.

Official custody records

Since the enumerators could not be at the police station at all times, and detainees could not always answer legal questions regarding their cases, police and prison custody records were digitized in December 2011 and used to generate baseline and endline measures of key outcome variables (arrest rates, police detention times, incarceration rate, time spent in prison, overall remand population and status upon release from either police or prison). Police custody records data was collected for key periods between March 2009 and October 2010, while prison data was collected for two discrete cohorts (March – May 2009 and March – May 2010) given relatively slow turnover in prisons.

Figure 2. Observation count for CSAE police detainee survey, by site.

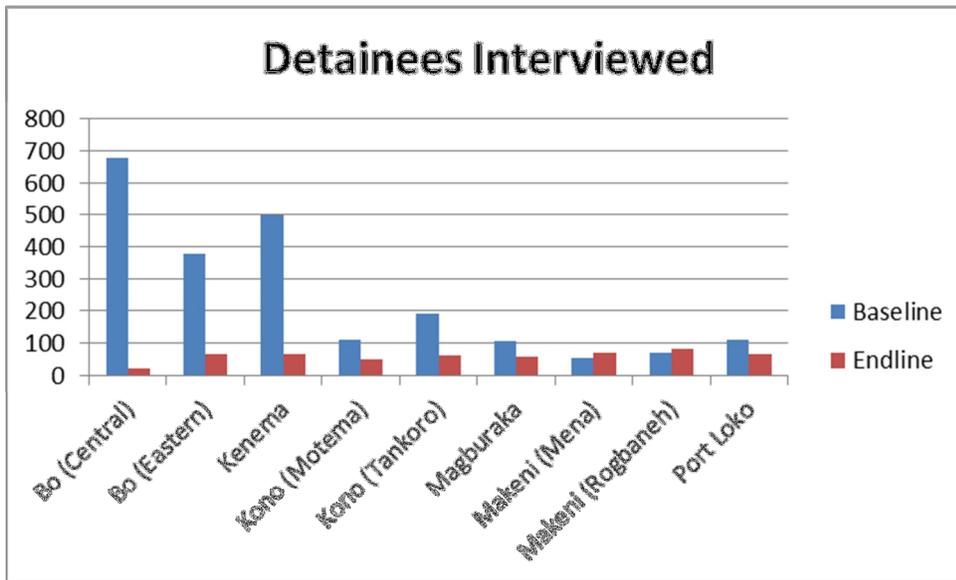


Figure 3. Observation count for CSAE prison inmate survey, by site

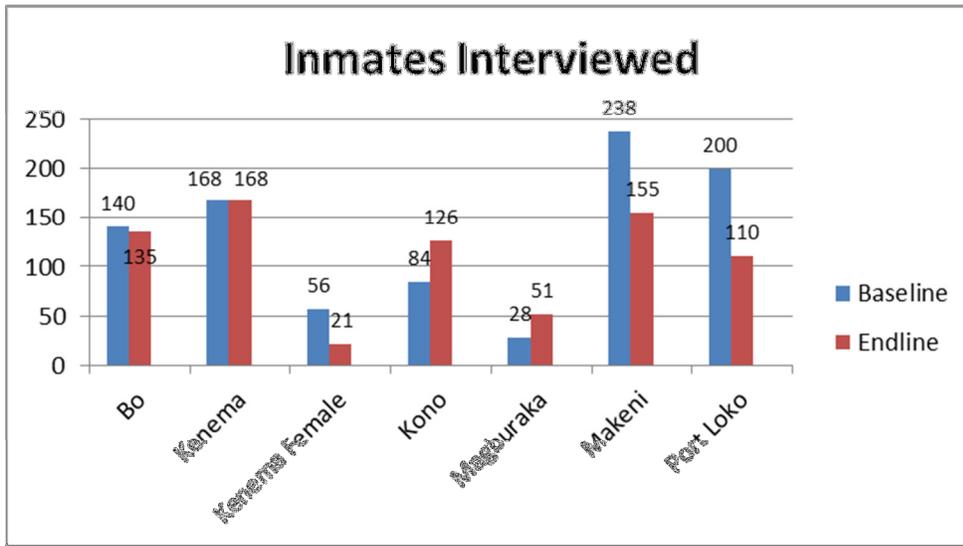


Figure 4. Timeline of intervention and data collection

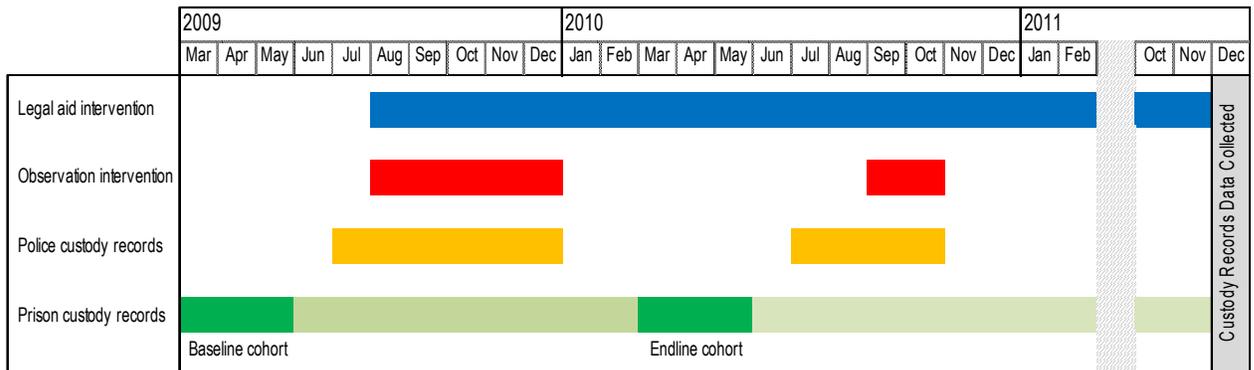


Table 2. Primary data sources used in this report

Data source	Short description	Dates	Obs.	Sample
Baseline detainee survey	Interviews with detainees in police jail cells	Daily, August 4 – December 15, 2009	2,340	All detainees spending at least one night in jail
Follow-up detainee survey	Interviews with detainees in police jail cells	Daily, August 27 – October 30, 2010	553	A sample of detainees spending at least one night in jail
Police records (baseline)	Official police detention records	Key periods between March 2009 and October 2010	6,266	All detainees entering jail cell
Police records (follow-up)	Official police detention records	Key periods between March 2009 and October 2010	3,980	All detainees entering jail cell
Baseline inmate survey	Interviews with inmates in prison	August 4 – August 20, 2009	1,118	All inmates incarcerated at time of the survey
Follow-up inmate survey	Interviews with inmates in prison	August 27 – October 30, 2010	766	All inmates incarcerated at time of the survey
Prison records (baseline)	Official prison custody records	March 1 – May 31, 2009		
Prison records (follow-up)	Official prison custody records	March 1 – May 31, 2010		
Court survey (follow-up only)	Observation of daily court proceedings	August 27 – October 30, 2010	5,139	All magistrate court sittings

2.4 Qualitative interviews

To complement the quantitative analysis and gain insight into aspects of the justice sector not captured by quantitative work, CSAE also launched a qualitative survey. Enumerators used semi-structured questionnaires to conduct interviews with target respondents. The interviews were digitally recorded, translated into English, and transcribed verbatim. Respondents include: police officials, prison officials, court officials, detainees, released detainees, remand prisoners, sentenced prisoners, former Timap clients, and the Timap criminal justice paralegals themselves. Conducting semi-structured interviews with this cross-section of individuals allows us to capture experiences in the justice sector from multiple angles. The following table presents a breakdown of the semi-structured interviews conducted from January to May 2010:

Table 3. Qualitative interviews conducted to date

Respondent Type	Interviews	Interviews by Region					
		<i>Bo</i>	<i>Makeni</i>	<i>Magburaka</i>	<i>Kenema</i>	<i>Moyamba</i>	<i>Port Loko</i>
Police detainees	11	1	4	1	3		2
Police officials	8	1		1	3	1	2
Prisoners	8	1	3	2			2
Prison officials	3			1	1	1	
Court officials	7		1	2	2	1	1
Timap clients	2	1	1				
Paralegals	7	2	3	2			
<i>Total</i>	46	6	12	9	9	3	7

In addition to semi-structured interviews, interviews with the CJP paralegals and the CSAE enumerators have been conducted to record their observations and experiences during their many hours in prisons, police stations, and courts, which yielded valuable insights into the justice system. Interviews were also conducted with people experienced with the Sierra Leonean justice system. This included Timap’s lawyers, the creators of a new national paralegal program, and members of an NGO heavily involved with drafting new legislation for Parliament. These interviews formed the basis for many of the conclusions and recommendations in this report.

The focus of this report is on the statistical analysis of the quantitative data to draw inferences about the impact of Timap’s CJP on outcome indicators of interest. We draw only indirectly on the qualitative interviews in formulating hypotheses about the mechanisms explaining the effects we measure with the quantitative data and, in the final chapter, in drawing lessons for the management and design of the CJP program and other programs like it in the future. As such, there is no “baseline” or “follow-up” survey,

but rather a series of interviews designed to give the CSAE researchers maximum insight into the criminal justice system.

2.5 Measuring the program's effect

As noted above, this impact evaluation is based on a difference-in-differences design. This implies comparing the relative trajectories over time of key outcome indicators between treatment and control sites. A simple before and after comparison of full treatment sites would be vulnerable to the worry that any estimated “impacts” were due to a regional or national time trend that was independent of the program. Similarly, a comparison of full treatment, observation only, and control sites at a given point in time would be subject to the concern that these sites may differ in ways that have nothing to do with the effect of the program. By looking at changes over time we remove the effect of time-invariant characteristics of the sites, and avoid conflating these existing differences with the full treatment effect. And by looking at these changes across full treatment, observation only, and control sites, we avoid mistaking national trends for program impacts.

In practical terms, we compute the difference-in-differences (DD) estimates in a linear regression framework.³ The dependent variable in the regression is an outcome indicator of interest to the evaluation – say, an indicator variable that takes a value of 1 if an inmate is in remand or on trial, and 0 if they have been convicted and are serving a sentence. Variables are given values of 1 for survey responses that represent the indicator being measured. (For instance, for the question ‘Have you applied for bail?’, a ‘Yes’ answer—what is being measured—would receive a value of 1 for the regression.) In the first example, we measure the outcome variable separately for each inmate during the baseline and endline surveys, thus we write Y_{it} to denote the outcome for inmate i at time t .

This outcome is regressed on a set of indicator variables (each taking the values of 0 or 1):

$$Y_{it} = \beta_0 + \beta_1(T_i \times Endline_t) + \beta_2 Endline_t + \beta_3 T_i + u_{it}$$

³ We use a linear probability model (LPM) based on ordinary least squares regressions, rather than a logit or probit model, for two reasons. First, the standard concern that an LPM model may lead to predicted probabilities greater than one is very unlikely to occur in this case where all regressors are indicator variables and all combinations of these regressors actually occur in the data – that is, predicted values do not require extrapolation beyond the range of observed values for the right-hand-side variables. Second, both the coefficients and marginal effects of a logit or probit model are in fact uninformative of the sign, size or significance of the difference-in-differences treatment effect (Ai and Norton 2003). Recovering the parameter of interest from a logit or probit is more involved and less transparent, and computation of standard errors requires yet another layer of complexity.

where *Endline* is a dummy taking a value of 1 for observations in the follow-up survey, and *T* is the treatment dummy. In this setup, the DD estimate of the treatment effect is given directly by the β_1 coefficient on the interaction between endline and treatment status. In the example given above, an estimate of $\widehat{\beta}_1 < 0$ would, if statistically significant, suggest that Timap had reduced the proportion of inmates held in remand as opposed to serving a sentence.

For other outcome indicators the unit of observation would be different. For instance, in the case of arrest rates at police stations analyzed in the next section, the unit of observation is a given day at a given site. Thus the subscript *i* indexes sites and *t* days.

For completeness, we analyze a large number of outcome variables, listed in tables in subsequent sections. This approach poses some risks, particularly in the temptation it offers to over-interpret results by ‘cherry-picking’ a few statistically significant results out of a wide range of variables tested. Statistical significance here is defined as rejection of the null hypothesis of no effect with 95% confidence. This standard for measuring statistical significance implies that, for a given level of variance in the data, we will “find” a statistically significant effect in 5% of cases even if no true effect exists. When testing a large number of outcome variables, the chance of such spurious findings goes up. Thus it is important to consider the totality of the evidence in weighing the empirical results, rather than fixating on a single parameter that confirms our priors. Further explanation as to how to interpret the analysis in Sections 4 and 5 will be explicated in those parts of the report.

3 The Criminal Justice System

This section provides an extended empirical picture of the criminal justice system as it functioned in the survey sites during the time of the baseline, drawing on both quantitative and qualitative data, with the exception of one table on corruption drawn from endline data. This section is meant only to give an overview of the criminal justice system in Sierra Leone. Many of the variables in the graphs and tables below were also collected during the endline.

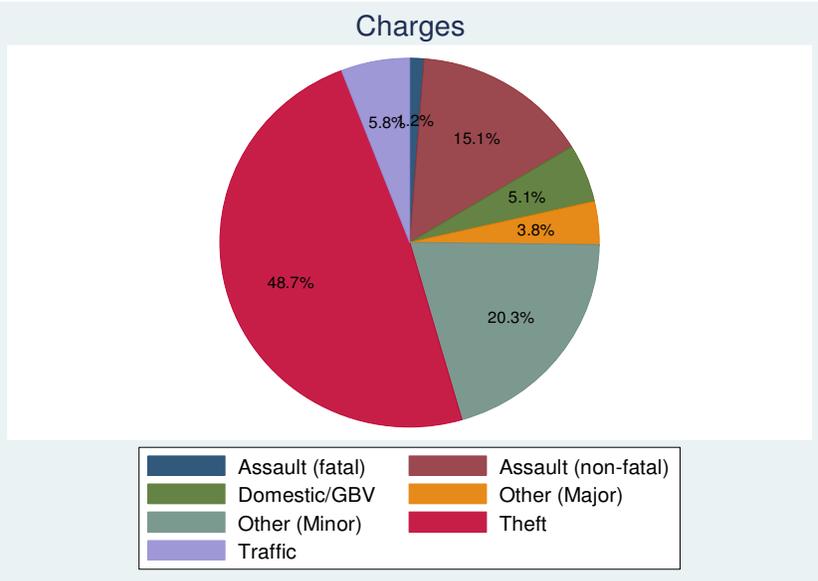
The ultimate purpose of this data is to provide a detailed picture of the challenges faced by the justice sector, as well as clues to the deeper underlying causes of these problems and their potential remedies. Our goal in this section is to put the CJP in context. Our findings for the impact evaluation will immediately follow.

Figure 5. Charges laid on police detainees, Aug 4-Dec 15 2009. All sites.
Source: Official police records.

3.1 Police

Arrest

Upon arrest, a detainee is brought to the police station, whereupon a statement is meant to be taken immediately, and his or her name and arrest date entered into the detention logbook. Not all detainees in custody are arrested because of a police investigation into a crime.



Qualitative interviews suggest that a significant proportion of individuals were arrested solely because of an allegation by a complainant, and one described how he had been arrested as collateral until the real suspect, an acquaintance of his, turned himself in.

Sometimes affluent complainants will come to the police station with false accusations, and simply instruct the police that I want this suspect to be detained.

— Police officer, Port Loko

Q: Please narrate a case from crime to conviction of an unsuccessful investigation/ prosecution or a case in which justice was not served starting how the case came about and what was the official charge?

A: A made-up case of assault was reported by an individual who alleged that the accused punched him in the face. The official charge was assault. There was no independent evidence to ascertain the truth of the matter. The complainant was given a medical form and brought in [sic.] the medical report, and the matter was charged to court. In actual fact, the medical report must be backed up by an independent eyewitness, which did not happen in this case. However, pressure from the authorities facilitated the matter [sic.] to go to court.

Q: Was a surety contacted?

A: The suspect had no surety as the suspect was arrested on warrant charges.

Q: How was bail handled?

A: No bail was granted.

Q: Was there a lawyer involved with the case?

A: No lawyer was involved.

Q: Did any other department make mistakes (prisons, police or courts)?

A: The police.

Q: What mistakes were those and how did they affect the outcome of the case?

A: The matter should not have been charged to court for lack of substantial evidence and the matter was [sic.] acquitted and discharged.

Q: Are you ever under pressure to make certain arrests, treat certain prisoners differently or leave certain people alone?

A: Yes.

Q: Where does this pressure come from?

A: The authorities above.

— Police officer, Kenema

Sometimes charges are arbitrary.

Q: Why were you arrested?

A: I was arrested because, I asked my father to show me my biological mother. It is about 15 to 17 years now I have not seen my actual mother [sic.]. So I started to harass him but he

refused. I pressured him but he continue to threaten me that if I don't stop he will do something that I will regret. So at night I started to throw stones on the roof of the house. He called on the police and they arrested me and brought me to this station where I have spent about six (6) days now. There is no food and no one to bail me.

Q: Was there a complainant?

A: Yes, my father is the complainant.

Q: What was the official charge?

A: Malicious damage.

Q: Was there a surety? Bail?

A: No sir. It is only now that the police have released me, because he has not come here.

Q: How long have you been held in pre-trial detention?

A: Six (6) days.

Q: Have you been to court?

A: No sir.

Q: Did you make a relationship with officers? [sic.]

A: Yes I try to establish a relationship with them.

Q: Do you know your legal right? [sic.]

A: Yes because I am suppose to [sic.] have been charged to court before 72 hours.

Q: Would you recommend that someone pay money to aid his/her case?

A: Yes, because if you don't pay money, that may hinder your case which will lead to your imprisonment.

— Detainee, Makeni

Figure 5 shows the proportion of police detainees who were arrested for each of seven categories of offence during baseline data collection. The data is taken from official police records of detainees in jail from August 1st to December 31st, 2009. The most common offence among police detainees is theft, at 47.7%. A sizeable share of detainees, 20.3%, are held for other (non-felonious) minor offenses. Such crimes are miscellaneous, and can include anything from “threatening remarks” to “destroying crops.” The domestic violence/GBV category includes spousal and child abuse, child neglect, kidnapping, and human trafficking.

Not all disputes result in an arrest. Often, police officers will mediate minor disputes to avoid a charge being levied.

Q: Do you ever resolve dispute? [sic.]

A: *Yes.*

Q: *What type of disputes?*

A: *Minor disputes e.g. between parents and children.*

Q: *Who are normally involved in the process?*

A: *Elderly people, the complaints, witnesses etc.*

— Police officer, Kenema

Q: *What type of disputes are resolved outside the scope of criminal protocols, e.g. conflict mediation between a complainant and an accused or detainee claiming he is being unlawfully detained?*

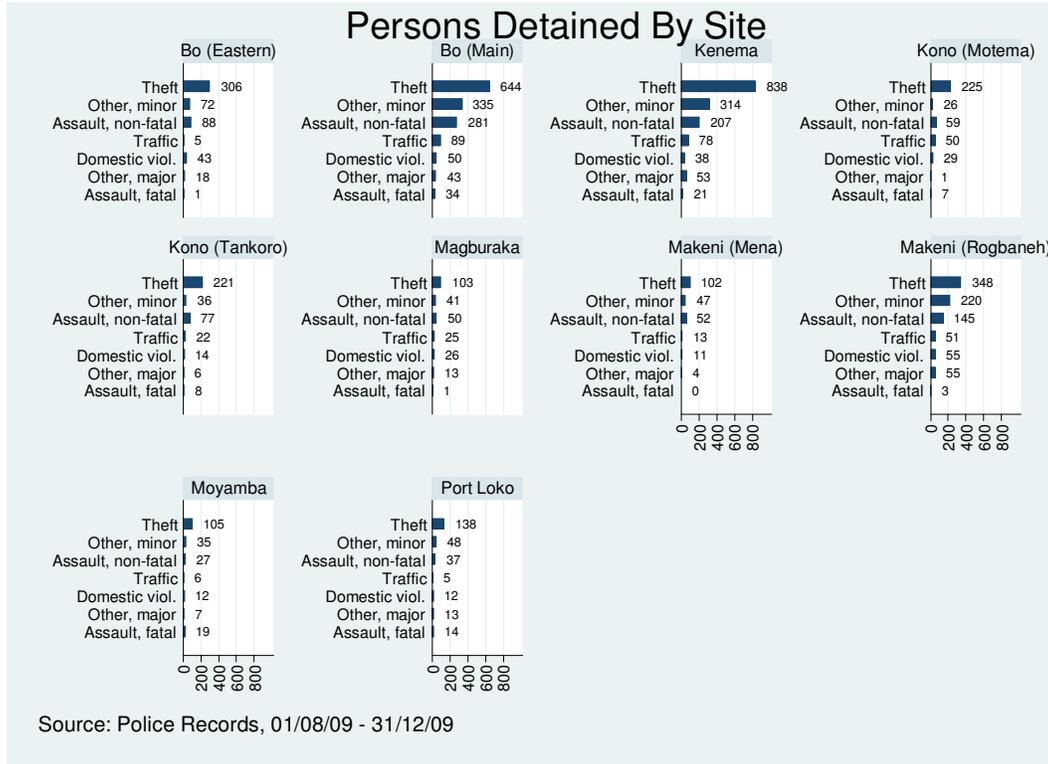
A: *We settle marriage cases and cases arising between parents and children.*

— Police officer, Makeni

Police detention

Figure 6 divides the total tally of detainees from August to December 2009 by charge and police station, making it possible to calculate a rough arrest rate. Note that an arrest rate is not the same as a crime rate, as the former refers to the number of arrests made by police while the latter refers to the number of crimes committed. Because so much crime goes unreported in Sierra Leone, calculating a crime rate without conducting community surveys was not possible.

Figure 6. Number of arrests, by site and charge, Aug 4-Dec 15 2009. Source: CSAE detainee survey



Though some charges are always felonious or always non-felonious, there are others, such as assault or some instances of larceny, which can be either depending on the severity of the accusation. Further analysis of which crimes are generally felonious or non-felonious is needed to thoroughly assess if people charged with certain crimes tend to be held longer than others.

Under Sierra Leonean law, detainees can only be held in police detention for 3 days for minor crimes and 10 days for felonious crimes before they are officially charged. This means that in the case of minor crimes the police have 72 hours to collect all evidence, record all statements, complete records, find witnesses, and contact sureties. Finally, within that 72 hours, they must also ensure the detainee is charged and brought to court, since the detainee cannot be transferred to remand prison without a court order. Often, this is not possible because it is a weekend or the court is not in session.

CSAE researchers catalogued all police records from August to December 2009, totaling 6,261 detainees, of which 30% did not have an arrest date, a release date, or both, recorded. Of those that had both, the mean detention rate was 2.3 days. The police recorded 4,836 detainees, or 77.2% of the total number of detainees, as held between 0-3 days, 651 detainees, or 10.4%, as held between 3-10 days, and 138, or 2.2%, as held for over ten days, which is illegal no matter what the crime. It is important to note that since

these are official records, they are probably on the low side in terms of excessive pre-trial detention. As of now, it is difficult to say how long the 1,875 detainees who were missing information were held, either because of police neglect or an effort to hide the real number.

Table 4 shows the number of arrests recorded by site for four categories: those files missing release dates, those held 0-3 days, those held 4-10 days, and those held longer than 10 days. As stated above, the “treatment” towns are Bo, Makeni, and Magburaka. Chapter 4 below analyzes the impact Timap has had on reducing the PTD rates in treatment sites.

Table 4. Days in police detention, by site, Aug 4 - Dec 15 2009. Police records. All sites.

	0-3 Days	4-10 Days	10+ Days	Unknown	Total
Bo (Eastern)	442	36	3	54	535
Bo (Main)	1,239	110	18	113	1,480
Kenema	1,258	147	44	107	1,556
Kono	640	120	16	5	781
Magburaka	212	30	7	22	271
Makeni (Mena)	179	30	1	22	232
Makeni (Rogbaneh)	547	117	46	185	895
Moyamba	79	21	1	117	218
Port Loko	240	40	2	11	293
Total	4,836	651	138	636	6,261

Detainees are often held over the allotted 72 hours for non-felonious crimes and 10 days for felonious crimes. Some of the reasons for this are:

- (i) The police are still trying to collect evidence. Delays may be in order to locate witnesses, arrange for transport to conduct an investigation, etc.

I will start by saying that some accused people are stubborn to respond [sic.] to accusations levied against them. This will eventually lead to delay in closing a case within a specific period of time. Moreover, others are in the habit of running away which also makes it difficult for the police to locate them. It is also but important to note [sic.] here that certain cases go beyond 72 hours, especially in the event of a road accident where some passengers are in a critical condition. The driver will have to be kept for over 72 hours since the police would want certain information from the passengers who may need time for recovery, so in this situation the case will even depend on [sic.] the

speedy recovery of the victims. Furthermore, in cases involving two or more suspects in murder cases, if one suspect is in police net then until the other is brought to book [sic.] the case will not be closed within 72 hours.

— Police officer, Port Loko

Q: What are the main constraints for police to investigating [sic.] and closing a case in 72 hours?

A: The non-appearance of witnesses is a problem, as some people will take their cases to court and the witnesses fail to appear. Another constraint is that officials normally do not work closing with the time [sic.]. Say for instance if court sittings are to begin at 9.00 am, probably the Magistrate will not start at the stipulated time as he /she may have to attend to other matters wherein people may be coming in and out at irregular intervals.

— Prison officer, Makeni

(ii) Alternatively, police may state that the detainee is a danger to society, or because of a fear that upon release on bail the detainee might destroy still uncollected evidence or influence witnesses to speak in his/her favor.

(iii) A third reason is the lack of availability of a judge. This could happen if the Circuit Court is not in town, or if the Magistrate's Court is not sitting regularly or is too busy.

Q: What are the causes for perpetrators to be over-detained?

A: The courts sitting in Makeni are not frequent [sic.] and irregular.

Q: Do these constraints even affect your work?

A: Yes, as we cannot be keeping suspects in our custody when they should be in court.

— Police officer, Makeni

Q: What are the main constraints for prisons/ courts in investigating and closing a case within three court adjournments?

A: Well, in the court because of the plenty file of cases [sic.], it is sometimes difficult to process most cases. Also in this region, we only have one magistrate and he cannot sit on two cases from different towns at the same time.

— Police officer, Kenema

Q: How can court cases be processed more quickly?

A: The recruitment of more magistrates and judges the provision of transportation and improved communications and improved conditions of service.

— Police officer, Kenema

Q: What are the main constraints for police in investigating and closing a case in 72 hours?

A: It depends greatly putting the evidences together.

Q: I am aware of this but I know very well that you are part of the justice sector and I want to get your perception with respect to the courts constraints.

A: The eastern region has very few court officials like magistrates and judges which causes delay in investigation and closing certain cases within 72 hours.

— Police officer, Kenema

(iv) The police also lack money for simple investigatory items.

Q: What are the main constraints for a police officer in investigating and closing a case within 72 hours?

A: In my operational area, we don't have vehicles and juvenile cells.

— Police officer, Makeni

Q: What kind of charges would make the justice system including the police, the prisons and the courts run more efficiently?

A: I can only give recommendations for the police where I am presently engaged. In the first place, the police should be provided with equipments [sic.] and accessories including tape recorders, especially in the area of investigations.

Q: Repeated.

A: It depends on the facts brought forward by the suspect during investigations. And the resources needed are stationeries [sic.] and transportation fare.

— Police officer, Port Loko

Q: What are the main constraints for police [sic.] in investigating and closing a case in 72 hours?

A: Distance is another constraint as the ration of fuel given to us sometimes get finish [sic.], especially in terms of investigating cases far away from the police

*station, and this brings us to using our own resources to pursue such matters.
Which also cause delay [sic].*

— Police officer, Magburaka

Often complainants and detainees must pay for their own investigation.

Q: A detainee/prisoner's family member visits you. The family offers a substantial donation to the police station/prison to ensure that their loved ones case gets handled quickly. How do you handle this?

A: I will take the money, use it for station or personal costs, and speed up the case.

— Police officer, Bo

Q: How do you normally speed up a case and what resources do you need?

A: It is normally said that he who alleges must prove it so it depends to the complainants [sic].

— Police officer, Kenema

- (v) Enumerators also note cases where police hold detainees longer to extort money, either from the detainee, a surety, for bail, or from a family member; alternatively, the police can accept money from a complainant to keep a person locked up for some time. For such illegal detentions, the police may not record the arrest in their logbooks or detention forms, or release dates are not recorded. CSAE enumerators have on occasion witnessed the police burning records of illegal detentions, ostensibly to avoid detection.
- (vi) Enumerators also note cases in which detainees have been transferred to a different police station after 72 hours in order to keep the detainee incarcerated without appearing to break the 3/10 day rule—since each police station keeps its own records and there is no central database, it appears the detainee is being lawfully held. In one case in Makeni, a detainee was transferred 3 times in one month between the two local police stations.

We are given access to see the cells, but sometimes [the police] hide certain suspects or detainees from us, especially when they are expecting to receive money from the relatives of these suspects. So wouldn't [sic.] want us to know anything like information about them.

— Magburaka paralegal

Over-detention can also be associated with lack of capacity in the SLP. Vehicles are usually not available to respond swiftly to criminal investigation which leads to the obvious disappearance of criminals, potential witnesses and a total destruction of traces of exhibit and evidence. Expert investigators and witnesses are also very difficult to come by. Similarly, for some felonious offences, the police are not allowed take a charge to court without the consent of a State Counsel. This also leads to a delay in pretrial detention since the Judicial System has very few State Counsels. For example, the entire Southern province is served by a single State Counsel who also doubles as the Customary Law Officer.

One way the Timap CJP program seeks to reduce excessive police detention is by informing detainees of the 72-hour/10-day rule and aiding them in applying for bail. It is often said that if detainees knew the law in terms of how long the police can legally detain a suspect, they would be able to argue for their release. Although 1,349 detainees (66 percent) in the August-December sample from all sites said that they did not know of the 72-hour/10-day rule, 30 percent of those who said that they did know gave the correct answer of three days for non-felonious crimes.

Q: Do you know some of the rights you are supposed to get when brought to the police station?

A: Well I don't know because I have never been to a police station [before] and I have never been locked up.

Q: Do you know how many days you should take [sic.] before charging you to court?

A: No sir, I have never been to cell [sic.]. This is my first time.

Q: Will you recommend that someone pay money to police?

A: Well, I will recommend a tip.

Q: Do you think people have confidence in the police?

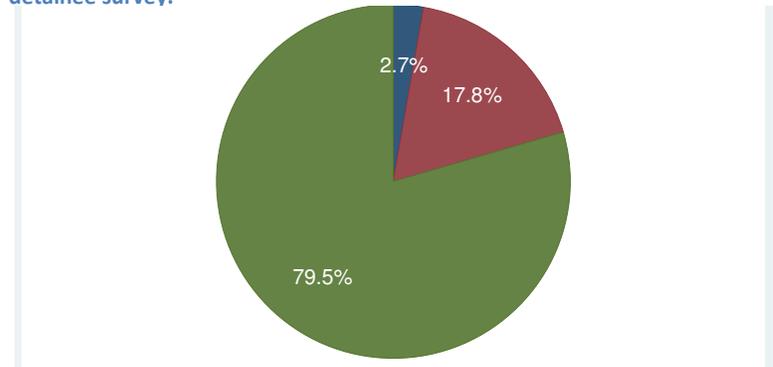
A: No sir.

— Detainee, Port Loko

Treatment in police detention

Once in the cells, the situation is grim. The police are not legally obligated to provide food for detainees. Instead, the complainant who reported the crime or

Health Treatment in Police Detention
 Figure 7. Access to health care, Aug 4 - Dec 15, 2009. All sites. Source: CSAE detainee survey.



the detainee’s family must either bring food or give money for food. Many cells are over-crowded and unsanitary. Enumerators noted one cell in Makeni that contained 20 detainees. They also noted that the police occasionally take food brought for the detainees, or beat them.

Q: Are there any cases of other detainees which have stood out in your mind (juvenile)?

A: Yes there was a juvenile here, he was sick, but when he complains of his illness, he was again beaten instead of medication.

— Detainee, Makeni

Figure 8. Percent abused while in detention Aug 4-Dec 15, 2009. All sites.

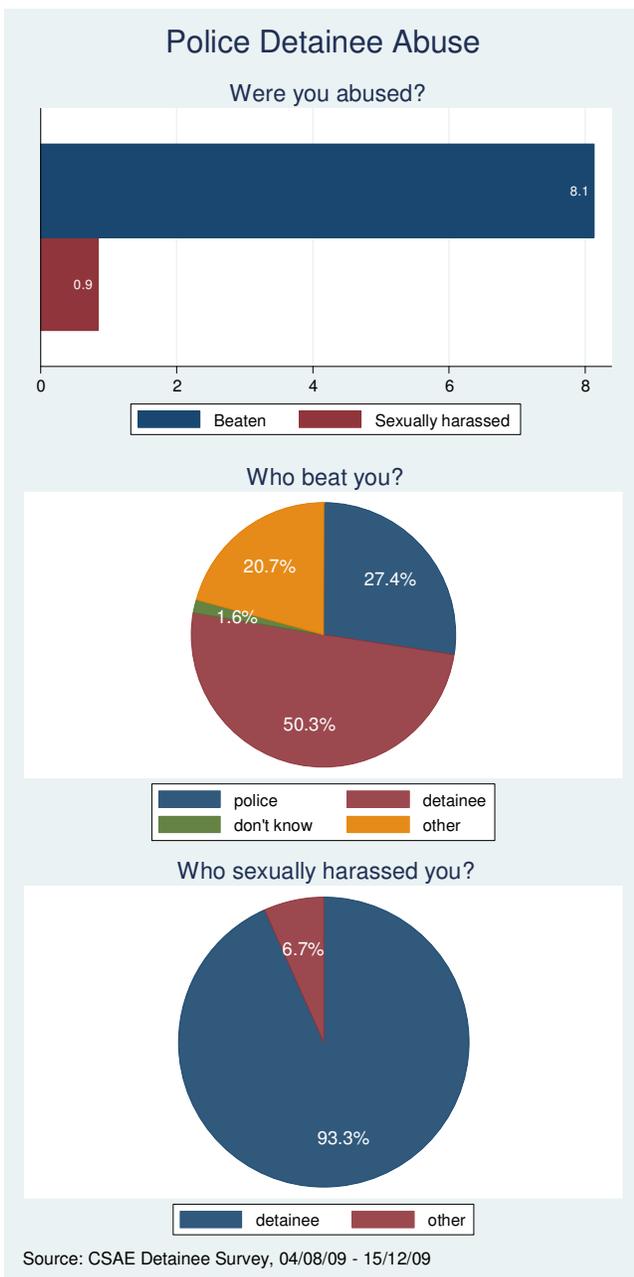


Figure 7 shows detainees’ self-reported access to health services while in police detention. As part of the CSAE detainee survey from 4 August to 15 December 2009, respondents were asked, while in jail cells, whether they had received health care if needed. A large majority, 79.5%, reported they did not require treatment. However, of those who felt they required health care, the majority said they were denied services – 86.8% of those requiring care said it was denied.

Figure 8 shows three graphs detailing detainees’ self-reported experiences of abuse. While 8.1% of detainees reported having been beaten, only .9% reported having been sexually assaulted. Of those who reported physical abuse, more than half said it had been at the hands of another detainee, while 27.4% said it had been by the police. Of those who reported being sexually assaulted, 93.3% stated it had been by another detainee, and not an official.

Because detainees are at the mercy of those incarcerating them, it is relatively easy for police to trick detainees into signing statements if the detainee is illiterate or does not speak English. One

of the main criticisms of the formal system is that all proceedings are conducted in English, which most detainees and inmates do not understand. Only 10% of respondents to the quantitative Detainee Questionnaire say they can speak English, putting them at a disadvantage when trying to understand the charges levied against them or what is happening to their case in court. Another important disadvantage is that their statements about the events surrounding the alleged crime are also written in English, which most can neither read nor write. While 75.2% of detainees have made a statement, only 40% ever read the statement to see its contents and only 2% wrote it themselves. This opens them up to extortion and manipulation by the police. These statements are also often read out in court as part of the case proceedings. Since 99% of the CSAE quantitative detainee sample (baseline) have not been offered legal aid or go through the system without legal aid, they are often at risk of becoming lost in the system, also contributing to excessive pre-trial detention. The prisoner below never wrote his own statement:

Q: In your experience, which department was the least efficient police, prisons and court?

A: The police department, as the officer on duty that night refused to obtain statements from me until the next day. The police also failed to obtain statements from the complainant and the witnesses till late in the evening of the next day. I believe a lot must have been swept under the carpet in terms of bribes... If I had enough money to give to the police I would have given them [sic.] and very nice things would have been written on my own side [sic.] then I would not have gone to prison.

— Prisoner, Port Loko

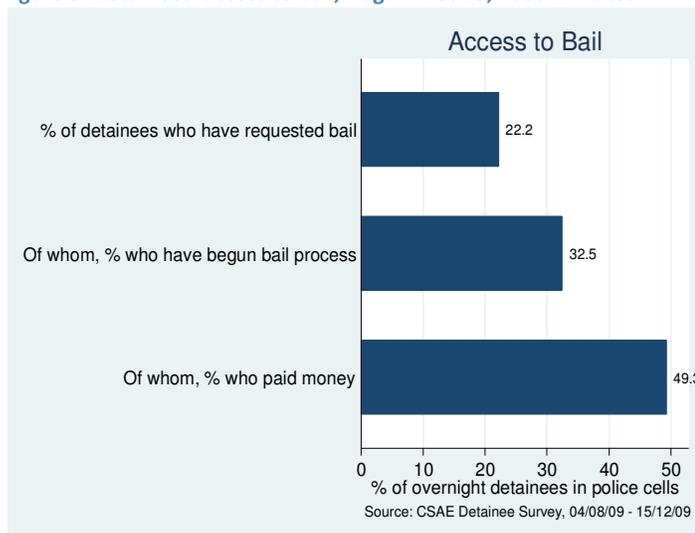
Sureties and bail

Information about bail is another focus of the Timap intervention.

Q: Can you explain a little more?

A: Most people do not understand what is meant to be a surety unless you explain to them their roles and responsibilities because

Figure 9. Detainees' access to bail, Aug 4 - Dec 15, 2009. All sites.



some people when asked to pay a certain amount of money, they think it is to be paid at once. Some clients would tell you to go and meet someone to be his or her surety; he or she will tell you that I don't have money to pay forgetting the fact that bail is free.

— Timap paralegal

Of the 1,034 people in the quantitative detainee sample who knew that their charge was either bail-able or not bail-able, almost 337 people, or 40%, were given this information by the police.

In most cases, detainees have the right to a surety. The catch is that in most cases the surety must be a local resident, and must be able to prove local residence with an ID or land permit. In many cases when a suspect is arrested away from his/her home area, they are unable to get access to a surety.

The police do not often have the resources to call sureties, so can either not do so or extract money from a detainee to make the call or to take transport to find the surety. Sureties themselves often do not understand what their role should be, or are afraid of getting in trouble themselves. Sureties also often shy away because the police ask them to pay for bail, though bail is free. Very rarely is bail granted without a surety or the detainee him/herself paying for it.

A: *There is no fair justice in Bo. It is written in the police station that bail is free but they did not grant me bail. It is an injustice.*

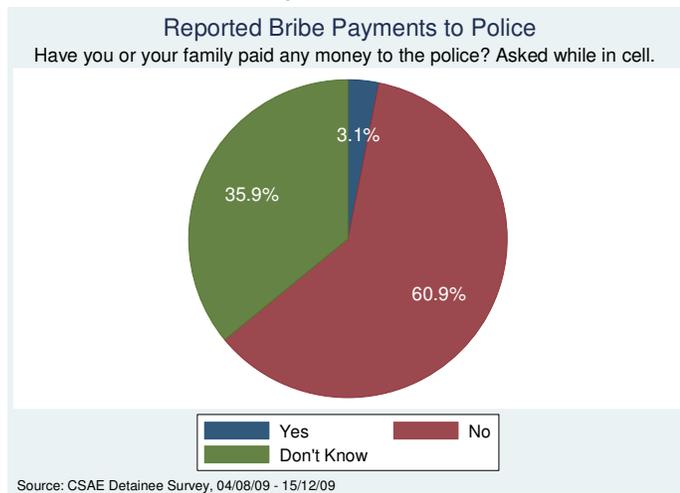
Q: *When they say it's free, do they actually maintain that?*

A: *No. They sometimes ask for Le 30,000 to grant someone a bail.*

— Prisoner, Bo

Figure 9 documents detainees' access to bail while held in police custody. The data is taken from the CSAE survey of detainees, based on interviews conducted in police cells. Bear in mind that the majority of respondents were interviewed on the day following their first night in jail. Of these overnight detainees, 22.2% reported requesting bail. Of those who requested bail, only 32.5% reported having begun the

Figure 10. Reported bribe payments to police. Aug 4 - Dec 15, 2009.
Source: CSAE detainee survey.



bail process, which involves contacting their surety. Of this small fraction of detainees who had begun the bail process (22.2% times 32.5% is about 7% of total detainees), roughly half reported paying money to access bail—a clear violation of the law. In all likelihood, these figures understate payments for bail for at least two reasons. First, detainees still in custody may be reluctant to divulge bribe payments. Second, and more fundamentally, there is a clear selection problem. Detainees pay to secure their release. It is reasonable to suppose that those still in custody are those who have not paid or are unable to do so.

Figure 10 shows the rate of reported bribe payments to police by detainees in jail cells. Detainees were asked whether they or any member of their family had paid any money at any point during their arrest or detention to the police. Any such payment violates Sierra Leonean law, under which “bail is free”, as noted on signboards in most police stations. There is strong evidence to suspect that there is massive underreporting in these figures.

Q: What was the official charge?

A: The official charge was unknown to me.

Q: Was there a surety? Bail?

A: There is no one to bail me.

Q: How long have you be held in detention?

A: Five days now.

Q: Have you ever been to court?

A: No sir.

Q: Do you know your legal right i.e. how many days somebody should take in detention?

A: No sir.

Q: At any point in time, would you recommend that someone pay money to aid his /her case and if so to who?

A: Yes and that money should be paid to the officer in charge.

— Detainee, Kenema

Q: Have the complainant and witnesses involved in the case?

A: Well, yes sir, because the complainant (Adama) uses his power.

Q: What advice would you give to someone who is arrested?

A: I will tell the person to have money, in order to buy pens or other related items for the police. Also to have money for transportation.

— Detainee, Port Loko

Q: When the police arrested you where did they take you ?

A: He took me to the police station before then he asked me to give him some money but I had no money with me but I told him to accompany me home so that I will give him the money but he refused so we went to the station.

Q: What happened when you were taken to the police station?

A: he asked us to give him some money for the second time. There was no money and we were detained for about a week before the matter was charged to court.

Q: Do you have confidence in the police? The prisons, the courts? Why or why not?

A: No. I don't have confidence in the police. They only work your case fast irrespective of your right or wrong when you have money.

— Prisoner, Bo

Q: How does corruption function inside police stations, prisons, courts? In other words, how do officials extract money or abuse their power to enrich themselves?

A: In the police, family members are asked to pay for bail. Prison officials do demand money from relatives who come to visit their loved ones. And for the court officials, they do ask relatives of suspects to pay for bail.

— Timap paralegal

Corruption is rampant within the police, and not just in taking money for bail. Surveys conducted during the endline—including 12 additional sites aside from the six treatment and control sites— indicate that 62 percent of those in police detention in 18 sampled sites across Sierra Leone had to pay a bribe to the police, ranging from 2,000 Leones (US \$.50) to 6,000,000 Leones (US \$1,500). Moreover, these figures are likely an underestimate due to fears of reporting corruption. The bribes were for many reasons: favorable statement-taking, food, contacting family members or sureties, bail, or even release. The survey evidence suggests that complainants, too, must pay money to the police when they report a case, with 36 percent of respondents reporting bribes paid in the range of 10,000 Leones (US \$2.50) to 85,000 Leones (\$21.25).

Table 5. Reported bribe payments to police. CSAE police survey, Aug 27 – Oct 30, 2010. All sites.

	Percent paying bribe	Amount paid (Leones) <i>1 Leone = \$ 1</i>	Average	Std. dev.	Obs.
Complainant	36%	10,000-85,000	21,736	18,231	957
Detainee (in cells)	62%	2,000-6,000,000	28,667	145,718	3,349

Juveniles

Juveniles, by government mandate, are to be kept separately in police cells from other detainees, but sometimes for reasons of space and sometimes because the officers have no way of ascertaining the real age of detainees, they are housed with adults. The Ministry of Social Welfare cannot always monitor every case. After juveniles are charged to court, prisons often do not accept them as remand prisoners because it is against their mandate, which means many juveniles do remand time in police cells in the towns where there is no remand prison. In the Timap treatment sites, the only town with a remand prison for juveniles is in Bo. The Ministry of Social Welfare, designated to deal with the needs of juveniles, is not always able to regulate the handling of juveniles in police stations across the country.

Juveniles are normally processed by putting them behind the counter but it is based on the magnitude of the crime as some are detained for very serious crimes while others are released.

— Police officer, Port Loko

Q: What part has Timap played that has created a great impact on an individual's case.

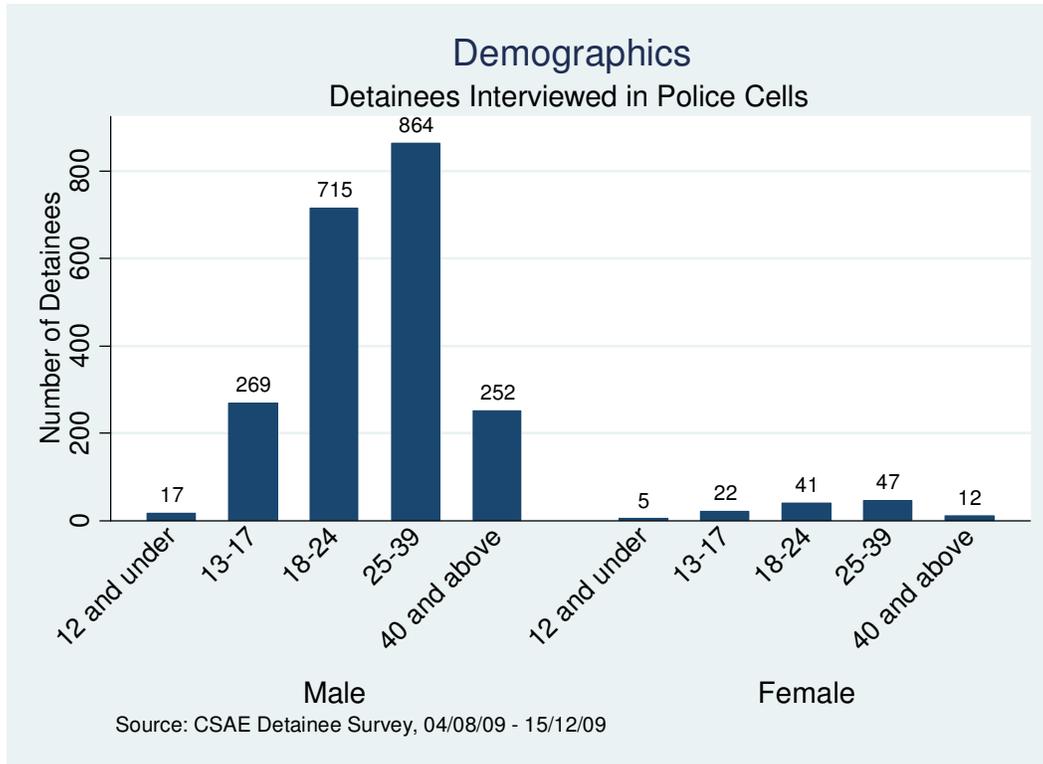
A: I intervened in a case in which someone was over detained and there was no contact with relatives as they were in Mile 91. I phoned the relatives and was able to contact them and bail was granted to the suspect. He was alleged to have stolen from a vehicle. Our lawyer intervened and the court was reconstituted into a juvenile court as the suspect was a small boy.

— Timap paralegal

Though most detainees and inmates are not juveniles, in general, the detainee and prison population is predominantly young and male. Figure 9 gives a simple demographic snapshot of the respondents from the CSAE detainee survey – i.e., persons who have spent at least one night in police custody during the period 4 August to 15 December 2009. As seen, the detainees are overwhelmingly male – 94.3% of the

total. Also notable is the sizeable minority who are underage. While very few detainees are 12 years or younger, 14.1% of the total are under 18 years old.

Figure 11. Age and gender breakdown of detainee population, Aug 4 - Dec 15, 2009. All sites.



Demographic and Socio-Economic Profile of Police Detainees

The CSAE detainee survey collected basic demographic characteristics of individuals in jail cells, and also included an in-depth module on the socio-economic background of detainees including their economic activities prior to arrest and wealth indicators of their household.

In this section we use this data to address a basic question about the socio-economic status of police detainees. What is the opportunity cost of being incarcerated? In other words, are individuals in police detention primarily unemployed youths who are dependents within their households, or are they predominantly household heads who forego employment and earnings while in jail?

Do detainees lose significant income while behind bars?

Table 6 provides a detailed breakdown of the main demographic and socio-economic indicators collected as part of the detainee survey. The table shows average values for each indicator, separately for treatment and control sites, in both 2009 (baseline) and 2010 (follow-up).

There is clear evidence that detainees do contribute to the economic support of their households when not incarcerated. As seen, at the time of the baseline survey (Aug-Dec 2009), a plurality (41%) of detainees in treatment police stations reported that they were the head of their household, while just 22.8% reported that they were a child of the head. 80.7% reported that they were working before their arrest, with an average income of approximately Le. 30,000 per week (roughly US\$7).

It is also worth noting that detainees are largely poor, but not exceptionally so by Sierra Leonean standards. As seen, detainees in treatment police stations were – unsurprisingly – young and overwhelmingly male, with an average age of 27.2 years and just 4% female detainees. Roughly a quarter (26.5%) had no schooling, but slightly more than half (54.8%) had achieved at least some education beyond primary level, including junior secondary, secondary, vocational training, or beyond. 83.2% of detainees describe themselves as “somewhat poor”, while just 13% describe themselves as “very poor”.

Table 6. Socio-economic indicators of individuals in police detention. Source: CSAE detainee surveys, 2009 and 2010

	Full Treatment		Observation Only	
	2009	2010	2009	2010
Age of detainee	27.2	25.4	26.4	27.3
Male detainees	96.0%	89.6%	92.8%	95.2%
Household size	7.6	6.2	6.3	7.4
Relation to household head				
Head	41.0%	37.8%	42.7%	52.4%
Spouse	2.8%	3.8%	2.8%	1.7%
Child	22.8%	25.7%	20.8%	23.1%
Other	33.5%	32.6%	33.7%	22.7%
Tribe				
Krio	1.4%	27.1%	0.7%	1.3%
Mende	51.1%	23.3%	30.4%	18.8%
Temne	22.7%	34.4%	27.3%	30.6%
Mandingo	4.3%	1.7%	5.9%	5.7%
Limba	4.2%	5.9%	5.6%	3.1%
Kono	1.5%	0.3%	11.9%	28.4%
Fullah	6.2%	3.8%	6.3%	4.8%
Other	8.5%	3.5%	11.9%	7.4%
Education				
None	26.5%	28.1%	31.2%	38.0%
Primary 1	0.5%	0.7%	0.1%	0.0%
Primary 2	0.4%	1.0%	0.4%	0.4%
Primary 3	2.0%	1.4%	2.5%	1.3%
Primary 4	1.9%	0.7%	3.9%	1.3%
Primary 5	4.2%	2.8%	2.5%	2.2%
Primary 6	9.6%	10.4%	11.1%	5.2%
JSS 1	10.3%	6.9%	9.5%	7.9%
JSS 2	9.1%	9.4%	9.2%	6.6%
JSS 3	10.8%	12.2%	11.5%	11.8%
SSS 1	5.0%	5.2%	4.7%	6.1%
SSS 2	9.1%	6.9%	7.6%	7.9%

	Full Treatment		Observation Only	
	2009	2010	2009	2010
SSS 3	6.3%	10.1%	3.7%	9.2%
Technical/vocational	2.7%	1.0%	0.8%	0.4%
Teacher training	0.5%	1.4%	0.7%	0.4%
Nursing	0.1%	0.0%	0.0%	0.0%
University	0.8%	1.7%	0.7%	1.3%
Subjective poverty				
Very poor	13.0%	30.2%	48.5%	48.0%
Somewhat poor	83.2%	65.6%	46.7%	37.6%
Not poor	3.8%	4.2%	4.8%	14.4%
Other income/wealth indicators				
Working before arrest?	80.7%	64.4%	62.5%	81.2%
Income	30,120	63,572	19,827	47,871
Any expenditure on oil?	96.3%	71.2%	76.5%	83.0%
Access to phone?	92.7%	88.9%	67.7%	76.9%
Harvest any tree crops?	25.1%	28.1%	22.5%	30.1%
Cement floors?	89.0%	77.1%	65.6%	61.1%
Zinc roof?	91.6%	93.1%	87.6%	89.5%
Cement/stone walls?	28.8%	44.4%	48.0%	42.8%
Water source				
Piped into dwelling	1.8%	1.0%	8.3%	1.7%
Public tap	2.2%	2.8%	25.5%	10.9%
Bore hole/tube well	61.3%	6.9%	17.3%	14.8%
Protected well/spring	32.5%	59.0%	28.5%	57.2%
Unprotected well/spring	0.8%	21.9%	11.5%	7.9%
Surface water (river, etc.)	1.4%	7.3%	8.4%	7.4%
Collected rain water	0.1%	0.0%	0.0%	0.0%
Water vendor	0.0%	1.0%	0.5%	0.0%

3.2 Courts

In addition to changes in police behavior, a sustainable reduction in the incidence of pre-trial detention will ultimately require courts to work efficiently and clear their backlog of cases. As illustrated in the interview excerpt below, several practical obstacles currently prevent courts from delivering swift justice.

A: *If you had a lawyer that has many cases across the country, in magistrate court or high court. They are most often than not absent to represent you. Most times he will write a letter of excuse for being busy at the high court. That will lead to so many adjournments. So based on their work load, cases will be delayed. Secondly, there are times when [the complainant] may come and testify, but to come with his/her witness will be another problem. They will give excuses on behalf of their witnesses such, my witness has travelled, and my witness is not well and so on. This will certainly lead to delay.*

Q: *Do you have any other reason for the delay of cases?*

A: *Yes. Poverty, If the complainant is poor and is staying far away from the court, he/she might not be able to pay his way together with his/her witness or witnesses to the court.*

— Court Registrar, Moyamba

Q: *What resources do you need to speed up a case?*

A: *The magistrate should be provided with a vehicle as I have heard him grumbling. This will at least make him mobile from one point to the other.*

— Prison official, Moyamba

Q: *How internal structure and management be improved?*

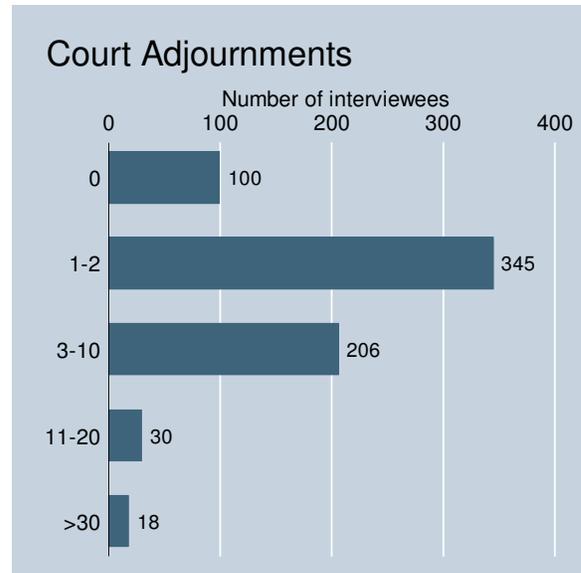
A: *The number problem is that there are few magistrates. So for now the structure of the magistrate. They change them from one point to the other, I believe that is good. The only thing I will say is to encourage other lawyers to come to the bench; the remuneration should be improved and made attractive.*

— Court official, Makeni

Detainees who are brought into the court submit a plea and the case is either heard immediately or a date is determined for the start of the prosecution's case. Dates are chosen based on (i) when the magistrate

will next visit the town and (ii) the severity of the case relative to other cases waiting to be heard. Once the case is heard, the defendant should in principle be offered bail if the case is non-felonious and he or she has a surety. If the case is felonious, the detainee is transferred back to prison and categorized as a remand prisoner.

Figure 12. No. of adjournments, Aug 4 - Dec 15. All sites.



Q: What are the main constraints for courts in closing a case within three court adjournments?

A: The issue of getting witnesses to come to court and testify is an important factor. For instance, there is no court sitting in certain places like Kailahun. Getting witnesses from Kailahun poses a very serious problem as there is no vehicle to convey them here to Kenema. The court sits at sessions which creates delay as one sessions will have to be closed before another opens in another area. There is only one state counsel in the Eastern region.

- Court Secretary, Kenema

Q: What kinds of changes would make the justice system, including the police, the prisons and the courts, run more efficiently?

A: Well, in our country, cases do not go the way they should as there are delays in cases. A single Magistrate is unable to oversee all the cases. There is a need to get another Magistrate in town. The one and only Magistrate will have to travel to Kabala, Kamakwie and other places so there is need to have resident Magistrates in all these places.

— Police officer, Makeni

Q: What are the main constraints for courts in closing a case within three adjournments?

A: Well, really the constraints are many. You know this old system or method, sometimes a case may take up to 6 months in the magistrate court and some

Figure 13. Case status in prisons. Aug 4 - Dec 15, 2009. All sites.

people spend most of their time in the magistrate court and become disinterested in the matter or move because of financial or other problems, so at the end of the day, it is difficult to locate them.

Q: So because of these financial reasons you don't move. Now let's say somebody with a case waiting for you in Kono but you didn't travel, what will you do?

A: Well that person will continue to wait until the time comes because all logistics are from the central office in Freetown so if these logistics are not available, then we have no option but to cancel the trip.

— Court official, Kenema

Q: What are the main constraints in the justice sector?

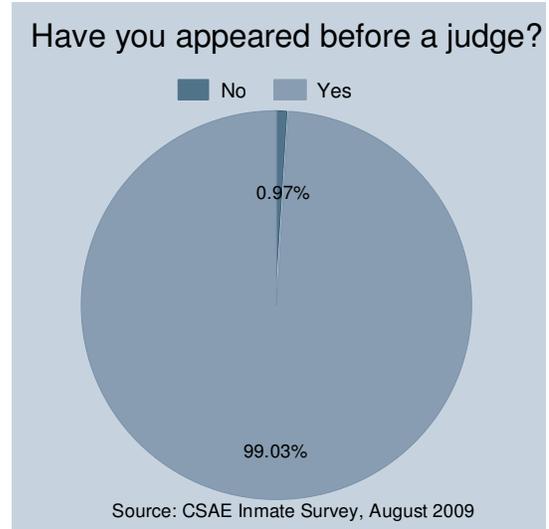
A: We in our own sector, the main constraints is logistical or equipment problems and transportation. No electricity.

— Court official, Kenema

Obstacles to efficient court processing arise at this point. For a detainee's case to be heard at the given date requires the presence of the magistrate, the complainant, relevant witnesses, the prosecuting police officer and the detainee. In addition, the preceding court cases must not take longer than anticipated.

Q: What are the main constraints for prisons/ courts in investigating and closing a case within three court adjournments?

A: What actually causes the delay remains with the fact that the de-linking or absence of one key member in the case i.e. if a complainant is present then there is a possibility for the witness to be absent. If both the witness and complainant are present, there is possibility for the Exhibits Clerk to be absent and so on and so forth. So you will find out that there are lots of adjournments for three to four



times and even beyond. Some officials will give excuses like they were on special duties which prevented them from coming to court.

- Prison officer, Makeni

Interviews with court and prison officials and Timap paralegals suggest that these requirements are infrequently met. Witnesses rarely come to court due to high travel cost. Prosecuting officers are often busy elsewhere or face the same costs. Often the complainant, satisfied with getting the detainee behind bars, does not turn up to testify. Prisoners are not always transferred to court on the day of their hearing. Moreover, court cases often take longer than expected and the queue of *cases is never quite finished.*

Q: What are the main constraints for court including a case within three court adjournments?

A: Availability of witnesses.

Q: Have you put measures in place to minimize that?

A: Our only option is too adjourned because most of the excuses for their absence and some times valid (funeral, bad health etc.)

Q: Are the witness problem come in from the complainant alone?

A: No. even the accused person is also a victim of non availability of his or her witness.

A: Another constraint is the ability of lawyer to represent their client during court sessions. They are all in Freetown so we can't get them when the cases they are representing come up. They are most time available when the case is fresh. By the time it is mid way, they seldom appear.

— Court official, Port Loko

Q: How many times have you been to court?

A: Many times as it is over two months.

Q: How many times did you make court appearances?

A: I made nine appearances.

Q: Was your case ever adjourned?

A: Yes.

Q: How many times?

A: Nine times.

Q: Why?

A: *Complainant failed to appear and even the witness.*
— Prisoner, Makeni

In such circumstances, the case is adjourned. Figure 13 displays the high percentage of total prisoners, both remand and sentenced, who have been before a judge. If the prisoner is a remand inmate, then his appearance before a judge indicates that the inmate's case was adjourned and that he/she was remanded to prison, not released on bail. Figure 12 shows the number of adjournments faced by respondents in our prison inmate sample. While the average case was adjourned 3.6 times, 30 respondents (7 percent of our sample) had faced more than 10 adjournments, and 18 of those had faced more than 30. There is no upper limit on the number of times a case can be adjourned before it is dismissed. Some magistrates tend to follow a custom of releasing the detainee after his or her case has been adjourned more than three times, but this is far from a uniform practice.

Q: *What are the challenges facing Timap criminal paralegal programs within the justice sector?*

A: *There are so many challenges in the court as there are continual absence of complainants and witnesses as they create unnecessary detention of suspects' right. There are so many court adjournments.*

— Paralegal, Magburaka

The reality of these obstacles have deterred individuals from approaching the formal system.

Q: *Would you recommend that a family member a case to the formal system or the customary system (NA court)?*

A: *I will recommend the NA court.*

Q: *Why?*

A: *Because investigations and fines are done at once.*

— Detainee, Bo

Q: *Would you recommend that a family member take a case to the formal system, or the customary [local] court?*

A: *Actually I will recommend the local court because they sometimes recommend a particular case to be settled at family level. But also it depends on the seriousness or level of the case.*

— Detainee, Port Loko

These obstacles also result in the creation of an informal or ‘grey’ market for court processing. When systems malfunction or underperform in a state without oversight, procedures are parsed out and priced. As a result, getting heard in court becomes a commodity traded by court clerks. Court clerks control the hearing queue, and have the power to determine whether an individual’s case is heard or delayed. Enumerators observe that clerks contact detainee family members extra-judicially to extort money and bargain over queuing order.

Q: How does corruption function inside the police station, prison, courts in other words, how do officials extract money or abuse their power to enrich themselves?

A: For the police station, they demand money in terms of bail even when they know that bail is free.

For the prison, when you want to see your relative, they ask you for money, the same for the court as some court officials will tell you that they will assist you in releasing your relative.

— Paralegal, Magburaka

Q: How does corruption function inside the police station, prison, court in other words how officials extract money or abuse their power to enrich themselves.

A: Relatives of clients pay money for their release at the police stations and even at the gates of prisons, they are also asked to pay money. The court clerks and some prosecutors also ask for bail fees.

— Timap paralegal

Magistrates are chronically absent, which increases detention time and court processing costs. The interview below illustrates the problem:

Q: The magistrate is not able to come to court for over a month now due to lack of certain circumstances. In other instances, witnesses fail to show up in court. Consequentially, many individuals who have committed minor crimes cannot have their case processed and remain in detention prison for longer than they should. What should police and prison officials do in this case?

A: *I will go to the master and registrar and explain to him that, such is the situation. In a couple of days, they will send the magistrate to come and speed up with trials.*

Q: *But you can't release anybody, is that what you are saying?*

A: *I didn't send anyone to prison. The magistrate did that so I can't release anyone.*

— Court Registrar Moyamba

An interview with the Timap director suggests that many Magistrates are hesitant to implement the three-adjournment custom for fear of being taken to task by higher authorities at a later stage.

3.3 Prisons

Figure 14 shows the breakdown of prison inmates by category of crime, or charge. The charges are grouped into broad categories for ease of exposition. Note that the data on charges is based on inmates' own reports which, whenever possible, were cross-checked with prison records. Nevertheless, for a sizeable share of inmates (309 cases, or 27% of the total), no charge is recorded. Of inmates for whom charge information is available, theft constitutes a majority of cases at just under 54% of the total.

Figure 14. Inmates, by charge, Aug 4 - Dec 15, 2009. All sites.

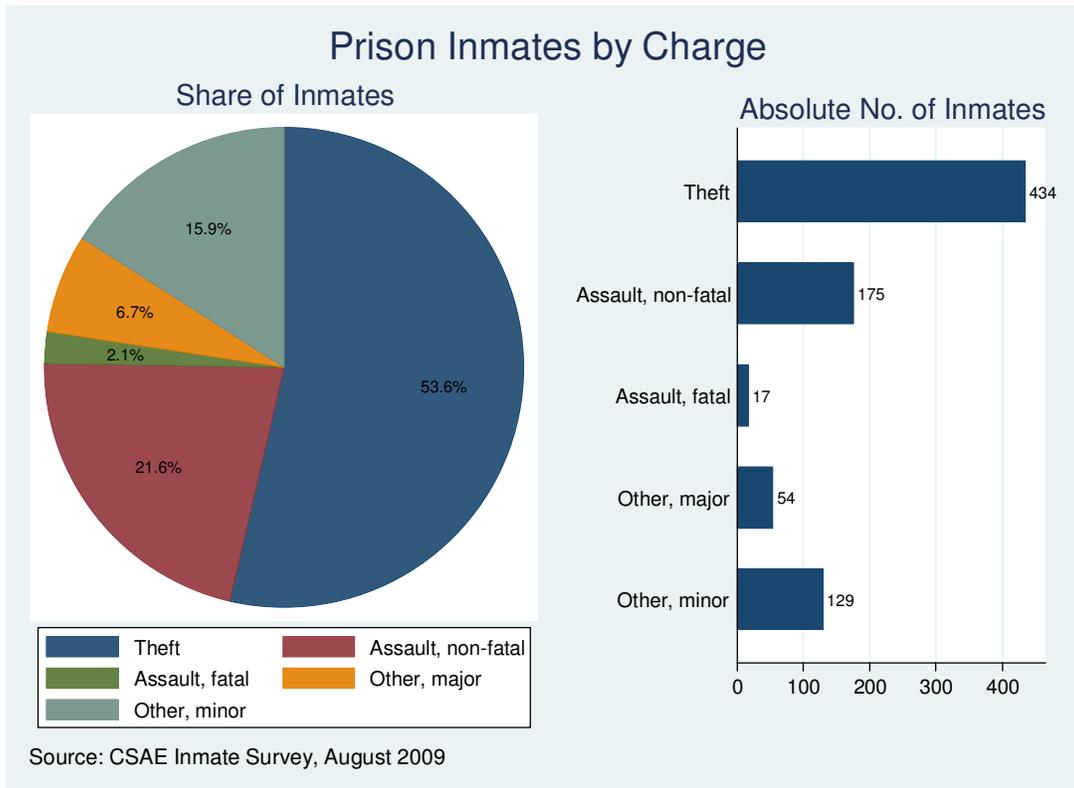


Figure 14 shows the total proportion of inmates who had been convicted and sentenced, just 35.6%. Officially, all other prisoners are currently on trial, as the court hearing in which they were charged and then transferred from police to prison custody marks the commencement of their trial proceedings under Sierra Leonean law.

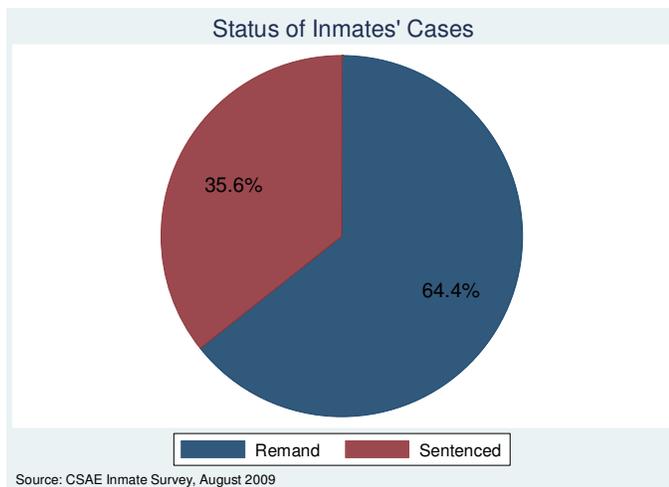
Q: What do you think is responsible for the slow pace of your case?

A: Well the reason is that the court officials were not around and there were not sittings

Q: How have officials helped or hindered the process?

A: Actually the prisons officers have tried in their own way because they want to see

Figure 15. Inmate case status, Aug 4 - Dec 15, 2009. All sites.



me out of the prison. But the problem is with the court.

— Prisoner, Kenema, in remand 14 months and 14 days, case still on trial

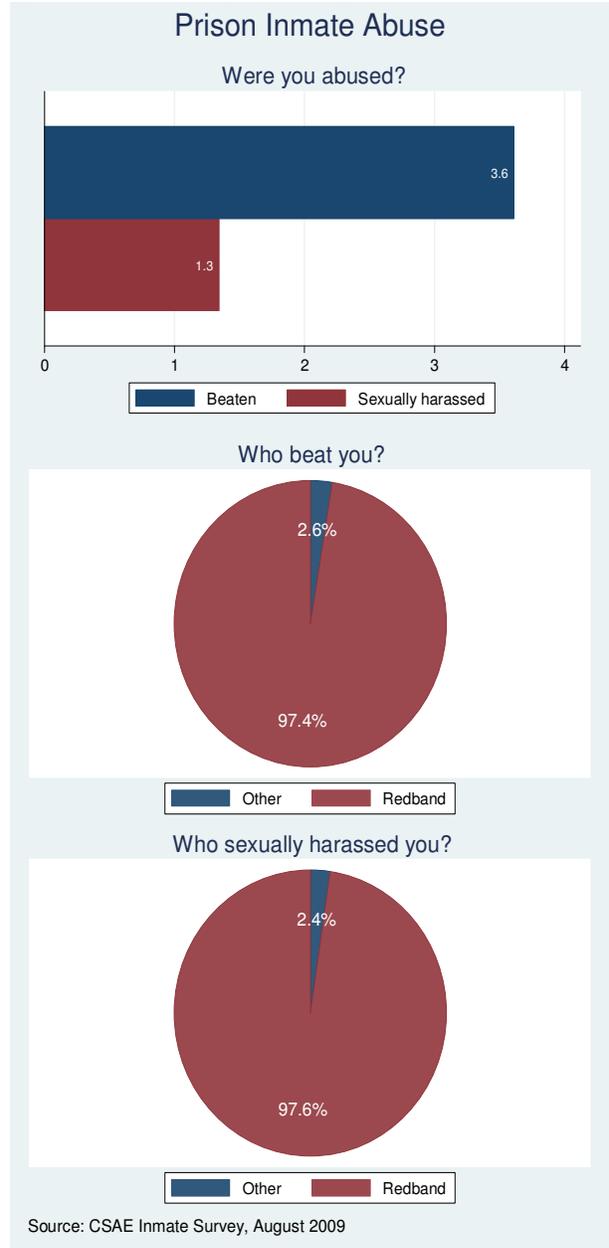
A significant section of the prison population continues to await trial. These remand prisoners are subjected to the conditions of incarceration for extended periods of time without any verdict. The prisons themselves are resource-strapped, unsanitary, and prone to occasional violence. Yet, prisons are procedurally benign on issues of justice compared to police stations and courts. Because prisons operate solely as spaces of detention, there exist few opportunities for prisons to determine the outcome of an individual's case. Thus, in its prison work, Timap's focus on remand inmates, who still interact with the court, rather than sentenced inmates, appears entirely appropriate.

The prison's primary role is in ensuring that detainees are transferred in time to meet their court dates. Occasionally this does not occur due to capacity. Prison officials in Makeni have aired concern over walking prisoners to the court house given they do not have any shackles. And, in the same way power resides in records in the courts, prison officials can threaten to 'lose' the files of detainees or report them sick on the day of a detainee's hearings. While this occurs from time to time, enumerators who have spent weeks at the

prisons agrees that this type of corruption is much less rampant than in police stations. Most fundamentally, prisons have the least authority and power in determining the outcomes of arrestees.

Inmates who have not been granted bail and are awaiting their court hearings remain in prison until a ruling has been made on his or her case. Squalid living conditions cause poor health. Detainees who have

Figure 16. % abused in prisons. Aug 4 - Dec 15, 2009. All sites.



family members visit are often treated better given that family members usually bring commodities that are then ‘shared’ with prison officials. A lack of food and medical services plague prisons and living conditions in prison are poor.

Figure 16 shows the level of physical and sexual abuse in prisons, as reported by inmates themselves during interviews by CSAE researchers within the prisons (CSAE inmate survey, August 2009). 3.6% of inmates report being physically abused, and 1.3% report being sexually harassed. There is almost perfect unanimity as to who is responsible for the abuse: the “redband”. This is a prisoner who enforces discipline on behalf of prison guards. They are responsible for 97% of cases of both physical abuse and sexual harassment; prison guards are virtually never directly involved, relying instead on this delegated system of enforcement.

Corruption is also a problem in prisons. Timap paralegals report that inmates often must pay for extra food, medicine, or for their families to visit. Prison officials, like police officers, are not paid much.

Q: Give the official’s experience what are the bottleneck in the system?

A: The salary is very low and there is lack of medical facilities in terms of care for myself and family. There is also the problem of transportation as some of our senses officers do not have vehicles or motorbikes either to dispatch letters and other documents. Communications equipment are also lacking in the prisons. I have to use my personal phone to make contacts for prisoners and detainees.

— Prison officer, Makeni

3.4 Relationships between institutions

The justice sector does not primarily rely on one institution or the other. The police, prisons, and courts all play an equal part in dispensing ‘justice’ to the Sierra Leonean population. To complete itself, the case of an accused must travel through the police to the courts and prisons as well. Staffed by different people, controlled by numerous bosses, and manned by individuals with varying incentives and priorities, the three departments do not always operate in harmony, although they certainly do not operate in hostility. Understanding the relationships between the three—and more importantly, how those relationships affect the efficiency of cases moving through the system—are key to understanding Timap’s role in navigating the gaps between them.

It is also important to clear up common misconceptions surrounding these departments. For example, yes, the prisons are unsanitary and gloomy places to be. But to many prisoners, prison officials, police

officials, and court officials, the prisons—and its officials—are no more than “custodians” of prisoners as they are shuttled from the police stations to court to sentencing.

A: I have confidence in the prisons as they act as custodians and they sometimes treat us as human beings.

— Prisoner, Makeni

Q: Based on your experience, do you have confidence in the police?

A: I don't have confidence in the police simply because they receive bribes to overturn cases.

Q: Do you have confidence in the courts?

A: Both of them are similar or are operating in the same frequency.

Q: Do you have confidence in the prison?

A: The prisons does not have much to do in terms of the problems highlighted in the police as we are only custodians of wrong doers.

— Prison officer, Port Loko

Relations between the police and the courts are far more contentious than relations either body has with the prisons. As stated before, the police often send inappropriate and/or incomplete cases to court. Often when this happens the magistrate or other court officials will reprimand the police prosecutor or other officers for not doing a complete job. This is especially true if an officer labels a case with the wrong charge, knowing it will get thrown out of court. The flip side of this is that because of a lack of legal training, officers, including the police prosecutor, do not fully understand why the cases they have put together are thrown out of court, and some can view the court officials as being on the side of criminals. The court can then think of the police as too one-sided, believing that the police think a detainee is guilty simply because s/he has been arrested. Allegations of corruption also fly from both bodies toward the other.

If the police do not bring witnesses to court, it definitely affect the work of the court. And sometimes the police bring the wrong charge on an accused person or even bring a case file to court without accused person. Most of these things affect the work of the court, and the prisons, sometimes they will tell you that there is no vehicle to bring remand prisoners to court. This also affects the work of the court.

— Court official, Bo

3.5 How prevalent is unlawful pre-trial detention in Sierra Leone?

As we move into the ‘evaluation’ part of the report, it is important to ask: How widespread is excessive pre-trial detention in Sierra Leone? As a benchmark, it is useful (i) to compare the situation in Sierra Leone with data from other countries and regions, and (ii) to examine the extent to which the actual practice of pre-trial detention conforms to the procedures and limits put down by Sierra Leonean law. For the purposes of this report and for the work of the CJP, pre-trial detention can be considered any detention incurred before an individual has been convicted and sentenced. This includes all time spent in police custody as well as any time as a remand prisoner awaiting trial or during an on-going trial.

Starting from an international context, Figures 17 and 18 clearly show that the overall scale of pre-trial detention is relatively modest in Sierra Leone—in as much as the overall incarceration rate in the country is fairly low as a whole—but that among those in prison, the *share* who are incarcerated without trial is extremely high by international standards.

Figure 17. Number of pre-trial detainees as a proportion of total prison population. (Sierra Leone, 2009; Others, 2006)

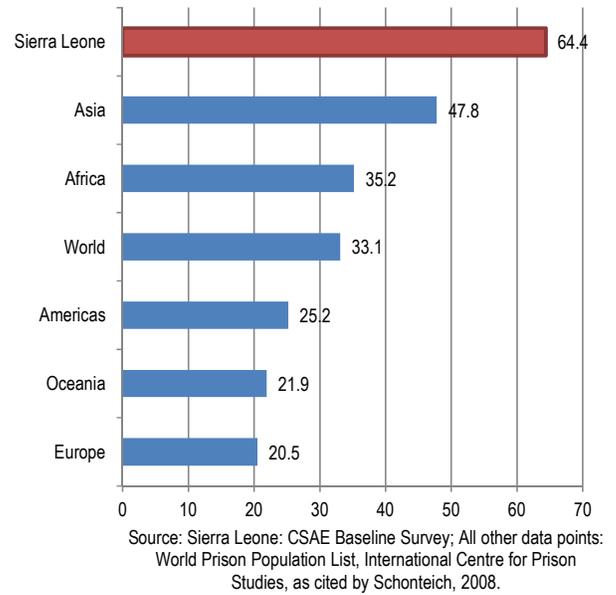


Figure 18. Number of pre-trial detainees per 100,000 of the total population. (Sierra Leone, 2009; Others, 2006)

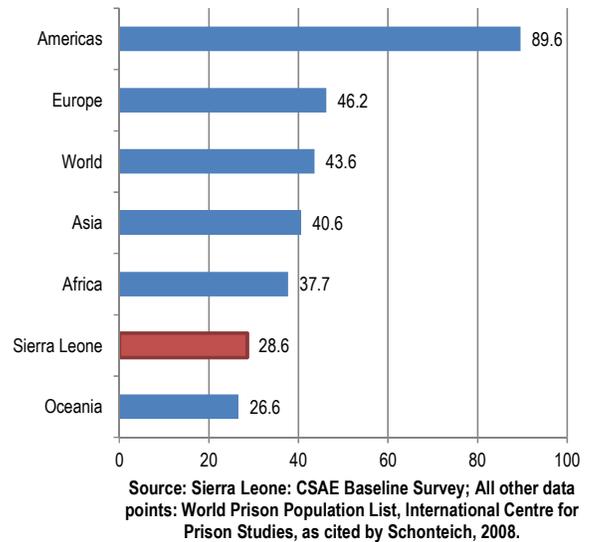
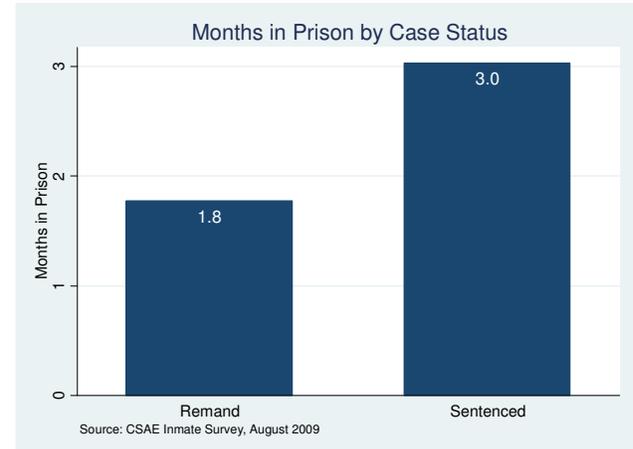


Figure 19. Length of incarceration by case status. All sites.



Not only is detention prior to sentencing extraordinarily common in Sierra Leone, data collected by the CSAE as part of the Inmate Survey shows that such detention may last for considerable time. Figure 19 shows the average length of imprisonment (at the time of interview in early August 2009) among prison inmates who had and had not been sentenced. Those serving sentences had been incarcerated for an average of 3.0 months, while those who had not been convicted or sentenced had been incarcerated for an average of 1.8 months. This average number obscures the most extreme cases of detention without conviction. According to the survey data, of inmates who had not been sentenced, roughly 10% had been in prison for 6 months or more. 52% of these relatively long-term prisoners who had not been convicted were charged with theft, and another 16% with minor, non-violent offenses.

3.6 Diagnosis: Why is excessive pre-trial detention so common?

The high rates of pre-trial detention and potential adverse social consequences outlined above can be seen as symptoms of an underlying problem. From a social scientific perspective, they beg an explanation. Why does the Sierra Leonean criminal justice system rely so heavily on unlawful detention? Why are courts unable to clear their backlog of cases? What specific obstacles prevent detainees from accessing their rights to due process?

A grand conspiracy? First, it is important to note what we did not find. Open-ended, qualitative interviews with various actors in the justice system produced no clear picture of a conspiracy at the highest levels to employ pre-trial detention as a systematic strategy, either to suppress political dissent, or as a tool of political or economic power at the macro level. Furthermore, very few detainees reported physical abuse, and only 4.2% of 1,604 reported feeling threatened by the police. We cannot rule out, and indeed suspect, that a portion of the considerable bribe revenue collected by low-level police officials flows upward to their immediate superiors.⁴ Even so, we uncovered no evidence of a strategy or motive to

⁴ Anecdotally, we have heard that junior officers are often penalized by their superiors for failing to disclose their daily bribe collection —particularly in the Traffic and Investigations departments. Penalties can range from reassignment of duties, to transfer to a less ‘lucrative’ department or police station.

this system above and beyond simple bribe-seeking (according to Sierra Leone Police payroll data, the average salary of a policeman is around 250,000 Leones, or 60 USD, per month).

Q: What kind of constraints do you face?

A: Financial constraint in terms of remuneration or pay packet in the sectors named above is very low.

Q: Do these constraints ever affect your work?

A: It greatly affects my work as I have an extended family to take care of. The salary paid to me is not even enough to take me through a week's expenditure. This will ultimately lead me to do other dubious activities or involve in dirty games which are against the ethics of the job.

- Police Official, Port Loko

Q: What are the major problems in the police?

A: Corruption.

Q: if the internal management sector is changed in the police, prisons and court, do you think that will minimize corruption?

A: Yes.

Q: If there is an oversight body to monitor the police, prisons and court, do you think that can help?

A: Yes.

Q: What are the major problems in the justice system?

A: Corruption.

- Police officer, Kenema

The police can often serve an important role.

Q: Narrate a case from crime to conviction of a successful investigation / prosecution or in which justice was served.

A: As a front line manager, we have been charging series of cases like wounding. Last year a case of human trafficking was reported at the police station, my personnel succeeded in handling the matter professionally as the perpetrator was brought to book.

- Police officer, Makeni

Community demands for justice are often case specific. Hypothetically, a clear motivation for ignoring due process and trampling on the individual rights of the accused might be to quell public demands for “law and order”, i.e., to be seen to punish law-breakers swiftly and severely. Public outcry about crime

levels, for instance, might lead politicians to pressure the police to increase arrest rates and detention times.

In practice, what we find is a more micro level, case-specific phenomenon. Given the lack of resources in the justice system to investigate and prosecute crimes, enforcement of the law is often effectively a private responsibility. Victims or their families or friends may detain a suspect and deliver them into police custody. Furthermore, they may incur direct costs for gathering evidence and witnesses for the prosecution. In these cases, pressure on police not to release a detainee—even after the legal period of pre-trial detention has expired—may be quite strong. However, these cases are somewhat exceptional, and most common for more severe crimes.

To understand public demands for stronger law enforcement at a broad level—for the bulk of the cases we reviewed where aggrieved party had no direct role in the case—would require additional interviews with the public at large which, unfortunately, are beyond the scope of the evaluation at this point.

Petty corruption is a key motive. The earlier chapter on police showed that bribe-taking is rampant. A large share of the cases processed daily is for very minor offenses, which are resolved with an informal payment to the police. Even for more serious crimes, access to bail is very commonly rationed by bribe payments.⁵ The pervasiveness of this bribe system is, in our view, the major obstacle to a purely collaborative relationship between Timap and the police.

Taking one step back, lax oversight of low-level officials and high levels of discretion in the application of law and criminal procedure are a necessary condition for this type of corruption to flourish. It remains to be seen, however, whether merely shedding light on these practices would be sufficient to eradicate them or, on the contrary, whether supervisors have been fully co-opted into the bribe-taking system.

There are clear bottlenecks where lack of resources impedes justice. In as much as police are motivated to process cases efficiently, they face very tight resource constraints. Lack of vehicles and/or fuel to conduct independent investigations forces police, as already noted, to rely on evidence put forward by accusers. At the level of courts, the unlikely confluence of ingredients—magistrates, witnesses, defendants and so on all arriving in court on the same day—which is required for cases to be processed, is detailed in the relevant chapter below. All of these obstacles point toward a clear role for Timap, without the need for an extremely adversarial stance vis-a-vis the police or other justice officials, to improve case processing and reduce pre-trial detention.

The graphs below offer a snapshot of the resources allocated to the police and prisons, both relative to each other and as a percentage of Sierra Leone's total expenditure.

Figure 20. Actual expenditure on the justice sector in dollars. Source: authors, using 2011 expenditure data provided by the Ministry of Finance.

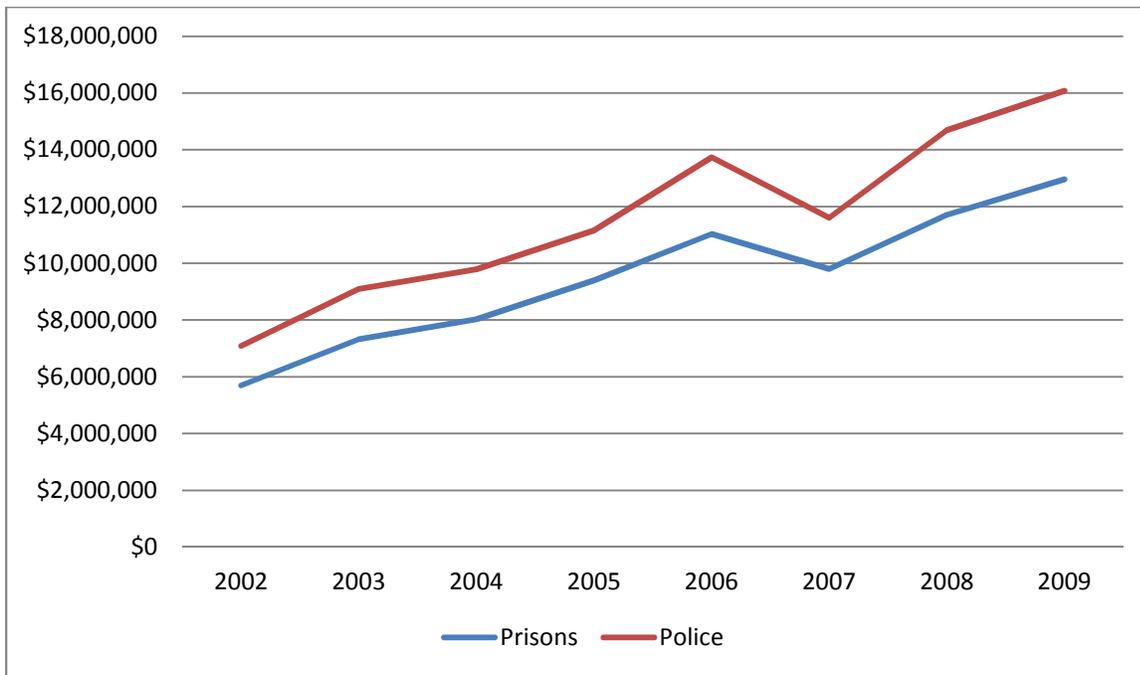
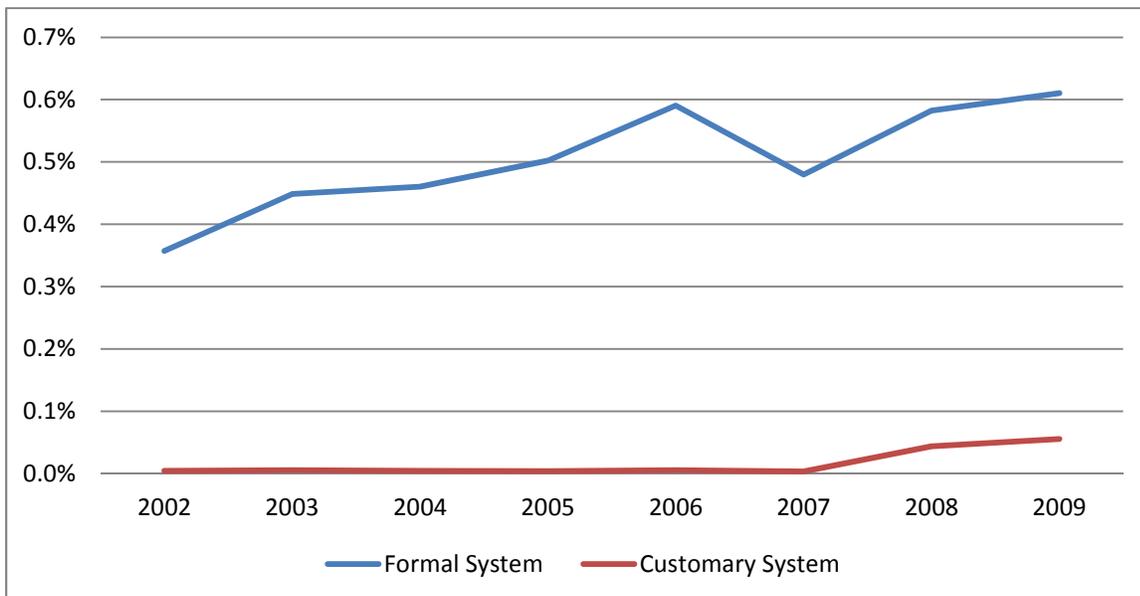


Figure 21. Expenditure on justice sector as percent of total expenditure. Source: authors, using 2011 expenditure data provided by the Ministry of Finance.



As indicated by Figure 21, the total amount of money spent on Sierra Leone's justice sector as percent of total expenditure by the nation is quite low, which stretches resources thin. However, the marginal cost for the police of one extra detainee or one more day in detention is quite low. Expenditure on the Sierra Leonean police is mostly spent on security. A smaller proportion is spent on the 81 police stations around the country, and on processing detainees. Since complainants are often asked to pay for investigations and for a detainee's food, the cost to the police of keeping a detainee is close to zero. Sometimes they must spend petrol to conduct investigations or to transfer detainees to court, but the truck taking detainees to court is rarely full and is somewhat of a fixed cost—one extra detainee costs nothing. Virtually the only other expense incurred is the cost of the paper used to record the arrest. Qualitative interviews and direct observations by CSAE enumerators at police stations seem to suggest that if anything, the police may actually profit from extra detainees who may be willing to pay for services, or even for release.

The situation is somewhat different in prisons, where prison officials are obligated to buy food for inmates, although they save some money by having the inmates cook it themselves in the prison kitchens. As the graph above shows, money from the government is split over 17 prisons, for an average of \$126,941 USD per prison per year, which includes salaries, health costs, and prison upkeep. This is somewhat of a high estimate, however. It is likely that far more money is allocated toward Pademba Road Prison in Freetown, which houses about 1,000 inmates and poses a higher security risk to surrounding communities, as those guilty of serious crimes are often sent there. Furthermore, overhead costs for administrative staff in Freetown are also included in total expenditure.

Though women's sections of prisons are fairly under-populated, inmates in the men's section are packed into a small number of cells. Though they are allowed to bathe in a shared washing area and are generally given soap to do so, it is unclear how often prisons themselves are cleaned, as most, with the exception of the Kenema Female prison, appear to be constantly dirty with an omnipresent smell of over-used toilet holes. The marginal cost to the government of having an extra inmate thus appears to be quite low, although the marginal benefit to an individual prisoner's quality of life of one less prisoner may in fact be high. However, extended detention is far more costly for the prisons department than the police.

4 CJP Impact on Pre-Trial Detention

The core hypothesis underlying the Open Society Justice Initiative’s global campaign – of which the Timap Criminal Justice Pilot is part – is that early intervention by trained paralegals at police stations can reduce the incidence of unlawful pre-trial detention. In this section we test this core hypothesis by examining the effect of the Timap CJP on arrest rates, duration in detention, the occurrence of pre-trial detention beyond legal limits, and access to bail in Sierra Leonean police stations and prisons.

The analysis in this section draws on official records from the police and prisons to measure arrest rates, police detention times, incarceration rate, time spent in prison, overall remand population and status upon release from either police or prison. This section, which forms the core of the impact evaluation, analyzes the full treatment sites where Timap works as opposed to observation only and control sites.

4.1 CJP coverage rates in police stations

Before turning to the estimates of program impact, it is important to examine the level of outreach achieved by the CJP program. How many cases were ‘treated’ ? The stated goal of the program was to screen and collect case details on all detainees held in jail at the police stations involved in the pilot. Achieving this goal would not, in and of itself, constitute a measure of program impact. Rather, it is an output indicator that may be useful in understanding why the program did or did not register significant impacts on final outcomes measured in subsequent sections.

Q: Are you aware of Timap in your community?

A: Yes.

Q: How?

A: Monitoring and overseeing how we deal with suspects.

Q: Has Timap presence changed your behavior?

A: They have been making contacts by talking to suspects and making contacts with their lawyers especially suspects under our custody.

Q: Repeated.

Obstruction

Q: Has Timap hindered or helped their work?

A: The relationship is very, very cordial and they have assisted us in our work.

- Police officer, Makeni

To analyze this issue we examine a third data set -- records kept by Timap's CJP program on the number of cases treated at three different locations -- and compare them to official police records of the total number of detainees in jail. There are three sites for which we have comparable data from the CJP and the police: Bo, Magburaka, and Makeni. Official records provide a useful denominator here, as they record every detainee held in a jail cell. While it is theoretically possible to imagine errors in this record keeping -- either detainees who are never recorded, or ghost detainees who do not actually exist -- CSAE enumerators encountered few such cases during six months of daily monitoring of police stations.

As seen in Table 7, police records indicate that these three locations accounted for a total of 1,554 arrests between September and October of 2009, and 1,443 arrests during the same months of 2010. Timap records show 360 cases entered during this 2009 window and 880 cases during the 2010 window. Thus the total 'hit rate' from the CJP intervention in police stations appears to have been approximately 23% of arrestees in 2009, rising dramatically to almost 70% by the time the program was in full swing in 2010.

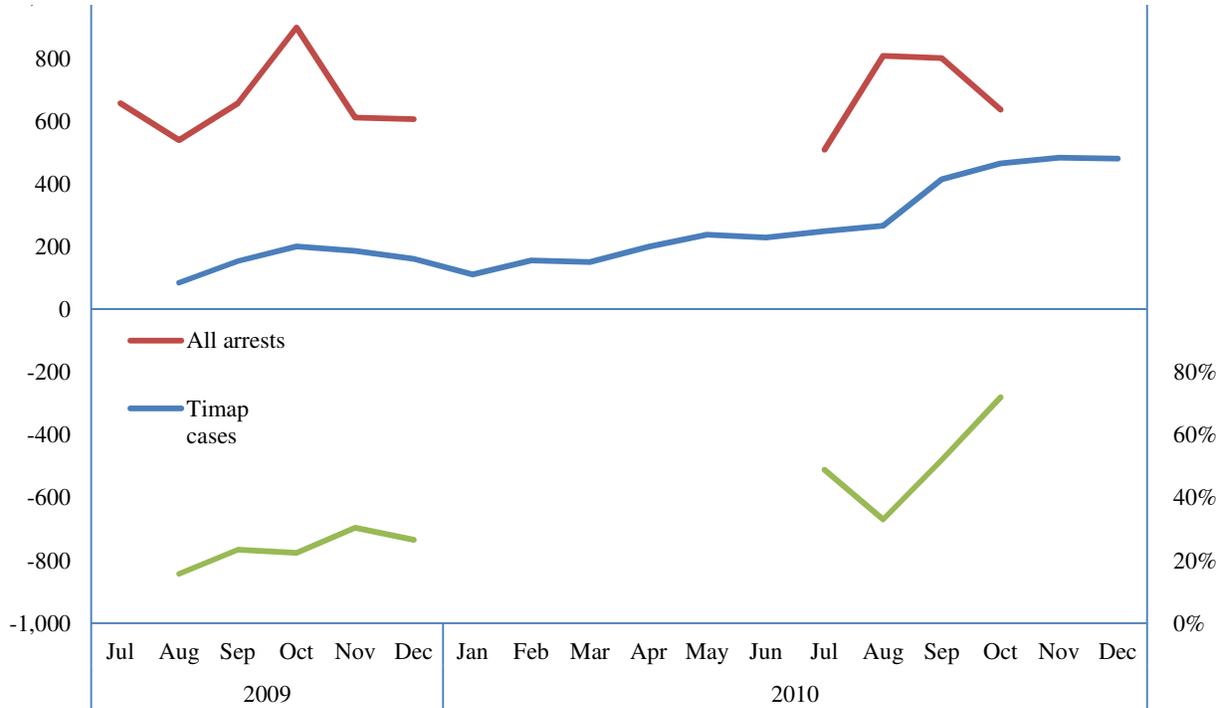
The criminal justice pilot was launched in August 2009, and as of December 2010 Timap criminal justice paralegals had intervened in the cases of over 4,200 police detainees and prison inmates, constituting approximately 36% of all arrests. The number of cases taken per month increased steadily over this period, reaching over 70% in October 2010.

Note that detainees in jail cells were also asked directly by CSAE enumerators whether they had received legal aid. (This data is presented in the following sub-section.) Affirmative answers were extremely rare. Nevertheless, we do not interpret this as a challenge to the veracity of the Timap records for the following reasons. First, in many cases the CSAE enumerator may have arrived at the police cell to interview detainees prior to the arrival of the Timap paralegal, and detainees would accurately report that they had not received legal aid. Second, and perhaps more significantly, the threshold for being entered as a Timap "case" appears to have been much lower than detainees' conception of what constitutes legal aid. To take a hypothetical scenario, in a Timap CJP case where the extent of the paralegal's intervention was to make a phone call to the detainee's surety (an appropriate and potentially effective step), this may not have spurred the detainee to report having received legal aid. Finally, despite CSAE enumerators being clear that they would not intervene on behalf of respondents, detainees may have answered in the negative in hopes of receiving further aid.

Table 7. Timap coverage in police stations.

		BASELINE							ENDLINE				
		Aug	Sep	Oct	Sep-Oct 2009	Nov	Dec	Total	Aug	Sep	Oct	Sep-Oct 2010	Total
Bo	CJP Cases	14	42	76	118	70	11	213	NA	281	245	526	NA
	All Arrests	280	446	537	983	387	322	1,972	580	418	314	732	1,972
	Ratio	5%	9%	14%	12%	18%	3%	11%	NA	67%	78%	72%	NA
Magburaka	CJP Cases	19	27	16	43	6	6	74	NA	25	47	72	NA
	All Arrests	55	67	43	110	39	58	262	14	59	60	119	262
	Ratio	35%	40%	37%	39%	15%	10%	28%	NA	42%	78%	61%	NA
Makeni	CJP Cases	52	88	111	199	110	110	471	NA	109	173	282	NA
	All Arrests	203	144	317	461	185	226	1,075	232	324	268	592	1,075
	Ratio	26%	61%	35%	43%	59%	49%	44%	NA	34%	65%	48%	NA
Total	CJP Cases	85	157	203	360	186	127	758	NA	415	465	880	NA
	All Arrests	538	657	897	1,554	611	606	3,309	826	801	642	1,443	3,309
	Ratio	16%	24%	23%	23%	30%	21%	23%	NA	52%	72%	61%	NA

Figure 22. Timap coverage in police stations.



4.2 Arrest rates

Table 9 shows the results from the differences-in-differences estimation of the impact of Timap’s presence on the daily arrest rate in police stations.

As seen—and as expected—there is no significant effect of Timap on the daily arrest rate in police stations. More precisely, this means that the arrest rate did not decline significantly more in Timap full treatment sites than in observation only or control sites over the course of the intervention. To test the hypothesis that Timap may have been more effective in certain case categories than others, we repeat this regression for major and minor offenses. No significant impacts are found across any case type. This suggests that the police did not feel threatened by the daily presence of paralegals, and were not hampered in their efforts to do their jobs.

Full treatment sites had lower arrest rates throughout the period, and that there was a downward trend in arrest rates across all sites during the evaluation. Under the DD methodology, however, neither of these differences can be attributed to Timap.

4.3 Duration in police detention

Turning to the other outcome indicators of interest that are measured in official police records, Table 3 examines the number of days that arrestees are held in police detention. Once again, we see no strong evidence of any Timap effect, i.e., no sign that Timap full treatment sites experienced a more rapid reduction in time in detention.

4.4 Access to bail in police stations

Difference-in-differences results show that Timap’s legal aid intervention—in which paralegals provide substantive, material aid to detainees, for instance by contacting sureties or filing paperwork with clerks—is associated with an increase in the share of detainees who gain access to bail by 13%. In contrast, the observer-enumerator intervention has no impact on this outcome.

But these results may miss the point. Data from the baseline report showed that the problem of extra-legal detention in Sierra Leone resides primarily in prisons rather than police detention. Rather the challenge here involves repeated and lengthy delays in court cases for defendants held in remand and offered no legal representation, who can be freed on bail only to wind up in prison shortly thereafter for a minor crime. Detainees freed on police bail may also wind up in remand prison as soon as they appear in court, since police bail does not apply once a detainee is charged to court.

4.5 Remand prisoners

Timap was associated with a reduction in the share of prisoners held on remand by approximately 20%. The observer-enumerator intervention has no impact on these outcomes.

Figure 23. Time-series graphs by treatment status.

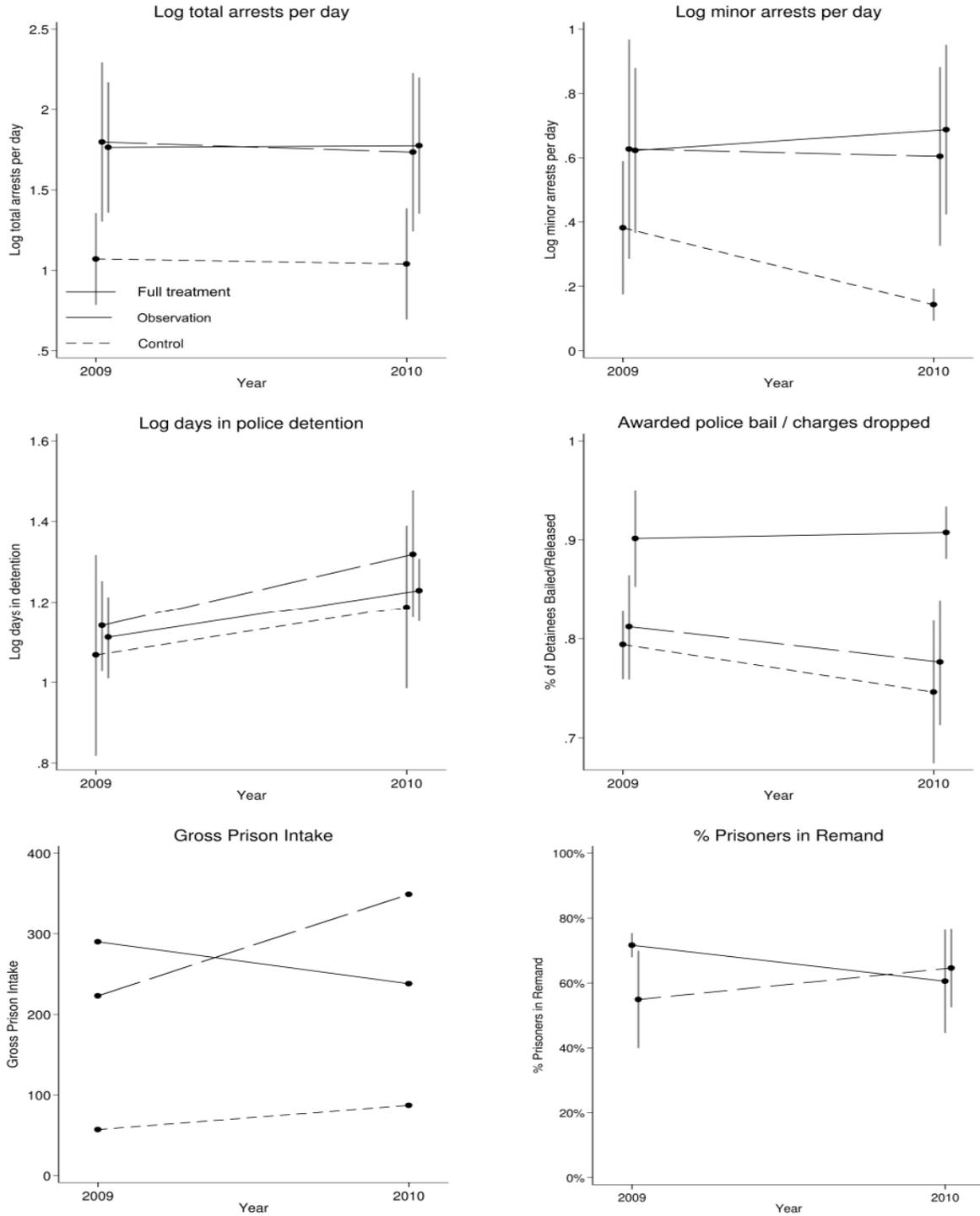
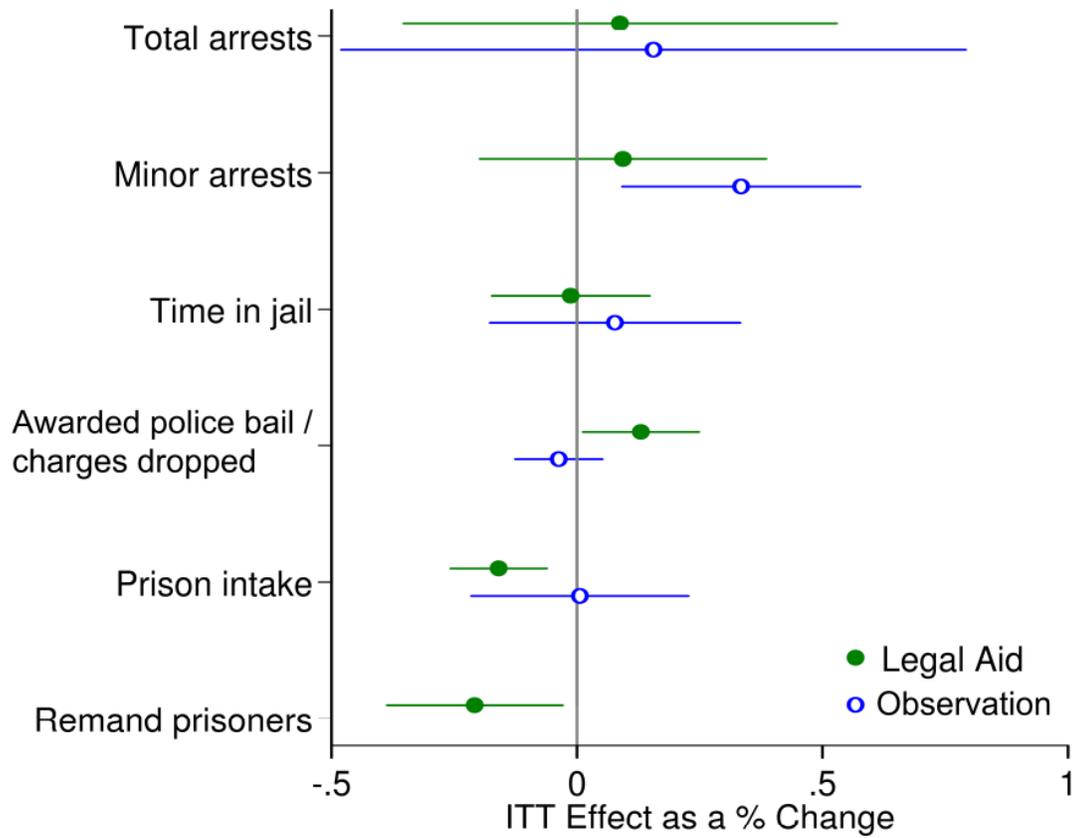


Figure 24. Intent-to-treat effects of legal aid and police station observation.



5 Conditions in Police Stations and Prisons

This section presents diff-in-diff comparisons between full treatment and observation only sites.

5.1 Legal aid

This section examines police detainees’ and prison inmates’ experiences of legal aid, as reported during their incarceration in direct interviews with CSAE enumerators. As documented in the tables that follow, detainees’ and inmates’ self-reports of legal aid differ dramatically from administrative records from Timap. Our view is that Timap’s administrative records are a much more reliable metric of the CJP’s outreach than detainees’ self-reports for the reasons discussed below.

Table 8 shows responses by police detainees to questions about legal aid. Overall, rates of legal aid requested and received are near zero. Even in full treatment sites at the time of the endline survey, only 4.2% reported having ever been offered legal aid. (Of these 4.2%, all reported that the legal aid was provided by Timap, as opposed to another organization, and that they accepted these services.)

There are a number of reasons to question the reliability of these figures. First and foremost, on multiple occasions researchers and enumerators directly observed Timap paralegals interacting with detainees who subsequently reported never having received or being offered legal aid, despite enumerators’ detailed explications about what constituted “legal aid”. Because the enumerators had strict instructions to stay clear of being confused for Timap staff and did not want to make detainees feel their conversations with Timap paralegals were not private, they did not probe for information about the conversations with Timap staff. Second, there is a clear selection problem in reporting exposure rates for detainees interviewed while held in jail. Inasmuch as Timap paralegals were successful in winning release on bail for their clients, those clients would not be available for interview. Third, the simple matter of the timing of interviews each day may have led to undercounting. Note that the sample of detainees interviewed as part of the CSAE survey was primarily captured on the first morning after the detainee’s first night in jail. Enumerators reported that they often arrived at the police station before Timap paralegals. Many detainees who reported receiving no aid may have interacted with Timap just hours or minutes later.

Table 8. Police detainees’ self-reported receipt of legal aid.

	Full Treatment	Observation Only
--	----------------	------------------

	Baseline	Endline	Baseline	Endline
1. Have you requested legal aid?	0.5%	1.4%	0.2%	0.9%
If yes to 1: Were you provided legal aid?	14.1%	40.0%	0.0%	100.0%
2. Have you ever been offered legal aid?	2.8%	4.2%	0.2%	0.9%
If yes to 2: Who provided it to you? (% Timap)	75.0%	100.0%	0.0%	.
If yes to 2: Did you accept this aid? (% Yes)	100.0%	100.0%	.	.

5.2 Legal aid to prison inmates

Table 8 shows prison inmates responses to a similar battery of questions. The rate of positive responses is considerably higher among prison inmates than police detainees. At the time of the endline survey, 19.5% of inmates in full treatment prisons reported having been offered legal aid, compared to just 8.3% of inmates in observation prisons. Of those receiving legal aid, 74.2% in treatment sites were satisfied with the services provided as of the endline survey in 2010.

Q: Are you aware of Timap presence in your community?

A: Yes, even when I am in confinement as they come here to do their job.

Q: Do they come into the prisons

A: Yes.

Q: What are their activities in the prisons?

A: Well upon arrival, they will assemble us and interview us. They did that when I was in detention at Magburaka. The same was also done here in Makeni which eventually led to my case receiving attention and the subsequent granting of bail.

Q: Has Timap had an impact? How did Timap achieve this impact and what was he impact?

A: Yes it created a great impact as Timap intervention led to the speedy trial of my case.

- Prisoner, Makeni

Nevertheless, these numbers must still be treated with caution. Note that only roughly one third of inmates reporting exposure to legal aid said that this aid was offered by Timap, an NGO or a paralegal. When pushed, many inmates referred to “legal aid” received by family members in the form of food or money while in prison. Furthermore, the incentives to underreport receipt of legal aid are obviously quite strong for inmates being interviewed while incarcerated. Despite safeguards put in place to ensure inmates

understood the purpose of the survey interviews, there is always the possibility that inmates perceived that enumerators could or would offer assistance to needy cases uncovered during interviews.

Table 9. Prison inmates’ self-reported receipt of legal aid.

	Full Treatment		Observation Only	
	Baseline	Endline	Baseline	Endline
1. Have you been offered legal aid in prison? (% Yes)	5.8%	19.5%	1.7%	8.3%
If yes to 1: Who provided it to you? (%Timap or NGO/paralegal)	33.3%	34.3%	0.0%	35.3%
If yes to 1: When receiving legal aid, was a police officer present in the room? (% Yes)	14.3%	58.7%	0.0%	64.7%
If yes to 1: Have officials threatened you because you have taken this legal aid? (% Yes)	9.5%	0.0%	0.0%	2.9%
If yes to 1: Were any promises made you to that were not kept? (% Yes)	28.6%	26.9%	0.0%	32.4%
If yes to 1: Were you satisfied with the services provided?				
Very satisfied	0.0%	6.5%	80.0%	33.3%
Satisfied	100.0%	74.2%	15.0%	50.0%
Unsatisfied	0.0%	16.1%	5.0%	16.7%
Very unsatisfied	0.0%	3.2%	0.0%	0.0%

5.3 Implications for the evaluation

For this report, we examine site-level outcomes, comparing outcomes before and after the CJP intervention. We do not make direct comparisons of individuals who report receiving legal aid to those who report not receiving such aid. There are two primary reasons we rely exclusively on site-level comparisons, as opposed to individual level comparisons.

First, as discussed above, we feel the risk of systematic underreporting of legal aid is very high. Even if reporting is completely accurate for individuals interviewed, there is a risk that the most fortunate beneficiaries of legal aid are systematically excluded from the sample – precisely because they are at liberty on bail and not available for interview in police stations or prisons.

Second, from a methodological point of view it would be invalid to make inferences about the effect of Timap’s intervention by comparing individuals who did and did not receive legal aid – in the data analysis we must remain open to the possibility that Timap targets cases of extreme injustice (or, alternatively, cases promising easy resolution), and that clients may self-select into the CJP. To avoid the problem of incomparability between beneficiaries and non-beneficiaries, we rely exclusively on site-level

comparisons. Thus both our full treatment and observation only groups contain cases that either (a) were taken up by Timap, or (b) would have been taken up by Timap if Timap had been active in that site.

Note that the reliance on site-level comparisons does not imply, in any meaningful sense, that our findings are restricted to site-level impacts. The impacts measured in subsequent sections will combine site-level impacts (such as Timap’s effect on the culture or habits of a given police station) and average individual case-level impacts for individuals in that site.

5.4 Police conduct and conditions in jail

Official police records – which record both the date of arrest and release – are our best source for data on length of detention and total arrest rates. CSAE interviews with detainees are better suited to examining procedural compliance within police detention and conditions within the jails, as reported by detainees themselves.

Table 10 shows the results from estimating the equation above using the data from CSAE interviews in police cells. Each data point is a separate detainee interview. (The sampling strategy differed between baseline and follow-up data collection, so the number of observations per round is not an indication of any change in the jail population.)

Conceptually, it is useful to divide the indicators in Table 10 into three categories: receipt of legal aid, procedural compliance, and conditions in the jail. To briefly summarize our results across these three dimensions: detainees do report significant levels of legal aid in Timap full treatment sites; we find mixed results in terms of improvements in procedural compliance; and we find no discernible effect on improving conditions in jails.

Table 10 below summarizes the DD analysis using selected variables from the detainee questionnaire. The variables were chosen as those that would best provide indicators as to Timap’s impact—for instance, questions on bail are included while questions on drug use, originally included in the questionnaire, are not. The column labeled ‘Dependent Variable’ lists the question asked to respondents. The second column, ‘Measure,’ are coded versions of the respondent’s answers. Anything coded as ‘1’ is the indicator we are attempting to measure, while ‘0’ would show a lack of that indicator. For example, in row 3 the question ‘Is it possible for you to apply for bail?’ was asked to respondents. The answer ‘Yes’ was coded as ‘1’ since we are measuring the number of people in treatment vs. control, baseline vs. endline who knew that it is possible for detainees to apply for bail.

The third column, ‘T X Endline,’ represents the outcome of the DD analysis. The numbers shown in this column lay out the statistically significant differences, if any, of treatment sites surveyed during the endline. The following two columns represent outcomes from treatment sites and all sites from the endline survey, respectively. For the purposes of evaluation, we are concerned only with the ‘T X Endline’ column. The final column, ‘Obs.’ lists the number of total observations used to conduct the analysis.

Finally, a note on understanding the numbers in the ‘T X Endline’ column. Only findings with 1-3 asterisks are considered significant. The sign—positive or negative—denotes in which direction the significance lies. For instance, in Row 6 we find a significant impact for the proportion of detainees who knew the correct answer to the questions ‘How long are police allowed to hold you?’, indicating that Timap’s awareness counseling increased detainee knowledge of their rights, at least in this respect. Unfortunately, many of the other impacts are negative or simply not significant.

For some variables we would have wanted to see a negative impact, for instance if we are expecting Timap to reduce the number of detainees who are asked to pay for bail, we would expect to see a negative impact as a result of the question ‘Have you paid money for bail?’, since ideally we would want detainees to be answering ‘No’. It is worth looking closely at Table 10 to understand the variables, the indicators of impact, and the analysis involved.

Table 10. Difference-in-differences estimates of program impacts using CSAE police detainee survey data.

<i>Dependent variable</i>	<i>Measure</i>	<i>Tx Endline</i>	<i>T</i>	<i>Endline</i>	<i>Constant</i>	<i>Obs.</i>
Total population in detention	# people			-0.03 (0.02)	0.58*** (0.01)	2,784
Is it possible for you to apply for bail?	1=Yes 0=No	0.01 (0.07)	0.11** (0.05)	-1.25*** (0.05)	1.84*** (0.04)	2,142
Who told you it was possible to apply for bail?	1=Timap/Paralegal, 0=Other	-0.05** (0.02)	0.04*** (0.01)	0.02 (0.02)	0.01** (0.01)	1,110
Have you begun to post bail?	1=Yes 0=No	-0.08 (0.05)	-0.01 (0.02)	0.19*** (0.04)	0.22*** (0.01)	2,475
Did you pay any money for bail?	1=Yes 0=No	0.22 (0.14)	-0.05 (0.09)	-0.32*** (0.10)	0.52*** (0.07)	202
How long are the police allowed to hold you?	1=3 days or 10 days, 0=Other	0.51*** (0.06)	0.05** (0.02)	0.13** (0.06)	0.27*** (0.02)	2,184
	1=Timap/Paralegal,	-0.13***	0.03**	0.09**	0.03***	907

Who told you how long the police can hold you?	0=Other	(0.04)	(0.02)	(0.04)	(0.01)	
Have you or your family paid the police for any service?	1=Yes 0=No	-0.01 (0.03)	0.02** (0.01)	0.05*** (0.02)	0.03*** (0.01)	2,617
How much have you and your family paid?	# people	47,050 (29,552.47)	-17,378 (27,145.11)	-61,336*** (21,865.17)	70,701*** (21,670.37)	221
Are you required to answer questions posed to you by the police, or can you remain silent?	1=Can remain silent, 0=Other	-0.15*** (0.04)	0.12*** (0.02)	0.09*** (0.03)	0.13*** (0.01)	2,557
Who told you you could remain silent?	1=Timap/Paralegal, 0=Other	-0.03 (0.02)	0.02 (0.01)	0 (0.02)	0.04*** (0.01)	1,541
Have you received any legal aid?	1=Yes 0=No	0 (0.01)	0.03*** (0.01)	0.01 (0.01)	0 (0.00)	2,472
Who gave you legal aid?	1=Timap, 0=Other	0.33* (0.17)	0.67*** (0.17)	0 (0.00)	0 (0.00)	32
Are you sick or injured?	1=Yes 0=No	0 (0.04)	0 (0.01)	0.06** (0.03)	0.12*** (0.01)	2,573
Are these wounds new or old?	1=new, 0=old	-0.07 (0.14)	-0.18* (0.09)	0.15 (0.11)	0.39*** (0.08)	183
Who gave you these wounds?	1=Official, 0=Other	-0.01 (0.09)	0.02 (0.06)	-0.01 (0.06)	0.10** (0.04)	209

5.5 Inmates' knowledge of rights and adherence to procedures

For prisons we rely on CSAE interviews conducted within prisons and prison custody records to measure both overall numbers and self-reported conditions.

How did Timap achieve the changes in the remand population documented above? Measuring the program's effect on intermediate indicators provides some suggestive evidence. Specifically, we examine indicators of detainees' knowledge of their legal rights, and additional indicators of access to bail and timely processing of court cases for remand prisoners.

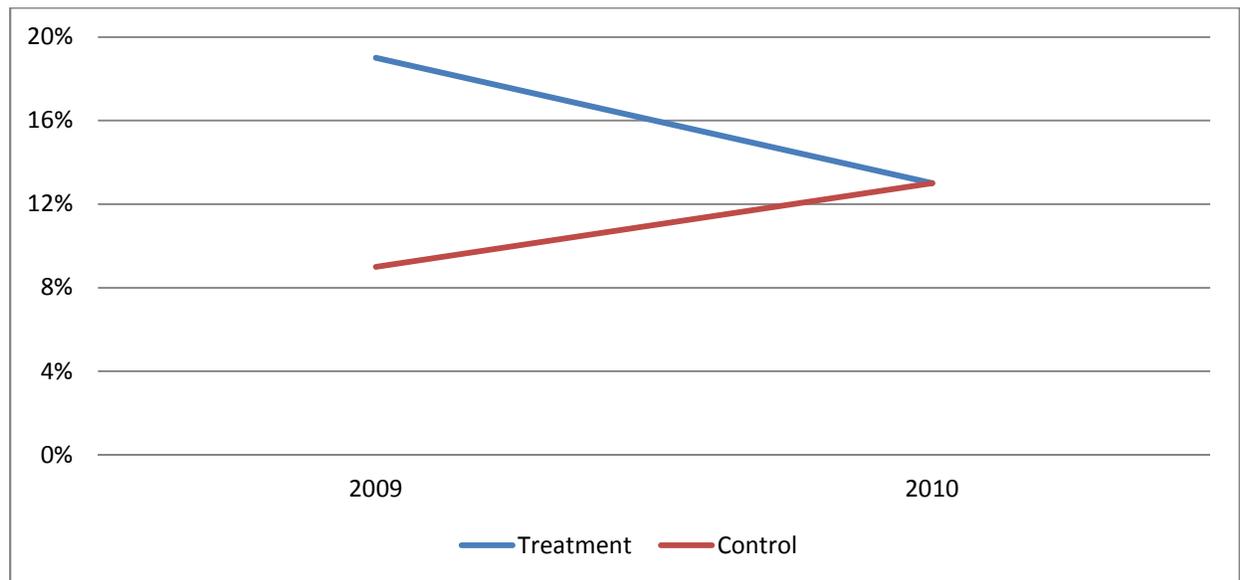
As seen previously in Table 11 below can be read in the same way Table 10 was read in the above section on police station impacts. Again, it is worth taking a close look at each row to see where Timap was likely to have an impact.

, the total share of inmates reporting that they received legal aid is quite low -- potentially for reasons discussed in an earlier section. It is reassuring, nevertheless, to see that differences-in-differences estimates show Timap had a positive and significant effect on the rate of prisoners reporting legal aid, which increased by 7% in treatment relative to control sites.

There were no discernible impacts on various measures of inmates' knowledge of and ability to exercise their legal rights. The proportion who understood the charges against them did not change, and neither did the proportion who were aware of their right to bail, or those who reported paying money to prison officials. This included all inmates in the sample, not just those who self-reported being aided by Timap.

What did change -- and we interpret this as a key impact of Timap's work in prisons -- was that the share of prisoners who reported missing a court date fell by 10% in full treatment relative to observation only sites. This change was not detectable in inmates' reports of total adjournments. Nevertheless, this provides suggestive evidence of one mechanism by which Timap may have affected the proportion of prisoners in remand.

Figure 25. Program impact on percentage of prison inmates who missed a court date.



5.6 Prison conditions

Somewhat independent of Timap's effect on reducing pre-trial and remand detention, we are also interested in the CJP's effect on conditions within prisons. Table 11 below can be read in the same way Table 10 was read in the above section on police station impacts. Again, it is worth taking a close look at each row to see where Timap was likely to have an impact.

presents three admittedly crude indicators of these conditions: the number of meals received per day by inmates; the presence of any visible wounds on the inmate when interviewed by CSAE enumerators; and whether or not the inmate reported receiving any family visits in prison.

We find a surprisingly large improvement (i.e., reduction) of 27% in the rate of visible wounds associated with Timap's presence. We also find a small but statistically significant increase in the rate of family visits of 8%. In contrast, we find a statistically significant deterioration (i.e., reduction) in the number of meals received by inmates.

To our knowledge, neither access to meals nor violence against inmates were a major problem addressed by Timap paralegals. Thus we are open to the possibility of a statistical fluke in both of these cases and treat the results with caution. It is worth noting that full treatment sites began in 2009 with a much higher rate of visible wounds than control sites; thus the "impacts" measured here may be a simple reversion to the mean. Moreover, Timap paralegals were not involved in issues of prison violence, so this finding might have nothing to do with Timap at all.

To conclude, returning to the first part of this section, we find that Timap significantly changed the legal status of the prison population, without changing the actual numbers of inmates incarcerated. What explains this shift? This may, of course, be explained by the hypothesis that though Timap helped inmates get their day in court, many of those inmates may ultimately have been convicted. But it is far more likely, however, that the number of inmates incarcerated remained steady because the prisons used in this study are some of the largest in the country, and thus frequently operate as a "transit hub" for prisoners from more rural areas who are en route to incarceration in Freetown. A single "transit" has been known to take from one month to two years. Moreover, some prisoners convicted of crimes in more rural areas may wind up serving out their sentences in larger district prisons. Therefore Timap could have reduced the number of prisoners on remand but not reduced the overall prison population simply because of prisoner transfers from one part of the country to another—something out of their control and irrelevant to their mandate.

What are the longer term implications of this shift? We have no data to answer that question directly. One can foresee two sets of knock-on effects from the reduction in the remand population induced by Timap. First, inmates who previously faced long delays in remand followed by prison sentences may see a reduction in their total time served, having benefited from an acceleration of the transition from remand prisoner to convict. Time will tell. Alternatively, the lasting impact of this change may be to reduce pre-trial detention (or, formally, remand detention in prison) and increase the rate of wrongful conviction. Given the nearly perfect conviction rate documented below, it seems unlikely courts are making careful assessments of defendants' guilt or innocence. As such, the move from a population of remand prisoners to convicts is a pyrrhic victory from the perspective of defending the rights of the accused, although we cannot say conclusively that this is the case until the Timap database is available electronically. Table 11 below can be read in the same way Table 10 was read in the above section on police station impacts. Again, it is worth taking a close look at each row to see where Timap was likely to have an impact.

Table 11. Difference-in-differences estimates of program impacts using CSAE survey data from prison inmate interviews.

Dependent variable	Measure	$T \times$ Endline	T	Endline	Constant	Obs.
Total population	# people			-0.02 -0.02	0.46*** -0.02	1,716
Population in remand	# people			-0.09*** -0.03	0.53*** -0.02	946
What is the status of your case? (re: Are you on remand?)	1=Remand/Case on Trial, 0=Other	-0.21*** (0.05)	0.17*** (0.03)	0.10*** (0.03)	0.55*** (0.02)	1,508
Have you received legal aid in prison?	1=Yes, 0=No	0.07** (0.03)	0.04*** (0.01)	0.07*** (0.02)	0.02*** (0.01)	1,510
Do you understand your charges?	1=Yes, 0=No	-0.05 (0.04)	0.11*** (0.02)	-0.03 (0.03)	0.82*** (0.02)	1,470
Is it possible for you to apply for bail?	1=Yes, 0=No	-0.03 (0.06)	0.06 (0.04)	0.11*** (0.04)	0.37*** (0.03)	1,275
Did you pay any money for bail?	1=Yes, 0=No	0 (0.11)	0.01 (0.11)	-0.46*** (0.09)	0.48*** (0.09)	845
Have you missed any court dates?	1=Yes, 0=No	-0.10*** (0.04)	0.10*** (0.03)	0.04* (0.02)	0.09*** (0.01)	1,529
How many times has your case been adjourned?	# times	0.17 (0.98)	1.64*** (0.48)	3.75*** (0.54)	3.36*** (0.18)	1,234
Is the respondent ill or injured?	1=Yes, 0=No	-0.15***	0.23***	0.07**	1.78***	1,510

		(0.04)	(0.03)	(0.03)	(0.02)	
Are these wounds new or old?	1=New, 0=Old	-0.27***	0.15***	-0.01	0.31***	1,716
		(0.04)	(0.03)	(0.03)	(0.02)	
How many meals do you eat daily?	# meals	0.08*	-0.00	-0.12***	0.79***	1,508
		(0.04)	(0.03)	(0.03)	(0.02)	

6 Courts

6.1 Representation

To support the follow-up prison and police surveys, data was also collected from magistrate court sittings in Bo, Makeni, Magburaka, Kenema, Kono, and Port Loko from August 27th to October 30th, 2010. Because no baseline data was collected from courts, a difference-in-difference analysis is not possible. We believe, however, that the court data supports our analysis in the previous sections that Timap’s impact in prisons (and by association, courts) has been more substantial than its impact in the police. Furthermore, the court data supports our assertion that excessive pre-trial detention occurs to a greater extent during an inmate’s time on remand, for the most part due to delays in court.

From August 27th to October 30th, 2010, an enumerator sat in each court every day it was in session, recording the basic details of each case: the date; charge; if applicable, whether bail was given; if the accused had representation; if the case was adjourned or decided and for what reasons; and the punishment or fine if the verdict was guilty.

In general, the situation is heavily stacked in favor of the prosecution. To begin with, a police prosecutor was present at over 95% of cases across the six sites. Figure 25 below displays the portion of defendants who were represented by counsel—the lowest proportion in Kono at 1.4% and the highest in Makeni at 12%, perhaps because of Timap’s focus in the town.

Q: Do paralegals or lawyers help?

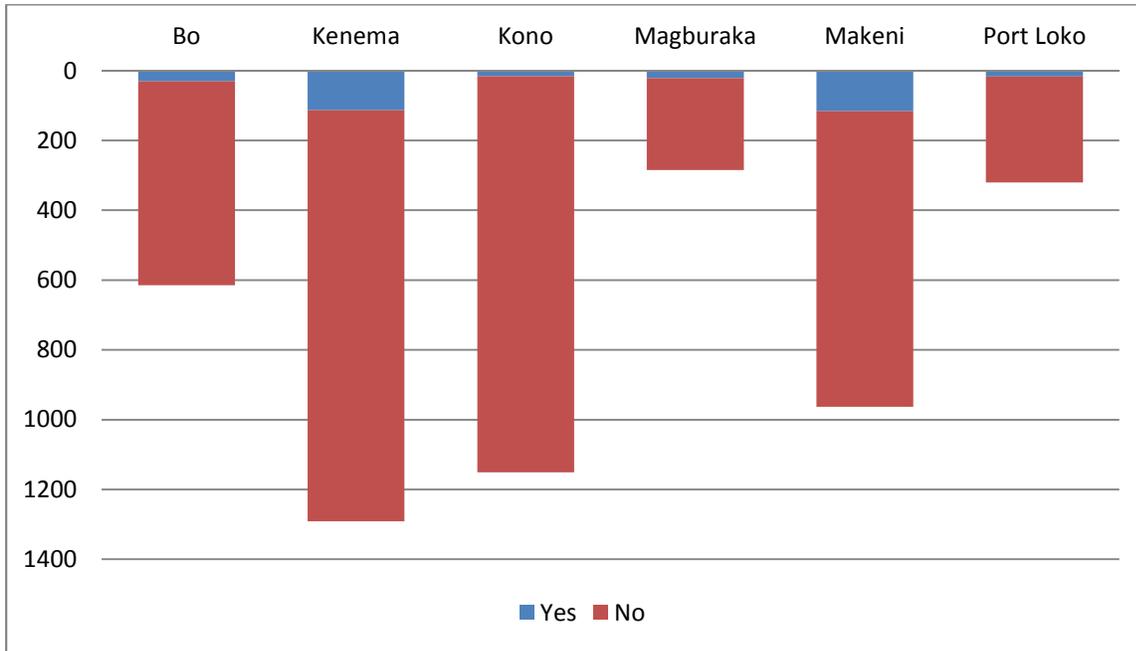
A: Yes.

Q: How.

A: Their mere presence will induce the magistrate to treat the matter in the way it deserves to be treated.

- Police Officer, Moyamba

Figure 26. Legal representation in courts. Source: CSAE court survey.



One major advantage a defendant with a lawyer or a paralegal has is the lawyer's/paralegal's ability to locate witnesses and ensure their appearance in court. Given a lack of forensics and other physical evidence collection in Sierra Leone, the burden of proof is low, and both the prosecution and the defense are dependent on circumstantial witness testimony. Since most cases have a prosecutor but not defense counsel, it is more likely that the prosecution will have a case with stronger witnesses, or even any witnesses at all.

A witness(es) not appearing in court is by far the most frequent reason a case is adjourned for another date. The CSAE Court Survey found that 40.4% of adjourned cases were due to a witness' absence, making it another important avenue for CJP paralegals whose goal it is to reduce the time defendants spend in pre-trial detention. Table 15 displays the percentage of cases where all witnesses were present, totaling 8.1% in control sites and only 6.8% in treatment areas.

Table 12. Presence of witnesses in magistrates' courts. Source: CSAE court survey.

Site	All Witnesses Present	Not All Witnesses Present	Total Cases	Percentage %
Bo	96	519	615	15.6
Makeni	29	934	963	3
Magburaka	1	284	285	0.35

Kenema	32	1259	1291	2.5
Kono	189	962	1151	16.4
Port Loko	4	316	320	1.3
Treatment	126	1737	1863	6.8
Control	225	2537	2762	8.1

6.2 Bail

Court bail, given to remand inmates or to those who were free on police bail, has been another focus of the CJP program. In the full treatment areas where the CJP paralegals have been identifying remand inmates who are eligible for bail and helping them submit their applications, 55.1% of bail applications are approved. In control areas, the number is much lower, at 28.7%. Additionally, sureties were more likely to show up in full treatment sites than in observation-only: 46% of cases had a surety presence in treatment sites while only 35% did in control sites. Moreover, 851 cases involved a present surety in treatment sites while only 507 did in control sites, despite control site cases making up 60% of the total sample. Table 16 outlines the prevalence of approved bail in treatment and control sites, while Table 17 displays the higher likelihood of bail being granted with a surety present.

While these significant differences between full treatment and observation only sites are suggestive, because no court baseline was conducted in full treatment or observation only sites, and no court survey at all was conducted in control sites, it is impossible to definitively attribute these differences to Timap's presence.

Table 13. Bail rates in magistrates' courts. Source: CSAE court survey.

	Bail granted	Bail denied	Total	Percent
Treatment	977	797	1,774	55.1 %
Control	392	973	1,365	28.7%

Table 14. Presence of sureties in magistrates' courts. CSAE court survey.

Surety present	Bail granted	Bail Denied	Total	Percent
Yes	783	344	1,127	69.5%
No	514	862	1,376	37.4%
Not clear	72	564	636	11.3%
Total	1,369	1,770	3,139	43.6%

As will be explained in the following sections on adjournments, court bail can save a defendant weeks, and even months, spent in prison as a remand inmate, though they stand a high chance of then being convicted and spending months in prison anyway. Though the results on sureties and bail in courts is not conclusive since the time element necessary for a DD analysis was not present, the data supports the findings in the prisons section that Timap has had an impact in reducing the share of remand inmates. The data suggests, too, that due to its bail applications Timap has saved numerous inmates an excessive amount of time in remand.

6.3 Adjournments

As displayed by Figure 26 below, ‘adjournment’ is the most frequent case outcome across all six sites, at 87.9% of cases. Figure 27 breaks the adjournments down by site and treatment or control—treatment sites have a slightly lower rate of adjournment, at 85.9% of cases, while control sites are higher at 89.4%. The frequency of adjournments is troubling, both for the speedy resolution of cases and for excessive pre-trial detention. As indicated in the previous chapters on the prisons and the police, the main problem of excessive pre-trial detention occurs not in the police, but in the prisons. The police do hold people beyond the 3/10 day rule, but rarely beyond 10 days. For remand prisoners, however, there is no law protecting remand inmates from being held for weeks and even months. Though proposed amendments to the Criminal Procedures Act would put a cap on the amount of time a case can take to go through the High Court, the law wouldn’t apply to cases in the Magistrates’ Courts. It is remand prisoners who have not been released on bail who can languish for weeks and months in prison for minor charges and before ever being convicted. Obtaining bail for remand inmates, as well as attempting to reduce the number of cases that are adjourned each court sitting, are crucial to reducing time in pre-trial detention.

Figure 27. Case outcomes in magistrates' courts. Source: CSAE court Survey.

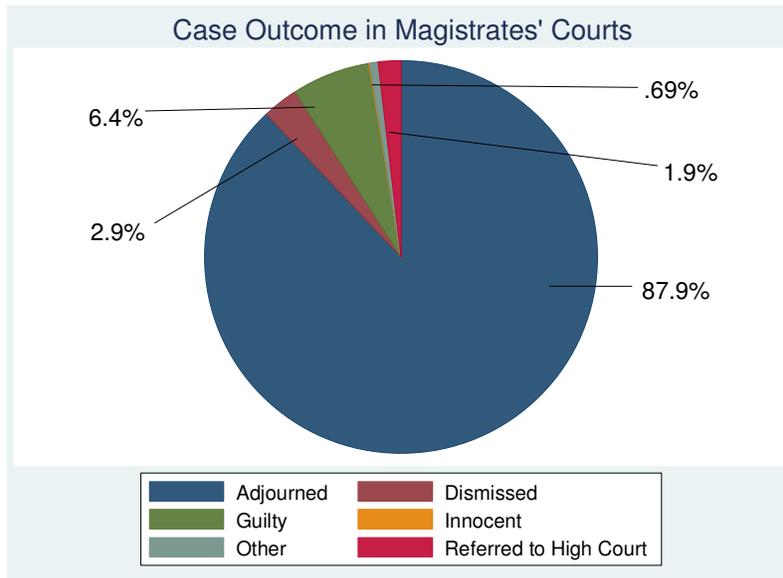


Figure 28. Adjudgments in magistrates' courts, by site. Source: CSAE court survey.

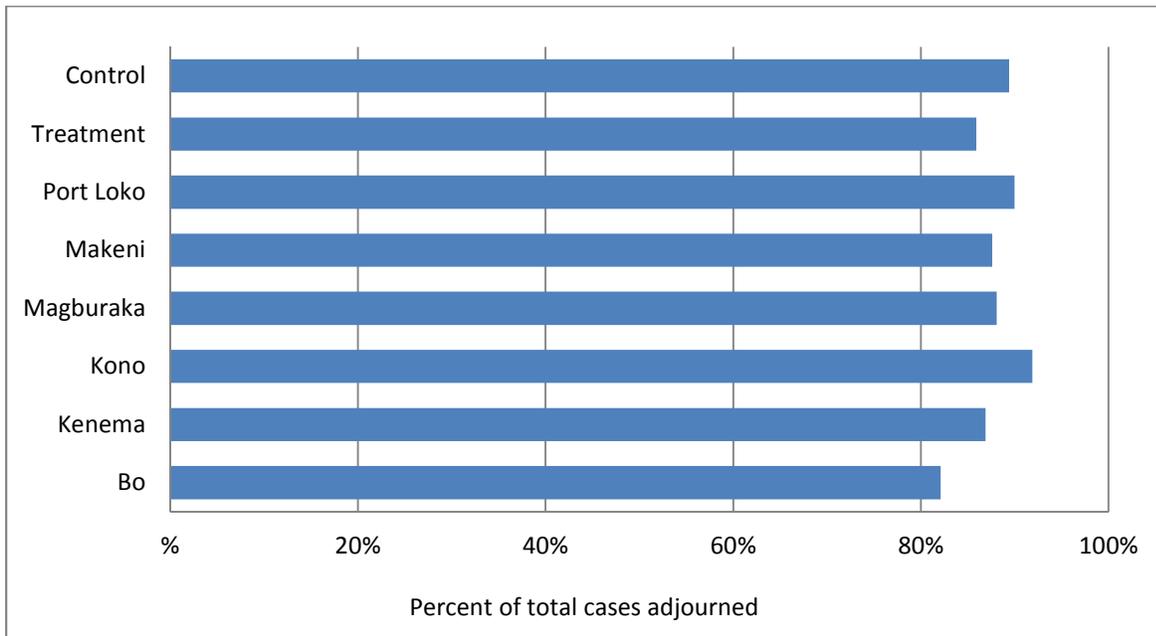
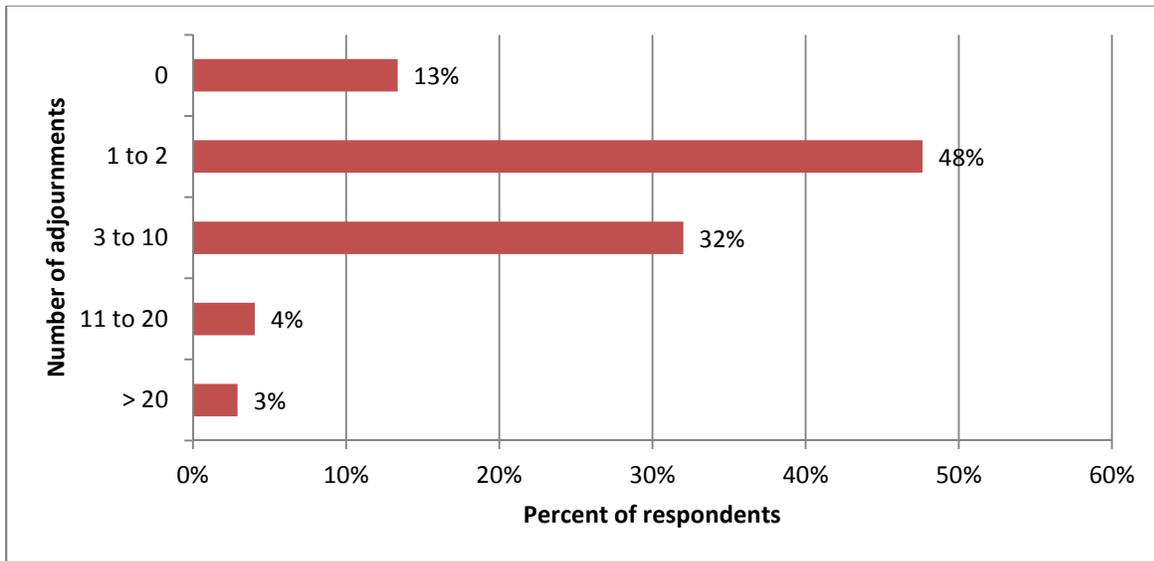


Figure 29. Average number of court adjournments per case. Source: CSAE court survey.



There are a variety of reasons a case might be adjourned. Table 18 outlines some of them. Many of these issues can and have been alleviated by Timap paralegals, for instance the absence of the accused, complainant, or witnesses. At the time of the Pilot, only lawyers could represent clients in court, so Timap paralegals could not appear on behalf of their clients, a rule which could change with the passing of the new Legal Aid Bill. But they still assisted in providing advice to their clients, assisting in drafting documents and motions, searching for witnesses, and accessing bail for their clients, all acts that help to reduce adjournments. That said, their ability to appear and argue before a Magistrate on behalf of their clients would allow them to have influence at all stages of a client’s case.

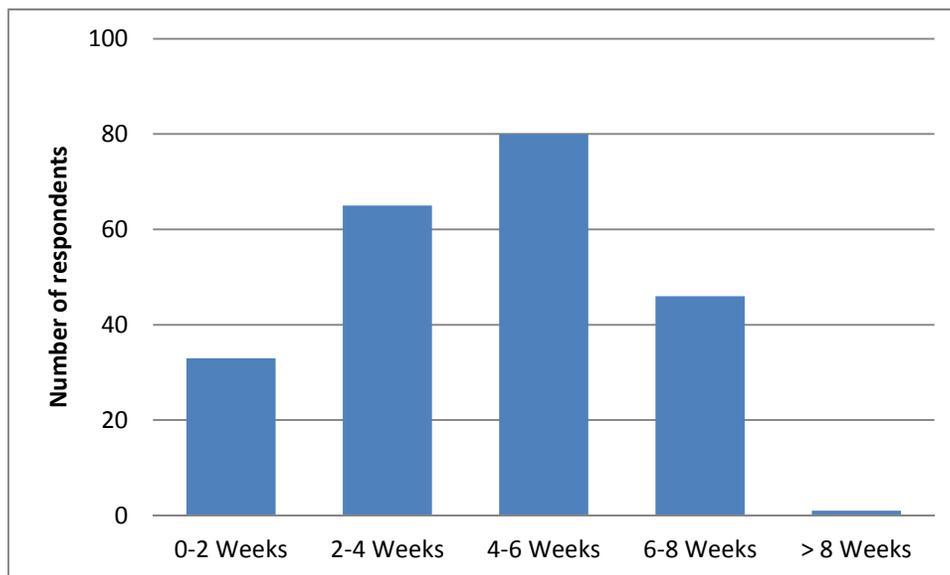
Table 15. Reasons for adjournment in magistrates’ courts. Source: CSAE court survey.

Reason for Adjournment	Frequency	Percent
Accused Absent	422	12.6%
Complainant Absent	574	17.2%
Complainant Dropped Case	3	0.1%
Insufficient Evidence	336	10.1%
Convicted, Wait for Sentencing	18	0.5%
Magistrate Refuses	316	9.5%
Prosecution Absent	24	0.7%
Representation Absent	54	1.6%
Witness/Exhibit Absent	1,350	40.4%
Other	240	7.0%
Total	3,338	

Because CSAE enumerators were present at multiple court sittings in each site, cases which had been previously adjourned frequently turned up again. Because the beginning and end date for each case wasn't determined since the endline was only two months long, it is impossible to calculate the average number of court adjournments for each person. There were many cases, however, which showed up in the data several times, making it possible to make a calculation of how long it takes for a case to reach at least three court adjournments. Three court adjournments, as opposed to more or less, are significant because human rights advocates in Sierra Leone have suggested that a cap of 3 case adjournments be instituted to limit how long a trial takes to reach a conclusion. After those 3 adjournments have passed, the case would be dismissed or ruled upon. Lawyers often do attempt to persuade the magistrate to dismiss a case after 3 adjournments if it doesn't look like enough evidence will accumulate or that witnesses will appear—albeit not always with success. Paralegals, however, cannot represent clients in court.

Figure 30 below is taken from all six sites, using cases which appeared in court at least three times. The mean for such cases was 30.4 days, and the standard deviation 12.9. The graph shows that on average, a case with three or more adjournments takes over 4 weeks to resolve. Since the sample doesn't include cases with multiple adjournments not calculated due to the limited period of data collection or cases ultimately referred to the High Court, this can be considered an estimate *only* of the average time it takes a case to reach three court adjournments, and not how long it takes a case with more or less than three adjournments to conclude. While some defendants are released on bail, many are not and remain in prison during this time as remand prisoners.

Figure 30. Time for three or more court adjournments to occur in magistrates' courts. Source: CSAE court survey.



Another factor which influences excessive pre-trial detention is the number of days between adjournments. For instance, five adjournments could take place over the course of one business week or over the course of two months, depending on the court, the location, the caseload in the court, and the magistrate. The minimum number of days between adjournments observed in the sample was 1, while the largest gap was 64, in Kenema, indicating the unpredictable nature of adjournments. **Error! Reference source not found.** below displays the average number of days between case hearings, despite a judiciary rule that adjournments cannot exceed eight days at a time.

Q: Do you remember any of such cases [sic.]?

A: I can't remember a specific one now. But it does happen. So people sometimes come with an accused for felonious offences. When such an accused person is locked up for few days and charged to court, the witnesses will not show up. So at the end of the day, such accused persons will be freed. In our own court we don't detained an accused person for over seven days in remind. This is due to our eight days rule. The seventh day of your detention you be released.

Q: How did you come about forming this rule?

A: Is a rule from the judiciary that we should not keep somebody awaiting trial for over seven days.

Q: What kinds of changes would make the justice system run more efficiently? Is there more risk than others for prosecution and imprisonment, why or why not?

A: Every court should have an interpreter.

Q: What kind of problems do resource constraints lead to?

A: Poor conditions of service. You will find it difficult to believe that we have less than 15 magistrate's country wide just because of such conditions of service.

— Court official, Moyamba

Figure 31. Average days between court appearances in magistrates' courts. Source: CSAE court survey.

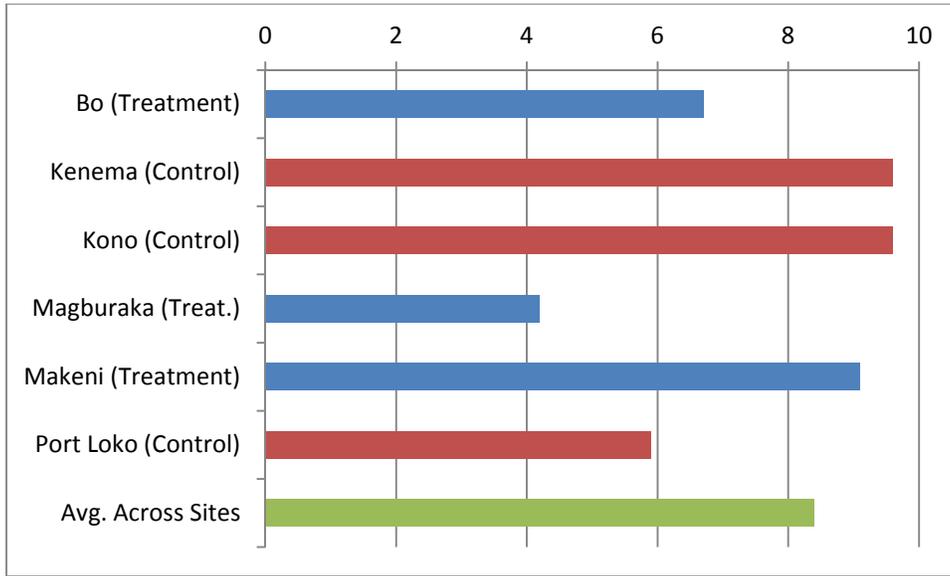


Figure 31 breaks the above down by treatment and control, showing a significantly lower length of time between adjournments in full treatment relative to observation only sites.

Q: Has Timap had an impact, if so, how did Timap achieve this?

A: Yes as they are trying to make sure that prisoners / detainees are released through their various enquiry techniques in terms of the detainees/ prisons name number of adjournments etc. And they will go and make the necessary follow ups in the courts.

Q: Has Timap presences helped or hindered your work?

A: They have helped in fast tracking most cases as this will also ease the burden on our own part.

— Prison Officer, Makeni

Q: What are the main constraints for court in closing a case within 3 court adjournments?

A: Well the first constraint is there is not motorbike to inform witnesses when they are to appear court and even if there is a bike, sometimes fuel is not available. Also in most cases, the complainant will show up in court and if ask to talk, he will say I am not ready to talk and so the court adjourns that particular case.

Q: What kind of problems do resource constraints lead to?

A: *It leads to inefficient job.*
 Q: *Has Timap had an impact? How did Timap achieve this?*
 A: *Yes. Sometimes the assist people who are disadvantages in the court and even help in bring witnesses to courts.*
 — Court Official, Magburaka

Note again that no time series dimension exists for this comparison, so differences may relate to unobserved fixed factors of these sites that are not a consequence of the Timap intervention and extra care must be taken in inferring causation.

Figure 32. Days between court adjournments in magistrates' courts, treatment vs control. Source: CSAE court survey.

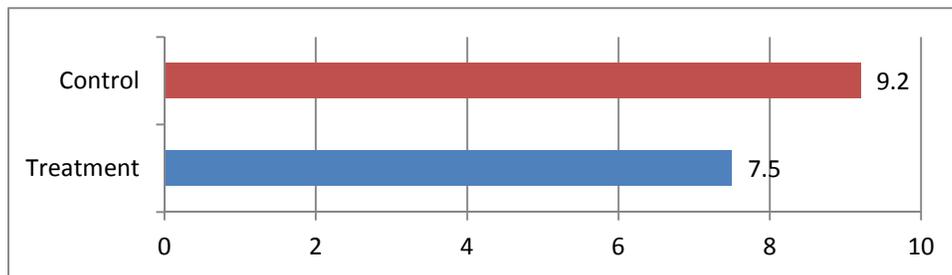
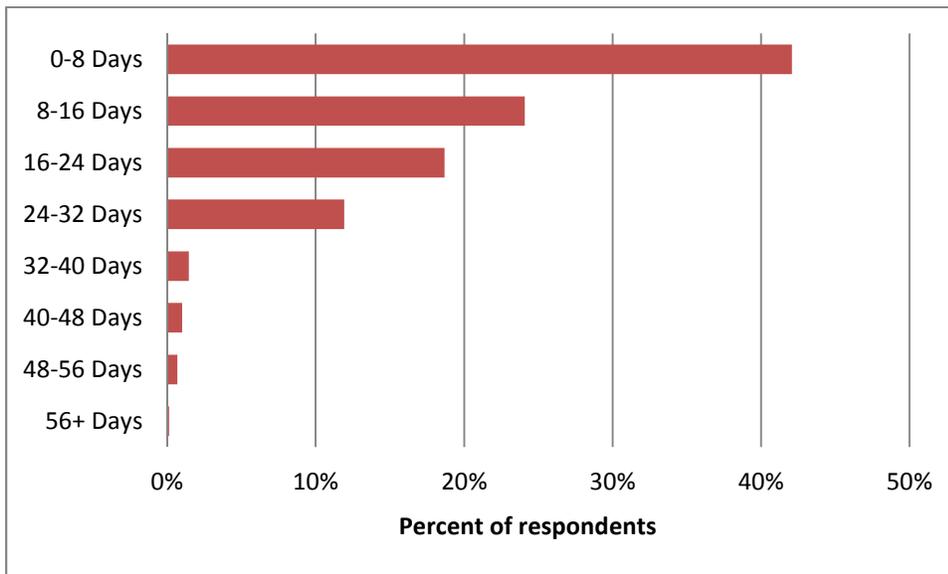


Figure 33. Days between adjournments in magistrates' courts. Source: CSAE court survey.



As indicated in Figure 33 above, it can be as long as three to four weeks between adjournments. If a defendant is not given bail, he is forced to wait during this period in prison. If his case is adjourned

several times he may wind up waiting for months in prison for a minor crime. For instance, CSAE researchers encountered one man who had been waiting on remand for two months for stealing batteries.

6.4 Conviction rate

Most daily cases that come through the courts are adjourned for another day, about 88%. A further 1.9% are felonious cases that pass the Preliminary Investigation (PI) stage in the Magistrate’s Courts and are thereafter referred to the High Court for adjudication. Only 3% of cases are dismissed, usually because the prosecution cannot produce enough evidence against a defendant or witnesses have not made it to court. About 6.4% of cases end in a guilty verdict, while only .06% end in acquittal. These numbers highlight the importance of Timap’s work obtaining bail for clients.

Of cases that were not adjourned, dismissed, or referred to the High Court for trial, only 3 people were acquitted across all six sites (Table 16), while 297 were found guilty. Again, this statistic excludes all cases that were adjourned, dismissed, or referred to the High Court for trial, and only includes those cases where a verdict (guilty or innocent) was ultimately arrived at. Thus while the overall conviction rate for adjudicated cases—the percent of guilty verdicts out of the total numbers of guilty verdicts, acquittals, and dismissals—was around 68%, the conviction rate *in cases where the magistrate reached a decision of guilty or innocent* was 100% except for in Bo, a treatment site, and Kenema, a control site, where the rate was slightly over 98%. This percentage indicates the importance of representation at trial for those whose cases are not dismissed.

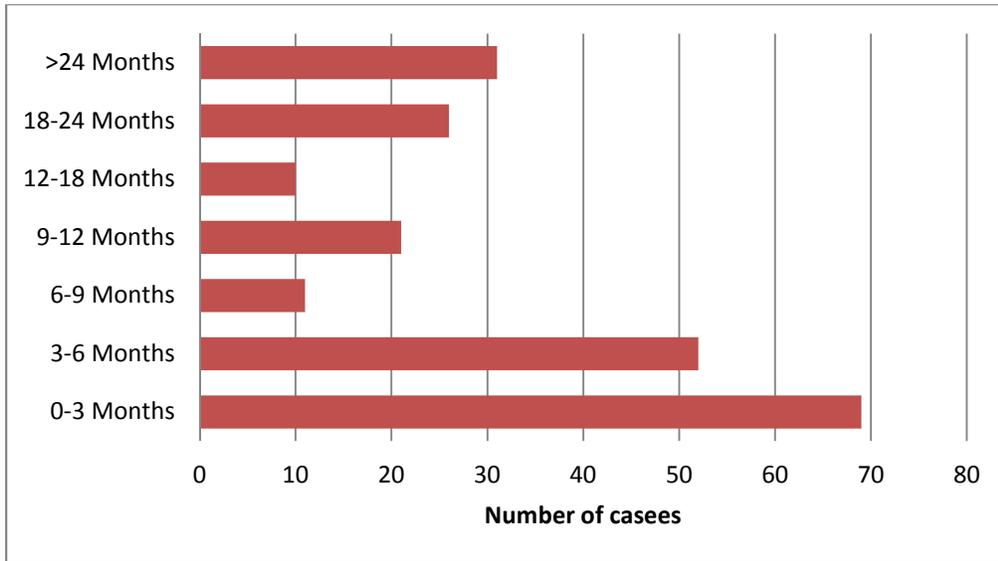
Combining the number of cases dismissed and the number of acquittals (140) leads to only around 3% of cases ending with the defendant going home rather than to jail (unless he is free on bail, in which case he remains free until his case is completed in the Magistrate’s Court).

Table 16. Case outcomes. Source: CSAE court survey.

Case outcome	Frequency	Percent
Adjourned	4,069	88.0 %
Dismissed	137	3.0 %
Guilty	297	6.4 %
Innocent	3	0.1 %
Referred to High Court	87	1.9 %
Other	32	0.7 %
Total	4,625	

Figure 34 shows the prison sentences given to those convicted who either did not receive a fine or received both a fine and a prison term. At the time of the Pilot, alternative sentence legislation had not yet passed through Parliament, so either a fine or prison or both was imposed in all cases of guilty verdicts. In many cases, those convicted opt for a prison term because they cannot pay the fine.

Figure 34. Prison sentences in magistrates' courts. CSAE Court Survey.



7 Discussion and Future Directions

The following recommendations are a result of focus groups with CJP paralegals and CSAE enumerators, interviews with the Timap lawyers as well as with justice sector workers from other NGOs, and personal experience and observation by CSAE researchers. Many of the recommendations below are simply support for continuances of Timap’s current work, based on the positive findings in this report. The others take their lead from a few key findings from the chapters above:

- As illustrated by the courts and prison data above, excessive pre-trial detention is of more consequence at the remand stage than at the initial arrest/police detention stage.
- While Timap’s Criminal Justice Pilot was originally designed with a narrow mandate of early intervention to reduce excessive pre-trial detention, the program has predominantly focused on pre-trial detention in police stations. Focusing more heavily on prisons—as well as expanding the CJP to include services that target court delays and fair representation in court—would further the CJP’s impact on excessive pre-trial detention. That said, Timap’s success in prisons could be somewhat due to their success in police stations—detainees who were helped by Timap in police stations could have stayed free throughout their trials, contributing to a lower number of remand inmates.
- The high conviction rate suggests that even if individuals are to be freed on bail, they stand a high chance of returning to prison post-conviction, especially if Sierra Leonean law continues to forbid alternative sentencing (although that looks likely to change in the coming months). The CJP program is thus hampered by paralegals’ inability to represent clients in court. Several suggestions and remedies are included in the text below.
- Finally, it is important to note that none of the findings above or the conclusions below reflect on Timap’s efforts in implementing the CJP intervention. Timap’s staff works extremely hard, and appears to be well-respected by officials and citizens alike. These recommendations are solely intended as a way to guide future interventions and revamp the CJP’s ultimate goals.

7.1 PTD and the police

As written above, the real PTD issue lies in the prisons due to court delays, not in the police. However, there may be other explanations for the lack of impact seen in the CJP's work in the police. First, the bail process in police stations is quite different from the bail process in prisons. Bail applications in police stations are funneled through police officers, who must take an active role in accepting and deciding on those applications. Bail applications for remand inmates, on the other hand, are funneled through the courts. In prisons, prison officers have little to do with court bail, neither processing the applications nor being a part of the final decision.

By successfully obtaining police bail for their clients, Timap may have indirectly affected the number of remand inmates in prison. For example, a defendant who goes to court after having been freed on bail may be more likely to be granted court bail as well, especially if a Timap paralegal is monitoring his case. Timap recently begun tracking the number of persons granted bail at the police who end up being charged to court and are subsequently released on bail again so as to ascertain their impact here.

It is far from clear that bail applications should be the sole focus of Timap's criminal justice strategy in Sierra Leone. Our study points to several other avenues that are also essential to addressing the systemic causes of pre-trial detention. Timap and other organizations should consider (and OSJI/other donors should consider funding) criminal justice work around some of the following avenues.

7.2 Training and supporting officials

Despite the police, prisons, and courts being three separate entities, the work—or lack of work—of one directly influences the others. Thus many interventions launched in the police station, where an individual's journey through the justice system begins, can have an impact on time spent in remand prison or the efficiency with which the courts process cases. Recognizing this web, since the beginning of the Pilot Timap has sought to train officials and local communities in law, criminal procedure, and basic rights.

One trigger for a string of inefficiencies throughout the justice system is the arresting and investigating officers of a case. These officers are trained in police work, but not necessarily trained in law. Justice Sector Development Program (JSDP) staff say these officials do not have a good understanding of which cases will actually hold up in a court of law and which cases will not. Thus numerous cases are charged to court with the wrong charge attached (i.e. murder instead of manslaughter), with insufficient evidence, with fabricated detainee statements, or with the police unable to ensure witnesses and complainants arrive

in court. Brima Koroma, a Timap lawyer, notes that the greatest problem he deals with is wrong charges being laid in court.

Q: Did any other departments make mistakes, what mistakes were those?

A: Police sometimes makes mistakes by giving the wrong charges and upon arrival at the court, the magistrate will correct them.

— Prison official, Makeni

Q: Was there a surety? Bail?

A: Yes as my elder brother acted as a surety and facilitated my bail. On condition that if for any reason I am not found he should pay the sum of twenty million Leones. What I knew about my legal rights is that when in police custody, within 72 hour, you are either released on bail or the matter sent to court.

Q: How many times have you been to court?

A: I made eight court appearances.

Q: Was your case ever adjourned, If so how many times, why?

A: my case was adjourned at every court appearance which amounted to eight adjournments? The reasons for the adjournments were two folds firstly, the first, second and third adjournments were are as a result of the absence of the complainant and witnesses. Secondly, the remaining five adjournments were attributed to the court probing into the charges allegedly made against me by the complainant and witnesses whether they were actually the right charges written down by the police.

— Prisoner, Port Loko

Brima acknowledges that some of this comes from a simple lack of knowledge of the police; they simply don't know the law or the right criteria to be taken into account when laying charges. He also says that, inexplicably to him, police appear to arbitrarily lay totally unfounded charges.

A reduction in the number of cases inappropriately charged to court may have a domino effect: it reduces the number of cases in court—a number too large for the court system's limited capacity to handle, especially with Circuit Courts. It also reduces the number of cases that are adjourned due to missing witnesses or complainants. When the number of overall cases in court decreases, then the time remand prisoners are forced to wait until trial decreases as well, since there are fewer cases for magistrates to contend with. Furthermore, an intervention aimed at reducing the number of cases inappropriately

charged to court would reduce pre-trial detention rates, as officers with legal knowledge might not waste time trying to build a case that cannot be built and simply release some detainees.

Importantly, there is a difference between human rights abuses and processing deficiencies. Detainees during qualitative work complained mostly of procedural faults rather than of abuse.

Q: Do you have confidence in the justice system? Why?

A: No, because they don't follow procedure.

— Detainee, Makeni

The criminal justice paralegals have the legal training and capacity to know which cases are appropriate for court and which cases are either fruitless or unjust. CJP paralegals already utilize their knowledge of the legal system in Sierra Leone to conduct trainings with the officers involved in investigating and charging cases. Such training goes beyond the *human rights* rhetoric to focus on the *processing* of a case. In a country where many of the human rights issues in the justice sector stem from a lack of resources, improving the processing and efficiency of cases might be the most effective way of upholding human rights. Since the paralegals' jobs are to ensure this process goes well, the program could benefit from even more selected trainings with officers, framed not as human rights training—frightening to most officers—but as training to improve their efficacy as officers.

Similarly, Timap paralegals and lawyers should continue to hold meetings and training sessions with court personnel, including magistrates. In addition to building a productive relationship between Timap and courts, this can serve as a platform for legal knowledge sharing. Magistrates and court officials can articulate their needs to Timap and similarly, Timap can assert the procedural transgressions that compel Timap – i.e. over-adjudgment cases, etc. – such that court officials can begin altering their behavior and decisions. Timap should continue these trainings and meetings with an eye toward that goal.

7.3 Targeting court delays and excessive sentencing

Many laws and procedures in Sierra Leone are arbitrary, onerous, and unnecessarily complicated, causing delays in the course of justice. Conversely, there are many issue areas that could use simple rules where none currently exist. Timap has always been active in advocating for legal reform, largely through institutional example and the status and efforts of its top lawyers. While policy reform is of course contingent upon government and Sierra Leone's political climate, Timap is currently in a strong position to take a leadership role in such advocacy efforts, and should ensure that this remains front and center as part of its overall strategy. Examples of advocacy projects targeting court delays include:

- Establishing a convention of case dismissal after the first adjournment where the complainant does not show up, or after three adjournments if witnesses fail to show up. Cases with multiple adjournments because of missing participants clog the courts and affect the progress of other cases—even though a case is adjourned and not heard, the magistrate must still take the time to call the case, establish the presence or absence of complainants, witnesses, and defendants, and adjourn the case for another date. In the court survey, these were the most common causes of adjournments.

Q: What are the main constraints for prisons and courts in investigating and closing a case within 3 court adjournments?

A: They too experience the problem of witnesses.

Q: How?

A: The witnesses sometimes do not come forwards to give evidence against the accused person. In fact most of the witnesses at times are relatives to the accused so they are afraid to give evidence against their relatives. Some even feel shy to testify before the courts. There is sometimes the problem of transportation as some witnesses are far from the courts.

There is also the problem of language barrier as some do not understand court terminologies. Often there is the problem of locating interpreters. One should not also forget to mention the fact that formal witnesses like doctors are also far from either the courts or to visit the scenes of crimes. In the event of transfer of the officials from one place to another also poses a serious problem.

Q: How do these constraints affect your work?

A: Slows the pace of investigation. Also makes it impossible for police to prove matters beyond all reasonable doubt so sometimes law breakers get a field day.

Q: Is there enough money to do all your work?

A: There is insufficient money to do all my work.

Q: How can court cases be processed more quickly?

A: Let there be provision for witnesses in terms of providing transportation fares.

— Police officer, Moyamba

- Ameliorating the practice of Preliminary Investigation (PI), which is a time-consuming exercise that magistrate courts have to engage in prior to a felonious case being heard in High Court. The easiest

way to do this is through support for the new Criminal Procedures Act, which will hopefully be passed by Parliament in late 2012 or early 2013 and reduce the requirements for a PI.

- Support for other aspects of the amended Criminal Procedures Act, including alternative sentencing. Currently magistrates and judges have only two options for punishment meted out to the guilty, even for minor crimes: a fine or a stint in prison. With alternative sentencing legislation, magistrates and judges could put defendants on probation or give them a warning for a first offense, leaving heavy sentences for those convicted of serious crimes. This would reduce over-crowding as well as lessen the negative impact on convicted defendants in terms of income foregone.
- Placing a greater onus on police officials to justify an application for an arrest warrant, thereby forcing them to do more prior investigation and making it harder for them to conduct arbitrary arrests. This reduces extortion and petty bribe-seeking, as well as making it more difficult for frivolous cases to enter the overburdened system. Warrants, of course, do not apply to situations where exigent circumstances or probable cause would allow the police to make a warrantless arrest.
- Support for the Commercial Court, where many civil cases and property disputes would be ‘fast-tracked,’ to remove some cases from the overloaded Magistrate Courts. Criminal cases would stay in the Magistrate Courts. A Commercial Court was established in December 2010, and has had generally positive reviews thus far.

7.4 Broader-based and longer-term legal representation

Despite similarities between paralegals and lawyers—for instance, paralegals help track down witnesses, apply for bail, prepare documents and motions, and provide advice—paralegals still cannot represent their clients in court. Representation in court can be crucial when advocating for the dismissal of a client’s case or when trying to prove innocence.

Q: Do paralegals or lawyers help?

A: I don’t know but all I know is that they all do similar jobs.

— Police Officer, Kenema

Even filing bail applications in court requires Timap’s over-stretched lawyers. To date, any case needing representation beyond the bail application is either dropped or, in a small minority of deserving cases, referred to Timap’s core program. With no representation who can argue to have a case dismissed or who can competently argue on behalf of a client, even those accused of minor crimes can easily wind up back in prison.

The CJP paralegals should continue working on cases beyond the bail application, as core program paralegals would continue working on a case until the dispute is resolved. Legal aid advocates in Sierra Leone have been pushing for the newly passed Legal Aid Act to include provisions for paralegal court representation in minor criminal cases, but these provisions were not included in the final act. It is not clear when, or if, this will happen.

It is clear, then, that under Sierra Leone's current laws paralegals cannot substitute for lawyers entirely. Adding on to the legal 'teeth' of Timap by hiring more lawyers and/or drawing more heavily from the core of public interest lawyers would greatly facilitate Timap's work.

7.6 Recordkeeping

Focus groups with CSAE enumerators indicated that injustices also occur in police record-keeping, when the police fail to record release dates, or burn certain records, or "lose" them. A simple intervention where the paralegals monitor the detention forms to ensure that release dates are always recorded might go a long way in reducing pre-trial detention rates. Similarly, if the paralegals could track records from the police to the courts to the prisons, they could ensure that records are viewed in a timely manner at the courts and that they aren't 'lost' at the prisons. This intervention would be especially effective if, in addition to the two files the police prepare on each case for the courts, Timap were to fund the police to make a third file for them to keep.

In addition, paralegals should work with police stations and prisons to ensure that records are appropriately transferred for the detainees that Timap tracks. Timap should work with officials throughout the justice system to guarantee that all of the needed information is present for a case to be heard.

7.7 Extending services to complainants

There are often two sides to the story. Just as the accused bear the costs of arbitrary arrest, extortion and detention, complainants are expected to cover the operational costs for any procedures that lead to conviction of the accused. These may include covering transportation and communication costs for the police to visit the crime scene; paying for witnesses to come and testify; providing stationary for the police investigation; paying fees to endorse medical forms; or even buying meals for accused person if they remain in extended police detention, in return for the police continuing to hold them.

A simple human rights argument—after all, a number of complainants are victims of violent crimes, and many other victims do not report crimes perpetrated against them (especially rape)—suggests the need to extend CJP services to complainants, helping them navigate the system, ensuring that proper procedure is followed, etc. It is important to note that by this we mean complainants in general; Timap could easily reserve the right to stay away from those complainants associated with Timap clients, as the latter may compromise their clients’ interests.

7.8 A world of caution

To summarize this section, focusing exclusively on pre-trial detention in the Sierra Leonean system may give undue weight to what we see as an effect, rather than a cause, of underlying structural issues in the formal legal system, such as the inefficiencies that lead to court delays. An extension of the pilot program based on bail alone risks neglecting these underlying causes.

Although we find the CJP has already had an impact on access to bail in police stations and the share of prisoners on remand, our subjective assessment based on observations during data collection and interviews with Timap management is that there are cheap and fairly simple ways to alter the program design that might yield even greater impact. This would involve reorienting the goals of the program to minimize delays in courts, push for paralegal representation in court, and increase the capacity of officials.

7.9 Final conclusions

This report summarizes an independent evaluation of Timap for Justice’s work to reduce unlawful pre-trial detention in Sierra Leone’s criminal justice system. Our primary goal has been to quantify the effect of Timap’s “Criminal Justice Pilot” on rates of pre-trial detention, overall incarceration, and conditions during detention using both official records and detailed survey data collected in police stations and prisons by Oxford University’s Centre for the Study of African Economies.

The Sierra Leonean context is quite distinct from criminal justice systems in both rich and middle-income countries. The incarceration rate in Sierra Leone is extremely low by international standards. However, the proportion of individuals in incarceration who have been convicted of any crime is also extremely low. Thus the system is essentially one of punishment without trial. The CJP attempts to intervene to correct the worst human rights abuses in this de fact extra-judicial system.

The two key findings from the quantitative impact evaluation are as follows:

1. Paralegals working through Timap's CJP increased the share of detainees receiving bail by approximately 13 percentage points, and decreased new arrivals in prison.
2. Timap paralegals were associated with a statistically significant decline in the share of prisoners held in remand without being tried or convicted – a decline of approximately 20 percentage points.

It was noted, however, that there was no measurable change in the overall prison population associated with the CJP. Thus the population of prisoners appears to be no smaller as a result of the program, but has received greater due process, in that prisoners are more likely to have been convicted rather than held on remand. In addition, the study failed to find any evidence that the CJP reduced arrest rates in police stations, though reducing arbitrary arrests was not a primary goal of the program.

This final chapter of the report has attempted to go beyond the core statistical analysis, bringing in qualitative interviews and the evaluators own direct observations in the field to formulate programmatic recommendations for Timap and other similar organizations. The main thrust of these recommendations is twofold. First, the CJP can, should, and in many cases is now broadening its scope beyond a narrow focus on pre-trial detention. Timap is well placed to provide valuable services to victims (complainants) , to improve record keeping in the criminal justice system, and to combat inconsistent and unjust sentencing in court. Second, inasmuch as legally possible, the CJP should seek to broaden the set of tools it uses. Beyond the work of paralegals in police stations and prisons, we foresee potential gains from educating police officials and advocating for the right of paralegals to represent defendants in court.

In sum, we find concrete evidence of significant improvements in the protection of the rights of the accused in police stations and jails as a result of the CJP. Going forward, we feel future gains will be accelerated by focusing on some of the broader underlying causes of excessive pre-trial detention, and we believe that the CJP – operating, as it does, within the context of Timap's broader community-based legal empowerment work – is well-placed to broaden its scope accordingly.