



**ASSESSING THE ROLE OF MAGISTRATE COURT IN DEALING WITH CRIMES IN SIERRA LEONE. CASE STUDY: KENEMA CITY.**

**ABSTRACT**

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Magistrate court is a lower court which holds trials for summary offences and preliminary hearing for more serious ones. Some civil matters are also decided in those level notably family proceedings. It is the overall responsibility of the Head of Judiciary to see that, the magistrate court in Kenema provides justice for residents in Kenema City and it's environ. This research work assesses "The Role of the Magistrate Court in Dealing with Crime in Kenema City".

This study focuses on four main objectives which are:

- To identify some of the roles of magistrate court in dealing with crime.
- To identify some of the common crimes and reasons for its existence within Kenema City.
- To ascertain the level of crimes brought before the magistrate court in Kenema City.
- To suggest or recommend strategies to be adopted in dealing with crimes by the magistrate courts in Sierra Leone.

The research is a descriptive study, which the researcher used various methods to collect data, such as: questionnaires, discussions, documents, internet, and interview and sample size. The data in this research were drawn from both primary and secondary sources. The data were interpreted through descriptive and quantitative analysis and simple arithmetic procedures – addition, percentages and in degrees. The main findings of this research, revealed that, there is high level of crime in Kenema city and it level before the magistrate court is high. The performance of the magistrate court is effective in dealing with crime in Kenema city. The researcher provided a summary, conclusion of the research and recommendations both to the magistrate and the government of Sierra Leone that would help minimize anomalies in the magistrate court proceeding.

## INTRODUCTION

A court is a governmental institution that resolves conflict involving individuals, organizations and government. Court decides the legal guilt or innocence of person of crime and sentence the quality. Courts are presided over by officials ranging from justice of peace magistrate and judge and they are structured according to their jurisdiction (Ralf, 1990). Prior to the advent of former court system in the history of mankind tribal heads or groups of elders served as the first courts. They settled disputes on the basis of local customs and later civilization was developed written legal codes were used. The need to interpret these codes and to apply them to specific situations resulted into the development of formal court system (World Book Encyclopedia, 1969). The ancient Romans were the first to develop a complete and adjourned court system. After the collapse of the west Roman Empire in A.D 400 the Roman judicial system gradually died out. It was replaced by feudal courts which were conducted by local lords. These courts had limited jurisdiction and decided cases on the basis of local customs (Lee 1996).

In the early 1100's universities in Italy began to train lawyers according to the principles of ancient Roman laws which relied strictly on written codes. French ruler Napoleon in 1800 used the Roman law as the foundation of the code Napoleon. These codes, a type of civil law became the basic of the court system in most European and Latin America countries (Ibid). By 1200's England had established a nationwide system of courts. These courts developed a body of laws that were called common laws because they applied uniformly to people everywhere in the country. These courts followed traditional legal principles and based their decision chiefly on precedents. This system became the basic for most countries colonized by England (World Book Encyclopedia 1996). In federal states, like United States of America, dual system of federal and state courts, existed, federal court are more supreme court. The district courts are more or less in equal jurisdiction with the magistrate courts. They are the first court to hear most cases involving violation of federal laws. At state level there are Magistrate Courts which handle a variety of minor and civil case (Hardgrave, 1990).

In England and Wales, justice of the peace (J.P's) or magistrate tried minor offences (misdemeanors). (World book encyclopedia 1996). Formal courts system in Sierra Leone could be dated just after the arrival of the 411 settlers from Britain under the command of the captain T. Boulden Thompson in 1787. In those courts, capital punishment was prohibited and there was to be a speedy trial of suspect. Prior to these courts, functions were only rested on the head of various communities in isolated areas (Alie, 1990). The protectorate proclamation over the Sierra Leone hinterland on the 31<sup>st</sup> August, 1896 saw the establishment of three types of courts the court of Native Chiefs, the courts of district commission and national chiefs, and the courts of district commissioners (ibid).

With the attainment of independence in 1961, a hierarchy of courts was established by the constitution which is tenable unto this movement with little modification such as the establishment of court in all the twelve districts in the country.

Those courts include: Local courts, magistrate courts, highly courts, appeal courts and supreme courts. A magistrate court which is the focus of this research tries both criminal and civil cases. They are presided by either a stipendiary magistrate or justice of the peace and cases decided by them could be appealed in high courts (Jalloh, 1996). Official magistrate courts system in the provincial headquarters including Kenema City could be dated from the 1960's. The present law court hosting both magistrate and high courts in Kenema City was constructed in 2004. The magistrate is the head of the magistrate court. He or she is at liberty to appoint two justices of the peace to assist him or her whose efforts are complemented by court clerks, the police persecutor, the bailiff, messengers and the labours. This court is also regarded as the court of first hearing and district appeal court from local courts, magistrate court has a limited jurisdiction and its sentences are limited to seven (7) years. It further deals with juvenile and domestic (husband and life) matters on chambers (Halku, 2018). Crime is one of the world social problems almost every generation has felt its threats. It is not easy to give a logical and scientific definition of crime, or to distinguish crime from other wrongs. What is certain is that a crime is act forbidden or an emission to perform an act commanded by the general law of state. It is sometimes said that a crime is an injury to the community as whole in the sense; a crime is viewed not from the stand point of the whole community for which the wrong doer is punished by the state. In that light, a crime is an unlawful act or default which is an offence against the public and renders punishment (Sierra Leone police training manual, 2003). People once considered criminal as sinners who chose to criminologist today regards society itself as a large parts responsible for crimes committed against it cause of crime include poverty, undesirable living condition and inadequate education among others, crime result fundamentally from society failure to provide a decent life for all the people; and to develop a sense of society responsibility in its citizen (World Book Encyclopedia, 1973). People commit crimes for various reasons many people steal things they could not obtain, others such as drug addicts, steal to get money to buy narcotizes or other things they need some shoplifter steal for excitement, but others do so because they are poor (Marton, 1975).

In Sierra Leone crimes are generally classified into three portion crimes against person include murder, manslaughter, suicide, infanticide, abortion, etc. crime against property include – robbery, burglary, malicious damage, unlawful damage, will full damage at and crime against the state – include – treason, seditious words and libels, incitement to muting, spying sabotage, subversive movement etc. (Sierra

Leone Police Training manual, 2003). Crime is a general crisis which is as old as the world itself. Its presence is felt within every social setting in the world. Kenema city being a society stratified environment with people of different categories and backgrounds such as biggers, gamblers, drug addicts, addicts, pushers, poor, average, rich etc. cannot be devoid of crimes.

On the 14<sup>th</sup> December, 2017 a group of police officers headed by the in charge Anti-robbery unit detective assistant superintendent of police Abu Bakarr Sesay raided the entire township of Kenema including "How For Do" Lorry Park and Mugomehchelat house Simbeck Section Kenema where various arrests were made of suspected drug addicts, smoking of cannabis, gamblers, prostitution and pick pocketers (Crime report 2017). On the 15<sup>th</sup> December 2017, the then assistance inspector general of police east Mr. Alfred Koroma Kamara requested all inhabitants of Kenema city to patronize with the police by giving information on the high increase in robberies, house breaking, burglary and other related crimes which according to him were the prime crimes in the city. (Star radio news). Magistrate courts judicial officers with limited authority to administer and enforce the law. Magistrate courts may have jurisdiction in civil or criminal cases or misdemeanor offences are handled by the local police partnership board with the concern of both parties (complainant and suspect).

The magistrate courts is a limited jurisdiction court of civil and criminal jurisdiction that were constitutionally created for purpose, mission and goal is to provide the citizens of Sierra Leone a high degree of judicial professionalism by providing a systematic, efficient and accurate court system where all citizens and litigant of the country can exercise a fair and impartial treatment of the country with all aspects of the court and in a timely manner.

The civil jurisdiction includes the trial and adjudication of civil disputes of 10,000 or less. The case consists of civil suits, garnishments, evictions (landlord tenant)

The good aspect of the magistrate court are highlighted thus cost they are volunteers and therefore relatively cheap though do take longer to make decision than professional judges. A bench of three magistrates provide a balance view.

The bad aspects of the magistrate court are: inconsistent magistrate can slow to reach a decision often retiring to consider their verdict where a professional district judge would come to a decision straight away. Bias towards the police sitting in local areas, magistrate get to know the police officer that come to give evidence and tend to be more sympathetic to this. Witnesses in matter in the magistrate courts are difficult to appear in court to give their witness account as sometimes they are residing in areas that are not hard to reach sometimes also complainant are not informed about the adjournment date by the court

personnel. Therefore effort has been made by organization and individuals to stop those bad dealings such organizations are legal aids board, timap for justice, the Government of Sierra Leone through the police (investigators) and the appointed magistrate timap for justice attend court hearing to see that justice is provided for both victim or complainant and accused person. Legal Aid board provide free legal representation in court for people both victim and complainant who do not affords to hire the service of a lawyer. The police officer both the investigator and the prosecutors contact witnesses and complainant to appear in court on adjournment date although these mechanisms has been put in place to stop those bad things in the magistrate court it's still happening. This research exercise therefore intends to assess the magistrate court proceedings and to prefer recommendations for improvement. Crime is said to be a universal issue. An increase in crime rate affects the socio-economic, political and cultural life of any society. This will debar foreign investors that many have development intention for a community. It will even create an atmosphere of total insecurity for the community people. Since one of the criteria which determines general development of given community is largely of crime, magistrate court which is one of the Instruments in justice implementation place significant role in this direction. Most people in Sierra Leone and Kenema city to be precise have a lot of misgiving about the role magistrate court plays in dealing with crimes. They do not even know the difference between the role of magistrate court and police in dealing with crimes. Blames such delay in arriving at verdict, dermal of oil, remand, lack of witness in court etcetera are always pointed to the two (court and police).

#### **The causes of these problems are:**

- Lack of proper sensitization for the general public to understand the operation of the court and the role of the police in the magistrate courts.
- To educate the general public about the general function of the police and the mandate of the magistrate court in dealing with crimes.

#### **AIM OF THE RESEARCH**

The aim of this research exercise is to examine the role of the magistrate court in dealing with crime in Kenema city.

#### **OBJECTIVEs OF THE RESEARCH**

The objects of this research are:

- i. Identify some of the roles of magistrate court in dealing with crimes.
- ii. Investigating common crimes identify the and reasons for its existence within Kenema city
- iii. Ascertaining the level of crimes brought before the magistrate court.
- iv. Suggesting/recommending strategies give to be adopted in dealing with crimes by the magistrate courts in Sierra Leone.

There is no research exercise that is absolutely novel therefore, this investigation on the role of magistrate court in dealing with crime in Kenema city covers various writing by scholars relating to the topic under investigation. It will similarly entail statement by authorities that are legally minded. Human society unlike animals in the ecosystem requires orderliness due to the unique position of men. There is that ordinance for all human beings to possess personnel sponsors, estate and to line in a community that crime free, peace on the other hand is difficult to exist in it totality but relative peace in necessary. Law and order could only prevail in our communities if there are bye – law and constitution which serve as check and balances. Local courts, magistrate, high and other law courts do exist as place where laws offenders are investigated or tried to determine the magistrate of their offences for appreciate punitive measures. In the absent of this mechanism, the community is bound to live in chase and anarchy on this not, opinions of some authorizes on the theme of this research activity “THE ROLE OF MAGISTRATE COURT IN DEALING WITH CRIME” are presented here as a review.

## **THE ROLE OF THE MAGISTRATE COURT**

Nearly all criminal case starts in magistrate court. The less serious offence are handled entirely in the magistrate court in fact more than 75% of all case are dealt with in this court. More serious offence are transferred to the high court. More serious offences are transferred to high court, to be dealt with by a judge and jury.

**The magistrate deal with three kinds of cases:** Summary offences. These are less serious cases, such as motoring offences and minor assaults, where the defendant is not entitled to trial by jury. Either – way offences. As the name implies, these can be dealt with either by the magistrate court or before a judge and jury at the high court. Such offences include theft and handling stolen goods. A suspect can insist on their

right to trial in high court. Similarly, magistrate can decide that a case is sufficiently serious that it should be dealt with in the high court (where tougher punishments can be given) (Bright Knowledge, 2018). Indictable – only offence. The involvement of the magistrate court in these offences, which include murder, manslaughter, rape and robbery, is very brief. These serious criminal offences must be heard at the high court. With indictable offences a magistrate court will decide on whether to grant bail. Other legal issue, like reporting restriction will also be considered. The case will then be passed or committed to the high court. If the case is to be dealt with in the magistrate court, the defendant will have to enter a plea. If they plead guilty or if they are later found to be guilty, the magistrate can impose a sentence of up to six months imprisonment or a fine of both with the discretion of the magistrate. If the defendant is found not guilty (if they are acquitted), they are judged innocent in the eyes of the law and should be free to go provided there are no other cases against them outstanding (academic for law).

### **ADMINISTRATIVE STRUCTURE OF MAGISTRATE COURT**

Magistrate cases are headed either by three lay magistrates or one district judge. The lay magistrates, or justice of the peace; as they are also known are local people who volunteer their services. They don't have formal legal qualifications, but are clerks, district judge are legal qualified paid full time professionals and are usually based in the larger cities.

**CLERK** – the clerk, who should have a formal legal background, ensures the magistrates have all the information they need for the case and that the case proceeds correctly.

**LAWYERS - THE LAWYERS WORK ON** opposing sides of the case. The prosecution tries to prove the defendant is guilty whilst the defense works to prove their innocence. If the defendant doesn't have lawyers a duty lawyer is usually available at the court to give advice.

### **WITNESSES -WITNESSES GIVE EVIDENCE FOR THE PROSECUTION OR DEFENCE.**

**USHER** – the usher introduces the case and ensures the trial runs smoothly they call court witnesses to their seats and call everybody to stand when the magistrates arrive and leave the court.

**DEFENDANT** – A person charged with an offence

**COURT REPORTER** – Court reporters work for the media and report on the trial. They can ask anyone except for the magistrate to comment on the case.

### **THE TRADITIONAL PROCESSES OF ENHANCING JUSTICE FROM THE MAGISTRATE COURT**

Magistrates in their courts are charged with a very serious responsibility of making determinations on summary legal issues which come before them. In making these determinations, they are compelled to give due consideration to both the facts of the cases in question and the related law. (Grenada, 2018).

### **THE EXISTENCE AND REASONS FOR CRIME IN COMMUNITY.**

The causes of crime are complex. Most people today accept that poverty, parental regret, low self – esteem, alcohol and drug abuse are all connected in explaining why people commit crimes. Some people are simply at greater risk of becoming offenders because of the circumstance into which they are born. Individual tend to focuses on individual weakness or lack of value as the reason why people commit crime ultimately if someone chooses to commit a crimes, that is their responsibility. If caught the individual should pay the consequences. Individualist feels that society needs clearer rules and strong punishment to minimize criminal behavior. If punishment where stronger and the police and the court had more powers, there would be less crime. Collectivists feel that in order to tackle crime, the social condition which creates the conditions for crime need to be addressed. So, better housing, better employment opportunities and a more equal society will make crime less of an attraction. If people are in work and are content will life, they will be less motivated to break the law. Most recent government accepts that there are underlying causes of crime. But individual need to accept responsibility for their actions. It is the government job tackle crime; both its cause and the offenders. As former prime minister of Britain tony Blair said; “being tough on crime and tough on the cause of crime (BBC Parental Guidance, 2014).

### **STRATEGY CRIMES TO BE ADOPTED IN DEALING WITH CRIMES IN COMMUNITY.**

Some neighborhood, experience less crime than other, but no neighborhood is crime fret. Even quiet, historically safe communities are apt to face a crime threat at some point. Whether your neighborhood is experiencing criminal activity or you want it to remain safe, here are five strategies to adopted in dealing with criminal in community

#### **➤ GET TO KNOW YOUR NEIGHBORS.**

First things first, you need to meet your neighbors. This can be simple as backing a big batch of cookies and silt, but if you have met them, today is the dearly if you aren’t comfortable doing something face to face, use a site like next-door com to meet your neighbors next-door is private online environment designed specifically for the purpose of helping neighbors connect with one another. Next-door has a strict address verification process so you can be sure your neighbors are legitimately your neighbors by nearly using next-door to connect, collaborate and help leap their neighborhood safe. Search for your neighborhoods here nex-door.com.

#### **➤ INVITE LAW ENFORCEMENT INTO YOUR COMMUNITY NOW THAT YOU KNOW YOUR**

Neighbors, it’s time to get organized. Arrange a neighborhood meeting and talk about your concerns. A representative from your local law enforcement agency is probably more than happy to meet with the

group offer crime privation tips and inform you what crimes have been occurring in the area. They can also suggest ways to work together to protect one another.

➤ **FIND OUT WHO HAS VIDEO SUVEILLANCE COME AS WHILE YOU HAVE A POLICE**

Officer on hand, find out which neighbors help protect their homes with video surveillance come as. Burglaries, hit and runs petty thefts, and other neighborhood rimes may picked up by video surveillance come as in your community. Police can use this information to help track down criminals. A neighborhood watch program tells criminals your community is serious about keeping crime at bay and its great way to work together to solve arrange of neighborhood challengers.

➤ **KEEP UP ON CRIME TRENDS AND SPREAD THE WORD.**

Knowledge is power especially when it comes to fight crime. Keep up with crime trends in your area by using community sites like sport crime to help you stay one step ahead of criminals. Sport crime collects crime date from police report, news accounts, and member's information and then plats it on an easy to view online map. Sign up for spot crime so you can have crime alerts sent to your phone, email, or social media account. These emails are on excellent way for you and your neighbors to share site sent out more than five million alerts per month.

➤ **CONSIDER SECURITY CAMERAS**

If crime because a problem, or your neighborhood want to step up security before trouble starts, young may consider pooling resource and purchasing high definition surveillance cameras. Post cameras at the entrance to you neighborhood so it can track the day time and license plate of any car that enter your community.

The scold creek neighborhood in Fremont, California was frustrated with the numbers of burglaries their community was experience, so they installed home security cameras. After this they only experience one burglary over the next 18 month the tactics was so successful the Fremont police department now allows resident to register home security cameras with the department. The neighbors who works together to help keep their communities safe enjoy the advantage of recognizing and solving small problems before they morph into more serious ones. Investing in a professional monitored home security system is another way to help protect your family from a range of dangers, including carbon monoxide poisoning fire and burglaries (alexia chianis Jan 9, 2017). In the United States of America, any person arrested on

suspicion of a crime appears before a magistrate within twenty four (24) hours after the arrest. In cases involving minor offences, the magistrate conducts a trial and sentence the guilty in more serious cases, the magistrate decides whether to keep the accused person in jail or to release him or her on bail. The magistrate also may appoint a state paid defense attorney, called a public defender to represent the accused who cannot afford a lawyer. In case involving serious crime, the police give their evidence of the suspect's guilt to the government attorney called prosecutor. In some states, the prosecutor formally charges the accused in a document called information. This document will contain the offence committed, the name of the complainant, the name of the accused and detail fact of the crime. The prosecutor presents this information and other evidence to a magistrate at a preliminary hearing. If the magistrate decides that there is a good reason for assuming that the accused committed the crime her or she will order the held for trail.

The trail will than give the prosecutor the opportunity to prove that the accused innocent. If the accused is found not guilty, he or she will be acquitted but if found guilty the magistrate pronounces sentence convicted defendants may take their case to appellate courts (World Book Encyclopedia, 1996). Civil law suit on the other hand begins when an individual or organization, called a plaintiff, files a complaint against another individual or organization, called defendant. The complaint formally states the injuries or losses the plaintiff believes were caused by the defendant action. The complaint will ask for a certain amount of money in damage. The complainant will also direct the defendant to appear in court on a certain date. The defendant will now file a document called on answer containing his or her version of the case are settled out of court on the basic of the pleading. However, if serious question of fact remain a formal discovery takes place. This procedure will force each party to reveal their testimony as evidence in court. If the case still remains a dispute after the discovery, it goes to trial. The magistrate determines who is at fault and how much be paid in damages both sides may appeal if thought so (Elliot, 1996). The magistrate court is a limited jurisdiction court of civil and criminal jurisdiction that was constitutionally created in 1983. The jurisdiction is found in O.C.G.A 15-10-2, Georgia Code, and the uniform rules of the magistrate court. The courts purpose, mission and goal is to provide the citizens of Crawford country a high degree of judicial professionalism by providing a systematic, efficient and accurate court system, where all citizens and litigants of the county can expect a fair and impartial treatment with all aspect of the court and in a timely manner. The civil jurisdiction includes the trail and jurisdiction of civil disputes of 15,000 or less. The cases consist of civil suits, garnishments, evictions (Landlord, Tenant), foreclosures of personal property, drovers, post-judgment interrogations and abandonment or motor vehicles. The magistrate does not hold drug trail and is not a court of record the criminal jurisdiction includes issuing arrest warrants and search warrants, conduct Premont hearing first

appearance hearings, bond hearing and preliminary hearing. The court presides over and conducts trial for county ordinance violations, animal control violation and misdemeanor violation on bad check/ deposit account fraud (Georgia Magistrate Council).

A court hierarchy is a way of structure courts into different levels, jurisdictions and area of responsibility. Court hierarchies are an essential component of our legal system. Without these hierarchies courts would find it extremely difficult to operate as quickly, effectively and efficiently as they presently do. The court hierarchy provides structure and clarity to the administration of justice particular levels of dispute or criminal offence. Court hierarchies also allows for the effective functioning of the doctrine of precedent, with decision in higher courts binding on court hierarchies also allow for smooth appeals process, without the need for separate appellate court for each original court (Lowgoupol, 2014). Magistrate court in Sierra Leone deal with criminal and civil cases, and it is the court of limited jurisdiction. There are two categories of people who preside in these courts. Justices of the peace are unpaid people who do not necessarily have any legal qualifications. They are chosen from people who have held responsible positions in society and who have a reputation for integrity of characters are likely to make reasonable and impartial decisions in courts. Stipendiary magistrate are those appointed full time are paid a salary. They are usually barristers or solicitors of some years standing. Unlike justices of the peace who have to sit at least two at a time each stipendiary magistrate may sit alone in court when deciding a case (Venn, 1986). Court system of any nature work on evidences which it terms as legally admissible facts into which it will ensure the legal means of attempting to prove or disprove those facts before it, and the result and rules of law attaching there. The object of evidence is to allow relevant facts to be enabling the court to dispense justice. Facts may be proved by evidence before they become admissible in the court (Cursory, 1994).

In court proceedings, evidence of good character of an accused is always admissible where as evidence of bad character of the accused is not generally admissible, but will only be allowed or admitted where it is criminal and has adverse criminal record. It would be appropriate to prove his or her bad reputation during the proceeding rather than just attacking his or her character and previous conviction. The accused would not be convicted because of his or her bad reputation rather than evidence against him or her has to be proved, if not it would be against the principle of justice (Ibid). Nearly every criminal case before a magistrate court in Sierra Leone, the onus of providing the accuser guilt lies with the prosecutor in other words; it is for the prosecutor to prove a person guilty, not for the defence to prove his or her innocent.

The court must be satisfied beyond reasonable doubt that the evidence put forward by the prosecutor, proved the accused person guilty of the offence charge. Once this is done the burden now shifts to the defence (Accused/ counsel), who must throw some doubt on the prosecutor case otherwise he or she could be convicted (Basic Police investigation manual 2004). In certain cases (Individual offences). Magistrate courts may commit an accused for trial to the high court after hearing pieces of evidence witness listed, the magistrate being convinced that there are sufficient ground for committing the accused for trial, he shall make further order and briefly record the reason for commitment. The magistrate shall send the charge, the record of ensuring and other exhibits which are be produce in court (High Court). Copy of the record should be sent to the attorney general and to the accused himself or to his or her counsel (Police Training Manual 2003). In Britain, the criminal justice act of 1948 introduced major charges into the prison system, abolishing penal servitude and introducing sentence of corrective training as a new form of preventive detention. All corporal punishment was abolished except for violence against prison personnel. Two forms of treatment were introduced for juvenile, the attendance centers and the detention center and imprisonment under the age 21 was severely limited. By 1950, criminological research in Britain expanded rapidly. Much of it subsidized and commission. Investigations were largely concerned with evaluation of panel techniques and studies of offenders rather than long term analysis of the cause of crime (Encyclopedia Britannia, 1985).

A person accused of crime has the right to be tried as soon as possible after being arrested. But in many areas in some countries, an over load of cases has caused delay in bringing accused to trial. Accused may have to wait more than a year or more before their cases are tried some people feel that inefficiently in the court system cause unnecessary delays. Others believe may case that go to court could settled by plea bargaining. This is a pre-trial negotiation in which the accused agrees to plead guilty of a crime for a lesser charge in exchange for having more serious charges dropped. Plea bargaining itself has led to controversy. Critics of this practice believe it jeopardizes the accused right to be considered innocent until proved guilty. Others feel that plea bargaining enable some criminal to be punished less severely than they deserve. Sentencing may lead to still another problem because different magistrate often give different sentence to person convicted of similar crimes. Each magistrate had his or her own belief about the most appropriate sentence in a given case. This could cause a problem of unrest in prison (World Book Encyclopedia, 1996). For hundreds of years, he criminal law has been built around the idea that wrong doers must be punished for their wrong doings. The most basic argument for the punishment was that it preserves law and order and respect for authority form this point of view, punishment does two things. It upholds the law and it prevents others from thinking that they can get away free from

committing many criminal justice agencies the court and the police. For example they pointed out better educated, equipped and coordinated officials dealing with crime (Ibid). One of the best ways to deal and reduce crime is to reform or rehabilitate habitual criminals. The main problem is not the first offender, but the repeated offenders who commit increasing serious crimes.

According to criminologists, crime will decrease greatly if all offenders could be turned away from wrong doing. Pie habilitation of criminals could probably be improved greatly if experts could provide the right kind of programme for different types of offenders. Criminals vary widely in the kind of crimes they commit, the emotional problems and their social and economic background. Not all offenders can be help with the same treatment. Many require the aid of physicians, psychiatrist or psychologists. Others response well to educational or vocational training (Ibid). The correctional system of crime often simply called correction carries out the sentence given by the court to convict offenders. This system includes probation or parole and imprisonment. Criminologists and people in general disagree about the role of correctional system; some people believe the purpose of imprisoning offenders is to prevent them from committing more crimes. But this prevention may be only a temporary solution unless a criminal is imprisoned for life. Other individuals think that the correctional system should punish convicted offenders so that a sense of justice in society can be maintained. May criminologists believe correction should help criminals become law abiding citizens. The goal is called rehabilitation. Others feel the system should serve as a deterrent to crime that is it should discourage people from breaking the law. The term general deterrence refers to the process of making an example of law breaks in order to dissuade other people from committing crime in individual deference, the experience of punishment convinces offenders to avoid breaking the law again (Elliot, 1996). Court systems of most countries are based on either common law or civil law. Some combines the features of both systems. The term civil law refers to legal system. It should not be confused with the branch of law dealing with peoples private relations with another. In common law systems, magistrate or judges base their decision primarily on precedents (Earlier court decisions in similar cases).

Most English speaking countries, including the United State of America, Britain, Canada and Australia have common law system. Civil law systems on the other hand reply more strictly refers to precedents, but they must base rolling on a particular statute and not on precedents alone. Most Europeans, Latin American, Asian countries and some African nations have civil law system. (World Book Encyclopedia, 1996). The current emphasis on imprisonment as a means of deterring crime has a potentiality crippling effect on the social ties within certain community. In recent years, shaming, a form of punishing

criminals and deviant behavior that attempts to maintain the ties of the offenders to the community has grown in popularity as an alternative to imprisonment. According to some criminologist the fear of being shamed within one's community is an important deterrent to crime. As a result the public formal disapproval could achieve the same deterrent effect as imprisonment (Ibid). Criminologist suggested that sharing can take two forms. Reiterative sharing and stigmatizing. Re-integrative shaming is a process where in people central to the criminals immediate community such family members, employers, co-workers and friends are brought to court to state their condemnation of the offenders behavior and at the sometime accept the responsibilities to reintegrate the offender in to the community.

This they believe will deter future criminal conduct of the offender. Japan with the lowest crime rate in the world, has been quite successful in implementing this approach. Stigmatizing shaming on the other hand is relate to labeling theory, by which a criminal is label as a threat to society and is treated as an outcast. As a result, the labeling process and the society effort to marginalize the individual reinforce that persons criminal conduct, perhaps leading to future criminal behavior and higher rate (Braithwaite, 1969). Behavioral economics explore the ways in which people depart from the rational actor, model, behavioral economics assumes that human decision making is based on imperfect knowledge and often employs the use of intuitive judgment rather than rational logic. It helps us understand that human reasoning is subject to patterns of deviation in judgment that occurs in particular situation described as cognitive biases. Examples of cognitive bias are plentiful, but of particular relevance for this subject is the bias of over confidence. This form of bias affects the decision to commit a crime. It explains that even if an individual knows that they may face a harsh punitive sentence for committing an offence, they are likely to overestimate their ability to complete the offence successfully, without apprehension. Therefore, according to this theory, even when an individual knows of example where other have faced harsh punitive sentence for similar crimes, those cases are unlikely to decide that person's decision to commit an offence. (Judicial and legal training institute Legal Practitioner, Bail and sentencing Training curricula 2017).

In the early 1990s there were about 1,300,000 criminals in the United State of America cities, states and federal correctional institutions and about 500,000 were out on probation or parole society spent more than \$15 million to operate prisons and related institutions yearly, but only a small fraction of this sum went to provide treatment the funds were used to feed and clothe prisoners.

Since the late 1970s there has been a trend towards punishment rather than rehabilitation of offenders prison sentence were longer, capital punishment have been used frequently. However, since the ban in

1976, there have been many ways to deal with crime. People can be taught for example, how to protect their homes from theft. Vehicle theft would drop if drivers removed their keys and locked their cars when leaving them (Elliot, 1985).

Crimes cannot be eliminated, but can be controlled and reduce. This can about only through understanding of the intricate cause that produce if and by developing on adequate law enforcement system working in conjunction with free and untrammled court process. Added to these ingredients must be a system of rehabilitation that will accept criminal and successfully change their attitudes so that they will find it more expedient to be social assets than social liabilities (Colliars Encyclopedia, 1988). One of the most serious problems today is the amount of syndicated crimes committed by professional gangs who control many commercial operations as well as vice. Because of this trend, which began during the days of prohibition, traditional crimes, such as murder, robbery, aggravated assault, with intent to kill and the like appears less significant. No understanding of crime can overlook the importance of the steps in criminal prosecution. The arrest, the preliminary hearing before the magistrate, the indictment in more senior offences, the function of the prosecutor are all conventional element in Anglosedeon jurisdiction. Fair trial is essential to a proper criminal procedure and it represents one of the proudest procession in hasten civilizations. Rising essentially out of common law, it involves briefly a precise definition of the confronted by accusers and witnesses, the right of legal defence and the right to appeal against any substantial irregularities in service delivery. No one crime occurs many prominent criminologist of the 19t century, particularly those associated with the socialist movement, attributed crime mainly to the influence of poverty they pointed out that person who are unable to provide adequately for themselves and their various families through normal business channels are frequently driven to theft, burglary, prostitution and other offences. Presently, criminologist take a broader and deeper view; they place the blame for most crimes on a whole range of environmental condition of the poor, and particular of those who dwell in shams are characterized by overcrowding, lack of privacy, inadequate play space and recreational facilities, and poor sanitation. Such conditions engender feelings of crime (Funk and Wagnall's new Encyclopedia, 1990). Criminal procedure in France is a bit different from the United States of America and Britain in France, normally the accused is brought before an examining magistrate who will make an exhaustive preliminary inquire if the magistrate report that, there is reason to believe that the accused has committed a crime, then an indictment is prepared by prosecuting official attached to court. After the preparation of the indictment, the defendant is brought to trial. The court usually consists of three or more judges assisted by jury. The judges take an extremely active part in the trail, conducting most of the direct questioning and cross-

examination of all witnesses. The accused need not be under oath to testify and he or she may be compelled to testify against him or herself (Ibid).

## **RESEARCH METHODOLOGY**

This chapter brief describes the procedures used in carrying out the study. It would show a precise description of the study area, sources of data and the techniques used in the data collection. Tools used in collecting data would also be presented such as; Questionnaires, discussions, document, internet interview and sample size.

## **DESCRIPTION OF STUDY AREA**

The study area for this research is Kenema city. Kenema is the second largest city in Sierra Leone (after Freetown), and the largest city in the country's Eastern Province. It is the capital of Eastern Province. According to 2015 Housing and Population Census, Kenema has a population of 200,443. By road, it is approximately 300 kilometers (185 m) South East of Freetown and about 60 kilometers (40 m) south of Bo. Kenema is one of Sierra Leone most ethnically diverse cities; its most widely spoken language is Krio One of Sierra Leone seven municipalities, Kenema is grown by a direct elected city council headed by a mayor whose executive authority is vested, and who is responsible. For city general management, the mayor and council members are elected every four years. Kenema city mayor, Thomas Karimu Baio elected major with 79.4% of the vote in the 2018 Kenema Mayoral Election. Kenema is on over whelming political stronghold of the sierra lone people's party.

As in the rest of Sierra Leone, football is by far the city most popular sport, the Kamboi Eagles, a professional football club in Kenema; represents the city in the Sierra Leone National Premier League. Kenema is known as the hometown of some of Sierra Leone, greatest international soccer stars, including the country most widely known athlete, retired soccer star Mohamed Kallon. Other notable Sierra Leone International Footballers from Kenema include the country current top striker Kai Kamara, and retired soccer stars Paul Kpaka, Kemokai Kallon and Musa Kallon. Kenema's growth was originally promoted by the logging and carpentry industries. Since its economy has benefited from the diamond mines first discovered in the Kono area in 1930. As in the rest of Sierra Leone, Kenema city has an education system with six years of primary school and six years secondary school; secondary schools are further divided into junior secondary school and senior secondary school. Prominent schools in Kenema city include the Kenema government secondary school (GSSK), the holy trinity secondary school, Ahmadiyya Muslim Secondary School, Holy Rosary Secondary School and Islamic Secondary School. The Eastern Polytechnic situated at the main Combema Road is the highest learning institution is the

city, offering certificates and degree courses. Kenema city and Bo are endemic area for a highly categories tropical hemorrhagic fever known as Lassa fever. The Kenema Government Hospital is the Centre of an international effort to combat the disease with support from the world health organization (WHO) and UNAMSIL. New Laboratories to improve rapid diagnosis are being installed at the hospital, which admit between 50 and 100suspected case per year.

The five main radio stations in Kenema are Eastern Radio 101.9, Radio Nongowa Spin F.M 101.3, Star Line Radio 98.4 and Sierra Leone National Radio 93.5 and Rema Radio 88.1 are on the air in Kenema. The B.B.C World Service, CNN International, and Several other International stations are on the air in Kenema City. Attached re maps of Sierra Leone showing Eastern region and map of Kenema District to aid locates the study area.



Fig: 1: SKETCH MAP OF SIERRA LEONE SHOWING

**SIERRA LEONE**

**KENEMA DISTRICT**

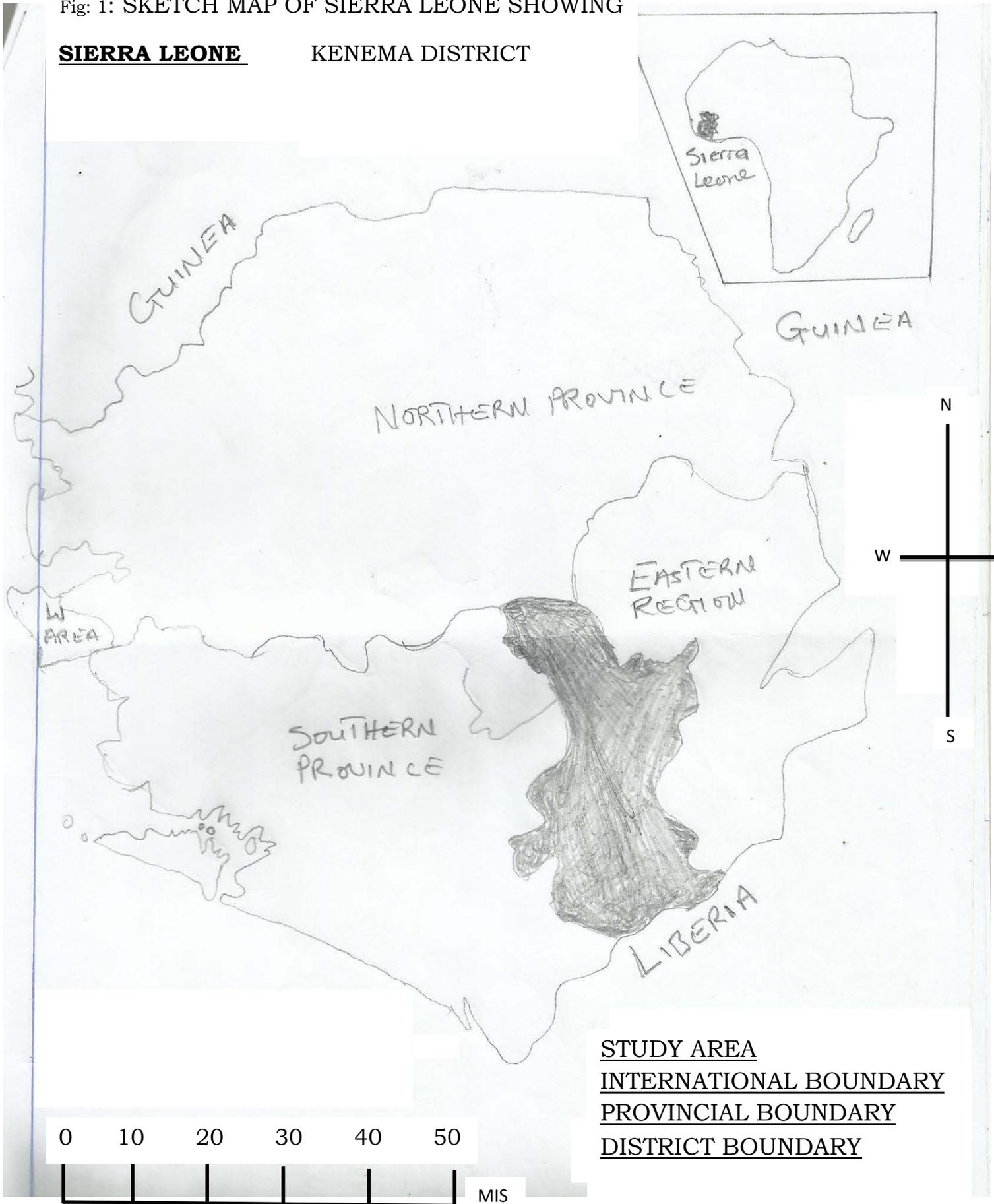
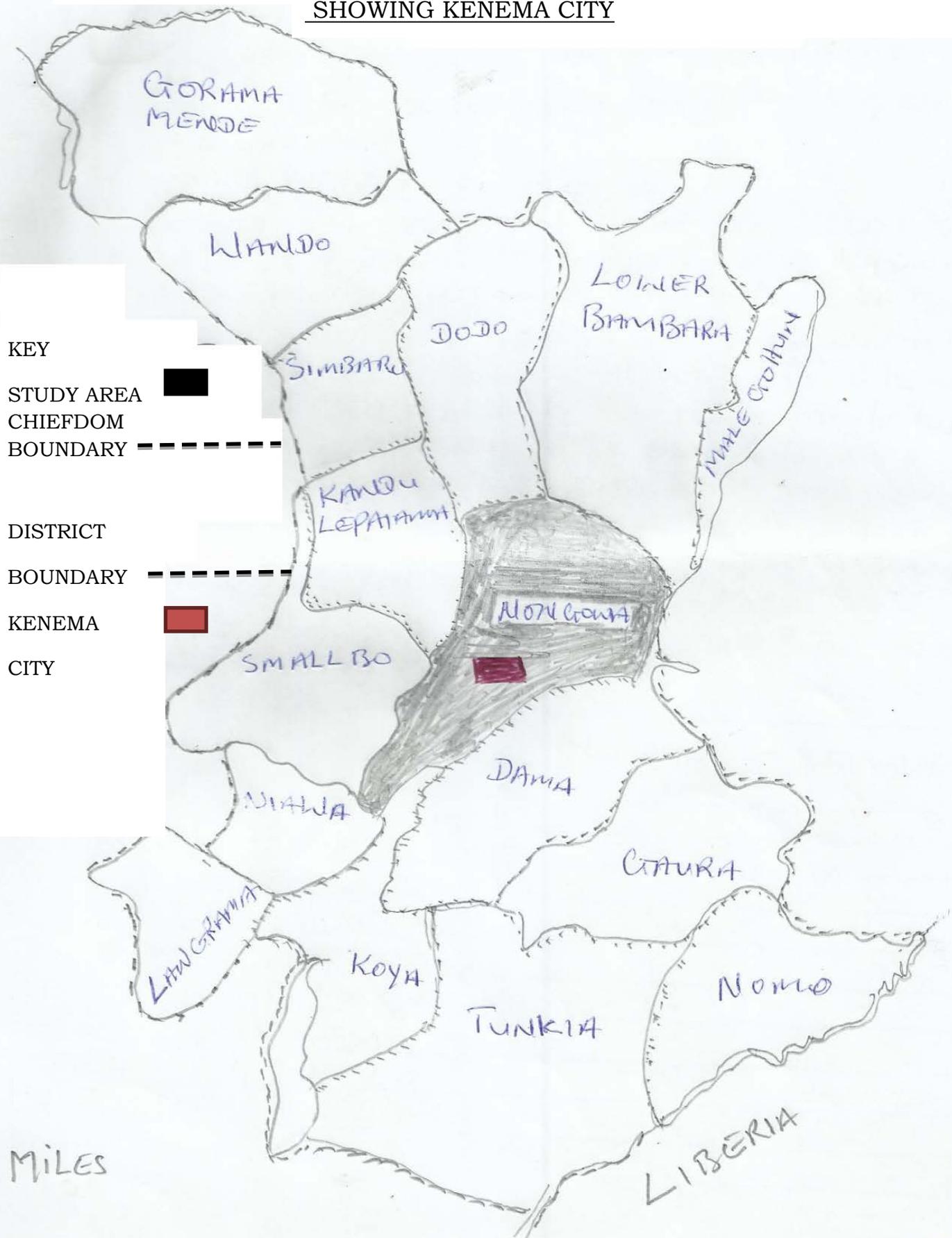


Fig:2 A SKETCH MAP OF KENEMA DISTRICT  
SHOWING KENEMA CITY



## DESIGN OF THE STUDY

The research would specifically be on the strategies put up by the magistrate court in dealing with crime in Kenema city. It is a descriptive research in which the researcher would collect descriptive information from sample population through the use of questionnaires, observation, face to face discussion outside the questionnaire and documents.

### SAMPLE SIZE AND POPULATION

The following area – magistrate court, Sierra Leone Police Force, Armed Forces of Sierra Leone, Sierra Leone Association of Journalists, Youth’s Movement Organizations, Lawyers/Paralegal Civil Society Organizations, Non-Governmental Organizations, Clients and Educational Institution in Kenema City were targeted. This is because the researcher believes that they are all in one way or the other involved in justice implementation and thus must have good number of experience and ideas on the issue under investigation. A random sampling was undertaken by the researcher in the various targeted areas. Ten (10) people were selected from each of the areas which gave the total of one hundred (100) respondents.

TARGETED AREA	NUMBER OF RESPONDENTS
Magistrate Court Kenema	10
Sierra Leone Police Force Kenema	10
Armed Forces Of Sierra Leone	10
Sierra Leone Association Of Journalist	10
Youth’s Organization	10
Lawyers Paralegal	10
CivilSociety Organization	10
	10

Non – Government Organization	
Client In Kenema	10
Educational Institution	10
<b>Total</b>	<b>100</b>

## **INSTRUMENTATION**

Certain methods are geared towards the successful investigation of research topic of this kind. In view of this, the researcher made use of various methods to collect information.

### **(a) Documentation**

A number of documents were read from Kenema city library, Eastern Polytechnic library, magistrate court Kenema, the political parties' registration commission library and the Kenema police station. These documents were used by the researcher in developing the literature, review for the study. Police training manuals, Books on Criminology, Encyclopedias, Judicial Training Institution Etc. most of these documents provided information on the role of magistrate court in crime dealing strategies.

### **(b) Observation And Discussions**

Extensive observation was an ingredient in the investigator's research. This included certain attributes such as visitation to the magistrate court in Kenema to see how court sitting is instituted and to collect first-hand information. In addition to the observation, informal discussions were held with respondents to solicit information with regards the issue under investigation.

### **(c) Questionnaires**

The researcher developed and administered questionnaires to targeted respondents which were related to the topic of the study. The aim of the questionnaires was to solicit information from the respondents. The answered questionnaires were later collected and further analyzed.

#### **(d) Interview**

In addition to the questionnaires, interview was conducted with to individuals (Police office, officers of judiciary and members of the public) to get their opinions on the magistrate courts. A total of eight respondents were targeted by the research from Kenema city. The interview questions were unstructured to allow the respondents express themselves freely

### **DATA COLLECTION PRECEDURES**

The researcher visited the targeted respondents in the first instance to sensitizes them about the intended exercise in Kenema city. This was intended to educate them on the essence of the research. They were advised to give independent and balance information directly from their own personnel and honest opinions and the exercise was carried out in a cordial atmosphere with mutual respect on both sides.

### **DATA ANALYSIS**

The data on the respondents were presented and interpreted through description and quantitative basis and sample arithmetic procedures of addition and percentage as against the variables used were presented in tables.

### **DATA PRESENTATION AND ANALYSIS**

#### **INTRODUCTION:**

This chapter is geared towards presenting the findings of the Role of Magistrate Court in Dealing with Crime in Kenema City. The data on this research were drawn from both primary and secondary sources. These data could now be arranged in such a orderly manner to draw film link in line with the aim and objectives of the research. In collection of data, one hundred (100) questionnaires were administered to one hundred respondents but many of these respondents had negative attitudes towards research work, therefore twenty (20) of them could not honour such assignment. The researcher fully concentrated on the eighty (80) questionnaires collected from 80 respondents comprising both males and females.

#### **THE SEX DISTRIBUTION OF RESPONDENTS:**

<b>Sex of Respondents</b>	<b>Number of Respondents</b>	<b>Percentage (%)</b>
Male	45	56.5%
Female	35	43.75%

<b>Total</b>	<b>80</b>	<b>100%</b>
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**Source: Research Data, 2018**

According to the table, eighty (80) respondents that is hundred percent (100%) formed the bulk sample population size of this research. Forty five (45) that is 56.25% respondents were males and thirty five (35) that is 43.75% were females. This strategy was coined by the researcher mainly to create sex distribution thereby giving opportunity to both sexes.

#### **EDUCATIONAL LEVEL OF RESPONDENTS:**

<b>Educational Level of Respondents</b>	<b>Number of Respondents</b>	<b>Percentage (%)</b>
Primary level	8	10%
Secondary level	33	41.25%
Tertiary level	39	48.75%
<b>Total</b>	<b>80</b>	<b>100%</b>

**Source: Research Data, 2018**

From the table above, 8(10%) of the respondents attained primary education, 33 (41.25%) of them attained secondary education and 39 (48.75%) attained tertiary education. This indicates that most of the respondents were literate and thus they were able to meaningfully contribute to the success of this research.

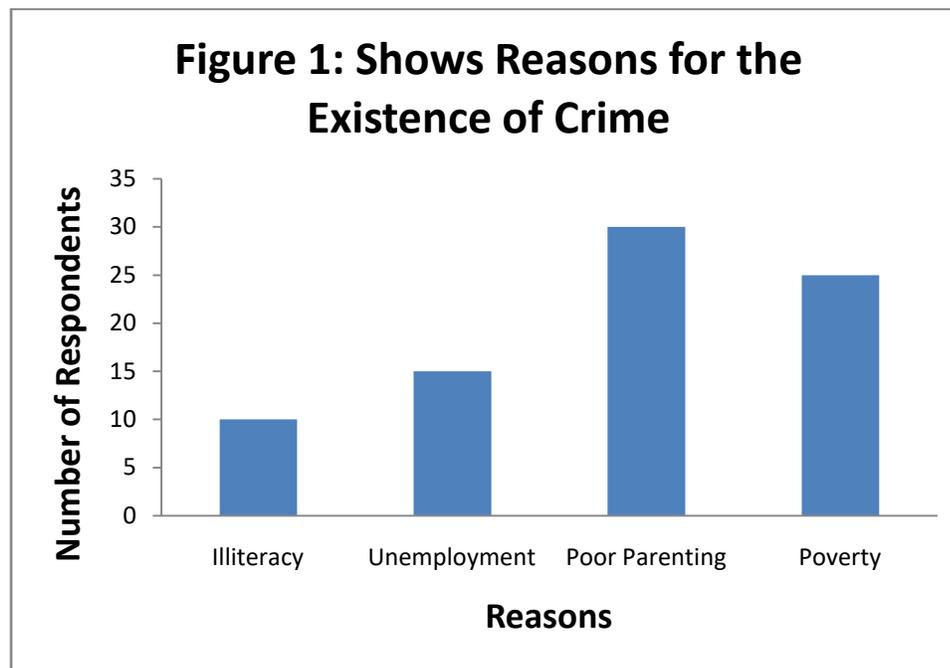
#### **EXISTENCE OF CRIME:**

<b>Opinion</b>	<b>Number of Respondents</b>	<b>Percentage (%)</b>
Yes	80	100%
No	-	-
<b>Total</b>	<b>80</b>	<b>100%</b>

**Source: Research Data, 2018**

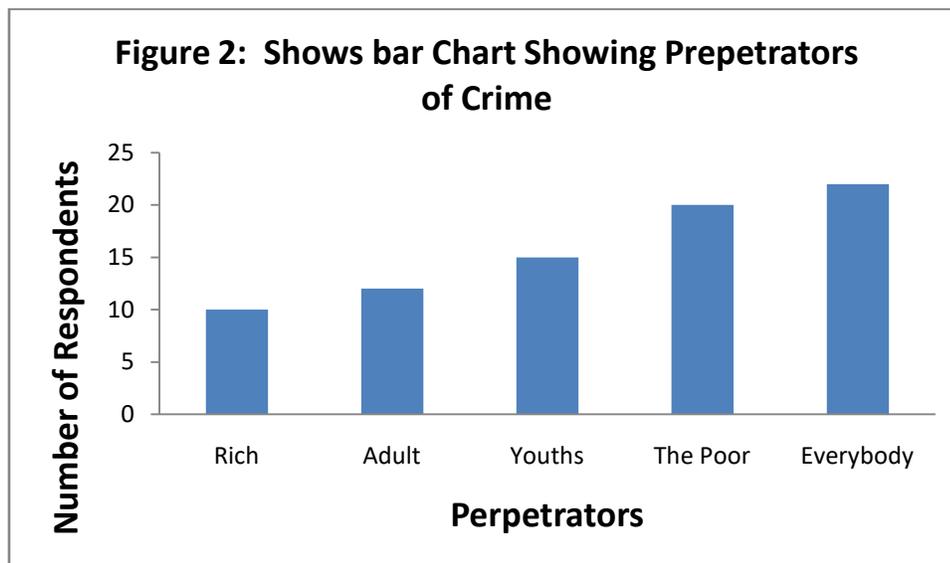
From the table above, 80 (100%) of the respondents that made up the entire sample population size ascertained the existence of crime in Kenema City.

This shows that all of the respondents were aware of the existence of crime in Kenema City.



**Source: Research Data, 2018**

According to the simple bar chart II, (13.75%) of the respondents stated that illiteracy is a reason for the existence of crime in Kenema City, 15 (18.75%) of the respondents cited unemployment, 25 (31.25%) attributed it to poverty and 29(36.25%) of the respondents said poor parenting is the main reason for the existence of crime in Kenema City. Poor parenting, people primarily get moral principles as a young child from their parents and that if these moral principles were missing because of poor parenting, that child would grow up into being less able to control natural urges to acquire whatever is needed and will resort to criminality. People who are neglected by their parents and do not get the love and attention that they desire also get into crime. Family violence and other issues are also related to crime in many ways. Poverty, economic deprivation. Poverty is another cause of crime all around the world. People are often driven to great lengths of desperation by poverty and this is a major cause of crime all over the world. The fact that such frustration is created in itself a very dangerous thing for society on the whole as global inflation has risen significantly over the few years. Although it thus seen that in our world today, the rich get richer and the poor get poorer. Illiteracy is one of the causes of crime. People involved into crime as a result of ignorance. Because of the low level of education among the people in Kenema City, they commit crime unconsciously without knowing that they are committing crime. When the people are ignorance about the consequences of crime. Unemployment according to the bar chart is the third causes of crime in Kenema City. Due to increase in the population with limited employment the bulk majority are jobless and they wants to meet their desire (needs) may resort to crime.



Source: Research Data, 201843.

From the simple bar chart, 10 (12.5%) the respondents stated that even the rich are involved in crime, 15(18.75%) cited the youths, 13 (16.25%) said adults, 20 (25%) of the respondents said the poor and 22 (27.5%) of the respondents indicated that everybody is involved in one way or the other, in committing crime in Kenema City. The above data explained that crime is not limited to any particular set of people. The rich, poor, youth and adults are all involved in crime in Kenema City.

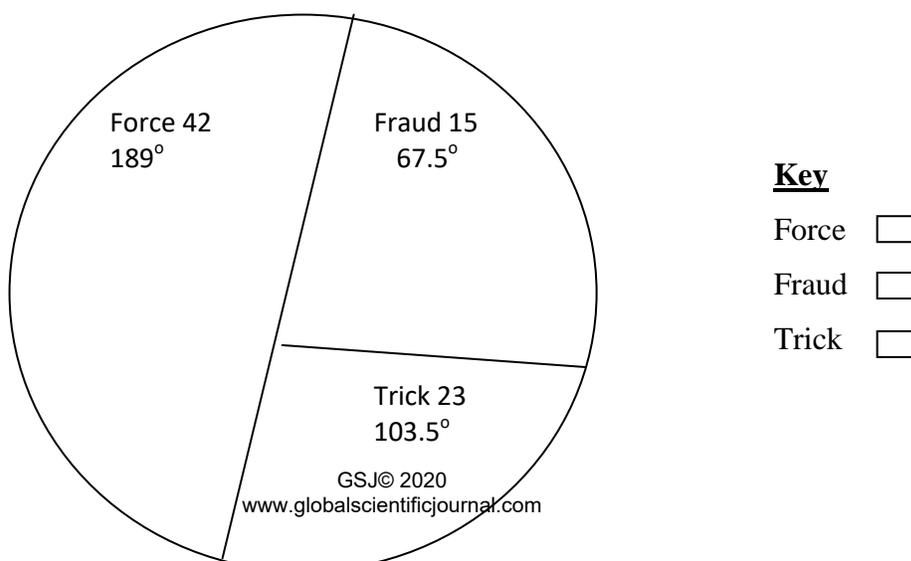
**A PIE CHART INDICATING SOME OF THE METHODS USED TO COMMIT CRIME IN KENEMA CITY:**

$$\text{Force} = \frac{42}{80} \times 360^\circ = 189^\circ$$

$$\text{Fraud} = \frac{15}{80} \times 360^\circ = 67.5^\circ$$

$$\text{Trick} = \frac{23}{80} \times 360^\circ = 103.5^\circ$$

**NUMBER OF RESPONDENTS = 80**



**SOURCE: Research Data, 2018**

44.

From the pie chart 42 (189°) of the respondents stated that the use of force is the main strategy used to commit crime, 23 (103.5°) cited trick as the main strategy whilst 15 (67.5°) formed the least percentage cited fraud. This indicates that the use of force is the dominant strategy used in committing crimes in the study area.

**A PIE CHART SHOWING SOME OF THE STAKEHOLDERS IN THE FIGHT OF CRIME IN THE KENEMA CITY:**

$$\text{Sierra Leone Police} = \frac{(22}{80} \times \frac{360^\circ}{1}) = \frac{(7920)}{80} = 99^\circ$$

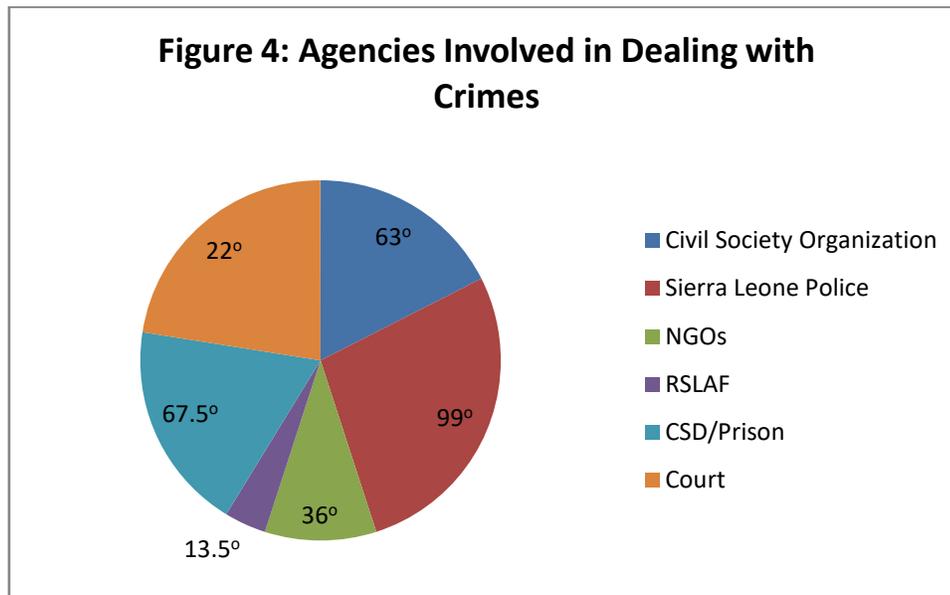
$$\text{Court} = \frac{(18}{80} \times \frac{360^\circ}{1}) = \frac{(6480)}{80} = 81^\circ$$

$$\text{CSD/Prison} = \frac{(15}{80} \times \frac{360^\circ}{1}) = \frac{(5400)}{80} = 67.5^\circ$$

$$\text{Civil Society Organization} = \frac{(14}{80} \times \frac{360^\circ}{1}) = \frac{(50400)}{80} = 63^\circ$$

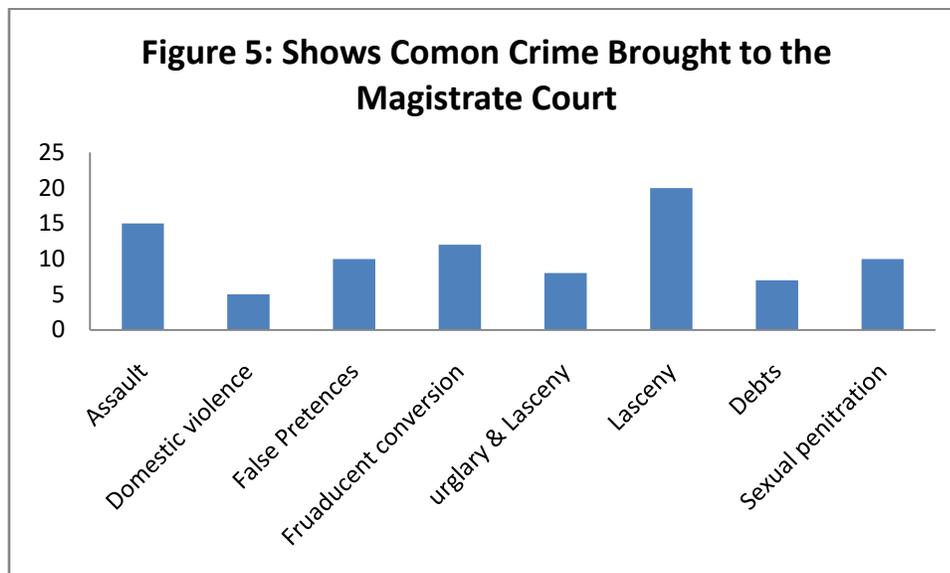
$$\text{NGOs} = \frac{(8}{80} \times \frac{360^\circ}{1}) = \frac{(2880)}{80} = 36^\circ$$

$$\text{RSLMF} = \frac{(3}{80} \times \frac{360^\circ}{1}) = \frac{(1080)}{80} = 13.5^\circ$$



Source: Research Data, 2018

According to the pie chart 22 (99°) of the respondents cited the Sierra Leone Police as the agency that is involved in dealing with crime in Kenema City, 18 (81°) of the respondents said the courts, 3(13.5°) of them said the Republic of Sierra Leone armed forces, 15 (67.5°) cited the correctional service department (formally prison department), 14 (63°) said the civil society of organizations and 8(36°) of the respondents said the Non-Governmental Organizations. This data shows that all the named agencies are involved in dealing with crime in Kenema City but the Sierra Leone Police play the leading role in this direction.



Source: Research Data, 2018

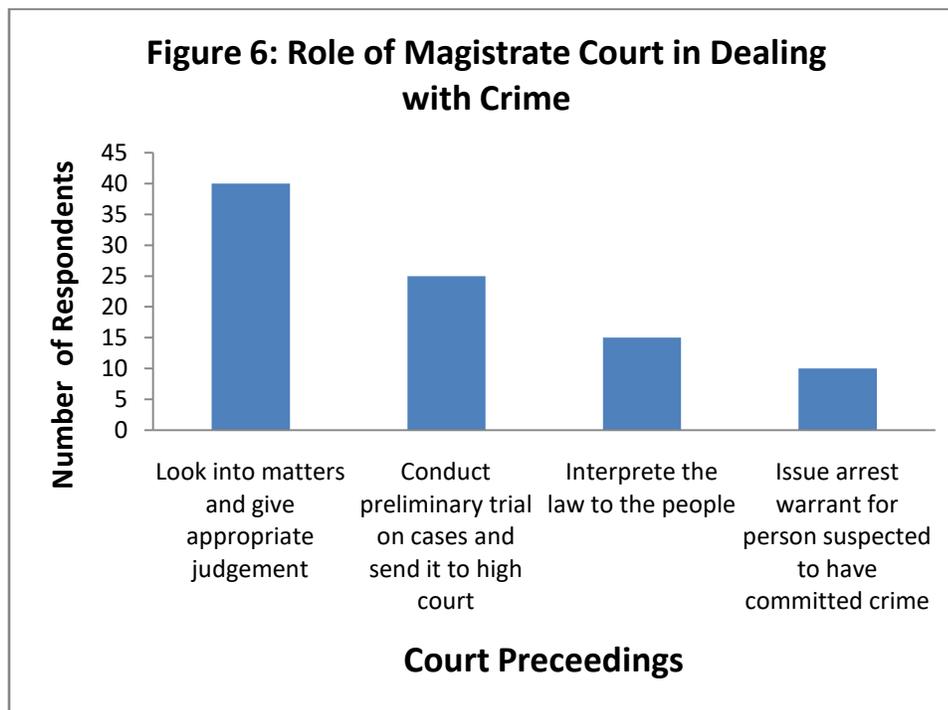
From the ‘Y’ axis, it show number of respondents and the ‘X’ axis indicates common crime brought to the magistrate court. According to the bar chart, 15 (18.75%) of the respondents confirmed that assault is the most common crime brought to the magistrate court in Kenema City, 4 (5%) said domestic violence, 8 (10%) said false pretences, 11 (13.75%) cited fraudulent conversion, 7 (8.75%) said burglary and larceny, 20 (25%) said larceny, 6 (7.5%) said debts and 9 (11.25%) said rape. According to the data, all of the above crime is common before the magistrate court in Kenema City but larceny is the most common one.

**ASSESSMENT OF CRIME TAKEN TO MAGISTRATE COURT:**

<b>Level of Crime</b>	<b>Number of Respondents</b>	<b>Percentage (%)</b>
High	34	42.5%
Moderate	26	32.5%
Low	20	25%
<b>Total</b>	<b>80</b>	<b>100%</b>

**Source: Research Data, 2018**

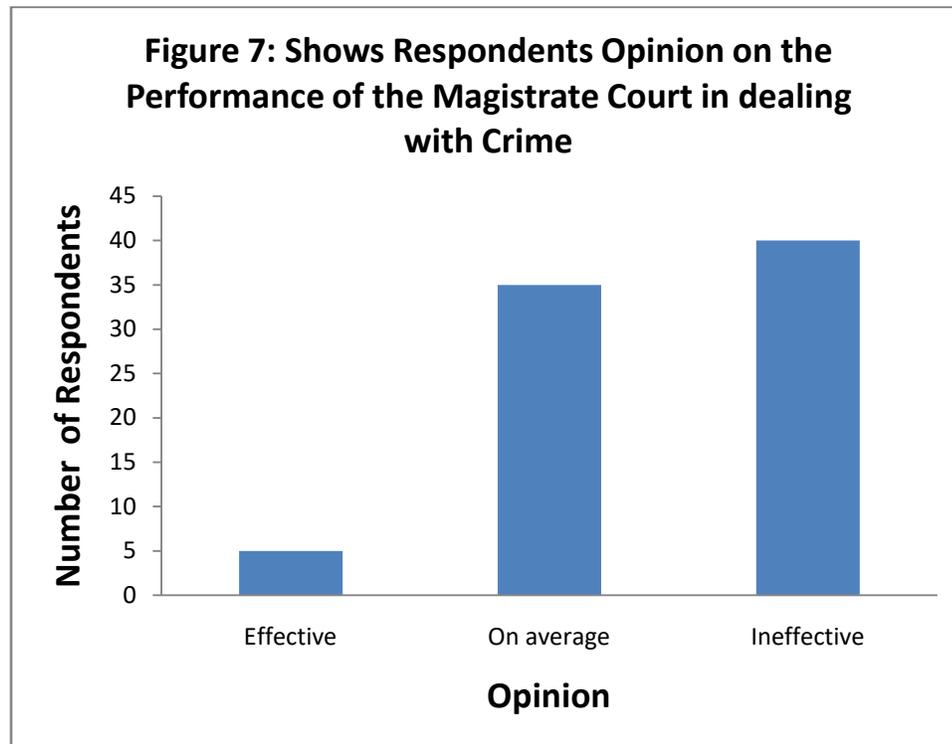
According to the table, 20 (25%) of the respondents which the least percentage indicated that the level of crime brought before the magistrate court is low, 34(42.5%) confirmed that the level of crime brought before the magistrate court in Kenema City is high whilst 26(32.5%) said the level is moderate. This tells that, generally crime is high in Kenema City and most of these crime are brought before the magistrate court though some are treated under Alternative Dispute Resolution (ADR).



**Source: Research Data, 2018**

From the multiple bar chart, 35 (43.75%) of the respondents indicated that the role of magistrate court in dealing with crimes brought before them in Kenema City is to look into the matters and give appropriate judgments, 23 (28.75%) of the respondents said to conduct preliminary trial on cases and send it to high court, 12 (15%) of the respondents said to interpret the law to the people and 10 (12.5%) said to issue arrest warrant for person(s) suspected to have committed crime.

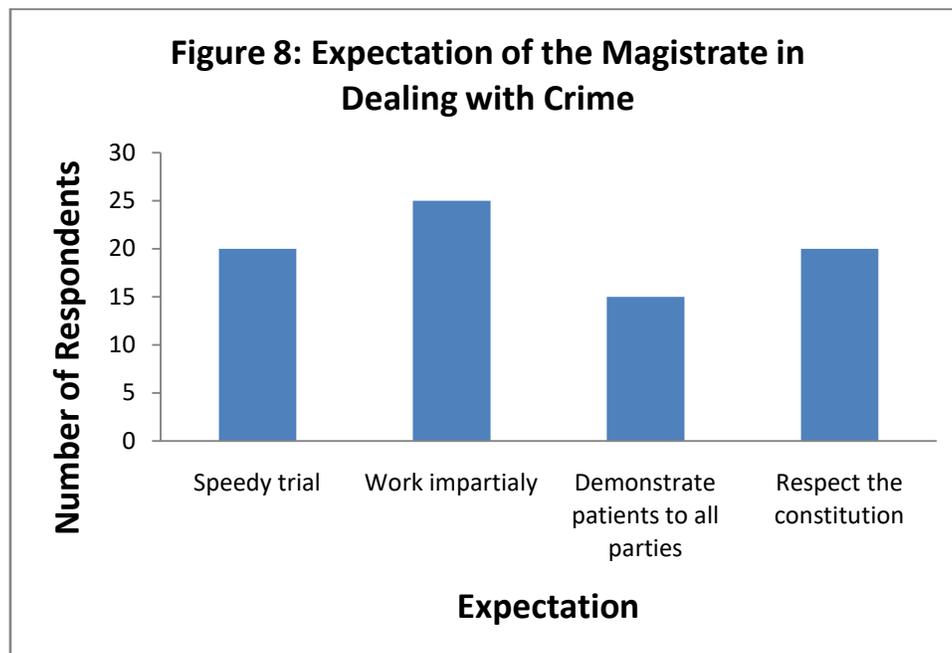
According to the data, though the magistrate court plays other roles in dealing with crime brought before them in Kenema City, the most paramount of those roles is to look into matters and give appropriate judgment.



**Source: Research Data, 2018**

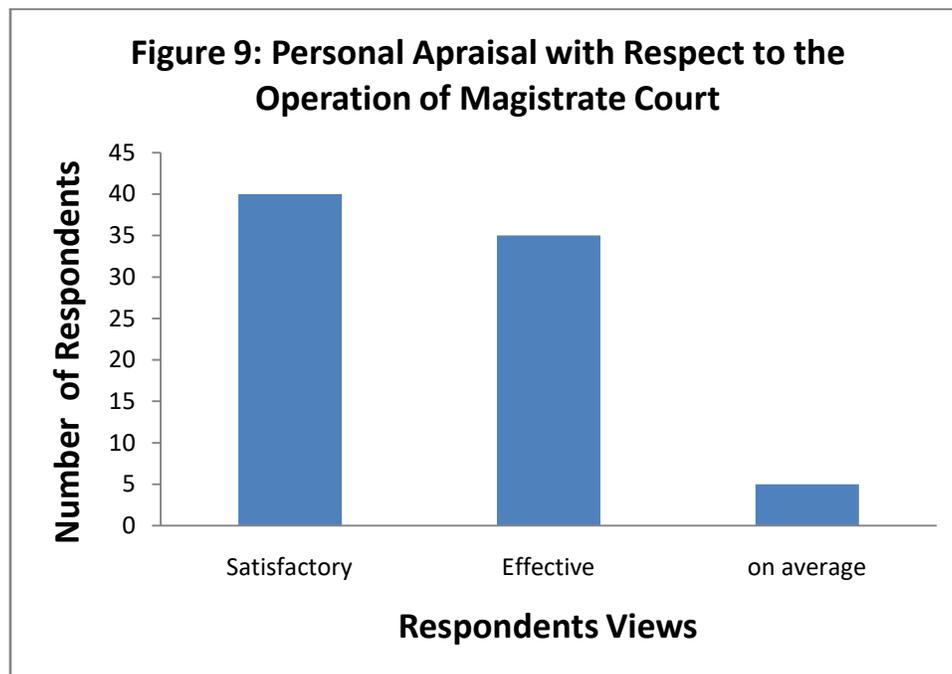
From the bar chart, 42 (52.5%) of the total respondents indicated that the performance of the magistrate court in dealing with crimes in Kenema City is effective, 34 (42.5%) of the respondents said on average and 4 (5%) of the respondents which formed the least percentage said ineffective.

This indicates that the performance of the magistrate court in dealing with crimes in Kenema City is quite effective.



Source: Research Data, 2018

From the bar chart, the 'Y' axis represents number of respondents whilst the 'X' axis represents the expectation of respondents. According to the bar chart, 22 (27.5%) of the respondents expect the magistrate to speed up trails, 25(31.25%) of the respondents expected him or her to work impartially, 15 (18.75%) said he should respect the constitution. This shows that though there are series of expectations of the magistrate in dealing with crimes, impartiality is of paramount.



Source: Research Data, 2018

According to the illustration, the ‘Y’ axis shows number of respondents and ‘X’ axis formed respondents’ views. From the bar chart 42(52.5%) respondents indicated that, the operations of magistrate court in Kenema City is satisfactory, 34 (42.5%) of the respondents said effective whilst 4(5%) of the respondents which form the least percentage said on average. This indicates that the operations of the magistrate court in Kenema City are satisfactory.

**RIGHT OF MAGISTRATE TO GRANT BAIL TO ACCUSED PERSON(S) DURING COURT TRAIL(S):**

Opinion	No. of Respondents	Percentage (%)
Yes	52	65%
No	5	6.25%
In some cases	23	28.75%
<b>Total</b>	<b>80</b>	<b>100%</b>

Source: Research Data, 2018

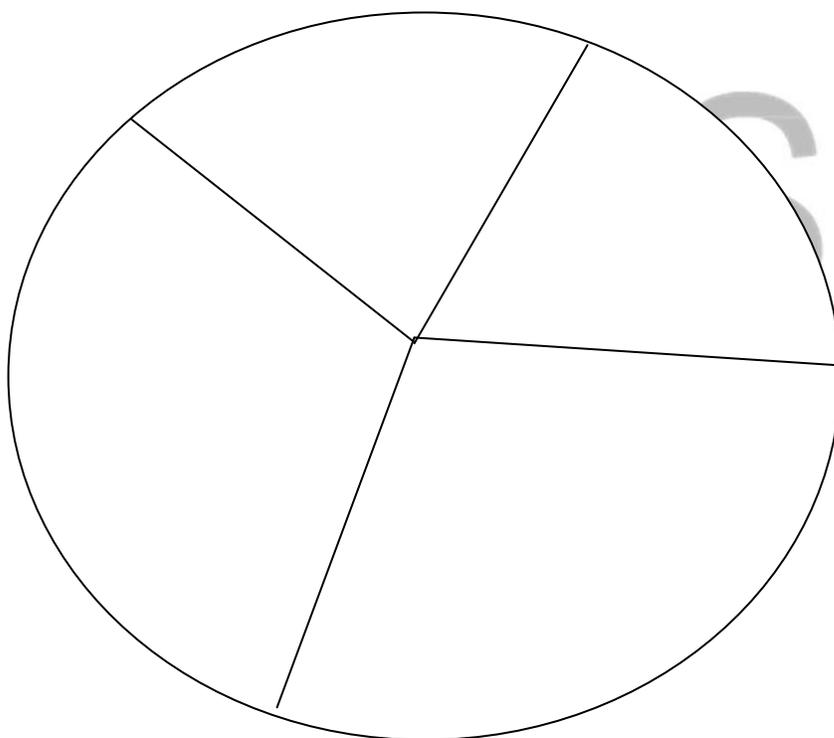
From the table, 52 (65%) of the respondents stated that the magistrate had right to grant bail to accused person who is facing trials, 5(6.25%) said no, the magistrate does not have right and 23 respondents ( 28.75%) said in some cases, bails are granted while some others are hardly.

This shows that the magistrate had the right to grant bail to accused person facing trial in the magistrate court in some cases.

**A PIE CHART SHOWING SOME RIGHTS TO GRANT BAIL BY THE MAGISTRATE COURT:**

Non-Government Interference	=	$\frac{22}{80} \times \frac{360^\circ}{1} = \frac{7920}{80} = 99^\circ$
Independence & Impartial	=	$\frac{14}{80} \times \frac{360^\circ}{1} = \frac{5040}{80} = 63^\circ$
Sensitization of the masses on Crime	=	$\frac{16}{80} \times \frac{360^\circ}{1} = \frac{5760}{80} = 72^\circ$
Good condition of service for the magistrate	=	$\frac{28}{80} \times \frac{360^\circ}{1} = \frac{10080}{80} = 126^\circ$

**Figure 10: Recommendations for An Improvement of Magistrate Proceedings:**



**Source: Research Data, 2018**

According to the illustration (Pie Chart) 22(99°) of the respondents recommended non- governmental interference in the court proceedings as a way forward to improve the role of magistrate court, 14 (63°) recommended independent and impartial judgments delivery by the magistrate, 16 (72°) cited sensitization of the masses on crime and 28(126°) of the respondents formed the highest degree

recommended good condition of service for the magistrate as a way of improving magistrate court proceedings. This indicates that good condition of service for magistrates is the most pressing way forward to improve the role of the magistrate courts.

Summary of findings, conclusion and recommendations are presented in chapter five (5).

## **SUMMARY, CONCLUSION AND RECOMMENDATIONS**

### **INTRODUCTION:**

The preceding chapter has given a comprehensive elaboration on the topic “This Role of Magistrate Court in Dealing with Crime in Kenema City”. This chapter gives a summary of data that has been presented and analysed on the Role of Magistrate Court as certain postulations with regards the operation of magistrate court are clarified. It will draw the attention of scholars on some of the issues pertaining court activities from which summary of findings with conclusion, recommendations are drawn.

### **SUMMARY OF FINDINGS:**

From research findings, it is explicitly evident that, the ancient Roman were the first to develop a complete and advanced court system, but after the collapse of the empire in A.D 400 the system gradually died down. In early 1100's, universities in Italy began to train lawyers based on the principles of ancient Roman laws which relied mainly on written codes. By 1200's, England had established a nationwide system of courts which developed a body of laws called common laws because the laws applied to every one in the country. In 1800, the French ruler Napoleon one used the Roman code as the foundation of his country's legal code called Napoleon". Magistrate court is a government institutions that settle legal disputes and administers justice on conflict involving individuals, organizations and government. In the present day, United States of America, the District courts are more or less on equal jurisdiction with the magistrate courts. They are the first courts to hear most cases involving violation of federal laws. At state level, there are magistrate courts which handle minor and civil cases. In England and Wales justice of the peace or magistrate try most minor offences in the magistrate courts.

In Northern Ireland, justice of the peace has only administrative powers; minor offences are tried by resident magistrates. Magistrate court systems in most West African countries, especially those that were colonized by Britain to which Sierra Leone is no exception modeled on that of the British pattern. Magistrate court in Kenema city is headed by a resident magistrate who is at liberty to appoint two justice of the peace to assist in justice dispensation. Other useful members of the court are the clerk, police prosecutor, bailiff, messengers and labourers. The court is regarded as the court of first hearing and district appeal court from local court. Magistrate court has a limited jurisdiction and its sentences are

limited to seven (7) years. Crimes on the other hand, are universal issues that every nation is working to minimize. An increase in crime rate will seriously affect the socio – economic political and cultural life of our community. It discourages an influx of foreign investors; create chaos, insecurity and instability in our community. Decrease in crime rate in our community will bring peace and tranquility to the area. People will embark on developmental activities like farming, trading, mining etc. People will have fewer hesitations in respect of their properties when even left outside, life will be secured and the environment will be free from corruption. The findings revealed that there is high level of crime in Kenema City. The most prevalence ones according to the research are: Assault rape, false pretences, domestic violence, burglary and larceny, fraudulent conversion and larceny are the common crime brought to the magistrate court, with larceny been the most common one. The level of crime brought to the magistrate court in Kenema city is high.

According to the research, some of the reasons for the existence of crime are: poor parenting, poverty, unemployment and illiteracy. The study provides perpetrators of crime in the community such as: the rich, youths, adult, the poor, etc. All these categories of people are involved in crime.

During the investigations, with regards the role of magistrate court in dealing with crime in Kenema City, it revealed that three strategies the offenders used to commit crime in Kenema these are: trick, fraud and force. The researcher was able to map out agencies that are involved in dealing with crime in Kenema city such as, the Sierra Leone Police, magistrate courts, the Republic of Sierra Armed Forces (RSLAF) the correctional service department (formerly prison), civil society organizations and non-governmental organizations. The researchers' finds out that, the magistrate looks into matters and give appropriate judgments, conduct preliminary trials on cases and send them to high court, interpret the law to the people and issues arrest warrant for person suspected to have committed crime.

It was found out that, the magistrate gives many powers to lawyers (Defence Council) in court proceedings as against the witnesses or prosecution witnesses. Further observation revealed that, the magistrate has discretionary powers which made him to take decision either favour of the accused or victim. The opinion of people on the performance of the magistrate court in dealing with crime indicated that, the work of the magistrate court in dealing with crime in Kenema City in some instances effective. Personal appraised with respect to the operation of magistrate court shows that, the operations of the magistrate court is satisfactory. The research proved that, the magistrate has rights to gives bail or deny bail for an accused person who is facing trail in the magistrate court.

During the investigation, it was confirmed that matters delay in court as a result of accessing witnesses. Some witness resides in hard to reach areas which make them difficult to come to court.

From the research, it was observed that when matters are charged to the magistrate court by investigators (C.I.D), the case and enquiry file and the charge sheet are forwarded to the prosecutor who is a police officer. The prosecutor sent it to the court clerks who also forward the same case and enquiry file and the charge sheet to the magistrate for hearing. When the court clerk called the matter for hearing, accused person(s) are placed in the dock whilst the magistrate will ask the “who is prosecuting” after the question; a police officer will rise and say I Prosecuting. The magistrate will then ask whether the witness(s) are present. The prosecutor will answer “yes or no my Lord”. The prosecutor will now call upon the witness to take the witness box. If the matter is a felonious offence, after the witness had made his/her submission in the court, the accused will not be allowed to take a plea but if the matter is a misdemeanor (minor) offence, accused is allowed to take a plea whether he or she is guilty or not guilty.

When that is done, if he/she pleaded not guilty, the accused is required to cross – examine the witness but if he pleaded guilty there will be no cross examination but to sentence or fine him or her. When a matter is in the court and the accused is sometimes represented by a lawyer, the accused do not have any questions to ask the witness but the lawyer has the sole mandate to cross – examine the witness. The lawyers served as the defence council. Some time the accused is sent to the correctional centres for either awaiting the next adjournment date or the fine to be paid. If the matter is a felonious matter, the magistrate only conduct a preliminary investigation and commit it to the high court but if the matter is misdemeanor, the magistrate will give the appropriate charges or fine to the accused person. From the investigation on “the Role of the Magistrate Court in Dealing with Crime”, it was found out that, rape, sexual penetration, sexual touching, meeting a child for sexual purposes and all domestic violence matters are tried at the chamber. That is, a room within the court house for the security of the victim. It was observed that, the magistrate sometimes gives bail to accused person(s) on the first day he or she is arraigned before the magistrate court which many court observers are viewing it as twisting of justice in favour of the perpetrators. Sometimes bail for accused person(s) are objected by the prosecutors but because of excess discretionary powers the magistrate have, he will overrule the objection and give bail to the accused person(s).

The researcher observed that investigators are embarrassed and ridicule in the magistrate court by lawyers due to lack of confidence by the investigators and poor investigation of cases. Matters that are poorly investigated, the magistrate most time acquit and discharge those matters from the court.

## **Conclusion:**

From all what have been presented, it could be concluded that Kenema is a social commercial and political centre with about 143, 137 inhabitants ranging from children, youths, adults, poor and rich. Crime presence is highly felt in Kenema city. The reasons for this stems from illiteracy, unemployment, poverty and poor parenting. And it is evident that all categories of the inhabitants are in one way or the other involved in these crimes. Strategies such as the use of force, trick and fraud are mostly used in committing these crimes, Assault, fraudulent conversion, false pretences, larceny domestic violence, burglary and larceny, rape and debts are the common crimes brought to the magistrate court, with larceny been the most common one. The level of crimes brought to the magistrate court in Kenema city is high. The role magistrate court plays in dealing with these crimes are:

- ❖ Looking into the matters and to give appropriate judgment.
- ❖ Conduct preliminary trials on cases and send the file to the High Court.
- ❖ Interpret laws to the people
- ❖ Issues arrest warrant for person suspected to have committed crime.

The research also revealed that since crime issue have become a menace in the Kenema city, existing agencies like the Sierra Leone Police, Republic of Sierra Leone Armed Forces, correctional services officers (formally prison department) civil society organizations and non-governmental organization put hands on deck in helping magistrate court in that direction. In addition, case files with different strengths are piled on the magistrate shelves thereby delaying in court trials. Though the magistrate court to some reasonable extent is trying to minimize crime in our community, its operations are full of challenges.

## **RECOMMENDATIONS:**

Having pursued the topic: “The Role of the Magistrate court in dealing with crime in Kenema City” the following recommendations are made:

- ❖ If the magistrate court is to carry out this up- hill task effectively and efficiently, their conditions of service must be reviewed to match with the trend of global economy.
- ❖ Refresher courses and in – service training should be conducted regularly to keep the court personnel abreast or informed about recent development in their work with special reference to dealing with crime.
- ❖ Revisiting of criminal laws might be one of the priority areas for the government and establishment of the new laws should not be infavour of the crime.

- ❖ The government should provide magistrate courts where necessary are all crime zones and each of should have trained and qualified magistrate to man the court
- ❖ The government should establish approved schools for juvenile offenders in all the Districts.
- ❖ Justice should prevail. For instance, in equality in treatment of victims to denial of human rights generally may result to anti-social or criminal behaviours.
- ❖ The procrastination of cases in court and frequent adjournment of cases should also be minimized.
- ❖ Lets the government put mechanisms in place to see that formal witnesses (investigating) are present in court when needed and even the victim(s) for speedy trial.
- ❖ Government should establish more magistrate courts and where possible each District to have a court. Such will help minimize delay in the court trials.

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