



**Justice Sector
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Examining the Causes and Determinants of the Growth of the
Unsentenced Population in Sierra Leone



JUSTICE SECTOR COORDINATION OFFICE AND UNDP
SEPTEMBER 2020

I. Introduction

I.1 Background

Two fundamental doctrines in the criminal justice system are that first, everyone is presumed innocent until proven guilty and second, that punitive actions are only served after a proper trial and sentencing processes. However, on the opposing side of these is how society's interest could be preserved in ensuring that the law is enforced. This is unlikely to be done if individuals that are accused of committing a crime, cannot be brought before a court of law because they disappear before the commencement of their trial. This therefore brings to the fore the issue of bail, which grants freedom to an accused person whilst awaiting trial. Anecdotal evidence suggests that accused persons that are on bail are relatively better able to prepare their defence and engage defence lawyers than those who are held in custody awaiting trial. Also, they can receive support, especially from family whilst waiting for trial and are likely to continue work or engage in other income-generating activities, thereby sustaining their livelihoods.

In Sierra Leone, the issue of unsentenced accused persons in detention in correctional facilities has become a topical one in both the security and justice sectors. The unsentenced population can be defined as persons in custody who are awaiting or undergoing trial in the High Court of Sierra Leone; awaiting hearing in the Magistrate Court or undergoing preliminary investigations by the Court. The unsentenced population also includes persons that have been convicted for a crime but not sentenced by a Magistrate or High Court Judge. Typically, accused persons charged by the Sierra Leone Police (SLP) first appear in front of a Magistrate during preliminary investigations who makes the decision to grant bail or not depending on the severity of the offence.

If bail is denied by the Magistrate, the accused is remanded whilst preliminary investigations are ongoing, provided the Magistrate has the power to grant bail for the offence investigated. An accused is also remanded when a Magistrate determines that he has a case to answer and is thus sent to the High Court and, he awaits indictment for his crime in detention. The unsentenced population excludes inmates under sentence who are awaiting the outcome of appeals against convictions. The word 'remand' is often used to denote the unsentenced population and so 'remand' is used in this report as a substitute for 'the unsentenced population'

The number of people in detention across the country because they have been refused bail is raising many questions about the application and granting of bail. As of the of end July 2019, more than 50%¹ of the inmates in the Correctional Services nationally are unsentenced. This comprised inmates on remand as well as those on trial. Whilst the total number of inmates in correctional facilities in the districts across the country has increased in the last three years, the number of unsentenced people, more so inmates on remand has increased by a larger share.

¹ According to a survey conducted by UNDP in 2017, the ratio of the unsentenced vs convicted inmate's population stood at 60/40.

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Or can you refer to the 60/40 in the footnote as baseline only?

Bail has been the subject of recent actions of law reform and this has recently led to the Bail Regulation passed in 2018². The Regulations state that following arrest and appearance in court, “bail shall be granted in accordance with Section 79 of the Criminal Procedure Act (CPA), 1965”. It also stipulates that applications for bail shall be dealt with by the court and describes the considerations upon which bail could be opposed as well as the circumstances in which bail may be denied. This study aims to understand the factors influencing the bail decisions, which ultimately influence the growth of persons on remand. The study adopts a mixed methodology using both quantitative and qualitative research strategies including literature review, quantitative analysis of remand data from a survey of inmates, qualitative data collection through interviews of key stakeholders, and observations of proceedings in Magistrate Courts. These were all designed and integrated to contribute to addressing the key research questions below.

1.2 Research Questions

The main research questions that have been formulated for this study include the following:

- 1) What are the drivers of growth of the unsentenced population in correctional facilities?
- 2) What are the key decision-making points at both the SLP and court levels regarding bail?
- 3) What factors and processes affect the decision to grant bail or to remand an accused person?
- 4) What factors are impacting on a person’s ability to meet bail conditions?
- 5) What are relationships between crime rates and delays in sentencing over the years?
- 6) Are legal and judicial policies, such as changes in law, institutional policies and practices, affecting conditions for arrest, sanctions for serious crimes and sentencing?
- 7) What are the conditions faced by the unsentenced population in custody?

1.3 Research Methodology

The research aim and questions above have distinct but interconnected relationships to address the overarching issue – the main drivers that influence the growth in the number of people remanded in custody. So, the research questions focus on determining the unsentenced population’s growth drivers with attention on the remand process. In order to answer the formulated questions above, this study employed an exploratory research design that made use of a multi-method approach consisting of semi-structured interviews with key security and justice sector institutions and observations in the administrative process of bail decisions in the courts.

Also, a survey of male and female inmates on remand was carried out to understand their characteristics and specific cases. The use of this approach served as a baseline data and will lay the foundation for further studies around the remand population growth. The study therefore incorporates both quantitative and qualitative research paradigms, thereby ensuring the presence of methodological and data triangulation. The use of triangulation captured a

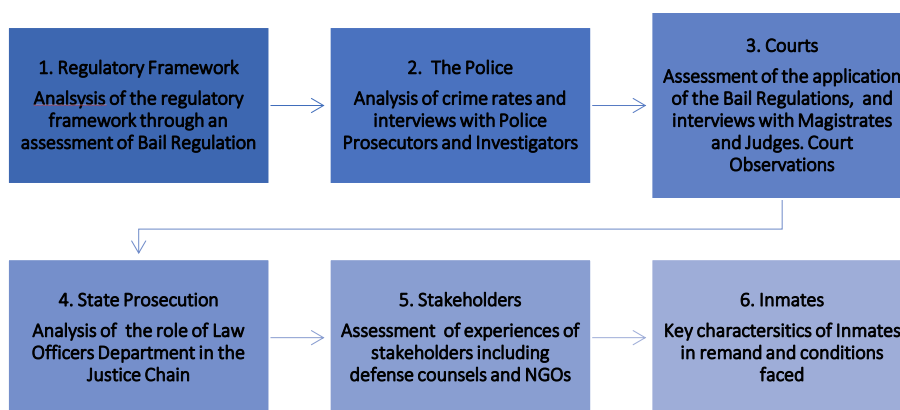
² See Constitutional Instrument #5 of August 2018: The Bail Regulations 2018; project implemented by the Judiciary with support from UNDP and the US Department of State/INL

more complete, and holistic portrayal and revealed the varied dimensions of the unsentenced population in the detention facilities. The methodological procedures utilised in the study are comprised of the following:

1. **Review of Legislations:** This was designed to identify the necessary legislations that relate to the application of bail (Bail Regulations), as well as the criminal procedure law (CPA). The research undertook reviews of documentation and reports on remand practice, including practice directions and prosecutorial guidelines relating to decision making about remand. The main legislations reviewed are the CPA and the Bail Regulations of 2018.
2. **Key Informant Interviews:** Semi-structured interviews with key stakeholders within the Justice and Security sectors were conducted. A sample of key stakeholders from across these two sectors were interviewed about the factors associated with crime rates and arrests, the bail and custodial remand experiences and ways to increase the likelihood that they would be granted bail. Stakeholder institutions interviewed included police investigators and prosecutors, magistrates, law officers department (prosecution office), court administrators, judges, correctional service personnel, private legal counsels for offenders, and NGOs working in the justice sector. These interviews enabled a detailed information that was gathered about feelings, experiences and sensitive issues around remanded persons and bail.
3. **Quantitative Analysis:** Quantitative analyses on institutional administrative data on arrest, bail and custodial remand from the SLP and SLCS was carried out. Data was collected from a survey on 200 remanded inmates on remand (150 males and 50 female). The data captured important information about inmates in custody in terms of their personal characteristics, previous conducts in the justice system and experiences with the courts. There was also an analysis of offence rates, court processing times and other factors that influence remand in custody rates.
4. **Court Observations:** The court hearing component of the research was to get a first-hand experience of the remand process and understand the role of the Judiciary in decisions on court bail or remand in custody. This made it possible to observe several individuals and gain an insight into how events operate on a day to day basis. Court observations were conducted in several magistrate courts and data collected on those hearings where bail was an issue. The combination of this method with semi-structured interviews allowed for the collection of in-depth information and assisted to enhance the level of consistency and validity of this study.

The methodology adopted involved an end-to-end analysis of the criminal justice chain as shown in the figure below. First, the legal and regulatory framework was assessed to understand the underlying basis for bail. This was followed by an assessment of crime rates as this is the entrance of offenders into the criminal justice system. Key informant interviews were also held in focused group discussions with police investigators and separately with

senior police prosecutors. A special focus was placed in assessments of the courts and the Law Officers Department and very senior personnel were interviewed to assess the current situation of growth of the unsentenced population and pinpoint the system blockages. Similarly, interviews were held with key stakeholders in the chain to assess their direct experiences in the chain. The end-to-end analysis was completed with a survey of the inmates and a quantitative assessment of the results.



1.1 Design of the Semi-Structured Interviews for Key Informants

A semi-structured interview was designed for magistrates, SLP, offenders advocates as well as male and female inmates in detention; this study is attached as an annex to this report. Other open-ended interviews were also conducted with key informants in important sector institutions. For the interview of inmates, most questions were constructed in an open-ended fashion to facilitate the collection of detailed data. The raw data files are submitted separately in an Excel file. Probes were included to aid the retrieval of information when required. The questions were designed to reflect a natural progression from past to present to future behaviour. This was to maximize clarity and to help the inmates focus on events and experiences during different phases of their lives. Questions regarding the inmates' backgrounds and life experiences are incorporated to understand experiences prior to incarceration. Demographic questions were included as well as questions regarding the inmates' histories of offending behaviour.

1.2 Data Collection and Analysis

The research includes two main methods of data collection; court observation and semi-structured interviews with male and female inmates in detention. The court observation study involved several stages, from the preparatory phase to the analysis of the data. The first step in preparing for the observation study concerned the selection of the magistrate court. Different courts were chosen for this observatory exercise. The key criterion for selection

was the court that allowed a good time to conduct the observation. In the analysis, no personal identifying information are revealed, and data obtained are only used for the purpose of this study. The quantitative data obtained during the court observation study is analysed using SPSS Statistics Software.

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For the semi-structured interviews of the inmates, a number of different stages and processes were involved, ranging from the preparation of the research study to the collection and analysis of data. 200 inmates, XX men and XX women, were interviewed using the Kobo Collect Application. Preparatory meetings were held with the Sierra Leone Correctional Service (SLCS) authorities and detailed information about the purpose and procedures of the study were discussed. The questionnaire was shared with the authorities before the interviews. The quantitative data derived from these semi-structured interviews using an electronic application on tablets, is then analysed using the SPSS software.

In addition, data was collected from interviews with other key stakeholders mentioned above in the justice sector and analysed using thematic analysis method. Using this analytical method allows for the data to be organized in such a way that descriptions and patterns were isolated, and this facilitated easy interpretation. In the process similarities and differences in the stakeholder interviews were highlighted in the data in the analysis.

1.3 Sampling

A non-probability sampling technique was used to obtain the sample of the different category of inmates of male and females to participate in the semi-structured interviews. Names were selected from the list of remanded individuals provided by the SLCS. Inmates selected for the interviews who were unavailable because they were attending court sessions on interview days, or other reasons were replaced by another name in the list.

2. Review of Legislations

2.1 The Bail Regulations and its Application

The Bail Regulations were promulgated as a way of providing guidelines to magistrates and judges across the country in the granting or refusal of bail to accused persons. The Bail Regulations seek to address the old aged issue of congestion in the correctional facilities across the country as well as to make decisions on bail predictable within the judicial system. It has been a normalcy to see accused persons being incarcerated for very minor offences in the judicial set-up. While the bail regulations are not opposed to incarceration for very serious offences, however that must be the last option in the process of dispensing justice.

The Bail Regulations are the primary piece of remand law being used by magistrates and judges. It frames the central issue of remand in terms of balance as follows: do defendants present a substantial enough risk to the community to over-rule their rights not to be incarcerated before they have been tried and/or sentenced? The formal purpose of a remand hearing in the first appearance in the Court is for the magistrate or judge to decide about the degree of risk, if any, a defendant presents to the community and subsequently to decide on whether to grant bail or not.

Generally, the purposes of remand fulfil two broad objectives including:

- a) Ensure the integrity and credibility of the justice system so that offenders will not abscond, and protect witnesses as well as victims
- b) Protect the community from the offender's re-offending

Whether these aims are achieved for offenders is unknown as data is unavailable for such analysis. If there are bail violations, the costs are likely to be high and so it is important to understand the relationship between remand and bail rates. However, there is paucity of data to examine the relationship between the granting of bail and factors such as abscond rates, reasons for failure to appear, offending on bail, or interference with potential witnesses. Clearly, the two main objectives of remand are in conflict as on one part seek to balance the needs and rights of the community and court with those of defendants on the other side.

Discussions with sector stakeholders on the implementation of the Bail Regulations indicate that there have been some significant challenges, some of which are described as circumstantial, whilst others are seen to be systemic in the interpretation of the Regulations dictates and guidelines by magistrates. The evidence suggests that the granting of bail to accused persons has improved considerably in some parts of the country while some are still lagging. However, the issue of consistency from magistrates in the setting of bail for defendants has been questioned by some stakeholders. It is said that there are some minor offences which are granted bail for, but because the accused persons/defendants cannot meet those conditions, they are being remanded at the correctional centres.

Although remand decisions may be inconsistent in some cases, it could well be that the anticipation of sentencing plays a part. In such a circumstance, the accused on remand is released after disposition as his remand time is regarded as equal to the sentence appropriate for his offence. In order to get a good understanding of the purposes that remand currently

serves, additional data is needed to identify the number of remanded inmates released after their period of remand and if this was equivalent to their period of detention. Taken together with the numbers of remanded persons who are subsequently sentenced, this would then provide a more accurate estimate of the extent of the inappropriate use of remand to detain people whose offences and criminal history did not justify this form of detention. Again, the kind of data to carry out such an analysis is not available to enable the accurate identification of the total number of remanded inmates who neither received a custodial sentence, nor is their remand viewed as “time served”.

Moreover, according to findings from consultations, magistrates can give different bail conditions for the very same offences to accused persons, and this is not helping to ensure that defendants are granted bail for minor offences or even for first time offenders. With fairness to some magistrates though, it is said that they could be willing to grant bail and make the conditions somewhat reasonable but some of the accused persons are not residents of the places where they are alleged to have committed the said offences and therefore most likely cannot provide a surety for bail to be granted. There is also the problem of defendants jumping bail and this makes it difficult for magistrates to grant self-bail to accused persons.

According to the Bail Regulations, if or when a magistrate is refusing a bail to an accused person/defendant, it is the duty of the presiding magistrate to state the reason(s) for refusing bail. Unfortunately, evidence indicates that in most of the time, magistrates do not give reason(s) especially in cases where the defendants does not have a legal representation that will make a bail application on his or her behalf. Even for the prosecutors, when arguing for the refusal of bail to accused persons, they must present their reasons in an affidavit to the Magistrate who in turn must serve same to the accused persons and listen to his/her own side of the prosecution’s claims. However, prosecutors seldom prepare affidavits citing their reasons for opposing bail. In the end, accused persons are being incarcerated for mere claims by the prosecutors that could not be proven.

There is also the problem of delays in trials in the magistrate courts across the country. There are cases that have taken months/years without completion. Some of these delays are caused by the fact that complainants fail to show up in courts or sometimes witnesses cannot avail themselves to testify. Prosecutors also contribute to trial delays as it was revealed that there have been instances where accused persons are arraigned in court, and prosecutors call for an adjournment because they have problems with files.

2.2 The Remand Process

A magistrate’s remand or bail decision is not an isolated event but is one stage in an on-going and cumulative process of deciding whether a defendant should be held in custody or granted bail pending the next stage in the criminal process. The process begins with the SLP when officers decide not to release a suspect in SLP custody and then the person is brought to appear at a magistrate’s court. When defendants appear in the magistrate’s court, the SLP can oppose a defendant’s release on bail and/or request certain conditions be attached to any granting of bail. There are thus several different points within the criminal justice process

when bail decisions can be made and there are variations between the remand decisions made at these different stages, including in the personnel involved and the reasons a remand decision is required. The different levels in which bail decisions may be made are: police stations, magistrates' courts and high courts.

Police bail phase. When an individual is arrested then a decision must be made about whether the person will be offered police bail or instead, be remanded in custody. Even those defendants who are offered bail may still be remanded in custody as they may be unable to meet the conditions of bail immediately. Hence, they will remain in custody until they can meet the bail conditions. There are also another group of offenders who are held in custodial remand at this point, those who do not seek bail. Anecdotal evidence suggests that these individuals do not seek bail, either because they, or their legal representatives believe that bail would be refused because of the nature of the crime they have committed. Therefore, three groups of offenders can be remanded during this phase: those who are refused, those who are unable to meet the bail conditions as they cannot provide a surety, and those who do not seek bail.

Even when bail is granted the conditions of bail will have an impact on the remand process as any breaches of bail conditions will lead the offender to re-enter police custody. It is difficult to assume whether a high or low rate of granting bail by the police is of merit. What is rather important is to evaluate the impact of granting or denying bail. In this light, information is required on whether an offender subsequently appeared at court as per bail condition, interfered with witnesses, or re-offended while on bail. The data is also not available for this evaluation and would be useful if such is collected and reported by the police.

Magistrates' Court. The defendant's first, and any subsequent appearance is another key decision-making point where the decision to grant bail or remand in custody is made. At the first hearing in the Magistrates' court, the defendant elects whether to apply for bail through his defence representative. If bail is refused, the magistrates should state their reasons in court and the defendant should be given a written copy of this information, so they are in full possession of the facts for any possible future application for bail. Magistrates can remand 'untried' defendants in custody as well as convicted but unsentenced defendants in custody for a pre-sentence report to be completed.

Magistrates are called upon to make remand decisions for different categories of defendants:

- a) **Untried defendants:** If a defendant is not sentenced immediately, magistrates must remand the defendant in custody or on bail;
- b) **Convicted unsentenced defendants:** Magistrates are required to make a remand decision on an offender who has been convicted but not yet sentenced to allow time for pre-sentence reports or to commit an offender either in custody to the high court for full trial (for cases where the magistrates' court only conduct preliminary inquiries to determine whether to charge the matter for trial by the high court).
- c) **Post-sentence appeals by defendants:** A convicted offender may be remanded by a magistrates' court if they are appealing conviction, sentence.

When the case is called on in court, the charges are normally read and if the defendant is seeking bail, the prosecutor (usually a police prosecutor) will make submissions as to why the

defendant should be remanded in custody. The defendant, or his lawyer (if represented) will be asked to respond and the magistrate will decide based upon the information provided by the prosecutor and defence. In cases where the police or solicitor on fiat and legal representatives of the defendant agree on bail and any related bail conditions, the magistrates will not usually intervene. However, a failure to appear in court results in the issuing of a bench warrant for the arrest and presentation of the offender in court.

High Courts. Cases heard in the high court involves more serious, complex, offences and they require more time for preparation and hearing the case. The bail process in these courts therefore affects a greater number of defendants currently in detention and this explains partly why the remanded population is gradually increasing. Cases in the high courts are passed from the magistrate courts and it takes time for the reports/files to reach these higher courts. Thus, accused persons are remanded in custody for a significant amount of time. If the defendant is subsequently convicted there may also be a period of custodial remand while they are awaiting sentencing, in some cases many weeks, months, and several years in rare cases.

3. Crime and the Dynamics of the Unsentenced Population Growth

3.1 Trends in Crime

Annual changes in crime rates affect the numbers of people subject to police arrests and are thus a key source of changes in incarceration rates, either sentenced or unsentenced. The Sierra Leone Police publishes an annual report that measures crime rates in the five regions in the country. The link between crime and the growth of the number of people charged to court seem to be direct. From the evidence, trends in crime have clearly been an important part of the context in which incarceration rates have grown. Criminal offending determines the number of people who might be arrested and face a magistrate for a bail decision. The analysis in this section of the report describes the reported crime rates that can be associated with the number of persons being charged by the SLP. It explores the fundamental question of the relationship of the growth in incarceration to crime. To this end, it relates trends in incarceration to trends in rate of arrests per crime.

The data collected and published by the SLP shows that the crime rate has been on the increase between the period 2012 to 2018, the period covered by this study. As seen in the figure below, the overall number of crimes reported increased sharply in 2012 from 49,528 reports to 59,771 in 2013, and then increasing sharply again to 98,668 reports in 2014. This is an increase of almost 100% in the cases reported between 2012 to 2014, although there has not been an explanation for such an acute rise. Since 2015, there has been a dip in the annual reports of crime but a reason for such has not been provided. The crime reported include crime against the person, property (including burglary, larceny/theft, and motor vehicle theft), women and children, which include sexual penetration and rape, and road traffic offences,

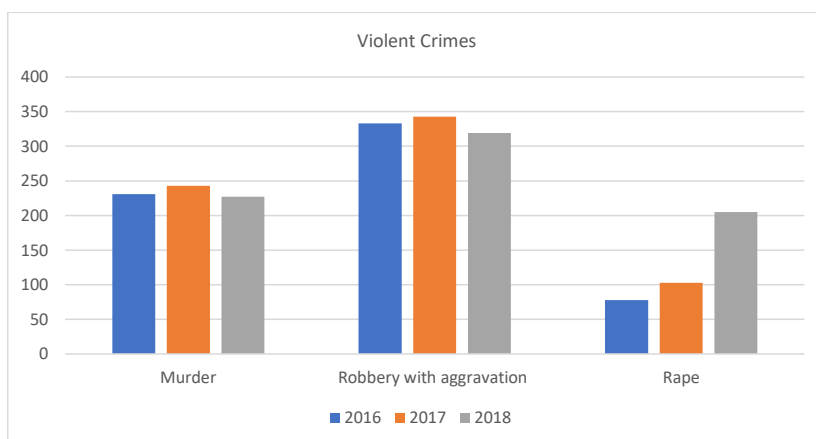
Figure 1: Reported Crime from 2012 to 2018



Source: Sierra Leone Police Annual Statistics Publications

In addition to this, the data also shows that there has been an increase in the number of reports for crimes deemed to be serious and unbailable. Crimes committed against the person or property, which affects the person directly and the community indirectly have seen an increase in the period. Such offences include violent crimes like murder, manslaughter, assault, aggravated robbery, wounding with intent, and other crimes that directly inflict physical harm or force to another person. Also, the disaggregated data shows serious economic crimes like counterfeiting of currency financial, scams, fraud, money laundering, fraudulent conversions, false pretence have also increased in the last years. These crimes are serious in nature and thus evokes serious concern and impact on economic activity and potentially places a duty on a magistrate to deny bail. Also, trends in gender-based violence including sexual penetration has sharply increased in the last three years. Reports of sexual penetration cases alone increased from 2,149 in 2016 to 2,726 in 2018. Within the same period, arrests for rape by the police increased by 168%. The figure below shows the trend in violent crimes reported between 2016 and 2018.

Figure 2: Reports of Violent Crimes between 2016 to 2018.



Source: Sierra Leone Police Annual Statistics Publications

A total of 76,622 cases were recorded nationwide in the regions across the country. In terms of the regional dynamics in crime committed and reported, the Western Area is the leading region. In 2017, the Western Area recorded a combined reported crime of 39,100, an increase of almost 7% from the previous year. From the data, crime reported in eastern Freetown account for 20,892 cases whilst the western parts recorded 18,208. The northern region reported 18,183 crimes but an increase of almost 49% from the previous year. The eastern region recorded a 47.05% increase from the previous year to 10,259 whilst the north western region also recorded an increase of 49.02% to 7,824. Southern region recorded an increase of 35.28% of crime reported between 2016 and 2017, from 6,482 to 10,015. The table below shows the rates reported by the type of crime.

Table 1: Cases Recorded Nationwide

Offence	Number	Percentage (%)	Average Daily Crime Rate
Offences against persons	21,592	28.18	58.99
Offences against property	14,146	18.46	38.65
Offences against women and children	12,029	15.70	32.87
Economic offences	6,591	8.60	18.01
Road traffic accidents	19,705	25.72	53.84
Mischief and public disorder	1,446	1.89	3.95
Miscellaneous offences	1,113	1.45	3.04
Total	76,622	100	209.35

Source: Sierra Leone Police Annual Statistics Publications

The table above shows that an average of 209.35 crimes were recorded per day nationwide. The highest number of recorded offences is against persons (28.1%) which is about 58 cases per day. The road traffic offences/crashes, including motor traffic regulation offences (25.7%); offences against property (18.4%); women and children (15.7%) account for the second, third and fourth most frequently reported cases which are about 53, 39 and 33 cases per day respectively. Economic offences (8.60%), mischief and public order (89%) also account for a significant amount of cases recorded nationwide.

The question thus becomes what is driving this increase in the rate of crime rates? Several risk factors could possibly explain this, which could be categorised by levels. At the first level is the macro element as it relates to the state of the national economy and how it is impacting livelihoods. The economy becomes protective when it serves as a source of jobs and becomes a risk in situations where there is uncertainty and volatility and does not provide the necessary

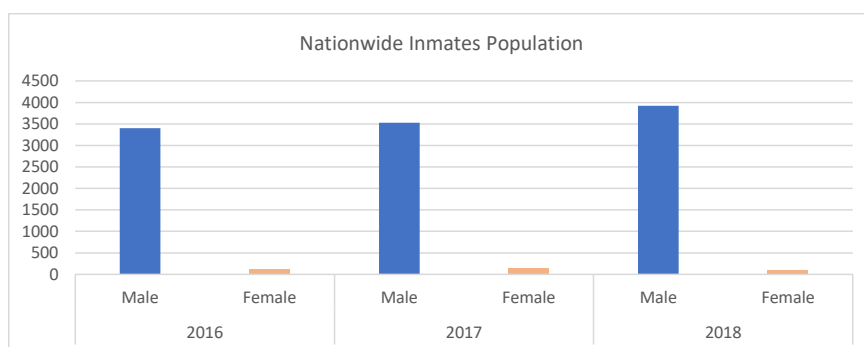
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work opportunities especially for young people. At the next level would be the efficient functioning of institutions as they serve as safeguards when effective and supportive but become a risk if they are unresponsive and distant from people’s need. The last level has to do with the individual especially as this relates to family (parenting, discipline, cohesiveness, abuse, etc), peer pressure, schooling (failure) and community development. A deeper diagnosis of all these three levels would be critical in proffering solutions geared towards addressing increasing crime rates in the country.

3.2 Trends and Patterns of the Unsentenced Population

The evidence shows that there has been a steady increase in the number of persons incarcerated in all the five regions in the country. As such, the number of persons that are incarcerated but unsentenced are also rising. As shown in figure 3 below, the nationwide inmates’ population for the last three years for which uniform data was provided by the SLCS has been on the increase. The nationwide population of inmates was about 3,533 in 2016 but has grown to 4,022 by the end of 2018, an increase of about 14%. That number has further increased by end July 2019 and correlates with the increase in reported crime in all the regions in the country. The growth has been mostly driven by changes in the male inmate’s category than their female counterparts. As at end 2018, 55% of the national inmate’s population were at the Freetown Correctional Facility, followed by 8% in Kenema, 6.8% in Bo and 6.3% in Mafanta.

Figure 3: Nationwide Inmates Population

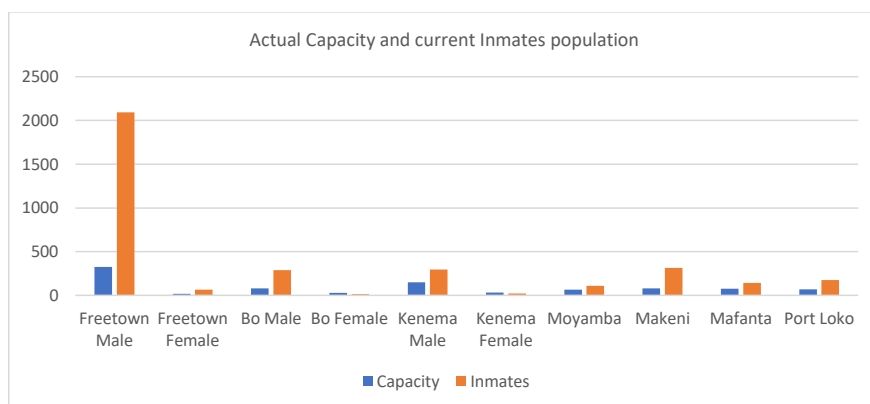


Source: Sierra Leone Correctional Service

Also, the level of overcrowding in the correctional centres around the country is quite remarkable, many of whom are part of the unsentenced population. The Freetown Male Correctional Centre which has a capacity for 324 inmates was housing about 2,092 inmates as at the end of July 2019. The female section with a capacity for only 18 inmates is housing 65 inmates. Similar trends could be seen in other centres outside Freetown. The Bo Centre for males has a capacity for 80 inmates but is housing 289 inmates; Kenema Male Centre has a capacity for 150 inmates but housing 297; Port Loko has a capacity for 70 but holding 174 inmates; Mafanta has a capacity for 75 but keeping 143 inmates; and Makeni has a capacity for 80 but holding 314 inmates.

This is shown in the figure below where the respective capacities in the correctional centres is plotted against current inmate populations. In addition to the overcrowding, the human capacity to manage the centres is also in serious deficit and overstretched. That is, the ratio of inmates to discipline officers is badly disproportionate. For instance, for the total inmates of 2,092 in the Freetown Male Correctional Centre, there are only 392 discipline officers, who work in shifts. This poses significant constraints on the staff to properly look after the welfare and security of inmates.

Figure 4: Correctional Centres Capacity and Inmates Population



Source: Sierra Leone Correctional Service

Of the 4,487 persons in custody nationally as at 19th August 2019, 1,162 had been remanded in custody awaiting trial in the magistrate courts or sentence. This represents about 26% of persons in custody who are yet to have their trial commenced. Of the same number of persons in custody for the same period, 1,217 are having their trials ongoing, some over a very long period without reaching conclusions and sentencing. These two groups of persons that make up the unsentenced population, constitute about 53% of persons that are in custody. This percentage of the unsentenced population is even higher in some regions like the southern region where the unsentenced population is 57%, and the eastern region having

the highest rate, of which 64% of persons in custody remain unsentenced. The table below shows the different categories of inmates in the respective regions.

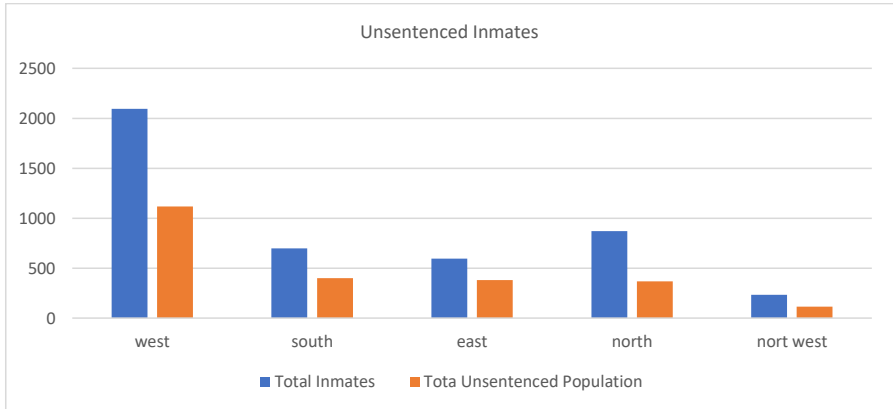
Table 2: Number of Inmates Nationwide

No.	Regions	Unsentenced		Convicted	Unsentenced Rate (%)
		Remand	Trial		
1	Western Area	337	780	976	53
2	South	273	127	296	57
3	East	198	182	216	64
4	North – West	105	10	117	42
5	North	249	118	503	50
	TOTAL	1,162	1,217	2,108	53

Source: Sierra Leone Correctional Service

As indicated in the table above, the proportion of the unsentenced population differs between regions. This is shown in figure 5 below where total inmate population in the correctional centres is compared with the number of unsentenced inmates, at aggregate levels. As shown, there is a significant proportion of inmates that remain unsentenced in all 5 regions in the country. In all the regions, at least half of the number of inmates are either on remand awaiting trial or undergoing trial. This number does not even include the number of inmates that have been convicted but to be sentenced. The eastern region has the highest proportion of inmates yet to be sentenced with about 64% accounting for that population.

Figure 5: Regional Rates of Unsentenced Inmates



Source: Sierra Leone Correctional Service

3.3 Indictments

Data collected from the SLCS shows there is a reasonably large number of inmates in detention that are without indictments, and a smaller number that face continuous adjournments when they appear in court. According to the evidence, as at 15th August 2019, a total number of 529 inmates across the country are awaiting indictments for the crimes they have allegedly committed. Those are persons whose cases have been sent to the high courts, but the law officers have not prepared case files (depositions) for charges or indictments to be prepared and served on inmates. Most of these persons are in three regions as shown in the table below. The reasons for this high number of inmates awaiting indictments as well as the reasons for continuous adjournment in courts is explained in detailed in the next section of this report.

Table3: Inmates without indictments

No.	Regions	Without Indictments	Continuous Adjournments
1	Western Area	210	15
2	South	111	-
3	East	142	2
4	North – West	6	4
5	North	60	25
	TOTAL	529	46

Source: Sierra Leone Correctional Service

3.4 Linking Crime to the Trend of Incarceration

From the above, it could be seen that the trend in the crime rate, especially for non-bailable crimes are increasing gradually. It is therefore reasonable to think that the size of the general population of persons in custody in the SLCS is linked on the level of crime as well as the likelihood of being arrested. All things remaining the same, an increase in crime rates will increase inmate's population because a larger number of persons with a fixed probability of apprehension will yield more arrests. Similarly, if the probability of arrest given a crime goes up, then the population also will increase. This could be interpreted as policing effectiveness as there could be a match between crimes committed to arrests.

Data from the police indeed shows that the ratio of arrests to crimes for the major crime types handled in the five regions is increasing. For instance, arrest rates for rape, burglaries, robbery with aggravation, murder, and even economic crimes are increasing. Overall, the evidence shows that current incarceration rates are rising. The question thus become why is there a large ratio of the inmates that are unsentenced since admission into the correctional service, with some inmates having served several years without indictment (with records showing detention of up to 9 years without indictment). The next chapter explores in greater detail the causes and drivers of the high rates of unsentenced inmates in the criminal justice system

3.5 Characteristics of the Unsentenced Population

As described in the methodology above, this study also conducted a survey of 200 male and female inmates that are part of the unsentenced population, including 150 males and 50 females. The following gives a description of the inmates surveyed

3.5.1 Remanded Inmates Background

The youthfulness of offenders in the criminal justice system in Sierra Leone is well recognized. Studies have shown that inmates on remand are more likely to be young people. This was confirmed in the survey of inmates as the average age of male inmates on remand is 29 years. For females, it is slightly higher as the average age of surveyed inmates was 31 years. 86% of the inmates in the Freetown Correctional Centre are from the Western Area with about 55% living in the urban part prior to their arrests and remand detention. 50% of surveyed inmates are singles, 47% are married and the remaining 3% are divorced. Also, 65% of the remanded inmates have children with 40% having at least two children. This is an important metric because the Bail Regulation makes a provision for careers of children to be considered for bail. The remanded inmates with children have mostly left them with either spouses or other relatives for care in their absence.

3.5.2 Level of Education and Employment

The level of education among remanded inmates varies with 17% engaged in school and another 42% were undergoing some technical and vocational training or apprenticeship before incarceration. About 39% have some secondary school education as their highest level of education, 3% had some university education whilst 38% have never been to any type of education or training. Closely related to the educational levels of the remand population is their engagement in livelihood activities before remand. The evidence shows that the remand persons were engaged in some form of employment as over 90% reported being engaged in generating activities with 28% engaged in hawking and trading, 26% are artisan or skilled manual labourer, 8.5% unskilled manual labourer, the remainder engaging in agricultural activities and very few having formal employment that included working for the civil service. Most crucially, 73% of the surveyed inmates were the breadwinners in their families before detention and 69% having a sick spouse or old person to look after when they got remanded. Generally, from the above, there is a direct correlation between the lack of education and the commitment of crime.

3.5.3 Criminal History

The number of inmates on remand whose case have either been transferred to the high courts or undergoing trial at the magistrate courts make up the biggest block of the unsentenced population. According to the survey data, 68% of remand inmates are in this category, while 23% are awaiting indictments for trials to commence. The remaining 9% have already been tried for their crimes, found guilty but are awaiting sentencing.

3.5.4 Time Spent in Detention

The length of time these inmates have spent in custody vary. The table below gives an indication of time spent by different category of inmates in detention. As seen in the table,

more than 50% of the inmates have spent more than a year already in detention, with 15% of those still awaiting trial whilst 71% are currently having their cases being heard in the courts.

Table 4: Time spent in detention by sampled inmates

	Awaiting trial	Awaiting sentence	On trial	Grand Total
Less than a week	6	-	2	8
Between a week and a month	9	3	3	15
Between one and six months	6	2	12	20
Between six months and a year	10	-	46	56
More than a year	15	14	72	101
Grand Total	46	19	135	200

Inmates gave various reasons that they believed were given to them by the magistrates in the remand decision with majority being told that they have committed a serious crime for which bail is denied, by law. Others were considered a flight risk; the accused would offend on bail or may try to interfere with the witnesses in the case. A small percentage were denied bail on the grounds that they have violated previous bail terms. Of all the inmates in remand more than 35% committed offences of murder, robbery with aggravation wounding or with intent, malicious damage and other serious physical offences against the person. An additional 16% are in remand to answer cases of murder and 3% for sexual offences. These are all serious crimes for which magistrates don't normally grant bail and it doesn't appear any indication as given to the inmates in court that only a judge could grant them bail.

3.5.5 Court Appearances

Court appearances whilst in custody is a serious issue for the remand population as many have never been to court to get an opportunity for their cases to be heard. Table 4 below shows the number of times sampled inmates that have been in custody for different time scales have appeared in court. As seen, of the 101 inmates that have been in detention for more than a year, 30 have never been to court and 10 have been to court only once in that period of detention. 58 of those have however been to court for at least four times in the more than a year that they have been in detention.

Table 5: Court Appearances by Inmates

	Four times	More than four times	Never	Once	Thrice	Twice	Grand Total
Less than a week		2	1	3	1	1	8
Between a week and a month	1	4		2	3	5	15
Between one and six months	2	11	1	1	2	3	20
Between six months and a year	4	25	24		2	1	56
		18					

More than a year	8	50	30	10	2	1	101
Grand Total	15	92	56	16	10	11	200

The evidence also indicates that for those that have not been going to court, this is a separate punishment as such appearances provide opportunities for inmates to meet with family members. For inmates that have had their cases heard in court, 75% reported that they were not represented by a lawyer in those hearings. The main reason cited for non-legal representation is that 69% inmates cannot afford lawyer fees. Discussions with stakeholders has revealed that inmates do have a good chance gaining bail at first appearance with a legal representation than without any. In addition, the time taken to hear cases in court is problematic as 72% reported that court appearance lasted for less than 30 minutes. Only 24% have hearings that lasted between 30 minutes to an hour. This perhaps is not an enough time to really delve into a matter by a magistrate but discussions with other stakeholders reveal that the workload on magistrates could be overbearing and so are at a haste to handle matters.

A decision taken in haste, before the court has all the relevant evidence, can lead a defendant to question whether he has been treated fairly by the law. Whilst a good number of inmates in detention are accused of violent crimes, there are others in remand for non-violent crimes. In circumstances where an accused has committed a non-violent offence, has no prior criminal record but then spends a long time in detention away from working or engaging in economic activities for livelihoods as a result of a decision which a magistrates took in less than 30 minutes, has good grounds to question the legitimacy of his incarceration. However, the explanation for this could be that the information used by the magistrate to base such remand decision is often limited. Defence counsels interviewed are of the firm view that the information available to magistrates during bail hearings are most times incomplete and of a poor quality.

3.5.6 Legal Representation

Other studies have mentioned that the chances of having a successful bail application are increased for an inmate with legal representation than those without. The survey pointed out that 74% of the inmates interviewed were not represented by a legal counsel when they made their first appearance in court to answer to the charges against them. As seen in the table below married couples are the most likely relatively to be represented by a lawyer in court. The reason given by inmates for this low level of legal representation was that retaining a lawyer and paying legal fees for protracted cases in court was unaffordable.

Table 6: Inmates with or without lawyers

Civil Status	Were you represented by a lawyer at bail hearing		Grand Total
	Yes	No	
Divorced	2	3	5
Married	30	63	93
Prefer not to say	2		2

Single	18	82	100
Grand Total	52	148	200

3.5.7 Conditions in Remand

Although several reports have discussed the condition under which remand inmates are kept, the issue was nonetheless explored in the survey interviews both the male and female correctional centres. Unsurprisingly, inmates consider the conditions of incarceration to be poor and much worse than they expected. The cells are described to be overcrowded with at least eight inmates per cell in the male correctional centre and with low levels of hygiene practices. Water supply for drinking is also said to be sparse and this affects the sanitary practices of inmates. Water for bathing is also said to be problematic and some inmates go several days without bathing. The direct effect of this poor hygiene practice is that inmates easily contract various kinds of skin diseases, which were reported to be quite a common occurrence. The overcrowding also meant that there are high temptations of inmates to get involved in sexual activities with other inmates and this poses potential risks of contracting sexually transmitted diseases including HIV/AIDS.

Also, over 95% of the inmates surveyed described the meals served to inmates as grossly inadequate and poorly prepared. Inmates reported that the urge to eat is mostly to attend to hunger than to get satisfaction from the food. More inmates would mean higher allocations in the budget for food, but the administration is struggling to keep pace with its bills to suppliers of food items. Inmates are now locked in for many hours than previously and this restricted movement seem to be imposing some stress on inmates. Opportunities to be engaged in sports activities to exercise the body and mind are also said to be severely limited. The medical facility is said to be very poor and has very limited supply of necessary drugs

3.5.8 Case Studies

In addition to the survey, inmates were engaged to get a good understanding of their cases especially as it relates to the application of bail. The following cases reflect some of the engagements with inmates, though the names here have been changed to protect the identity of the inmates

Case Study 1: Mary is 29 years old; she was charged with theft from a person but pleaded not guilty. She has several previous convictions mainly for theft and prostitution. Bail was refused in the first appearance on the grounds that she may commit further offences. Her second appearance two weeks later confirmed that a fixed abode was available to Mary, but bail was refused. A third application was made but again bail was refused. Mary injured herself repeatedly whilst in custody, three months in total.

Case Study 2: Susan is a 45-year-old widow. After the death of her husband there were some disputes with her late husband's siblings over the sharing of properties left behind by the deceased. She has grown children and one of them was involved in an altercation with the in-laws that led to the death of the man. Susan and her son were both arrested and charged for murder but since 2012 have not been to court. Susan initially had a legal representation in the early stages of the matter but struggled to pay legal fees. Hence, the representation was withdrawn. Both Susan and her son are in custody with no court appearance over 7 years.

Case Study 3: Musu is a widow and has four children. She was arrested and charged to court for wounding with intent in a domestic matter involving a man proposing to marry her. Musu is from a region outside Freetown and has no family in the city. She first appeared in a regional district headquarter court and then had her case transferred to the city. Musu claimed she was asked by the police to provide some money for the case to be dropped but she couldn't afford the sum. She has been to court only twice and has been in remand for three years.

Case Study 4: Jennifer is a 53 years old woman with a son. The son got into a business arrangement with someone abroad who sent a container of goods for them to sell. The son sold the items but could not account for all of the money and was arrested after the business partner came to town and made police reports. Jennifer stood as a surety and signed an undertaking to assist with the repayment though she did not fully understand the implications. The son absconded after bail but another relative was assisting with the payment, though not as expected. She has been in detention for several months and has made one court appearance.

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Case Study 5: James was arrested after a street altercation and has been on trial for assault for seven months. James has made three court appearances all lasting less than ten minutes. James was not represented by a lawyer in any of those hearings as he cannot afford the fees. In these appearances, he was not given time to speak or defend himself. He is not sure what is happening with his case.

Case Study 6: Joseph was arrested and charged to court for house breaking and burglary. James has been on trial for more than two years and have only been to court once. He was represented by a human rights lawyer in the hearing who applied for bail but was refused.

Case Study 7: Kai was working in a foreign-owned company and some items were stolen. He was among the suspects and was arrested by the police. He has made a single appearance in court, but he doesn't know what crime he has committed and why he has been remanded. He was not represented by a lawyer in his bail hearing. He has no communication with his family who don't know about his whereabouts.

Case Study 8: Abu was arrested for a traffic offence in 2016 for parking in a no-parking area in town. He has made only one court appearance and was denied bail. He was not represented in the hearing as he cannot afford legal fees.

Case Study 9: Hassan was arrested and charged for wounding with intent. He has been on trial for three years and his complainant was arrested two years ago for a different crime and is only on trial. He has been to court once and was not represented. In a similar case, Ali was also charged for the same crime and has been on trial for four years. He got involved in a fight with a work mate after some argument. Since being taken into custody, the complainant died. He has a wife and children and don't know how they are faring without him.

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4. Factors Influencing the Growth of the Unsentenced Population

4.1 At Magistrates' Courts Level

Magistrates' courts are a key element of the criminal justice system as they dispose a significant proportion of criminal cases. Persons arrested by the police for various crimes first face a magistrate who must decide on granting bail or not. So, the practices of magistrates in the handling of bail applications are of central concern to any consideration of remand in custody. The following are the main considerations in granting bail by a magistrate.

Offence characteristics: The seriousness of the offence/offences is a major determinant in the decision in granting bail by a magistrate. Serious offences like treason, murder, aggravated robbery, rape and other offences that involve violence are unlikely to be granted bail at the magistrate court level, except in the high court. Overall the strength of the evidence against the accused will be the main determining factor in the decision-making process. This goes to explain in some way why the rate of the unsentenced population is growing as the crime statistics from the police indicates that the number of unbailable crimes is on the increase. For instance, there has been a sharp increase in the number of sexual penetration and rape cases especially against minors and accused in this category would normally be denied bail and remanded in custody. Invariably, severe offences are not granted bail at the magistrates court and those detained face difficulties reaching the high court through an indictment and trial.

Offender characteristics: There are several defendant characteristics which particularly influence custodial remand rates. First, some accused are recidivist offenders with prior arrest and criminal histories. When this history includes failures to appear in court or the violation of previous bail conditions, and particularly re-offending while on bail, the accused is more likely to be remanded. Data from the survey conducted on remand prisoners indeed show that recidivism is indeed an ever-present variable among remand inmates. Second, some persons don't seek bail as they believe that it will be denied by the magistrate because of the type of offence they are accused of. Also, based on the crime committed and the expected punishment, some individuals prefer to be remanded in anticipation that they will receive a custodial sentence which will be backdated to include time already served in custodial remand, rather than delay starting, what they believe is inevitable. The downside of this is that trials take very long to conclude, and inmates would spend many years as unsentenced.

Bail History: Bail history is also another important variable in the decision-making process to grant an offender bail or not. Offenders that have accumulated extensive bail histories involving previous breaching of bail conditions, re-offending while on bail, and failure to appear in court are unlikely to have their applications for bail granted. However, while failure to appear in court is a significant issue, it is also possible that some of these people would not actually have absconded though there is no data to support this argument. Sometimes, an offender's inability to appear in court could be because of other obligations that are outside his control. Nonetheless, people who have committed serious or particularly violent offences, those with extensive criminal histories who were therefore regarded as more likely to re-

offend, or who had previously violated their bail conditions, or failed to appear in court are at greater risk of custodial remand.

In addition to these, stakeholders were asked about their perceptions of magistrates on the decision to grant bail or remand an accused person to custody to await trial. Stakeholders are of the view that magistrates give a lot of credence to recommendations of police prosecutors in opposing bail to accused persons. So, although the decision is made by the magistrate, the impetus to remand an accused would typically originate from the police. A reason put forward for this is that magistrates prefer to play safe by going by police recommendations and this could mainly be because information available to the magistrate at the decision point is often insufficient for them to make a reasoned decision whether to remand to custody or grant a bail.

Magistrates have large volume of cases to handle each week. The implication is that many accused persons are appearing in front of magistrates for hearings that last for less than 10 minutes. This is backed up from the data obtained in the survey of inmates on the time spent on a hearing in court. Thus, the pressure to serve justice in a speedy form which leads to the courts to make quick decisions to grant bail or remand an accused go some ways in increasing the risk that magistrates might decide based on insufficient evidence and deny bail arbitrarily.

Such a process of rushing justice in order not to delay justice would lead to the neglect of the principle of a presumption of innocence in favour of remand. When the prosecutor opposes bail, it normally takes no more than 10 minutes for the magistrate to hear the objections, thereby not giving the accused an opportunity to respond. So, hearings are rushed through, giving the defence counsels little time to provide explanations or reassurances to demonstrate that custody is not necessary to ensure that the accused will appear for trial. Courts do not have sufficient time to assess critically the opposition to bail, by exploring the accused's circumstances in detail.

These difficult decisions are compounded by the shortage of information on the first appearance in court. In fact, the only information available is the seriousness of the alleged offence, some indication of the weight of supporting evidence and information given by the defendant. If an accused has previously breached a condition of bail, this is read as clear evidence of a risk of re-offending. If the accused has no fixed abode, this disadvantage is likely to be interpreted as a risk that he will fail to appear for trial. Insufficient time for all these would likely mean that the accused would be remanded.

IT Infrastructure: There is no form of information technology set up in magistrate courts to aid magistrates in basic exercises like note taking. Stenographers are not available and so magistrates have to write down notes of court proceedings that must be typed later as there are no computers available in courts. This seriously delays proceedings as witnesses must be stopped along the way in testimonies to allow the magistrate to keep pace in the note taking. As magistrates have many cases to handle, this delay does not allow information on court proceedings on persons on trial to be quickly shared with the Law Officers Department, high courts and other agencies that would need such for other work, including preparing indictments for instance. A modern court with an electronic system would make this transfer

possible quickly which in turn would speed up trials and reduce persons in detention. This would have help secure the most efficient and effective way of carrying out the operations of the courts.

4.2 Law Officers Department Level

The Law Officers' Department is at the centre of the criminal justice system, as it relates to the prosecution of crimes beyond the magistrate courts, as well as providing legal advice for police prosecutors in the magistrate courts. Interviews with personnel in this department reveal that the occurrence of remand is largely because of severity of the crime committed. Crimes such as murder, wounding with intent, rape, and child penetration are normally non-bailable offences at the magistrate courts where preliminary investigations take place to ascertain whether the accused has a case to answer. When a decision is made that the accused has a case to answer, the matter is committed to the high court whilst the accused is remanded in custody. Although the high court can grant bail, such decision is subject to Section 79 (3) of the CPA.

The Law Officers' Department are mainly in charge for preparing indictments for offenders whose cases have been committed to the high court. As seen in the previous section, the evidence shows that a significant proportion of inmates in detention are those who are still without indictments. Several factors were put forward for the slow pace in which indictments are prepared and they include;

Human Capacity: It was revealed that the entire department has only twenty-six state counsels and this number is highly disproportionate with the number of case files to deal with daily. For instance, the northern and southern regions both have only one state counsel, whilst there are two in the eastern region. This means that the state counsels cannot cope with the number of depositions received, which document the final determination in magistrate courts and are necessary to prepare the indictment before the accused can appear before the high court for trial. Some depositions are complex and involve many people for which counsels would need to determine the offences committed by each party to the crime and the charges to be levied. There must be a thorough scrutiny of the evidence that would ensure conviction. The number of personnel to handle these is just not available now. For instance, it was revealed that there were about 2,000 cases of sexual penetration and there was only one lawyer handling those cases. So, whilst a single individual is turning over these files, looking at the evidence and preparing the charges, the offender would remain in remand and additional files would be added to the existing workload.

Court Infrastructure: The depositions that should be used to prepare indictments are from the magistrate courts which should be typed before submission. As mentioned above, such courts lack stenographers that should be able to provide this service and as such magistrates must take notes of court proceedings for later typing. This imposes a significant burden on magistrates, who are overburdened by the number of cases they handle and thus must prepare depositions for cases that would be committed to the high courts. It does take a long time for these to be prepared to get to the Law Officers Department, which ultimately affects the time to get them ready for action.

Emerging Crimes: there has been an emergence of new crimes like cybercrimes, trafficking, and others for which the department is currently not capacitated to handle nor in the curriculum of the Law School. Crimes of this nature are nearly impossible for state counsels to handle on time as the capacity is lacking. Also, the police who most often lead the investigation of these kinds of crimes lack the technical knowledge to handle the cases. The implication is that it takes a longer time for an indictment to be prepared for such crimes, especially those involving technology. State counsels need further training in these matters, as do the police in investigating the nature of the offence and the elements of the offence.

4.3 Police Level

Accused persons most often come into first contact with the criminal justice system when they are arrested by the police for a crime. This study explores the factors influencing police decision to arrest, especially for non-violent crimes. This is important as it has a significant impact on the remand population growth rates.

The police are of the view that whilst they can arrest a person for a crime and charge the matter to court after investigations, the decision to grant bail rests exclusively with the magistrates. Police prosecutors interviewed were unanimous in agreeing that a major reason for the growth in remand rates in the non-appearances of witnesses to testify in court matters. Witnesses are often afraid to show up in courts as they live in the same communities with the accused. They often fear reprisal attacks from the accused or family members and there are no witness protection programs. In matters of murder, for instance, where witnesses don't show up, the case would continue to be adjourned and the accused remanded in custody throughout, especially at the magistrate court level. Such an accused would only have a chance for bail when his case is passed onto the high court; this can take several years. Other times, victims themselves don't show up for court cases for different reasons, including relocating to another area where constant transportation costs to attend court sessions become a serious impediment. Sometimes the witness just disappears and can't be located. If the accused has committed a very serious offence, he is unlikely to be set free even if the victims don't show up in court. Thus, he would be remanded.

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Another reason given by the police is that sometimes, accused persons are granted bail by the magistrate but there is no surety. A case was mentioned of an okada rider who was charged to court for a traffic offence and given a fine of Le 250,000. He was unable to pay and no one stood to pay for such. The accused was then sent on remand. The lack of surety to address little fines like in this case has been attributed to accused living and working in areas they have recently moved to and so don't have family or relatives to show up for them. The police have also seen cases where bail applications are granted but the conditions set are rigid and very difficult to meet. Often, accused are asked to present house documents, bank statements or other assets, none of which they have. Failure to meet these conditions would result to being remanded even when bail has been granted.

There are also instances of continuous adjournments in the courts which increase the time an accused spends on remand. In some cases, it's the defence attorneys that are constantly

requesting for an adjournment to either get more information from the accused to prepare for the case or for other personal reasons. It has been said that defence attorneys have an incentive to request for frequent adjournments in courts as legal fees are based on appearances in court. In other instances, lawyers themselves are overwhelmed with criminal matters to litigate on and so don't have enough time to prepare to defend certain accused. Whilst the cases would continue to be adjourned, the accused will continue to be in detention.

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Research shows that low logistical capacity within the police contributes to delays. Individuals whom most of the respondents identified as causing the delays were officers in charge of investigations, and court registrars. There have been instances when an officer investigating a criminal matter is transferred to a different region. Generally, in such cases, the officers will not show up for cases as they must travel long distances and don't have vehicles. Because of the geographical distances from the assigned locations to courts, even if the officers travel, they seldom arrive on time and once a case is called and are not present, the matter is adjourned and the accused remanded.

The police acknowledged that there are times when trial delays could emanate from their own end and the following reasons were proffered for this:

- Increasing workload for police prosecutors
- Prosecutors not well versed in some new laws or some aspects of old laws
- Civil populace not very knowledgeable on how to handle matters
- Lack of materials for scene of crime investigation
- Lack of materials for investigation including stationary
- Lack of mobility to fast track investigations at scene of crime
- Insufficient number of police to prosecute very serious crimes
- Delays in receiving files sent to the law officers for legal advice
- Delays in the endorsement of the medical request forms as there is only one centre to investigate SBV cases – the Rainbo Initiative
- Victims become compromised during trials and don't show up for cases
- Witness interferences
- Interferences from politically connected persons

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4.4 Views of Other Stakeholders

Several other stakeholders have pertinent and unique perspectives on the factors that influence the growth in the unsentenced population. Interviews were held with a sample of relevant stakeholders to discuss the factors associated with the bail and remand process. Interviews were conducted with either individuals or in small groups depending on the preference and availability of interviewees. Some interviews were conducted by phone. The explanations given by interviewees for the growth in the unsentenced population include the following:

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Court delays impact on the time defendants will spend in custodial remand and contributes to the increasing rates of remand. Inmates on remand are being detained in custody for longer

periods because of increased delays in especially high court proceedings. Therefore the time on remand between committal to the high court and sentencing for defended hearings typically lasts several years. In cases where the defendants plead guilty, the delay in court proceedings could be significantly reduced.

Delays resulting in incessant adjournments could be due several factors, including inadequate access to legal representation for the accused, or this representation may be perceived as inadequate; defence lawyers often need to wait for lengthy periods before they received details from the prosecution; the police need to conduct further investigations. This is particularly likely to occur when the accused has entered a not guilty plea. Moreover, the delay could be because other matters are being investigated and further charges may be laid while the original matter goes before the court.

Stakeholders maintain that the unsentenced population is growing because of factors that occur before they get to court and are of the view that delays in court processing contributed to remand rates and particularly in courts outside Freetown. Court delays specifically affect the length of time offenders will be held in remand until they are either released on bail, or the final disposition of their matter. Several interviewees offered suggestions for improving the timely progressing of court matters including setting up procedures to ensure their attendance at court to provide relevant information about the defendant. This would assist the court in a speedier resolution of matters by avoiding unnecessary adjournments to seek out required information.

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Access to adequate legal representation is an important factor influencing remand. In the observation of magistrate court sessions, legal representation for accused was a significant predictor of obtaining bail. The quality of the legal representation was also seen as an important factor influencing bail decisions. Several interviewees raised concerns about the access to and adequacy of some of the legal representation provided to offenders, and particularly for those from communities outside Freetown. A significant proportion of private lawyers are practicing in Freetown and this often makes it challenging for defendants outside Freetown to access their legal representatives to receive legal advice or give instructions to lodge bail applications if they are already remanded in custody.

Some interviewees also mentioned the financial incentives for defence attorneys to prolong cases. There is a financial incentive if their clients make a court appearance. When clients do not plead guilty lawyers will receive greater financial rewards. Similarly, some interviewees maintained that several private legal practitioners sought ongoing adjournments to prolong the resolution of the matter. There is a financial disincentive for expediting a matter through court which is particularly problematic if the defendant is remanded in custody.

To address these issues of access to adequate legal representation, skills deficits in some legal practitioners, and monetary incentive for prolonging cases for private solicitors, some interviewees emphasised the importance of improving funding for legal services or finding alternate methods of service provision to ensure clients had access, and sufficient contact with their legal representative;

Stakeholders maintained that “standard” bail conditions were most often used which may include specifying where the offender would reside. Several interviewees also maintained that compliance with bail conditions was often difficult for indigenous people because of their inability to comply with “standard” bail conditions. Failure to comply with these conditions increases the risk of remand for defendants. Once they were remanded in custody, court delays contributed to the length of time that defendants remained in remand. Interviewees offered a range of suggestions for decreasing remand rates by increasing the likelihood that offenders would be offered bail, and successfully comply with any imposed bail conditions. To enhance bail compliance, some interviewees suggested, including the application of “thoughtful” bail conditions which address the offender’s needs, rather than standard bail conditions which defendants are often unable to meet. To further increase the likelihood that defendants are granted bail and decrease the length of time spent in remand interviewees suggested that improving the access and quality of legal representation available to accused and implementing initiatives to minimise court delays would be invaluable.

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The cost and availability of transport for complainants or victims to attend court was also an important reason for trial delays, and particularly where victims were required to travel long distances to court. The issue of victim protection or witness contact is also an important bail consideration, particularly in remote communities where offenders and victims and witnesses are likely to have contact. Some interviewees emphasised the need to protect victims and specifically in cases of domestic violence or child abuse. Also, at times communities may want a more punitive approach to be used with the offender.

Stakeholders had different opinions on whether accused do understand the criminal justice system process, and specifically those involved in bail applications. Defence counsels interviewed reported that making sure that defendants understand their bail applications was their obligations. However, others expressed the frustrations and the problems faced by defendants with limited literacy skills. Although these defendants may indicate that they understand their obligations, in fact, they do not. In instances where bail applications are granted, they see their release as indicating they are now free from obligations to the legal system, which significantly affects their chances of securing bail in the event of re-offending and arrests.

Stakeholders also stated that specific characteristics of defendants are associated with an increased risk of custodial remand, their likely failure to comply with bail conditions, and subsequent failure to appear at court. These characteristics related to the disadvantaged nature of many defendants, and homelessness or a lack of stable suitable accommodation. These disadvantages include chronic social and economic disadvantages that underly their criminality. Inmates with those disadvantages who become involved with the criminal justice system are normally seen by some as a result of failures in other social services like education, which makes it difficult to be gainfully employed and likely break the cycle of criminality. Therefore, the justice system was portrayed as having to pick up the pieces of these social failures.

Accordingly, stakeholders emphasised the importance of addressing these underlying causes of offending to provide long-term, lasting solutions to criminality of people with certain characteristics. For instance, a stakeholder commented that it's very hard to deal with criminal justice issues without addressing the underlying social problems. The importance of providing education, health as well as providing technical and vocational training, and employment opportunities especially for people outside urban settlements across the country was frequently mentioned. Several interviewees also emphasised the importance of intervening earlier to support vulnerable individuals, families and communities. Specifically, there was a need for initiatives to help address the common progression from juvenile to adult offending, and for targeting repeat offenders earlier to address their needs. Several interviewees also raised concerns about the lack of options for more persistent offenders who had developed well entrenched criminal lifestyles. Persistent offenders were particularly vulnerable to custodial remand.

Some stakeholders emphasised the important role that alcohol and drug addiction, especially cheap and locally produced rums play in contact with the criminal justice system. Although interviewees mentioned that there were some problems with other types of substance abuse in particular areas (marijuana), and lately Tramadol, alcohol was seen as the major problem. Alcohol abuse was assessed to be a major contributor to offending. Intoxication not only increased the likelihood of offending and subsequent arrest, but it also provides challenges for the police in relation to the offender's release from custody.

Alcohol abuse and addiction also makes it difficult for offenders to comply with bail conditions or to present for their court appearance. Bail conditions often included a ban on drinking, which people with dependence problems will find difficult to meet. Hence, they were likely to be arrested for breaching their bail conditions, which increased the likelihood that they would then be remanded in custody. Long-term alcohol abuse and addiction also results in memory deficits. It is unlikely that such offenders will recall their obligations to meet other bail conditions that may be applied, or to remember when they are to appear in court. Again, these offenders were then likely to be charged for breaching their bail conditions, or failing to appear in court, with a subsequent increased risk of custodial remand.

Homelessness was cited as another reason that brings people in contact with the criminal justice system. Recent migration patterns have seen people move from rural areas to urban ones in search of better lives. However, such movements have meant that many people without jobs and means of survival cannot afford to pay house rents and are living in slums where there are higher risks of fights. Homelessness or instability in accommodation were also particular issues which made some offenders less likely to receive bail. An interviewee stated that magistrates were often reluctant to bail offenders without a fixed address as they were concerned that these offenders would fail to appear in court if they were released into the community. Therefore, people living a more transient lifestyle are more likely to be remanded in custody. An additional difficulty with homeless offenders is that although there may be family members who would be willing to have the offender reside in their home, often these relatives cannot be contacted. Problems in granting bail may also arise if people residing

with relatives have a criminal history, with the accommodation then regarded as unsatisfactory.

The relevant legislation, offence characteristics, criminal and bail history and issues relating to victim and witness protection all influences bail decision-making. For magistrates legislation provided the framework for decisions about bail for all offenders. Importantly, the legislation determines how bail decisions are made. One interviewee commented that with the recent increase in penalties for rape for instance, there has not been a decrease in the number of offences reported. Some interviewees were satisfied with the current legislation while others suggested some changes which may help to address the large number of people in remand. Also, there is some need to make some amendments for cases where the defendant has failed to appear in court. In such a case, stakeholders mentioned that magistrates should be empowered to deal with the case summarily in the absence of the offender with agreement from the police. This would decrease the accumulation of failure to appear offences affecting the defendant's bail history thereby increasing their chances of receiving bail in future.

In addition to these, officials from the Correctional Services also have their perspectives on the cause of the remand growth rates. It was revealed that the lack of adequate vehicles to transport accused persons to vehicles and the frequent breakdown of vehicles pose a significant challenge to take accused persons to court. This transportation problem has largely been solved as the magistrate courts in Freetown are now in very close proximity to the male correctional centre. Also, officials the justice system could be intimidating and unfriendly to first time offenders especially. The system is described as rigid with unnecessary bureaucratic bottlenecks as structural barriers to accessing justice. The court procedures are described to be cumbersome with frequent adjournments

Such frequent adjournments coupled with the increasing crime rates and admission in the correctional centre means that there is overcrowding. The immediate impact is that the kitchen and the sanitary sections are badly affected by the delays. Sanitation, congestion, and pressure on social amenities in the correctional centres are some of the consequences of case adjournment. It also puts pressure on facilities such as clinics and vehicles as well as undue strain on the budget, especially on items such as fuel bills. Respondents said the delay leads to congestion in cells because the remandees have to share the same space with many others on remand and the resultant effect is ill health ranging from skin infections to sexually transmitted infections partly because of the delay in conclusively dealing with their cases. Other illnesses they mentioned were rashes, diarrhoea, dysentery, and tuberculosis.

The respondents further said that there is so much psychological trauma and anxiety caused by the delay because of the uncertainty around their fate; they do not know whether they will win their cases or not, the mental trauma causes some of them to adopt some anti-social coping mechanisms. According to the respondents the effects as a result of the delay in dispensing justice is aggravated when the remand prisoner is in the company of others who have bad behaviours and therefore could influence their colleagues on remand.

4.5 Court Observations

As part of the mixed method adopted for this study, observations of 8 cases before different magistrates were carried out at the Pademba Road magistrate courts. Although the number of cases observed is small, they however provided some insights into how applications for bail are handled, which also influences the potential for an accused to be remanded. The Bail Regulations enacted in 2018 have shifted the onus from the defence to the magistrate in taking upon him/herself to determine the issue of bail even if not brought up by either parties before the court. Though the Regulations stipulate the process for the granting of bail to an accused, such a decision by the magistrate is guided by the CPA. So, whilst bail should be a straightforward matter, it could be denied depending on the offence and the surrounding circumstances and at times the discretion of the sitting judicial personnel.

For the eight cases observed in the magistrate courts, the accused, who were appearing in court for the first time were asked to enter a plea after the charges against them were read. Three of the eight individuals entered a plea of guilty and they were thus fined by the magistrate and the matter ended. The other five individuals entered a plea of not guilty and this brought up the issue of bail. As observed, some of these persons were represented by a lawyer who then made an application for bail. The others who were not represented made the bail applications by themselves. In all five cases, the police prosecutors argued against bail and it was left for the magistrate to make a decision on granting bail or not.

The police prosecutors opposing the bail applications of the accused based their arguments that the persons have committed serious offences and are also possible flight risks as they could run away, considering that they could be incarcerated for a long time because of the nature of the crime they have committed. They also cited that though the accused have bail rights, such rights could be denied because of the reasons mentioned. Another bail application in a domestic matter was also opposed by the police on the grounds that the accused is likely to interfere with the main witnesses and therefore and potentially obstruct the course of justice. In three of these five cases observed, the magistrate agreed with the police and accordingly denied the accused bail. One of the accused had a prior conviction for a minor offence and had absconded before his conviction and fine. Worth noting is the fact that the prosecution did not provide any written affidavit to support their case against the granting of bail for the accused person.

5. Conclusions and Recommendations

If we want to understand the drivers of the growth of the unsentenced population we need to look at several interacting factors. Increases in remand population are mainly driven by changes and increases in the crime rates, especially for crimes that are considered not bailable including murder, rape, aggravated burglary, and similar crimes. The more people are committing serious crimes, the higher the likelihood of them being arrested in the first place, detained for investigations and highly likely charged to court and remanded. The most obvious question therefore to ask then is what is driving these increases in themselves. Police crime

statistics provide one perspective on the level of crime. So, change in the population is explained by changes in the volume of persons appearing before the courts, mainly because of changes in crime rates or arrests and charging practices by the police.

Additionally, court delays are leading to changes in the average number of months and years an accused is spending on remand. The reasons for court delays could vary and include lack of supporting infrastructure to prepare depositions in time, delays by the Law Officers Department to review files and prepare appropriate charges based on the evidence, lack of logistics for police to carry out investigations in time and other issues relating to the correctional services. For inmates making first appearances in court, there is also evidence of a decision-making process that is considered too fast paced and not detailed. This suggests that decisions to remand in custody are often taken without enough investigation to reach a reasoned decision as to whether custody is required. The reasons they have been denied bail are often vague and poorly supported by the evidence at hand. Being a flight risk and interfering with witnesses are most common reasons advanced by the prosecution to request the court to deny bail even in instances where accused persons seem to be well established within their communities.

In summary therefore, the main drivers of the growth of the unsentenced population as above extensively include the following:

1. Increases in crime rates and arrests by the police with subsequent investigations and matters charged to court without the police granting bail and which causes the growth of unsentenced population;
2. Seriousness of the crimes committed and charged to the magistrate court for preliminary inquiries for which the magistrate has no power to grant bail.
3. Stringent bail conditions. Matters charged by police to court, bail granted but conditions are not fulfilled by accused and thus remanded.
4. Numerous court adjournments as witnesses or victims don't show up or defence attorneys' absences from court proceedings leading to continuous incarceration of accused.
5. Administrative bottlenecks from police as well as court registrars with the loss of file documents contributing to the delays and the growth of the unsentenced population.
6. Poor infrastructure like IT in magistrates courts as well as lack of stenographer's leading to delays in court proceedings and contributing to increase of the remand population.
7. Insufficient number of state counsels to analyse case files and timely prepare indictments for cases to proceed at the high court level.

6. Recommendations

One of the main drivers identified in this study is the crime rate, based on data provided by the police. It could be argued that reducing poverty and unemployment could contribute in bridging the inequality gap, which in turn would minimize the incentive for people to turn to crime. This implies that at the very high-level government should continue to institute policies

that would create employment opportunities and reduce poverty. A 'feel good' factor by people could possibly reduce the incidences of crime and limit the possibilities of being arrested.

In the justice and security sectors, the following measures could contribute to reducing the growth of the unsentenced population. These reflect direct findings from the end-to-end analysis conducted in this study

6.1 Police Level

- i. Develop a police bail policy with details on steps to follow for the granting of bail, the powers of the police and the relationship with the SLP and court processes. The popularization of such an instrument would be important for the public to know what steps are required at the police station for the granting of bail, the types of crimes for which bail is as of right, the procedure to follow and timelines.
- ii. Provide additional and mentorship nationwide for police prosecutors and investigators on evidence gathering and drafting of affidavits and other court documents to inform the courts on reasons for the denial of bail to suspects or accused persons...etc.;
- iii. Processes in investigating and prosecuting cases in court

6.2 Magistrate Level

- i. Government to appoint more magistrates to reduce the current heavy workloads and reduce delays in court processes;
- ii. Modernize the courts and provide IT infrastructure, including digital recording and archiving devices, computers, printers, networks and full on-line support;
- iii. Create and link court electronic infrastructure with other criminal justice agencies (SLP, Law Officers Department, SLCS).
- iv. Provide technical assistance to courts on how to operate IT infrastructure to easily share information.

6.3 Law Officers Department Level

- i. Government to recruit more state counsels and provide the necessary work environment, tools and incentives to serve in all the districts in the country;

- ii. Carry out extensive training of state counsels on emerging crime issues and other legal aspects;

Annex

Magistrate Questionnaire

1. How many years have you been a magistrate?
2. What types of criminal cases does your court deal with?
 - a. All cases dealt with
 - b. Assault cases
 - c. Traffic/motoring
 - d. Domestic violence
 - e. Youth
 - f. Civil matters
 - g. Others
3. Do you sit mainly in Freetown or other parts of the Country?
4. How often does this court sit?
 - a. Every day every week
 - b. 2-4 days per week
 - c. Less than two days per week.
5. Approximately how many criminal cases does this court hear in a typical day, when it is sitting?
 - a. 1-5
 - b. 6-10
 - c. 11-20
 - d. 21-30
 - e. More than 30
6. Do you think this number is beyond what you can control in a day?
7. Does the workload affect the speed at which you make a decision on bail?
8. In the past year approximately how many times per month have you been required to consider bail applications?
9. In approximately what proportion of these applications has bail been opposed by the police or prosecution?
 - a. Always
 - b. Frequently
 - c. Seldom.
10. As per the new Bail Regulations, does the SLP oppose bail through an affidavit?
 - a. Yes
 - b. No
11. In approximately what proportion of these applications before you have bail been granted?
12. In approximately what proportion of cases where you have granted bail have you imposed a condition requiring the accused person to report daily to the police or court?

13. In considering bail applications, the following are some of the factors that might be taken into account. Please indicate the relative importance you attach to each of these factors by giving a number to each according to this scale:
- a. Very important
 - b. Quite important
 - c. Not important at all
 - d. The response to this is more elaborate and demanding questions are presented below
14. The responses to this more elaborate and demanding question are presented below.
- a. Whether the accused will appear for trial
 - b. Whether the accused will commit offences on bail
 - c. The seriousness of the offence
 - d. Whether the accused is likely to interfere with witnesses
 - e. Whether the accused is employed
 - f. Whether the accused has a prior criminal record
 - g. Whether the accused has family commitments
 - h. Whether the accused has criminal associates
 - i. The financial means of the accused
 - j. The health of the accused
 - k. The demeanour of the accused
 - l. Whether the accused has failed to appear on bail previously
 - m. History of escaping
 - n. Any prior failure to answer bail
15. To what extent does the presence or absence of a defence attorney for an accused affect your decision to grant bail?
16. What is your understanding of the present conditions in the remand facilities in the SLCS?
17. Have there ever been cases before you in which your understanding of the conditions in the remand yards has tipped the balance in favour of granting bail?
18. If better remand facilities were available do you think that a higher proportion of accused persons would be remanded in custody?
19. Do you think an accused person coming to trial from remand in custody is disadvantaged compared with someone on bail? Please explain.
20. Do you think the availability of a 'bail hostel' (an institution in which accused persons would be required to live but which they could leave for work or other legitimate purposes in the day) would be helpful?
21. What changes, if any, do you think are needed to the CPA?
22. In your view, what is the main purpose of custodial remands?
23. How often do you think you achieve this purpose?
24. What do you find most difficult about remand decisions?
25. What do you think defence solicitors' responsibilities are towards their client and towards the court are when making bail applications?
26. What issues, if any, do you feel arise from defence solicitors' responsibilities towards the court and to their clients?
27. If you could make three changes to any aspect of the remand process, what would they be and why?
28. If you could make three changes to bail legislation, what would they be and why?

Defence Attorney Questionnaire

1. How many years have you worked as a Lawyer?
2. Would you be able to represent a client in court if he is unable to pay your fees?
3. Can you recall any changes in remand decision-making during the time that you have sat on the Bench?
4. What difference, if any, do you think that Magistrates being trained in structured decision making made to remand decisions?
5. In your view, what is the main purpose of custodial remands? In your experience, are custodial remands ever used to serve any other purpose?
6. Can you recall the most recent case where your client was remanded in custody?
7. What questions, if any, did the magistrates ask you about the remand?
8. In your opinion, what do you think Magistrates' responsibilities are in the remand process?
9. To what extent, if at all, can you predict Magistrates' remand decisions?
10. Can you recall the last case where a Bench's remand decision surprised you?
11. Have you ever seen a Magistrates' remand decision appealed?
12. Can you tell me why it was appealed? did you agree with the appeal?
13. What do you think defence solicitors' responsibilities are towards their client when making bail applications?
14. And what are their responsibilities towards the court?
15. In your experience, what difference, if any, do you think a good defence lawyer makes to a defendant's chances of getting bail?
16. To what extent, if any, do you think that a defendant's demeanour and body language in court affects remand decisions?
17. If someone's first appearance before the court is from the cells on overnight custody, does this have any impact on proceedings and decision-making?
18. Do you think custodial remand status has any impact on remand decisions at the second bail hearing?
19. Do you think custodial remand status has any impact on sentencing?
20. Can you talk me through the kinds of questions that magistrates ask you and the kinds of advice that you give to magistrates?
21. What impact do you think that your advice has on magistrate's decision making?
22. Have you ever been tempted to 'encourage' magistrates to make a different decision if you think they are wrong?
23. If the remand process (i.e. how cases are processed and decisions made) was being reviewed, what changes, if any, would you personally like to see?
24. If the remand legislation was being reviewed, what changes, if any, would you personally like to see?
25. Decision makers in the remand system have some discretion. If there was a proposal to reduce this discretion, what would your reaction be and why?

Police Questionnaire

1. How many adults are apprehended by the police each year in the past 10 years?
2. What are the characteristics of those apprehended?
3. Of those arrested, how many were on bail at the time for another offence?
4. Of those arrested how many had previous criminal history?
5. For those with a previous criminal history, have they been convicted for any crime and served a sentence?
6. What are the most common offence that warrants arrest and detention?
7. Of those arrested, what percent do police proceed to charge to court?
8. Under what circumstances are bail refused by the Police?
9. How many arrested persons are then locked up in police cells and for how long?
10. If those charged to court, how many have been granted bail and how many denied bail?
11. On what grounds were bail denied for an individual?
12. Of those granted bail, how many were unable to meet the bail conditions?
13. In what per cent of matters that require bail decisions do police grant bail?
14. What are the characteristics of those refused bail/granted bail?
15. To what extent does the police's execution of a warrant to bring a person into custody militate against the granting of police bail?
16. Is the rise in numbers of bail refusals in court due simply to an increased number of cases or severity of crimes committed, like unbailable crimes?
17. Looking at the matters that require a court bail decision (bail refused/bail granted), what are the outcomes of bail determinations in the courts?
18. What are the characteristics of those refused bail and those granted bail in court?
19. To what extent does 'multiple-charging' of offenders by police militate against a grant of bail or against any presumption of bail?
20. What is the rate of bail refusal where there is evidence of a previous conviction?
21. What is the rate of bail refusal for ex custody at first appearance?
22. What per cent of total of those held in custody are ultimately released without further custody?
23. Is there evidence of decreasing legal representation for those requiring a bail determination by a court?
24. What is the effect on persons' bail/remand outcomes of their failure to appear?

Inmates Questionnaire

1. What is your age/age group?
2. Were you living in Freetown before you were remanded?
 - a. If no: What area were you living in?
3. How many children do you have?
 - a. None
 - b. One
 - c. Two
 - d. Three
 - e. Four
 - f. Above Four
4. Do(es) your child(ren) live with you?
 - a. Yes

- b. No
- 5. Before you were remanded in custody on this occasion, were you attending school or doing any training or apprenticeships?
 - a. Yes
 - b. No
- 6. Were you working before you were remanded in custody on this occasion?
 - a. Yes
 - b. No
- 7. What type of job was it?
- 8. Tick all that apply
 - a. I was the breadwinner of my family when I got remanded
 - b. I had children to look after when I got remanded
 - c. I had a sick spouse, relative/old person to look after when I got remanded
 - d. None of the above
- 9. Are you on remand awaiting trial or awaiting sentence? A. awaiting trial b. awaiting sentence c. on trial
- 10. How long have you been remanded in custody for on this occasion? (How many weeks? If less than a week how many days?)
 - a. Less than a week
 - b. Between a week and a month
 - c. Between one and six months
 - d. Between six months and a year e. more than a year
- 11. Reason for Custodial Remand:
 - a. Accused of committing a non-bailable offence
 - b. I have been previous convicted
 - c. Offended on bail before
 - d. Violated previous bail terms
 - e. Considered a flight risk?
 - f. Because the judge believed I may try to contact witnesses/tamper with evidences.
 - g. Others (specify)
- 12. How much longer do you expect to be remanded in custody for? (How many more days or weeks?)
 - a. Less than a week
 - b. Between a week and a month
 - c. Between one- and six- months
 - d. Between six months and a year
 - e. More than a year
 - f. Don't know
- 13. Why were you remanded in custody on this occasion?
 - a. Murder
 - b. Sexual offence
 - c. Domestic violence
 - d. Illegal/illicit drug peddling or possession
 - e. Traffic offence
 - f. Robbery/burglary
 - g. Corruption
 - h. Others
- 14. Were you represented by a lawyer?

- a. Yes
 - b. No
15. If not, why?
- a. I could not afford a lawyer
 - b. I did not want a lawyer
 - c. No lawyer wanted to be on my case
 - d. Others (specify)
16. Were bail conditions set?
- a. Yes
 - b. No
17. Do you know what they were? Mention
18. Do you think that you deserved to be remanded in custody for this offence/crime?
- a. Yes
 - b. No
19. If No, why?
- a. I am legally entitled to bail based on the crime
 - b. I committed a petty crime
 - c. Others with a similar accusation/offence are granted bail
20. How many hours a day (out of 24 hours) do you usually spend in your cell?
- a. 8 hours
 - b. 8 – 12 hours
 - c. 12 – 20 hours
 - d. Less than 8 hours
 - e. More than 20 hours
21. Is it your choice that you spend any of these hours in your cell?
- a. Yes
 - b. No
22. If Yes: Why?
- a. I am just not happy
 - b. I am frustrated
 - c. I just do not want to interact
 - d. I am unwell
 - e. To avoid taking part in doing prison chores
 - f. Other SPECIFY
23. Can you tell me about the daily routine here? (What usually happens between the time you get up until bedtime?)
- a. Nothing
 - b. Learning new skills
 - c. Religious activity
 - d. Sports
 - e. Reading/studying
 - f. Receive visitors
 - g. Others specify
24. Do you think that there are any good things about going to court when you are remanded in custody?
- a. Yes
 - b. No

25. If Yes: What are these?
- It's a chance to see family and/ or friends
 - It presents an opportunity to find out more about the case
 - I get a break away from the prison.
 - This is the only time I am able to get good meals
26. Did you think that being remanded in custody (on the first occasion) would be:
- Better
 - Worse
 - The same as it actually is?
27. Can you tell me why you think this? -----
28. What do you think could be done to improve your experience of custodial remand?
- Nothing. It is okay as it is
 - Improve the hygiene and sanitary conditions
 - Less crowded cells
 - Inmates should be engaged in more productive activities while on remand
 - Improve the quality of meals
 - Increase the number of daily meals
29. How would you describe the kind of changes you have experienced while on remand?
- Positive
 - Negative
 - Ambivalent (both positive and negative)
 - No changes
30. If negative can you tell me about this / these changes?
- I have lost my job/source of income
 - Disrupted my relationships with people outside prison
 - Affected my reputation
 - Got an infection/illness while here
 - Other negative changes
31. If positive can you tell me about this / these change(s)?
- It has been a period of personal reflection
 - It has helped me break away from an addiction (drugs, alcohol)
 - It has helped me break away from people involved in crime
 - I have acquired new knowledge/skills
 - It has helped refine me
32. If you are given a custodial sentence do you think your experiences on remand would help you cope better
- Yes
 - No
 - Don't know
33. If you are released back into the community after this remand what do you think your circumstances will be like?
- Better
 - Worse
 - The same as before
34. If worse, please state why -----(For example, what do you think your relationships will be like? Drugs? Your living arrangements? Do you think you will be able to get an education or a job if you want to?)

35. How many times have you been previously granted bail?
- Never
 - Once
 - Twice
 - More than twice
36. Have you been convicted of any crime before?
- Yes
 - No
37. If Yes, how many convictions do you have?
- None
 - One
 - Two
 - Three
 - Four
 - Above four
38. Tick all that apply
- I received a non-custodial sentence such as a fine
 - I have received a custodial sentence before
 - None of the above
39. Before this remand, were you ever remanded in custody on any other occasion?
- Yes
 - No
40. If yes, how long?
- Less than a week
 - Between a week and a month
 - Between one and six months
 - Between six months and a year
 - More than a year