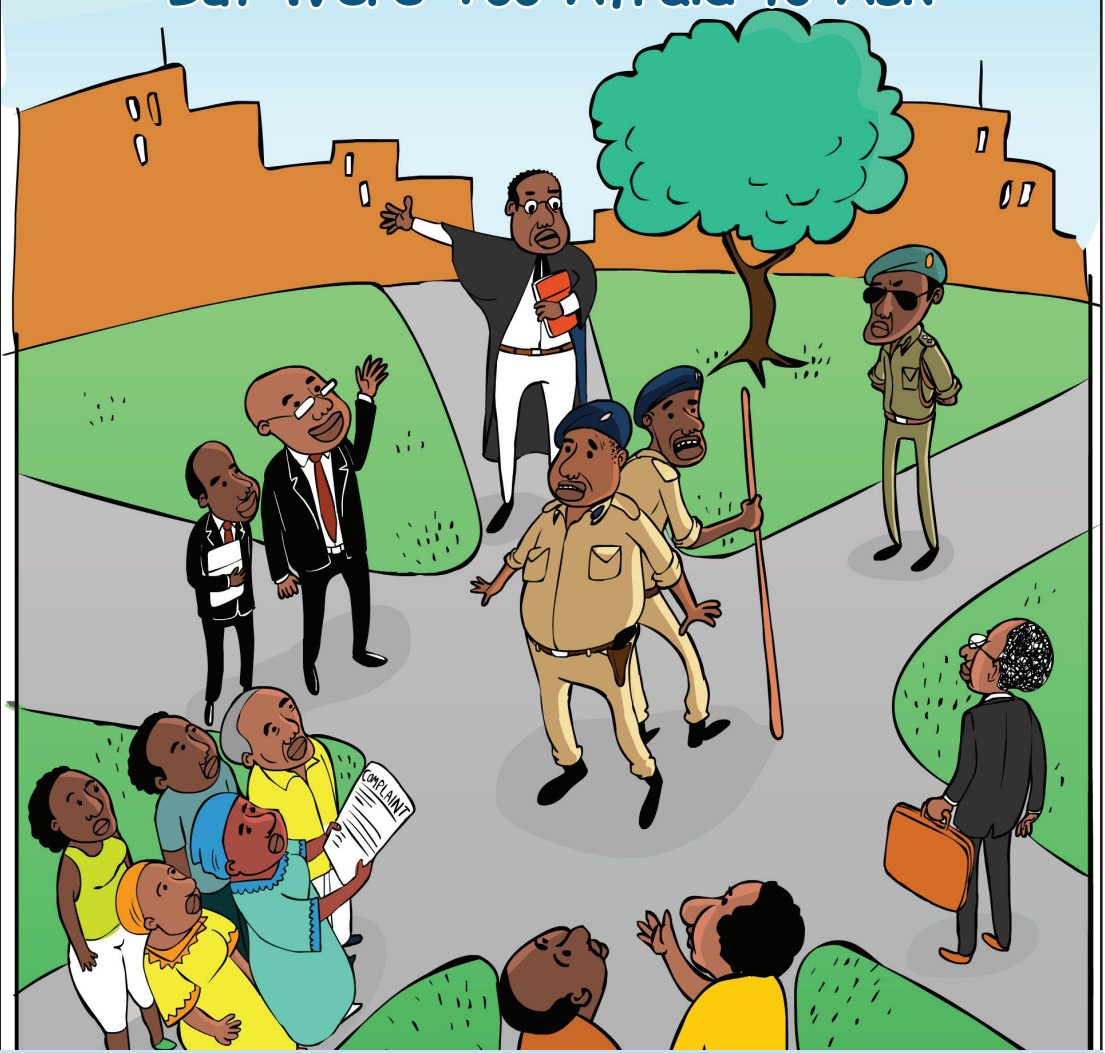
101 Things That You Wanted to Know About the Police But Were Too Afraid to Ask



Commonwealth Human Rights Initiative

TUME YA HAKI ZA BINADAMU NA UTAWALA BORA
TANZANIA COMMISSION FOR HUMAN RIGHTS AND GOOD GOVERNANCE

British High Commission Dar es Salaam

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The Commission for Human Rights and Good Governance (CHRAGG) is an independent government department, established as the national focal point institution for the promotion and protection of human rights and duties as well as good governance in Tanzania. CHRAGG was established under Article 129(1) of the Constitution of the United Republic of Tanzania of 1977 and became operational on the 1st July, 2001 after coming into force of The Commission for Human Rights and Good Governance Act No. 7 of 2001. The Commission has the responsibility to receive and investigate complaints concerning violation of human rights and principles of good governance and then make recommendations, where necessary, it can bring up these issues in court. Additionally, the Commission provides suggestions to improve existing or draft laws, regulations or administrative procedures to ensure consideration of human rights and good governance. CHRAGG operates both in Tanzania Mainland and Zanzibar Isles. Currently it has four offices located in Dar es Salaam, Zanzibar, Mwanza and Lindi.

The Commonwealth Human Rights Initiative (CHRI) is an independent, non-partisan, international non-governmental organisation, mandated to ensure the practical realisation of human rights across the Commonwealth. CHRI was founded in 1987 by Commonwealth professional associations; it is headquartered in New Delhi, India and has offices in Accra, Ghana and London, UK. CHRI advocates for protection and promotion of international human rights standards and greater adherence to the Commonwealth Harare principles. Issues relating to accountability and participation in governance – access to justice and access to information – are at the heart of CHRI's work. CHRI also overview the human rights situation in countries of the Commonwealth, focusing on human rights defenders, compliance with international treaty obligations and monitoring the performance of Commonwealth members of the United Nations Human Rights Council.

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101 Things That You Wanted to Know About the Police But Were Too Afraid to Ask

Foreword

Everyday we come in contact with the police. We see them busy with their many duties regulating traffic, guarding VIPs, controlling crowds, escorting people to court, giving evidence, filing complaints at the police station or taking on criminals and militants in the field. We also hear a lot about the police through the papers and TV and by word of mouth. Everyone has an opinion about the police and often it is not at all flattering. But in reality, most people know very little about them.

In our democracy, the police are not agents of the government in power put in uniform to suppress the people and keep them under control. Rather, they are, much like the fire brigade or revenue services, an essential service which by law has the duty to protect and safeguard every one of us. Like the bureaucrats, the police are public servants paid for by citizens and in their service.

Just as the police have a duty towards us, the people have a duty towards the police. As responsible citizens it is not enough to fear and dislike them or to go to them only when in difficulties. People and police have to work together to uphold the law. It is important to understand their work and challenges, what they do and how they do it, what their organisation looks like and the limits of their powers and duties. It is also important for us to know our own rights and duties so that no one – neither police nor civilians – can break the law and get away with it. This is what the rule of law means.

This little book is an easy guide to knowing your police. It is only when we know that we can speak up with confidence, and it is only when we speak out against wrong, that things will change. This book is brought out in this hope – that people knowing all about their police and their own rights – will use this knowledge to demand the better police service that we all deserve.

1. What is PT?

PT is the short form of Police Tanzania. It is part of the Union machinery of Tanganyika and Zanzibar (Tanzania) created to provide citizens with a sense of safety and security, to maintain peace and order in society as well as prevent and detect crimes.

2. Why do we have a police force?

We have a police force to provide citizens with a sense of safety and security. The police are there to maintain peace and order in society as well as prevent and detect crime. They are there as law enforcers – to make sure that everyone, including the police force itself, follows the law at every step.

3. What are the police supposed to do?

The police force has several duties: it must prevent and control crime and investigate it properly whenever it happens. It must also prepare an honest, evidence – based case for the prosecutor to present at court. The police force has a responsibility for maintaining overall law and order and for this purpose also gathers information about what is happening in and around the community it serves.

4. What is the meaning of police powers?

The police have all sorts of different powers, all of which are given by law and they must use them only according to the procedure laid down in the law and regulations. So they can make arrests, carry out search and seizures, investigate offences, questions

witnesses, interrogate suspects, disperse unruly crowds and maintain order in society, but they have to do it strictly in the way the law lays down and not any other way. They cannot act just as they wish or want to. Any abuse of power or negligence of duty will amount to a breach of discipline, civil wrong or a crime and the police officer is liable to be punished.

5. Is there just one police force in Tanzania?

Yes, there is one police force in Tanzania. The force includes a number of units that have specific expertise and work in particular areas. They are the: Air Port Division, Air Wing Unit, Ant Drug Unit, Anti Robbery Unit, Anti Terrorism Unit, Central Railway Unit, Criminal Investigation Unit, Dogs and Horse Unit, Field Force Unit, Marine Unit, Police Building Brigade, Police Branch Unit, Police Training Institution Unit, Police Vehicle Maintenance Unit, Stock Theft Prevent Unit, Tanzania Zambia Railway Authority Unit, Traffic Unit, Information Communication Technology Unit, Health Unit, Band Unit and Quarter Master Unit.

6. Can anyone become a police officer?

Yes, anyone can become a police officer provided that she/he has met the conditions and standards required to join the Police Force. For example, to join as a constable you need to have at least completed secondary education or standard seven with special additional professional skills.

7. How do I join the Tanzania Police Force?

You can join Tanzania Police Force by applying to the Inspector General of Police. Job vacancies are announced through Districts, Regions and Headquarter offices or through the Ministry of Home Affairs website. However in recent times, the recruitment of new police is done through members of the public filling in special employment forms on completion of secondary school or university. This form is then submitted to the Inspector General of Police for the recruitment process.

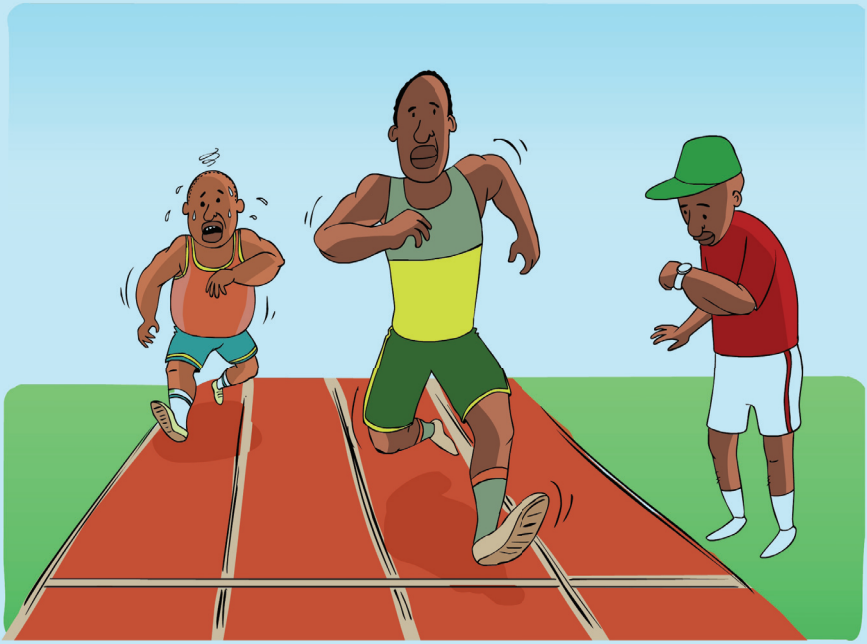
8. What training will I get as a police officer?

As a police officer you need to be trained to know the basic duties and responsibilities of the Tanzania Police Force. Basic training is conducted in the Moshi and Zanzibar Police Colleges for the new Police trainees and lower cadre positions, whilst training for the higher cadre positions is conducted at the Dar es Salaam Police College. Training for management and administration of the Police Force is conducted at Kidatu Police College.

9. What other kind of training will I get?

After basic training, the other type of training you will receive as a police officer depends on the duties and responsibilities that you have and the department you are in. Additionally changes in technology, laws and procedures of the Police Force itself may require you to have further training. The training can be physical training, training on the use of weapons, first

aid, riot control and unarmed combat, criminal laws, work procedure, how to conduct investigations, how to control crowds and how to deal with all the many situations that you as a police officer will come across. Most of these trainings are conducted through in-service training.



10. How can a police officer be promoted?

A police officer can be promoted to a higher rank due to his or her professional skills, education, experience, ability to work and/or integrity. He or she will undertake internal police training programmes as part of the promotion. Internal training courses are offered at Moshi and Zanzibar Police Colleges for Corporal to Regimental Sergeant Major ranks and at the Dar es Salaam Police College for the senior ranks. Promotion of police officer to the level of Assistant Inspector and above must be approved by the Police and Prison Service Commission.

11. How many police stations are there in Tanzania?

There are 194 police stations in the country. These stations are purposely situated all over the country: in regions, districts, divisions, wards and villages, to bring services closer to the people.

12. Do we have enough police officers?

No. According to United Nations standards, there should be approximately one police officer for every 450 people. However in Tanzania the ratio is approximately one police officer for three thousand people. Many police officers are used in guarding a small number of very important people, or in carrying out administrative and traffic duties. Unfortunately this means that there is a large short-fall in the number of police officers available to implement other police duties.

13. Are there women in the police force?

Yes, but there are only about 7450 female police officers in the Police Force. This number is inadequate and needs to be increased to help address the particular security needs of women.

14. Do women police officers have different duties?

No. Women police officers undertake the same duties as men, and they are also posted in the same stations and posts as male police officers.

15. Are there any special reservations or quotas in the police force?

No. There are no special quotas for recruiting police force personnel; however the police do employ affirmative action to increase the number of female recruits if there is a need to do so.

16. Why is it necessary to have women, Muslims, Christians, tribes and others in the police force?

It is important that the police force has a good mix of people from different communities. This increases understanding of the behaviour and attitudes of different communities and helps to remove prejudice. Also, more women in the Police Force helps women to build confidence and demonstrate their ability in the carrying out of different duties which previously as regarded were meant for men.

17. How can I tell if a person is a police officer and not some other official?

Police officers have a distinct uniform - either in khaki or navy blue with a cap, belt and shoulder epaulettes that show the police officer's rank and which force they belong to. The uniform also includes a barrette with the national emblem. The male traffic police officers wear a white uniform with a white barrette and the women traffic police officers wear a white shirt, blue skirt and a white barrette.

Police officers should also have a name tag and number displayed on their chest so that they are always identifiable.

18. What are the different ranks in the police?

The Tanzania Police Force has the following ranks:

(i) Inspector General of Police - IGP

(ii) Commissioner of Police - CP

(iii) Deputy Commissioner of Police - DCP

(iv) Senior Assistant Commissioner of Police - SACP

(v) Assistant Commissioner of Police - ACP

(vi) Senior Superintendent of Police -SSP

(vii) Superintendent of Police - SP

(viii) Assistant Superintendent of Police – ASP

(ix) Inspector – INSP

(x) Assistant Inspector – A/INSP

(xi) Regimental Sergeant Major – RSM

(xii) Station Sergeant - SSGT

(xiii) Sergeant - SGT

(xiv) Corporal

(xv) Police Constable - PC

19. Are the police allowed to use force?

Sometimes. A police officer can use force against any person resisting arrest or trying to escape from arrest, if it is necessary in the circumstances. A police officer can only use force that might cause death (such as guns) if it is necessary to protect another person from death or serious injury. Although the police officer can use force, the officer is not above the law, and if he uses unnecessary force against a person, he will be disciplined or charged with a criminal offence.

20. Do all police officers do all duties?

No. Specific duties are assigned to every police officer from the level of a Constable right up to the head of the police – the Inspector General of Police. These duties are listed in the Police General Order – which is an internal police document setting out police procedures. A junior officer cannot perform those duties assigned to a senior officer. For example, a Police Constable cannot do a duty assigned to a Corporal. However, anything that can be done by a lower ranking officer can be done by a senior ranking officer as well.

21. Can a traffic police officer arrest me for an offence other than a traffic crime?

Yes. A traffic police officer is just a police officer given traffic duties. If a traffic police officer sees you committing any crime he can arrest you just like any other policeman can or like any private citizen can. If a private citizen arrests you, they must take you to the nearest police officer immediately.

22. What is the CID?

CID means the Criminal Investigation Department, also sometimes called the Investigative Department. This department investigates serious crimes like murder, rape, fraud, deception, organised crime and crimes that impact the nation.

23. Is the CID different from the police?

CID personnel are selected from the general police after they have worked for the police force for several years. After they are selected to form part of the CID they receive special training in undertaking investigations.

24. Who is in charge of the police force?

There is one Inspector in charge of the police in Tanzania. He is called the Inspector General of Police, or IGP in short. The Inspector General is assisted by various commissioners of police, assistant commissioners and the regional commanders. It is important to note that even the IGP has to report to the government.

25. Why should the Inspector General of Police have to report to the minister?

Every government has a duty to make sure that each one of us feels safe and secure and does not have to worry about his life or his loved ones or his property. The government gives this duty to the police. So, the police have to report to the government about how they are doing their job. In turn, the

government also has a duty to the public to make sure that the police are honest, fair and efficient and do their work only according to the law and not according to what they feel they want to do.

26. Who gives money for policing?

The police are paid by the tax-payer to provide a service. Salaries come out of the government budget. But in the end, it all comes from the pocket of the tax-payer.

27. Where does the police force get its money?

The country has a budget which is allocated for the provision of police services in the community.

28. Who approves the budget and what is most of it spent on?

The first draft of the budget is prepared by the planning unit of the police force, which is then ratified by the Inspector General of Police. Once ratified, it is sent to the Minister of Home Affairs to then be tabled in the Parliament of the United Republic of Tanzania. After debating the budget in parliament, the police budget for the year will be passed. A large part of this budget is used for salaries. Other areas of use are training, intelligence, infrastructure, construction of police accommodation etc.

29. How do we know that the money the police get is properly spent?

There is an annual audit of accounts and monies spent by the police conducted by the Auditor General of Government. This audit report is presented to

Parliament. After this report is examined, it is available to be viewed at the Police Headquarters, the Ministry of Home Affairs, Office of the Auditor General of Government and the Library of Parliament. Police work is carried out using taxpayers' money - that is your money – and you are also responsible for ensuring that allocated funds are used for police work properly.

30. What laws govern the police?

The police are primarily governed by the Constitution of United Republic of Tanzania 1977, Tanzania Police Force and Auxiliary Services Act cap. 322, 2002 as amended from time to time, the Criminal Procedure Act and the Police General Orders. .

31. What is the Criminal Procedure Act, the Evidence Act and the Penal Code?

The Criminal Procedure Act describes the procedures the police and courts should follow in dealing with a crime and suspected offenders. The Act sets out the rules the police must follow in investigating a crime and arresting a suspect. The Evidence Act also describes the evidence acceptable in court. It also then describes the process the court must follow when the suspect is brought to trial, including what evidence is acceptable in court. For example, one section of the law states that evidence obtained by coercion or torture cannot be used as legal evidence, as the court cannot rely on evidence that was obtained through illegal means.

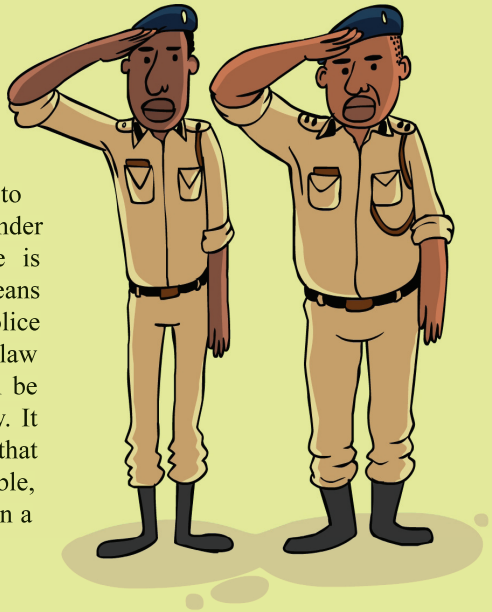
The Penal Code provides a definition of each act that is a crime in Tanzania. Certain types of human behaviour are not allowed by the law. Such types of behaviour are called "crimes" or "offences" and the consequences of which are called "punishment" or "penalties". The behaviour and actions, which are termed as offences along with the punishment for each offence are mainly contained in the Penal Code.

32. What does the Tanzania Police Force and Auxiliary Services Act (Police Act) say?

The Police Act talks about what the police can and cannot do; how the police force will be organised; what ranks there will be; who will supervise the force; who will make appointments; what punishment and disciplinary actions the police will face for doing wrong. It also lays down some rules for the public to follow.

33. What is the meaning of 'Rule of Law'?

It means that we, all of us, big or small, rich or poor, man or woman, even the government and public servants like the police, we should obey the law and must live according to the laws of our country under our Constitution. No one is above the law. It also means that every action by the police has to be according to the law and, if not, the police will be accountable before the law. It also means that the laws that are made must be reasonable, just and apply to all of us in a fair way.



34. Can a police officer arrest a fellow police officer on suspicion of corruption?

Yes. The good name of the Police Force and the reputation of its members depend heavily on the honesty and integrity of each serving police officer. Every corrupt practice and every suspicion of corruption reflects on the reputation of the Police Force.

Thus any police officer who suspects or knows that another member of the Police is involved in corruption, but fails to take any action will also be held responsible. Those in positions of authority who fail to report the existence or suspected existence of corruption leave themselves open to suspicion of connivance.

Citizens and police officers who wish to report corruption must give a notice to either the District Commander of Police, a police officer of the rank of Assistant Superintendent or the head of the Police Station.

35. Can a police officer be punished if he has done the wrong thing?

Yes. A police officer just like anyone else can be punished if he breaks the law. In fact, because he is a person entrusted with upholding the law he should be punished for breaking it.

36. How is a police officer punished?

There are many ways to punish a police officer who has done the wrong thing. If he has committed a crime then he can be brought before the courts and tried just like anyone else. If he has been rude, misbehaved or not done his duty as he should, then he can be disciplined according to the rules and regulations of the Police Force.

37. Police officers do dangerous work. Are they insured?

No, police officers are not insured. Police officers do work in dangerous environments. Many get killed or wounded. Families of policemen who are killed or injured at work may be provided compensation or an allowance in accordance with the direction of the Minister in charge.

38. Does a police officer have to obey any order given to him by his senior or by any other person authorised to give an order such as the Minister, Head of the Region, DC, various Commissioners etc?

No. A police officer must obey orders only when they are lawful. He will be held responsible for anything wrong he does even if he has been ordered to do it. He can never excuse his behaviour by saying that someone in authority told him to do something which was wrong and unlawful. That will not protect him.

39. Is a police officer always on duty?

Yes. The Police Force and Auxiliary Forces Act 2002 makes it clear that a police officer is "deemed to be on duty at all times". But that does not mean that he is never allowed to rest. It just means that wherever he is, in or out of uniform, he must act to uphold the law. He cannot say "I am not on duty" if he witnesses a crime taking place or hears a call for help.

40. Can I hire a police officer for my personal protection?

You can if the police officer has the consent of the Inspector-General of the Police. No police officer is allowed to take on any other employment other than that of a police officer, unless he has the consent of the Inspector-General of the Police.

41. Are the police automatically allowed to take free rides on public transport or take things from the market people without paying?

Some police officers are given a pass to ride on public transport when they are at work. But otherwise no police officer is allowed to take free rides on

public transport. Likewise for market places; no police officer is allowed to take goods from a market stall just because he is a police officer. Like all citizens he too has to pay for his purchases.

42. Do I have to listen to every order of the police officer?

Yes, if it is a lawful order that is related to his duties. In fact, everyone has a duty to assist a police officer in carrying out his duties; especially if the police officer is trying to stop a fight or prevent a crime or trying to stop someone from escaping his custody. In fact, if you have information about a crime it is your duty to pass that information on to the police. It is also your responsibility not to shelter or harbour any person known to be a criminal who the police are searching for. You also have a duty to give evidence in a court of law if you know or have seen something in a case.

43. Do I have to go with a police officer if he asks me to come with him somewhere?

No. However, if the police officer is asking you to come along to be a witness to something he is doing as part of his duty, like arresting a person, seizing property, or examining a crime scene, then you can go along and help him. Usually the person is called a witness who can tell the court independently what he saw at that moment.

In the Criminal Procedure Act, persons under "restraint" –people not arrested by police officers, but that police officers believes may have information on a crime – can be held for questioning by the police for up to four hours. If you are being questioned you are entitled to talk to a lawyer and a relative or friend.

44. Suppose a police officer asks me to come to the police station, do I have to go?

It is good to cooperate with the police but it is not necessary to go to the station unless the police officer is formally arresting you. Otherwise, if he just wants to question you or is making inquiries about a crime he must ask you in writing to come to the station. Until that is done you cannot be forced to go to the station, however once you have received a written notice, you must attend the station.

45. Do I have to answer all the questions the police officer asks?

Yes, except you don't have to answer questions if the answer can be used against you to convict you of a crime. It is good to answer questions honestly in a straightforward manner and inform the police of any facts you may know about

the event in question. If you do not know anything, then the police officer cannot force you to make any statement, or put words in your mouth. It is always better to make sure that someone else is there with you when you are being questioned.

Also, if the police officer believes that you may be able to assist in an investigation into a crime, the police officer may request you to give him or her your name and address. You must give these details to the police officer, however you can also ask the police officer to provide his/her name, rank and place of duty. The police officer must do this if requested.

46. Does the police officer have a duty to help me when I am in distress?

Yes. The police should provide support for everyone regardless of the wealth or the position of a person in society. According to the Police code of ethics, police officers must provide protection to everyone without fear or favour including helping to calm people and building a relationship with the community.

47. Can I ask the police to help me out with family problems?

It depends on the problem. If what is happening is a crime like violence in the family, badly beating a woman or a child, or incest, of course the police must help you and cannot turn you away and say it is a family affair. But if adult children are disobedient, for example they run away to get married, then it is not the job of the police to persuade them or force them to return home. That is purely a family matter (unless the children are underage).

48. If a police officer will not help or there is no police officer around, can the public catch a thief or wrongdoer and punish him there and then?

No. As a member of the public you can make an arrest - you can catch the wrongdoer and take him or her to the nearest police officer or station. But you cannot beat up the person or join a crowd of people that are doing that. Members of the public only have a right to act to protect themselves, which is called the right to defence, but that right to defend yourself must also be used reasonably. It cannot turn into a one-sided beating or horrible humiliation. A police officer who allows that to happen or joins in is likely to face disciplinary or criminal charges.

49. What can I do if the police officer does not help me?

Wilful breach or neglect of duty by a police officer is a punishable offence and the police officer can be sentenced to jail if such a breach is proven. If the police officer does not help you and you have been harmed, then you can complain about it to his senior. In such a case he may be found guilty of negligence of his duties.

50. Can the police do anything they want?

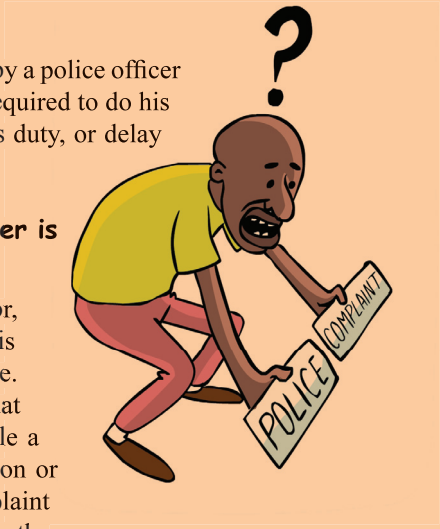
Not at all. They can only do what is allowed under the law. In fact, they are very strictly governed by many, many rules. These include their own rules and regulations, the procedures laid down by the laws, the orders given by the Court of Appeal and the guidelines of the Commission for Human Rights and Good Governance.

51. But supposing police officers do not obey the rules and laws?

You can complain to the police officer's superior about the matter, the head of the police station, the Commission for Human Rights and Good Governance, or to a magistrate or judge depending on how serious the matter is. It is good to complain in writing and obtain written confirmation that your complaint has been received.

52. What can I complain of?

You can complain of any wrong-doing by a police officer because he is a public servant who is required to do his duty at all times. He cannot neglect his duty, or delay doing it.



53. What can I do if the police officer is rude and insulting me?

Again, you can complain to his superior, or the head of a police station, if it is a breach of duty, ethics or discipline. If it is anything more serious than that or amounts to a crime then you can file a complaint against him at a police station or go straight to the court and file a complaint there. If you are unsure, you can ask the Commission for Human Rights and Good Governance or a lawyer.

54. But if I file a complaint with the local police station they may refuse to take it against their own officer?

Yes, this often happens, but this should not be the end of the matter. You can send a complaint about abuse of police power and misbehavior to the Inspector General, the Commission for Human Rights and Good Governance or, if the matter results in a criminal offence, you can lodge a complaint at the nearest court.

55. But it is so difficult to take matters to court and it also takes very long! What can I do?

To make it simpler to bring complaints against the police and to make the process easier and quicker police complaints desks have been set up at police stations. In addition, anyone who has a complaint against the police can take it to the Commission for Human Rights and Good Governance and other authorities such as Prevention and Combating Corruption Bureau or Ministry of Home Affairs. These institutions will look into your complaint, make inquiries and according to their powers can legally register a complaint against a police officer.

56. Suppose I want to tell the police about a crime, what do I do?

If it is a serious crime like theft, murder, assault, molesting a child, rape, kidnapping, trafficking, and even rioting you can immediately file a statement directly with the head of the local police station and they are bound to take it down in a language that you understand. You can even go to the magistrate with your information and he will register the notice of the crime.

57. What is the original or initial statement?

It is the original description you give of a crime to the police. A victim, witness or any other person knowing about a crime can file a statement about the matter with the police. This initial report will help the police start an investigation into the matter and gather facts to see if a case can be opened or not.

58. What needs to be written in the original statement?

The original statement is a description of the facts you are aware of, or that have been told to you by another citizen. It's good if you know what happened because you were there at the incident, so you saw what happened – but you can also report an incident that someone else told you happened. Whichever it is, you must only give the true information that you know. Never exaggerate the facts or make assumptions or implications.

Give the place, date and time of the occurrence. Carefully try and describe the role of every person involved: where they were, what they were doing, the sequence of what was being done by each person, any kind of injury or damage to property that has been done. Do not forget to mention the kinds of weapons involved. It is best to get all these facts and circumstances recorded as soon as possible. If there is some delay in recording a complaint make sure to give the reason for the delay.

59. How can I be sure that the police have written what I told them correctly?

Remember that the original report or statement is your description of what you know. It is not the police version of anything. The police are just there to take it down accurately without adding anything or removing anything. To make sure of this, the law actually requires the police officer to read the statement out to you (or for you to read it), make any additions or remove anything that you say, and only once you agree with what is written you need to sign it.

60. Do I have to go only to the local police station or can I file my original statement of a crime with any police station?

You can file your statement in any police station. But it is better to go to the local police station in whose jurisdiction the crime occurred because they are more likely to be able to begin investigations quickly. If you file in any other police station the police should make an entry of the complaint and send it to the concerned police station. They cannot refuse to file your report because the crime did not happen in their jurisdiction.

61. Can the police refuse to take my statement of a crime?

No, the police officer must file your report of a crime. However some crimes require a warrant before a police officer can arrest a person, hence the police officer must first acquire a warrant before arresting any person.

62. Suppose my complaint concerns an offense which the police has to register, but the head of the station refuses to register it. What do I do?

You can register your complaint by sending a complaint to the police, the District Chief of Police or a judge of the court nearest to you, and they can give orders to register the complaint. To ensure that your complaint is recorded you can deliver the complaint in person or send it by registered post. Either way, always get a receipt proving that the complaint has been received and by whom. Also remember to complain about any difficulties in registering the complaint to make sure that the police officer who was being difficult does not continue with the behaviour.

63. What happens after I record my original statement?

The statement sets the police investigations in motion. As part of the investigation, the police may speak to victims and witnesses, take notes, record statements, examine the crime scene, send articles for forensic examination and bodies for post-mortem as necessary, question people and with each lead make further investigations. Once investigations are complete, the officer in charge must make a full record of it.

64. What happens once all the investigations are done?

After all investigations are done the officer in charge will look at the facts and decide if there is enough evidence to show that a crime has been committed and charge the person with a criminal offence. The police will prepare a final report for the prosecutor, which is the opinion of the investigating officer that there is enough evidence and information for the court to consider the matter. The person will then be prosecuted before the court for the crime, and either found innocent or guilty.

65. Will the police automatically arrest everyone named in the original statement?

No, and they should not. Just because someone is named in an original statement reporting a possible crime is no reason to arrest a person. It is only when there are sufficient grounds for believing that a person may have committed a crime that the police can arrest him.

66. Can the police close my complaint and not take further action?

Yes. If after making their own inquiries the police decide that there are no facts that support the accusation that a crime was committed or there is not enough evidence to support allegations or the people who did it are not known- than they can close the case after giving reasons to the court.

67. Will I be kept informed of the progress of my case?

There is nothing specific in the law which requires the police officer to keep your informed about the progress of a case. But it is good practice for a police officer to tell a complainant how the case is going provided it does not compromise the investigation. However, it will only be possible for a police officer to do this if the case will still exist under the supervision of the police, the police cannot provide updates if the public prosecutor has taken control of the case.

68. What can I do if the police are not investigating the matter or are doing so very slowly or refusing to examine the most obvious lines of inquiry?

There is an important principle in law that no one can interfere with the police investigation. However if the police refuse to proceed with an investigation or do so very slowly or deliberately ignore important issues in the course of the investigation you can definitely complain to senior police officer or to the local magistrate or Judge. They can order that the police investigate the matter and may also require the notes of the investigation to be provided.

Again, it is also important that you make sure any complaint is in writing, and that you get a document certifying that your complaint has been received.

69. Can I call a police officer whenever I want?

Of course you can call the police if you are in trouble, if a crime has occurred or is occurring, if people are fighting and there is likelihood of violence, or if you have serious information to give the police.

But you cannot call the police for things that are not connected with their job. Sometimes people play mischief and call the police even if nothing has happened. You can be punished for such pranks.

70. What is a search warrant?

It is a permit issued by a magistrate which gives the police permission to search a place where there may be evidence relating to a crime that has been committed or is about to be committed. People's homes and offices are private places and are not open to searches and entry from any authority

without a really good reason. Therefore the law requires anyone wanting to enter to explain why the find it necessary to disturb that right.

71. How do the police get a search warrant?

The police have to go before a magistrate and explain the reasons for their belief that there are goods, papers or people that are hidden in the premises which will help them solve a crime. If the magistrate is convinced that there are good reasons to search the premises, he/she will approve a search warrant. The search warrant provides the name and rank of the particular officer allowed to enter the building and is issued under the sign and seal of the court.

A police officer in charge of a police station can also issue a search warrant for the above reasons, but the officer can only do this if he/she is satisfied that any delay resulting from applying to the magistrate for a search warrant would result in the removal or destruction of the evidence, or would endanger life or property. The police officer must also report the issuance of the search warrant to the local magistrate, and explain why the search warrant was issued and any items found as a result of the search.

A police officer can stop and search a vehicle if they reasonably believe there are stolen goods, items used or to be used in a crime, or illegal weapons in the vehicle. This is different to searching a property.

72. Can a police officer come into my home unasked and search my home and take things away?

Only in certain very limited circumstances. If the police come to your house to interview you they may enter only at your invitation. To enter your home to search it, the police generally need a search warrant. A search warrant is normally provided if there is a reasonable belief that there is a suspect or criminal in the premises, or there is evidence relating to a crime there.

However in some circumstances, they can come to your house and search it without having a search warrant.

Also if the police officer takes anything away after the search, then the police officer must provide a receipt from what has been removed, which you must sign once you check it is accurate. A witness, if there is one, should also sign it.

73. You mean the police can just enter my house and take away anything?

No. It is only when there is real urgency – for example there is a real possibility, and the police officer has reasonable grounds to believe that a suspect will run away or if evidence is likely to be destroyed – then the police can enter your house without a warrant.

With or without a warrant there is a whole procedure to be followed. The search must be made in the presence of the owner. The owner cannot be told to leave. If there are purdah women in the house, who are not to be searched or arrested, the police officer must give notice to the women that they can leave. The police officer must allow a reasonable time for the purdah women to leave.

If women are to be searched, the search must be conducted by a female police officer with strict regard to decency.

Searches must be conducted between sunrise and sunset, unless the court has ordered otherwise.

74. If I am walking down the street, can a police officer stop me and ask me anything he likes?

No. In general the police are not supposed to interfere with people going about their lawful business. But if they think that someone is loitering in a place, especially at night, he is entitled to stop and ask your name and what you are doing. If there is something suspicious or the police officer suspects that you are about to commit a crime, or have committed a crime, then you can be arrested. Police use this power often as a means of rounding up suspected persons and habitual offenders. The over-use of this power has often been discussed and condemned.

75. Can the police stop me participating in protests or a public assembly?

You have a right to take part in peaceful demonstrations. Article 20 of the Constitution of the United Republic of Tanzania provides that every person can participate in peaceful assemblies. However, a written notification must be provided to the police 48 hours before holding an assembly or procession in a public place. The notification must be provided to the police officer in charge of the area where the assembly is proposed to take place. A police officer who receives such a notification can say that a public assembly cannot be held if the police officer believes the assembly is likely to cause a breach of the peace, prejudice the public safety, prejudice the maintenance of public order, be used for any unlawful purpose or if the requirements of notification above are not met.

If the procession later becomes disorderly then the police can stop it, ask the people to leave and take action if they do not disperse.

It is important to remember that, on the one hand, the police have a duty to make sure that things remain peaceful. On the other hand, they have a duty to facilitate citizens in exercising their fundamental right to hold peaceful demonstrations and protests.

76. Can the police use force in breaking up a street meeting or procession?

Yes but only if the force is reasonably necessary. Also, whatever force the police use has to be reasonable. They are not there to punish people. They are there to ensure public safety and that law and order are not breached. So the rule is that the police must only use force as a last resort in controlling a crowd. If it must be used at all, it must be reasonable and necessary

77. Can the police use guns (lethal force)?

Lethal force is meant to be used in only the very rarest of instances when all other means of control have been tried and do not work. Also, it should only be used if there is no other way to stop the person and if the police officer has reasonable reasons to believe that another person, or the police officer themselves, is in danger of being grievously harmed.

Police officers may use guns against any person escaping, or trying to escape custody or resist arrest – but only when the police officer has reasonable grounds to believe that he cannot otherwise prevent the escape and has given a warning to such person that he is about to use a gun, and the person does not heed the warning. The police can also use a gun against a person who is using force to rescue another person from lawful custody or prevent the lawful arrest of another person.

78. So what can the police do if the crowd is unruly and throwing stones or damaging property?

The police have a duty to protect life and property but there is a procedure required to be followed in the execution of this duty. First, many warnings asking people to disperse and time to obey commands must be provided. If the crowd has not dispersed, more force can be used, but it must be reasonably necessary for dispersing the crowd or for arresting people. Force that is not reasonably necessary cannot be used.

In the case of riots or protests, the type of force the police sometimes use includes leather belts, police clubs, water or tear gas. The police clubs (sticks) should avoid hitting the head and the groin area. Police should at all times use the minimum amount of force necessary to contain the situation. If the police will use guns it must be as a means to defend another person or themselves from serious injury or death and there must be a clear warning that the shot will be used.

Here too police should use minimal force. So firing must aim low with a view not to cause fatalities but to disperse the crowd. As soon as the crowd show signs of breaking up the firing must stop. The injured must be assisted to the hospital immediately. Of course, every individual officer has to make a report of his role for the record.

79. Can the police hold me in a secret place or not tell anyone that they are holding me?

No. The police are known to do this often but this is against the law – they must take you to a police station or other official building. As soon as the police take you into their custody, your physical well-being and the protection

of your rights becomes their responsibility. If you come to any harm or your rights are not respected but violated in any way the police are responsible. This is an important to remember.

The police also must make a record of all those who come to the station in their records. These records will indicate what time were brought in for questioning and when the arrest was made, and whether there was a warrant for the arrest or not.

Also, the fact that you are entitled to a lawyer during your interrogation means, at a minimum, that the place of custody must be known and accessible to friends or relatives.

80. Can the police officer hold me at the police station if I have not been arrested or can I leave when I want?

Unless you have been arrested in accordance with the law and proper process, you cannot be held in custody against your will. If the police have summoned you for an interview you have a duty to cooperate with them and help them with their investigation. But the questioning has to be prompt and efficient and cannot go on and on. Generally, if you have been 'restrained' but not arrested, the police can interview you for up to four hours. In special circumstances they can ask for an extension of time.

81. Suppose the police officer does not let me go, what can I do?

Keeping you in unlawful custody against your will even for a moment is serious offence. It is called illegal detention and either you or your family or friends can complain about the officer to his senior. Most importantly, you can go to the court immediately through your lawyer, family or friend and file a petition seeking your immediate release.

In addition, your complaint may be forwarded to the Minister of Home Affairs or the Commission on Human Rights and Good Governance.

82. Can a police officer arrest me without giving reason?

No. The police officer must tell you why you are being arrested. Also, the police can make arrests only if there is a reason to do so. For example, if a person is caught in the middle of committing a crime, or if many circumstances in the investigation point the finger of suspicion towards him, or a person is found to be helping someone else with a crime before, during or after its occurrence, then he can be arrested. There has to be reasonable grounds for making an arrest. Just because someone has named someone else in their statement cannot be a reason for arrest without other reasonable grounds and evidence. Unfortunately, many arrests are unnecessary or unreasonably made.

83. Do the police need a warrant to arrest me or another person?

It depends on the offence. Particular crimes listed in the Criminal Procedure Act allow a police officer to arrest a person without a warrant, however all other crimes required the police officer to get a warrant for the arrest from a magistrate, Ward Secretary or Secretary of a Village Council.

84. If the Police arrest me without first getting a warrant, do they need to tell somebody that I am arrested? Will someone know where I am?

Yes, if the police arrest a person without a warrant, they must inform the magistrate of this arrest. Also, regardless of whether you are arrested with or without a warrant, you have a right to talk to a lawyer and family or a friend once you are arrested. You can tell them where you are and why you have been arrested.

85. If the police suspect me of committing a crime can they also arrest my family members?

No, there is no guilt by association. Each person's guilt or innocence has to be judged by their own individual actions and not because they are close to or related to someone else who is a suspect. No one's freedom can be taken away except for a specific lawful reason.

The police cannot threaten family members or friends or take them into custody as bargaining tools. This kind of hostage-taking would amount to the serious crimes of illegal detention or kidnapping, at a minimum.

No matter how difficult the case is that the police are trying to solve, they cannot resort to illegal practices in order to put pressure on the suspect to give himself up or make a confession. They only people who can be arrested are those against whom there is a reasonable ground for thinking they have committed a crime.

86. Are there special rules for arrest and treatment of women in custody?

Yes. Any search of a female must be conducted by a female police officer, with strict regard to the decency of the woman being searched. Furthermore, police stations should have a women and children's desk, staffed by police officers who have received special training to deal with women and children. Currently these desks have been established at Regional Police Stations only. However, efforts are being made to establish them in every police station up to the ward level.

87. What about children? Is there a special procedure for them?

As stated above, some police stations should have a women and children's desk, staffed by police officers who have received special training to deal with women and children.

Children that are under the age of eighteen that are arrested, with or without a warrant, and that cannot be brought before a court must be released by the police officer in charge of the station to the parent or guardian of the child (or another responsible person). The police officer can require a surety from the parent or guardian if the police officer believes it is necessary to secure the attendance of the child back to the police station or to the court.

However, if the child is arrested in relation to a murder, or a crime punishable by more than seven years, or it is necessary to keep the child away from an undesirable person then the police officer in charge of the station can decide not to release the child.

Children that are under the age of 18 years cannot be held by the police for a crime without informing a parent or guardian of the child that he or she has been arrested, and the reason for the arrest. Furthermore, children must be held separately to adults, unless the adult is a relative.

The police will be responsible for care and well being of those children who are in their custody.

88. If the police arrest me, can they keep me for as long as they like?

Absolutely not! If you have been arrested and taken into custody without the police having a warrant, then the police officer must bring you before a court within twenty-four hours. This is discussed further in Question 96 and 97.

If you have not been arrested, but brought in for questioning, then the police should only question you for a maximum of four hours, and must make a record of this as well.

89. How then, are people arrested on Friday evening and kept in custody until the following Monday?

This should not happen. Where it is not possible to bring the person arrested before a court within 24 hours, the police must inquire into the case and, unless the offence appears to that officer to be of a serious nature, the police officer must release the person (bail) on a bond for a reasonable amount (or for a written guarantee), requiring the person to appear before a court at a time and place to be named in the bond. The right to get bail from the police is discussed in Question 96.

90. How will anyone know where I am?

The law has plenty of safeguards against you getting lost in the system. As soon as the police have arrested you they have to do several things. They must document all people restrained for questioning or arrested with or without a warrant. Information of people arrested without a warrant must be provided to the local Magistrate.

Furthermore, the police must inform you that you can notify a friend or relative to let them know where you are. They must make sure you know you can immediately talk to a lawyer or a legal aid service provider. They must also provide you with the means to contact your family, friend or a lawyer. All these things have been fixed by law to reduce the chances of abuse of power by the police. If the police do not follow these rules they will have to answer to the courts.

91. What is written down when I am arrested?

The police should keep records stating the name, time, date and place of arrest, reasons for the arrest and what the suspected offence is of all people that they arrest.

92. How am I supposed to know all this?

By law, at the time of arrest the police are supposed to inform you of all your rights. Also there are many organisations that can help you to know your

rights, like the Commission for Human Rights and Good Governance. Legal aid providers can also assist you if you do not know what your legal rights are.

93. Can the police officer beat me in custody?

No. He cannot beat you, slap you, threaten or intimidate you in custody. It is against the law and the police officer can be punished for it.

The law specifically states that a person in custody shall be treated with humanity and respect, and shall not be subjected to cruel, inhuman or degrading treatment. Also, if you are in police custody, you can request for medical treatment or advice in respect of an illness or injury that you have.

94. Can the police officer force me to make a confession?

No. The police officer has a right to question you but he cannot force you to say anything you have no information about, anything you do not want to say, or confess to some crime that you have not committed. Also the police officer must caution you that any statement that you make might be used against you in a court."

95. When the Police are questioning me, how will anyone know what they really asked me and how I answered?

The police must record any interview that they have with you after they have arrested you.

During the interview the police must write down the questions asked and your response, the details of any other statements made, whether the police gave you a caution that any statement that you make can be used against you – and the time they told you this. They also have to note down when the interview started and stopped – even if the interview was just interrupted for a moment.

The police then must show you the record that he or she has written, so that you can read it. If you cannot read, the police officer must read it out to you. You can make any corrections to it, and then, once you are sure that the statement is accurate, you can sign it. If it is a few pages long, you must sign each page. This will make sure that the statement is not changed later.

96. Can I get bail from the police?

It depends on what you have been arrested for, and whether the police officer had a warrant for your arrest. The police must inform you of your right to bail in accordance with the law.

If you haven't been formally charged with an offence the police should grant you bail, unless the police suspect you of committing a serious offence. In any case, if the police deny you bail after 24 hours they must bring you before a magistrate.

If you have been charged with an offence but you were arrested without a warrant, or the crime you are charged with is not serious, or if the police need to do some more investigations and these will not be finished in a reasonably short time – then the police may release you on a bond to appear before a court at a later date.

97. What happens in the police officer does not grant me bail?

If the police officer refused to grant you bail, he or she must record this in writing and explain why they refused you bail. Furthermore, you must be brought before a magistrate as soon as it is practicable – but not later than 24 hours, or the first sitting of the court. If you are waiting in custody to be brought before a magistrate you can request the police officer for facilities in order to make an application to the magistrate for bail. If the police officer does not do this, the police officer must still bring you before a magistrate within 24 hours.

98. What does the police officer have to consider when deciding whether to grant me bail or bond?

The police officer in charge of the station must consider whether you are likely to appear in court in reference to your background, employment, family situation and police record if these things are known. The police officer must also consider the circumstances surrounding the alleged offence, the seriousness of the alleged offence and whether the community may need protection. Finally, the police officer must also consider how long you may have to spend in custody in bail is not granted, and your requirements to be free to meet with legal representatives to assist you in the matter and any need you might have for protection.

99. Can the police do their jobs of arresting the guilty with so many restrictions?

First of all it is not the job of the police to decide who is guilty or who is not. The police are only to apprehend or catch suspects and people accused of crimes. But they cannot behave as if the person is already guilty and they have the right to punish them. That is a job for the courts. Meanwhile, people in custody must be given every protection from false accusations and mistreatment. That is why the "restrictions" are there. Actually they are not restrictions at all, but just procedures designed to make sure that everyone has a fair chance before the courts.

100. But aren't there too many rights for the accused person? What about the victims?

A lot of people think that no one is looking after the victim. But actually the whole might of the state is behind the victim. It is no behalf of victims that the state goes about looking for the criminal. It is on behalf of victims that the state appoints a prosecutor to argue before the court. It is on behalf of the victim that the state punishes the guilty. But the accused stands alone. He may not be guilty at all. So to balance the power of the state against one individual who has to defend himself, the law has created safeguards and given facilities like legal aid to those who cannot afford it.

101. Does the Commission on Human Rights and Good Governance has responsibility to monitor the power and authority of the police?

The Commission for Human Rights and Good Governance (CHRAGG) is an independent government department, established as the national focal point institution for the promotion and protection of human rights and duties as well as good governance in Tanzania. CHRAGG was established under Article 129(1) of the Constitution of the United Republic of Tanzania of 1977 and became operational on the 1st July, 2001 after coming into force of The Commission for Human Rights and Good Governance Act No. 7 of 2001. According to Article 6 (1) of that Act, among other things, the Commission has the responsibility to receive and investigate complaints concerning violations of human rights and principles of good governance and to then make recommendations. If these recommendations do not get implemented, CHRAGG can bring up these issues in court. Additionally, the Commission provides suggestions to improve existing or draft laws, regulations or administrative procedures to ensure consideration of human rights and good governance.

Rank batches of police officers in Tanzania

Inspector General of Police - IGP

Commissioner of Police - CP

Deputy Commissioner of Police - DCP

Senior Assistant Commissioner of Police - SACP

Assistant Commissioner of Police - ACP

Senior Superintendent of Police -SSP

Superintendent of Police - SP

Assistant Superintendent of Police – ASP

Inspector – INSP

Rank batches of police officers in Tanzania

Assistant Inspector – A/INSP

Regimental Sergeant Major – RSM

Station Sergeant - SSGT

Sergeant - SGT

Corporal

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