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Crime and Punishment in Ghana: The Need for Security Sector Reforms

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ABSTRACT

It is incumbent on all governments the world over to provide security for the citizenry to develop their quality of life. Crime prevention strategies are therefore critical in achieving this laudable goal. Governments, security sector institutions and organizations encounter challenges in their quest to prevent crime in society. The prevention of crime has become a very significant national priority for public safety and security. Determining the main factors associated with the various criminal offences has the potential to lead to the development of strategies that can help prevent or reduce the incidence of crime. The laws of Ghana, especially the 1992 Republican Constitution uphold the respect for fundamental human rights, rule of law, fairness and lack of arbitrariness in the implementation of the law, especially in dealing with criminal offenders. The legal framework on criminal justice mandates institutions such as the Judicial Service, Ghana Police Service and the Prisons Service to ensure the prosecution and subsequent punishment of offenders. Improving democratic security sector governance (SSG) through security sector reform (SSR) is a key pre-requisite to achieving the ideals of crime prevention and punishment of offenders. This paper is geared towards undertaking a comprehensive desk review of crime and punishment in Ghana, from the perspective of the law and society. It is recommended that, crime prevention strategies that are holistic and integrative of all the sectors of the economy is advocated in order to deal with the increasing rate of crimes in the country.

Keywords: Crime prevention, punishment, rule of law, Security Sector Reform, democratic governance.

ABSTRAK

Semua pemerintah harus memberikan keamanan bagi warga negara untuk meningkatkan kualitas hidup mereka. Pencegahan kejahatan sangat penting untuk mencapai tujuan ini. Pemerintah, lembaga keamanan, dan organisasi harus berjuang untuk mencegah kejahatan. Pencegahan kejahatan merupakan tujuan utama keselamatan dan keamanan nasional. Mengidentifikasi penyebab utama tindak pidana dapat membantu mencegah atau mengurangi kejahatan. Tujuan dari penelitian ini adalah untuk menganalisis hukum di Ghana, terutama Konstitusi Republik 1992, untuk melindungi hak asasi manusia, supremasi hukum, keadilan, dan penegakan hukum yang tidak sewenang-wenang, terutama bagi pelaku. Lembaga Kehakiman, Kepolisian Ghana, dan Lembaga Pemasyarakatan harus menuntut dan menghukum para pelaku kejahatan di bawah hukum peradilan pidana. Penelitian ini menggunakan pendekatan penelitian yuridis normatif untuk mengkaji berbagai aturan tersebut. Hasil penelitian ini menunjukkan bahwa demokratisasi tata kelola sektor keamanan melalui reformasi sektor keamanan sangat penting untuk mencegah dan menghukum kejahatan. Analisis sosial dan hukum terhadap kejahatan dan hukuman di Ghana adalah tujuan dari artikel

ini. Untuk memerangi tingkat kejahatan yang meningkat, sangat diperlukan teknik pencegahan kejahatan yang holistik dan terintegrasi di semua sektor ekonomi.

Kata kunci: Pencegahan kejahatan, hukuman, Reformasi Sektor Keamanan, Ghana;

INTRODUCTION

Having a robust culture regarding security is key to the everyday political administration and management of the various sectors of the economy. All over the world, keeping control of a country's security forces involves political decision making within the state (Bärwaldt, 2018). This also brings to the fore the significance of the security in the whole organization of the state. Ensuring the promotion of rule of law and good governance in a democratic society is a crucial task of the security services and any success in reforms in the security sector must emphasize this all-important role (White Paper on German Security Policy and the Future of the Bundeswehr, 2015). Emphasis here is placed on the human – centered approach to security, instead of the narrow approach of state security (Wulf, 2004). In the view of Mendez (1999), peace and security are a 'public good'. Improvements in security generally, benefits the whole society. Reforms in the security sector should be construed purely as an efficient way of using resources within the organization to achieve the desired performance. Moreover, reforms within the security sector are geared towards transforming the roles as well as the means to ensure an efficient use of resources in line with broad democratic principles of good governance.

Security Sector Reform (SSR), constitutionalism and democratic governance are inherently linked (IDEA, 2020). Civilian control of the security sector in democratic governance is crucial to the success of any reforms and efforts geared towards ensuring the safety of the people both within the country and internationally. It is imperative that the sector be held accountable solely to the institutions expressly designated by law to fulfill the role of oversight. In a democracy, the people are the ultimate sovereign authority. Therefore, all forms of public power must be exercised in accordance with the will of the people or their duly elected representatives. This must be structured in such a way that, the sovereign will of the people are not subverted at any point in time, and that institutions responsible for oversight of the security sector duly perform their task as mandated by law (IDEA, 2020).

One significant condition for the success of reforms is the ability of local institutions to take ownership of the reforms (International Alert et al., 2002). In contemporary times, donors place emphasis on international peace and security and the strengthening of local governance to ensure sustainable human security for the citizenry. The Organization for Economic Co-

operation and Development (OECD) (2001) has developed some modalities on security sector reform policies. These include the recognition and development of the security sector of a country by fashioning out a security sector policy that is integrative, which stipulates the required roles to be played by the various stakeholders and also identifying the required capacity needed for a successful reform. Moreover, the personnel in question should be assigned to roles that align with their competencies. Concurrently, efforts should be made to implement an integrative security system that considers the country's foreign policy agenda and enhances local ownership of the reforms being undertaken (OECD, 2001).

Crime prevention and security sector reforms

Crime has been part of human existence since creation (Killebrew & Bernal, 2004). Reforms in the security sector is seen as one of the fundamental strategies adopted to end the cycle of coup d'état in the country (Higazi, 2004) and also to reduce crime to the barest minimum. The Police Service is governed by the Police Service Act of 1970, Act 350. A Presidential Commission in 1997 noted with regret that the service has one of the poor conditions of service in the country as well as being ill equipped. This has led the personnel to be constantly abusing the fundamental human rights of the citizenry in their quest to detect, apprehend criminals and maintain law and order (US DOS, 2005b). In the view of Boateng and Darko (2016), torture of victims, arbitrary arrests have become part of the culture of the service. Recent studies on perceived corruption in the Ghana Police Service has also lowered the trust and confidence of the public in the Ghana Police Service. A survey in 2000 by the World Bank on 'governance and corruption' revealed that 70.4 percent of Ghanaians did not have confidence in the police when it comes to dealing with corruption (CDD-Ghana, 2000). This has again been reinforced by the 2022 Afro Barometer Report where the Police leads in the corruption perception index (CDD-Ghana, 2022). This may partly be due to the fact that, the Ghana Police Service until recently did not have enough resources, moreover police – civilian ratio has increased slightly from 1 to 1054 (Boateng & Darko, 2016) to 1- about 700 currently.

Security Sector Reforms

The Organization for Economic Cooperation and Development (OECD) document cited by the EU Council (2016), sees Security Sector Reform as:

> The various processes leading to the transformation of the security architecture within a country to ensure the successful training of personnel within the security system who

are effective and efficient as well as accountable in line with democratic ethos, respect for fundamental human rights, rule of law and principles of good governance.

According to DACF & Inclusive Security (2017), security sector reform consists of the 'political and technical' process of improving state and human security by making security provision, management and oversight more effective and more accountable. Security Sector Reform inherently addresses challenges within the security sector and through formal reforms removes and improve all institutional bottlenecks to bring the security along democratic path (Wulf, 2004). The term "security sector" is explained within the 2002 Human Development Report which places emphasis on a wide gamut of issues. Security sector is made up of institutions that use force to keep the safety of the citizenry, legislative institutions that place oversight responsibilities over the security sector, law enforcement and the justice ministry together with civil society organizations. Security Sector Reform is undertaken as part of sector-wide reforms in a democratic society to bring the security forces under civil control in the broader interests of the will of the people. Making decisions in a democratic setting require transparency and accountability in all facets of society to ensure good governance (Wulf, 2004). The cusp of all reforms within the security sector is the establishment of an efficient control by civil society in the development of institutions (Ball et. al. 2003).

Source: Diagram: DACF,2017.

Figure 1: Elements of Security Sector Reforms

The main goal of Security Sector Reform is to provide effective and efficient support and accountable provision of state and human security within a democratic framework of governance, rule of law and respect for fundamental human rights. This is important because it

emphasizes that the state can only enhance democracy, development and security if it is concerned not only with national defense, but also with the wider notion of human security (DACF, 2017). In the view of Bryden and Chappuis (2016), this nexus between state and human security is important because it recognizes that security provisioning, management and oversight are intrinsically related. There are a number of common attributes that should dominate any reforms aimed at the transformation of a security sector in line with democratic principles. First, and foremost, there must be a constitutional basis for the existence and functioning of the sector's constituents, clearly spelt out responsibilities of the various organs in the services and financial budgets for both personnel as well as logistics.

Added to this, professional training manual that ensures transparency, accountability and civil oversights together with the protection of human rights and participation by Civil Society Organizations (CSOs) should also be provided. Accountability in management and oversight by constitutional bodies as well as Parliament stipulates what is to be expected from the security institutions in relation to security for the citizenry. rule of law emphasizes that, all persons and institutions, including the state are subject to the fundamental laws of the country, enforced without any bias and consistent with municipal and international norms and standards. Security Sector Reform is not only about reforms within the security set up, but also about ensuring that the sector has the number of personnel to achieve maximum efficiency to ensure the security of the whole society.

From an economic standpoint, security sector reforms are designed to guarantee the optimal utilization of resources. An efficient allocation of resources is conducive to the optimal functioning of an organization with respect to both material and human resources. The overuse of resources in one sector can result in a lack of resources for other sectors, hindering overall development. Conversely, inadequate funding in one sector can potentially compromise the security of the entire society. What needs to be done here is to ensure the identification of the objects of the reform, determine what can be afforded, prioritise how resources are deployed and ensure its judicious use (Brzoska, 2000). It is only through efficient use of resources that both the external and internal security of the population can be ensured. The concept of security in this context challenges traditional notions of security. Instead, it encompasses the assurance of the social, political, health, environmental, and economic well-being of the citizenry. Furthermore, there should be robust oversight by the relevant authorities, as defined by the legislation, to ensure that the security services do not exceed their mandate. This is significant

first in achieving accountability and transparency and also ensuring the rule of law. Here, the legislature, interior ministry, justice and foreign affairs as well as the finance ministry are crucial to the success of any reforms.

It is argued by some management experts that, Security Sector Reform governance could be construed as a broader process of change management. This is because it adopts the processes and rudiments of 'business administration and strategic management' (Van Veen, 2016). This will require an enormous support from the political establishment as well as donor countries (Bärwaldt, 2018). Moreover, the OECD see Security Sector Reform as encompassing a sector-wide activity with both 'formal and informal' structures that ensure its success (OECD DAC Handbook on Security Sector Reform, 2007). Security Sector Reform is crucial for the prevention of conflict, peace-building and sustainable development since when a nation has peace it will be able to mobilise all resources to achieve national development (Karkoszka, 2003). Further, it is about the transformation of the security of a country so as to achieve efficiency in the protection of the citizenry in tandem with democratic principles, respect for human rights and the rule of law (Leboeuf, 2017). It is both political and technical in nature which require mobilising all key actors that can ensure its success (Leboeuf, 2017).

RESEARCH METHOD

This study relies on desk survey to come out with findings on crime and punishment in Ghana from various writers, publications and statutory provisions. Methodology is seen as "a collection of various agreed processes, methods and tools to accomplish an objective (Birley, 2011). Further, methodology helps provide a "roadmap" for project management, programs and also guidance to project teams. The study relied on the socio-legal methodology, since this approach moves away from examining legal instruments to building a more elaborate contextual analysis (Slater & Mason, 2007), on crime and punishment in Ghana, hence necessitating reforms within the security institutions that prosecute crimes. The legal regime within which crime is dealt with were examined in context, to come out with how the law works sociologically and to proffer appropriate reforms towards achieving the objects of crime prevention.

RESULTS & DISCUSSION

Theories that underpin punishment

According to the Black's Law Dictionary (2014), 'punishment is a sanction, such as a fine, penalty, confinement or loss of property, right, privilege assessed against a person who

has violated the law.' A number of theories have been proposed to justify the practice of punishment. Those who engage in wrongdoing are subject to punishment for a variety of reasons. Firstly, the infliction of punishment by the state may serve to deter individuals from committing similar offenses in the future. The deterrence theory suggests that having a viable threat of punishment in the form of arrests, being tried in the law court and conviction being secured will eventually deter people from committing similar crimes in the future (Paternoster, 2010). This is geared towards securing both 'specific and general deterrence' where a just punishment is awarded appropriately (Paternoster, 2010). It is theorized that an effective method of implementing sanctions should be capable of deterring individuals from engaging in criminal activities within society. In light of the aforementioned considerations, it stands to reason that a credible threat of sanctions should serve to deter those who are inclined to engage in criminal activities, including those who have previously been subjected to legal consequences.

Having an appropriate sanctions regime should also deter other individuals with the intention of committing crime to refrain from doing same (Heminway, 2007; Wippman, 1999). It is not easy to predict whether a sanctions regime put forward under the law can ward off would be offenders in the future. Indeed, most proponents of the deterrence theory agree that an appropriate sanctions regime may not usually prevent some individuals from committing crime especially those who commit crimes of passion (Fagan, 2006). It is not in doubt that, the potency of criminal law, together with other sanctioning regime may deter people from breaching the law. Some individuals may have the desire to commit some crimes because they do not have job or their prospects for having one is too low (Keenan, 2006). Some criminologists are of the view that, the sanctions policy in place should target and be specifically directed to the circumstances that may lead to some people to commit certain offences (Keenan, 2006). The deterrence theory further assumes that some individuals or groups of individuals may be induced to engage in criminal acts due to psychological or other impairments. It also assumes that all human beings are presumed to be both reasonable and predisposed to committing crimes.

An offence will not be committed, if the likely costs or sanctions far exceeds the benefits to be derived from it. Two key issues are considered here, the costs incidental to a well designated enforcement regime and the degree of certainty of the punishment and how severe it is (Julian Ku & Nzelibe, 2006). Certainty here, connotes the likelihood of a criminal being

arrested, tried and convicted (Robinson & Darley, 2004). Durlauf and Nagin (2011), have suggested that, crime deterrence has been the main argument within the criminal law and that for an efficient criminal law reform having an appropriate sanctioning regime deters crimes from being committed.

The gravity of the penalty serves to underscore the nature of the sanctions imposed for a given criminal act, whether that be a fine, incarceration, or capital punishment. Deterrence theory posits that individuals may be dissuaded from engaging in criminal activities, particularly when the potential penalties are significantly greater than the perceived benefits. The sanctions regime must convince potential criminals that it is not worth committing certain offences (Ploch et al., 2009). Victim-oriented theories of punishment with the same attributes as that of Kant's view of 'criminal sanctions' makes punishment an important feature of society. This is based on the assumption that society desires justice regardless of the background of respondents, the necessity to deter others from committing similar offenses, and the obligation of the state to reinforce its authority.

The classical retribution theory places emphasis on the offender on the fact that, the individual needs to pay for the wrongs done. The victim-oriented theory however focuses on the victims and their situation (Marı´a Silva Sa´nchez, 2009). Some scholars posit that the primary objective of punishment is to convey to the victim that society disapproves of the act in question. This serves to reassure the victim that their concerns have been heard and taken seriously (Kaufman, 2013). The good side of punishment is usually said to include the recognition that the one who suffered from the unjust acts has been pacified in a way, and that it was not a mere accident, nor the fault being the individual that resulted in the crime against him or her (Nomos, 2002).

Absolute theories in relation to punishment, such as revenge and retribution tend to go back and look at what was done, the criminal harm and aim to balance the situation. Its focus is to restore justice, where the sanctions meted out correlate with the offence committed. Intentionally, inflicting harm on the perpetrator of an offence restores the 'balance of justice'. Punishment, consequently serve the social goal of putting the victim to the former state and so should neither be harsher nor lighter than the perpetrator's guilt (Niggli & Maeder, 2014). It is often asserted that retribution is an ineffective means of addressing the harm caused by wrongdoing. It can only serve to establish the rule of law and to reinforce the integrity of the legal system, thereby re-establishing the expectation of compliance with the law. Theories of punishment that are relative in nature tend to prioritize the prevention of future offenses over

the addressing of past ones. These are preventive in nature (Trechsel & Noll, 2004). Punishment serves to bring integration in society and makes it clear to law breakers that societal civilised norms which have been fashioned to govern all of us are still valid (Trechsel & Noll, 2004) and will not be allowed to be breached with impunity. Holmes (1881) writes, "Public policy sacrifices the individual to the general good".

Punishing the perpetrator reassure the victim that it will not occur again, thereby assuring him or her of the sense of safety (Duncker & Humblot, 2007). Kantian theory holds that, if society fails to punish the perpetrator of a crime, it duly becomes an instigator, abettor and a facilitator of the said criminal act. Moreover, it has been argued forcefully by human rights advocates that if the state fails to punish the perpetrators of criminal deeds, it commits a crime by itself (Maculan & GiI, 2020). It is crucial to acknowledge the significant role that punitive measures play in deterring criminal activity and maintaining social order. The effects of such measures include the demonstration that injustice will not be tolerated by society at large and the offering of victims a degree of assurance that justice will not be repeated. This provides victims with the confidence that they will be treated justly and that the rule of law will prevail (Maculan & GiI, 2020).

Crime and punishment in Ghana

Enlightenment scholars such as Cesare Beccaria of Italy, Montesquieu and Voltaire in France, Jeremy Bentham in Britain, and P.J.A. von Feuerbach in Germany have intimated that the main reason for the development of criminal law is to deter the commission of criminal acts. During the development of social science, it became necessary to protect the public from criminals and to reform those who break the law. It has been argued by scholars that the nexus that exists between 'crime and punishment' is a highly complex one. It is believed patterns in punishment are usually not related to the crime committed (Jeffrey, 2015). Experts in crime attribute the failure of the justice system to resolve some criminal acts to the need for having reforms in the security sector to deal with some specific types of offences (Castells, 2000). Instituting and increasing the threat of prosecutions on would be offenders has the potential to strengthen the sanctioning regime in place which could lead to the control of crime in the country**.**

In defining what constitute a crime, the principle of legality is crucial as pertains in all legal systems. Here, legality connotes four key aspects. First and foremost, crime should always be construed within a rule of law. In the absence of a legal definition and sanction, it is not

possible to impose a criminal penalty on an act or behavior that is not otherwise proscribed by law. The only source of criminal law is the enactment of statutes (*nullum crimen sine lege*, "no crime without a law"). Secondly, statutes on crime should be interpreted in tandem with the rule of law and not to be construed by a person interpreting the law. Retrospectivity is frowned upon as captured in Ghana's 1992 Republican Constitution. A person will only be punished based on a crime that is defined in the criminal statute. This has been captured in the International Covenant on Civil and Political Rights (entered into force 1976) and the Rome Statute establishing the International Criminal Court (ICC, 2002). Lastly, the words used in the criminal statutes should be clear.

Wegener (2011) has intimated that, Ghana is deemed to be one of the most peaceful, stable and a democratic country in Sub-Sahara Africa. Even though comparatively, crime rates in Ghana are low as compared to other African and developing economies (Wegener 2011), crime is considered a major problem in the Ghanaian society. Appiahene-Gyamfi (2011) has opined that there is increasing perception of criminal acts among the Ghanaian populace. The author continued that, records suggests that certain crimes such as murder, rape, robbery (Appiahene, 2011) and in recent time's cybercrimes have been increasing in the last decade (Braimah & Mbowura, 2014). This, it is believed correlates with the general crime trend in the country which is due to political, economic and the social transformation due to favourable investment climate for business (Dziworni, 2021). The citizenry demand punishment of offenders of the law and criminals first to serve as deterrence to others, more so to educate the offender and to protect society (Orth, 2003).

To reinforce this, most of the crimes that occur do happen in concentrated urban cities such as Accra, Kumasi, Tema and the Sekondi Takoradi metropolitan areas (Frimpong et al. 2018; Owusu et al. 2015) lending credence to the urbanised nature of crimes. The underreporting of crime is common in instances of rape, homicides and domestic violence (Gingerich & Oliveros, 2018; Feldman et al., 2017). In a study by the Ghana Center for Democratic Development (CDD) in an Afro barometer report, it came to the fore that 75 percent of Ghanaians fail to report criminal acts to the police or law enforcement agencies (A 2011/2013 Afro barometer survey cited by Wambua, 2015). This itself is criminal since the Constitution under article 41 enjoins all citizens to report all criminal activities to the law enforcement agencies.

There are a number of reasons why the majority of individuals do not report criminal offenses to the relevant authorities. These ranges from bribery, not responding appropriately when crimes are reported and fear of further reprisal attack after notifying the police and

sometimes absence of police stations (Dziwornu, 2021). Regimes put in place to sanction offenders of the law has the potential to deter offenders and efforts should be made to add other informal ones such as social apprehension to those offences through arrest, prosecution and sentencing. There is overwhelming evidence to suggest that putting in place a well-designed crime prevention strategy has the potential to reduce criminal acts in society and also assures the community of its safety which invariably contributes to sustainable human security. Where there are effective and efficient crime prevention strategies it enhances the quality of life of the citizenry (UNDOC, 2010). It also brings down costs associated with the prosecution of criminal acts in society. The prevention of criminal activity offers the potential for a more humane and cost-effective approach to crime control at the societal level, which can be extended to the international domain.

As stated in the report of the UN Secretary-General on rule of law and transitional justice in post conflict societies, "prevention is the first imperative of criminal justice" (S/2004/616). The prevention of crime has become an important component of many governments in providing peace and security to their nationals (UNDOC, 2010). Where there are stark differences between the rich and the poor, and there is corruption by the affluent in society and there are no viable institutions to check all these crime increases (UNDOC, 2010). Niggli and Maeder (2014) have intimated that, the whole essence of criminal law and the whole justice system is to ensure the security of the citizens by the state. It is argued that, meting out punishment to criminals protect and purges society of deviants. Criminal policies and the sanctioning regime are established to reduce crime to the barest minimum and to protect society and ensure its maximum security (Queloz, 2010). As intimated by Niggli and Maeder (2014), the synergy between crime policy and the security of the people has become so obvious in the day to day responsibilities of the state that it needs not be argued out further.

Fattah (1995), has intimated that, crime prevention should be the responsibility of all the citizens in view of the fact that most of the factors that impact on crime happens to be outside the control of the security and justice system. The Home Office of the United Kingdom has advocated that, in view of the fact that there are obvious limitations on the security and justice system to address crime in any country, it is of paramount importance that crime prevention strategies go beyond these institutions to include all stakeholders (Home Office, 1977). Appiahene-Gyamfi (2009) has therefore advocated for an integrative approach that brings all resources of the state both material and human to prevent, control and apprehend

criminals. The author reiterates the necessity for a strategic plan, which is multidisciplinary and comprehensive, to guide any merited reforms in the criminal and justice delivery system. Such a plan must take into account the existing system, a clear vision of the desired future state, and the implications for society. He is also of the view that crime control should be placed as a high priority by the state and credible and durable structures put in place to deal with the menace (Appiahene-Gyamfi, 2009). Such an outcome can only be achieved through the implementation of suitable reforms within the security services and the establishment of a formalized legal framework that facilitates the prosecution and punishment of criminals in a timely manner, thereby discouraging similar actions within the country.

Crime, punishment and the legal system of Ghana

Laws, rules, norms and regulations must stipulate an act to be criminal before it can be punishable. This develops as society progresses. In Ghana, what constitutes a crime is stipulated under clause 11 of article 19 of the 1992 Republican Constitution which stipulates that, 'no person shall be convicted of a criminal offence unless the offence is defined and the penalty for it is prescribed in a written law.' This means that, an act will only be deemed as criminal when it is put down in writing, defined and the sentence that would be imposed upon a breach duly prescribed (Adjei, 2021). The position of the law is that, every criminal offence shall be defined to reveal its ingredients and the penalty prescribed for it to enable prosecutors to know what to prove before the law court (Adjei, 2021). This is in line with the common law principle that the prosecution must prove all the ingredients of a crime before the accused could be called upon to open his defense. The prosecution and the accused should also be aware of the punishment of a particular offence, so that should a court goes contrary to the prescribed sentence, the accused can challenge it on appeal.

Three key law enforcement officials in the legal system are the 'police, prosecutors and the judiciary who play significant roles in ensuring effective administration of the criminal sanctions regime (Johnson, 2007). Of all the three, the Police are seen as very important in view of the fact that they can exercise a lot of discretion in the enforcement of law under the criminal justice system (Davis, 1969). This stems from the key roles assigned to the police both under the 1992 Republican Constitution as well as other legislative enactment such as the Police Service Act, Act 350. This gives them the power to use force, deny people of their civil liberties, and apprehend criminals by using lethal force (Bittner, 1979). In fact, it is this power at the disposal of the police that enables them to be able to maintain law and order, apprehend and detect crimes and provide other services such as investigation (Skogan & Frydl, 2004). The

power of prosecutions with the police is very powerful, since it has a deterrence effect by sending a clear message to would be offenders that once arrested, they will face the full rigors of the law (Tankebe et al.,2014) and Agozino (2004).

Laws used for criminal prosecution in addition to the Constitution include the Criminal Code 1960, Act 29, as amended and the Criminal Procedure Code, 1960 Act 30. These together with the Courts Act and a host of others provide the main legislative anchoring on which criminals are prosecuted in the country (Appiahene-Gyamfi, 2011). Section 294 of the Criminal and Other Offences (Procedure) Act, 1960, Act 30 stipulate the different types of punishment that can be inflicted when an individual breaches the law. The laws of the country are grounded on procedural fairness, due process, rule of law and respect for fundamental human rights as some of the cardinal virtues (Constitution, 1992). Chapter five of the constitution which deals with fundamental human rights stipulates the basic liberties to be enjoyed by the citizenry and provides how criminals are to be tried within the judicial system under article 19 of the Constitution.

Under the law, suspects are to be informed upon arrests on the reasons for their arrests by the law enforcement agents and of a counsel of their choice. Suspects are not to be held for more than 48 hours under the *habeas corpus ad subcijiendum* law. All prosecutions are at the behest of the Attorney-General's Department and the Ghana Police Service. Other enactments such as the Revenue Governing laws also mandate their officials to prosecute offenders in addition to the Police and the Attorney-General's department. The 1992 Constitution and the Courts Act, 1993, Act 459 stipulates the jurisdiction of each court. The hierarchy of the courts are as follows. The Supreme Court is the apex court of the land, followed by the Court of Appeal then the High Court. The first three courts are designated as the superior courts. The others include the Circuit Court and the last, but not the least, the District Magistrate Court. Within these, specialized courts have been established to deal with some specific offences such as human rights violations, labor issues, juvenile matters, sanitation, matrimonial and others.

The potential penalties for criminal offenses range from a single day of incarceration to life imprisonment. In addition to the aforementioned penalties, the criminal code also provides for the imposition of caution, fines, compensation, and probation. Death penalty is reserved for the severest form of punishment (The Criminal Code, 1960; The Criminal Procedure Code, 1960). The sanctioning regime takes into consideration juvenile offenders and delinquents. The typical practice of juvenile courts is to place children on probation with the expectation that they will undergo a process of reform. The probation system is primarily utilized within the

juvenile justice context. The country's criminal justice system is comprised of three primary institutions: the Police Service, the judiciary, and the Prisons Service. It is through these institutions that criminal acts are discovered, prosecuted, and punished.

Arrest, interrogation and prosecution of criminals remains the core duty of the police in addition to the maintenance of law and order. The police may initiate proceedings against the suspect depending on the nature of the crime. Usually on murder charges, they liaise with the office of the Attorney-General to do the trial in a court of competent jurisdiction. Crimes under the Criminal Code, Act 29 are usually grouped under three main distinct categories. These are crimes against the person, those against property and crimes against public order, health and morality. Offences against the person include murder, manslaughter, threats, causing harm, assault, abortion, infanticide, rape, defilement, child stealing, slavery and slave dealing. Offences against property include arson, criminal damage, larceny, theft, burglary and pickpocketing, and trust offences like fraud and dishonesty (Criminal Code, 1960). According to Appiahene-Gyamfi (2011) of these broad range of offences, crimes against the person constitute the highest being about 48 percent, followed by those against property being 44 percent and those against public order, health and morality constituting 8 percent.

The country has 47 prisons, of which seven are for women. Out of the forty-seven, thirty-four inclusive of all the female prisons are walled, camp prisons are two, ten being farm camp prisons and one infectious prison (Appiahene - Gyamfi, 2011). Apart from the female prison at Nsawam in the Eastern region, all the others are attached to male prisons. Six of the male prisons are in the maximum-security category, one being in the medium-security category while twenty-five are minimum-security prisons (Appiahene-Gyamfi, 2011). There is a gap between 'the science of crime' and the perception by the public on policies by the government. Various researches points to the fact that, in a generation all those who committed various breaches of the law, got reformed and desisted from the further commission of crime (Laub & Sampson, 2003).

It has been duly established those criminal offences increases as people aged, gets to crescendo in the teen ages and then begins to decline (Uggen, 2015). In the maintenance of law and order, criminal law and punishment is seen as one of the several tools available to deter the commission of crimes in society and to protect the interests of individuals (Maculan & Gil, 2020). The consequences of crime on development in Africa has been outlined at several fora. The continuous commission of crime impacts negatively on the standard of living of people, shatters the confidence citizens have in businesses, affects employment and destroys human and social capital. It also impacts negatively on investment and destroys the trusts between

citizens and the government (UNDOC, 2005). Crime pushes investors away and makes them conclude that the country is unstable. Moreover, it drives up the cost of investment. Tourism is highly sensitive to crime. When tourist's gets to know that there will be criminal acts at where they intend visiting they usually suspend travelling to these places which impact negatively on the local economy.

Strategies to deal with crime in Ghana

Strategies must be put in place to frustrate organized criminal gangs from having the opportunities to use their booty in lawful markets through legal reforms. This must be monitored and evaluated to ensure compliance to see what is best, and in tandem with international best practices. This will also improve on accountability and transparency in what is best fit in resolving crimes (UNDOC, 2010). Criminal policies must therefore be geared towards the control of crime and the security of the citizenry (Queloz 2010, p. 95). The objective of crime prevention is to reduce the number of opportunities available to criminals to outwit the justice system and commit crimes, while simultaneously increasing the likelihood of their apprehension. Crime prevention should also be linked to sustainable development and sustainable livelihoods, because it should be able to meet the needs of the present generation without compromising those of the future (UNDOC, 2010).

All hands-on deck should be mobilized towards increasing the capacities and the resources at the disposal of both the security services as well as the citizenry to combat criminal acts without compromising future generation (World Commission on Environment and Development, 1987). UNDOC (2010) has stated that:

> "It is the responsibility of all levels of government to create, maintain and promote a context within which relevant governmental institutions and all segments of civil society, including the corporate sector, can better play their part in preventing crime".

And that one effective strategy in combating crime is to integrate crime prevention methodologies in all important social and economic policies and activities including those factors that address unemployment, education, urban planning, poverty as well as social exclusion. Particular emphasis should be placed on communities, families, children and the youth who are at risk (UNDOC, 2010). Crime prevention approaches and related programs should be integrative, unearthing the causes, criminal hideouts and financiers of the act. It is

imperative that respect for the rule of law and fundamental human rights be upheld at all times, including those set forth in international human rights instruments. This must be done through reforms in the security services in order to effectively address crime. It is imperative that the culture of lawfulness be actively promoted in the context of crime prevention.

In a broader sense, key arguments have been made that is suggestive of a strategic delivery of reforms in the security sector that embraces the participation of people at the local level, taking into cognisance differing cultural norms and other opportunities that are available (Brockmeier & Rotmann, 2018). There should also be a central authority with a crime prevention plan with clear priorities. This should incorporate strategies between governmental institutions as well as civil society. It would be beneficial for the media to disseminate information to the public regarding the strategies that are being employed to address criminal activity, with the aim of garnering their active collaboration. The media plays a pivotal role in influencing public perceptions and attitudes towards crime on a global scale. A national plan must be based on consultations with all stakeholders together with a research team to provide up to date information to support the crime prevention strategy (UNDOC, 2010). Public education and communication are therefore important for alerting the public on crime prevention strategies (UNDOC, 2010). The successful reduction or prevention of crimes hinges on sustainable funding. There must be constant flow of resources to fund the various structures and personnel who are at the frontline. Institutions responsible for providing oversight should also be resourced enough to enable them play their key roles so as not to be compromised.

CONCLUSION

This paper examined the relationship between crime, punishment and security sector reforms. The conceptual theories that underlay security sector reforms as well as that of punishment were discussed. It is imperative to emphasize here that, crime can be reduced if the necessary reforms are carried out within the security sector to equip personnel and their capacities built to enable them perform their core roles of detecting, apprehending criminals as well as maintaining law and order. Crime prevention strategies that are holistic and integrative of all the sectors of the economy is advocated in order to deal with the increasing rate of crimes in the country. Moreover, punishment meted out to criminals should be deterrent enough to prevent other would be offenders from committing similar offences in the future.

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