



REPUBLIC OF SIERRA LEONE ARMED FORCES
POLICY ON MISCONDUCT

By Command of the
Defence Policy Committee

November, 2003

MINISTRY OF DEFENCE
TOWER HILL
FREETOWN

RSLAF PERSONNEL POLICY DOCUMENT – MISCONDUCT

References:

- A. Armed Forces of the Republic of Sierra Leone Act 1961.
- B. Army Orders 1 of 1965.
- C. Code of Conduct.

General

1. This document deals with administrative action in respect of misconduct by members of the RSLAF. It complements the Code of Conduct for the RSLAF (Reference C) and provides guidance on procedures for dealing with any breach of those values and standards.
2. Administrative action for misconduct is distinct from disciplinary action under the Reference A though they can both result in termination of service. Administrative action is the means by which the Armed Forces, like any other employer, is entitled to respond whenever its personnel fail to behave in accordance with its rules and what is expected of them.
3. In some cases disciplinary action may be taken as well as administrative action for example if an accused has been prosecuted by a civil or military court. Such action does not amount to double jeopardy, it is consistent with civil practice.
4. In considering cases of misconduct by officers, the Armed Forces Board is concerned to safeguard the reputation, discipline and well-being of the Service. The usefulness and efficiency of an officer and his proper relationship with all ranks are impaired if his conduct has cost him the respect of his subordinates and colleagues, and the trust of his superiors.

Misconduct – Definition

5. In determining whether conduct is misconduct commanders should have regard to the following test

“Have the actions or behaviour of an individual adversely impacted or are they likely to impact on the efficiency or operational effectiveness of the Republic of Sierra Leone Armed Forces?”

Standard of Proof

6. When considering any case the determining body must determine whether on the basis of the evidence before him that it is more likely than not that the conduct in question happened. This standard of proof is the balance of probabilities.

RESTRICTED

Sanctions Available – Officers

7. Resign or Retire. The Defence Council may call on an officer to resign his commission or to be compulsorily retired.
8. Severe Reprimand. The Armed Forces Board may award an officer a severe reprimand. This will stay on the Confidential Report File of the officer for a period of 3 years.
9. Reprimand. Commanders holding the rank of Brigadier may award officers under their command a reprimand. This will stay on the Confidential Report File of the officer for a period of 1 year.

Sanctions Available – Soldiers

10. Discharge. Soldiers may be discharged in accordance with S 24 of Reference A.
11. Severe Reprimand. Any person having the powers of Appropriate Superior Authority (ASA) in accordance with S 83 of AFRSLA '61 may award a soldier a severe reprimand. This will stay on the Confidential Report File of the soldier for a period of 3 years.
12. Reprimand. Any person having the powers of Appropriate Superior Authority (ASA) in accordance with S 83 of AFRSLA '61 may award a soldier a reprimand. This will stay on the Confidential Report File of the soldier for a period of one year.
13. Reduction in Rank. A CO may reduce a LCpl in rank to Pte. ASA may reduce a Cpl to WO2 in rank. WO1 must be dealt with by the Armed Forces Board.

Suspension from Duty

14. In the interests of discipline an officer or soldier may be suspended from duty whilst an investigation into alleged misconduct is taking place.

Procedure for Administrative Action

15. The procedure in the following paragraphs is to be followed in cases where administrative action is sought.
16. In a serious case, or one which may result in adverse publicity or bring the RSLAF into disrepute, the commanding officer or other superior officer is to report the matter in outline immediately, by the fastest means, to the next superior authority; and the superior authority is to report it to the relevant HQ JI branch, who will inform the Ministry of Defence.
17. In every case the commanding officer, or other superior officer, is to:
 - a. Investigate thoroughly the misconduct alleged. In the more difficult and convoluted incidents the commanding officer should consider requesting the JPU to carry out the investigation.

RESTRICTED

- b. Seek legal advice if necessary.
 - c. Report the incident or allegation to the appropriate superior J1 branch.
 - d. Prepare a report on the case in writing for the next superior authority. The report is to consist of the following:
 - (1) Details of the incident.
 - (2) A summary of the reasons why the officer/soldier concerned committed such an offence.
 - (3) Justification as to why a report is being raised, including any legal advice.
 - (4) Any pertinent and valid comments on the officer/soldier, ie character, performance as an officer etc.
 - (5) Recommendation on award.
18. On completion of the report the commanding officer is to:
- a. Interview the officer/soldier concerned and explain to him the misconduct alleged. Acquaint the officer/soldier with the principles and procedures of an administrative report.
 - b. Allow the officer/soldier to read the report made by the commanding officer.
 - c. Invite the officer/soldier to make a written representation for consideration by higher authority. (If the person concerned cannot read and write, the report should be read to him and any comments he has should be written down). If a representation is made, it is to be attached to the report by the commanding officer.
19. The case papers should then be forwarded through normal command channels. At each level of command commanders are to add their comments and recommendations on the case. Legal advice should be sought by superior officers as necessary, particularly in cases where a more severe recommendation is made.
20. In the case of any officer, if resignation or retirement is recommended he should be given the opportunity to be interviewed by D Def Pers if he so wishes.

Appendix:

1. Format for Administrative Sanctions.

RESTRICTED

APPENDIX I TO
ANNEX B TO
AFBI 001/2003

FORMAT FOR ADMINISTRATIVE SANCTIONS

To:

(insert number, rank, name and unit)

Administrative Sanction by:

(insert name, rank number and unit of officer awarding sanction)

In Accordance with the administrative powers delegated to me, I hereby award you:

(insert sanction)

in consequence of your misconduct reported by your Commanding Officer on:

(insert date)

Your Commanding Officer reported you for:

(briefly outline of misconduct)

In addition to the sanction imposed, you are hereby warned that further misconduct may result in an application being made for your retirement or resignation if an officer and discharge if a soldier.

Date:

Signed:

Copy to:

AFPC
Bde Comd
Unit for CO

B1 - 1

RESTRICTED