

## **Interview 39: SRI LANKA: RMAR a retired police sergeant**

Mrs. RMAR a retired police sergeant talks about policing in Sri Lanka

**What do you think of the policing system of your country? Is it good? Or do you think it should be different?**

I have served as a woman police sergeant for a period of more than of 29 years. I have gained much experience on policing in Sri Lanka. I have served under five Deputy Inspector General (DIG), eight Senior Superintendent of Police (SSP), in between 10 to 15 Superintendents of Police (SP), Assistant Superintendents of Police (ASP) and Headquarters Inspectors of Police (HQI). I have diversified experience of working in different areas of Sri Lanka like Nawalapitiya, Gampala, Vavuniyawa, Jaffana, Mahiyanganaya, and Kandy.

Immediately after I joined the police I enthusiastically worked for the department. But with time, after experiencing enormous difficulties and harassments I became disgusted with the police service. On some occasions we had to work continuously for 10-15 hours. There were days that we came for duty in the morning but our hours were extended to the following morning. Our senior officers who deployed us for such services never consider the fact that we are also human beings. For example: I and the officers with me were ordered to go for an election duty to provide protection for the polling station. It was supposed to be from 6am to 5pm. But by 4pm the senior officer ordered us to go and report for another duty at night at the counting center at Kachcheri to provide protection. We had to stay there till the next morning under minimum conditions. In such occasions there were no possibilities for making any claims for relief to a senior officer. By that time I was a mother of a small child. As there was curfew imposed by the government, there was not a single boutique open to buy some food. On the other hand police also did not provide any food due to the exceptional situation that prevailed in the area. It was due to these bitter experiences that I continued developed deep frustration with the service.

While we waiting on the road after being released from the service that day another senior officer saw us and took us to the station in his vehicle. Then we him told the difficulty that we faced. He blamed the officers who exposed us for such difficulty but he did nothing more than that.

This kind of insensitivity in the service and among seniors towards their juniors worsens the morale in the policing service.

I can explore the situation with one more example. One day, four officers including a sergeant went out for an out duty at night from the station where I worked at around 10pm. Meanwhile they arrested a suspicious woman on the road and handed her over to the women officers on duty for detention. Later in the next day the statement recorded from the detained woman was also done by the same sergeant. To extract information while recording the statement he questioned the woman forcefully. He verbally threatened her as well.

Later this woman complained to the senior officers, that she had been raped by that particular sergeant. Instead of properly investigating the complaint what the seniors did was interdict the sergeant. By that time he had an uninterrupted service at of around 38 years. He was at the edge of the service before the retirement and was the father of two children. He was not able to face the society as he was accused of

rape. His inquiry did not conclude even for two years and he diagnosed with a psychological ailment. Finally he died of heart attack.

When the police officers participated at the funeral of the officer family members, relatives and the villagers made a huge protest against the department about the inefficient and delayed investigation that ruined the life of the deceased. They accused the police of causing the death of the officer. We were also shocked with that case.

In that particular case there were three more police officers with him. Immediately after the arrest he had handed over the woman to the women police officers at station. This woman did not make any complaint till the statement recording incident where she was forcibly questioned and verbally threatened.

Considering the above it was obvious that the complaint of rape was baseless. However, that aspect of the complaint was not investigated by the police due to the negligence and careless procedure of the senior officers of the department. This shows the continuity of the lax attitude of the senior officers.

**What is your opinion on the allegation made by many parties that officers in service tamper with official documents such as complaints, investigation reports and statements of the witnesses?**

Certainly there is such kind of allegations against the police among the public. I have observed in the judicial process when the police investigations in criminal trials the police are accused of tampering with, or irregularities in the records. I would say that these allegations are correct in certain situations. For example: one day when I was in service, the son of the higher ranking police officer came to the station and took away the police jeep for a party event held at his home. Later we found that the vehicle met with an accident causing extensive damage to the vehicle whilst being driven by that particular son.

But the official record indicated that a Police Constable Driver (PCD) brought the vehicle. The Criminal Investigation Department (CID) held an inquiry into the incident and filled a case against the PCD who was held responsible and asked to pay for the entirety of the damage caused. Later it was revealed that the senior officer intervened and paid for the damage.

However, I have to say that it is very difficult task to tamper with the official records at police stations as many other officers are vigilant with reports. At the same time there is a particular officer for the custody of the records in every station. Even though an officer may tamper with a record it can be caught by the other officers in the station where there are parallel internal investigations with same records. So I would say intentionally tampering with a record is a difficult task with the regulations in force and the official procedures set up.

For example: when I was in service there was a complaint against two officers in my station that because there were some pages missing from the complaint recording book. In that case two officers, the officer in charge of the custody of official records and another in charge of issuing certified copies were charge with the loss of the missing pages. The conclusion of the investigation in respect of that case revealed that one police officer after making a complaint on a matrimonial dispute against his spouse, later wanted to remove the complaint pages, to prevent the other party knowing the content of the complaint against her as she was also in police service at the time. It was due to this that the officer removed the pages of the complaint recording book illegally. After the revelation of the incident the officer in question was found fully responsible, charged and punished at the internal inquiry.

There were many such incidents which occurred mainly due to negligence and the ignorance of the responsible officers. We were all taught at our initial training not to make any alterations or erase records. But I have seen there are some officers who never respect these rules. One day I saw a newly recruited officer removing a page after recording a complaint and hand it to the complainant for unknown reason. Then I immediately intervened and was able to prevent this from happening by explaining the rules of the department.

Considering these kinds of things it is my opinion that the newly recruited officers should be given much more thorough training on these procedures so as to pay attention to these common faults. At the same time I would say that these fatal errors account to the present exceptional collapse in the police service in the country.

At the same time the decline of the standards of the recruitment procedures are also responsible for this collapse of the service. There are many ways in which the recruitment procedures have been relaxed. For example: easing the standards of educational qualifications, avoiding the sensitivity on discipline and the family backgrounds of the interviewees, neglecting the interviewee's general knowledge etc.

Honestly speaking, I would like to talk about police with pride and dignity. However, for that we have to correct the errors and defects within the service.

### **What is your opinion on police torture?**

I think I am having enough experience on that issue to be able to talk like many other officers in the service. First I would say I absolutely condemn police torture. At the same time I should say that police torture is one of the most fundamental faults that prevail in the service which challenges the fundamental structure of the service. It is fundamentally against the teachings of investigation and basic principles of investigation accepted by modern policing systems in the world.

I have witnessed the torturing of arrested suspects at police stations. At the same time I have heard the screaming of suspects while they are getting tortured inside the stations. That is common experience for police officers in Sri Lanka. But I would say it is a very unpleasant experience. I have questioned whether I am serving in torture chamber myself many times in my life when I was in the service. Especially the situation which prevailed between the years 1988 to 89 was brutal and devastating. I honestly do not wish to relive those memories again.

I wanted to repeatedly mention here that these illegal things happen due to the lack of proper training and the defects in the basic instruction for police officers. I believe physical and psychological discipline is sacred for a police officer all the times. I believe they should have continuous training to have tolerance and practice it as meditation. These qualities are needed at all times for an officer in service as they are engaged in very difficult work.

Our officers all the time pay much of their attention to get all the possible information from the suspect they arrest. I think that is the fundamental error that police officers do. When they try to get information from a suspect whom may or may not know the facts they officers become frustrated and turn to the use of torture. In turn I believe that if the officers can work much to investigate the surrounding facts and reasons for the arrest they can collect the necessary evidence just as efficiently. For that officers need to have much patience. They need to have a scientific approach for that. They

should collect information without breaking the chains of evidence. For that they have to develop their research skills. They have to be able to analyse facts. On many occasions they have to properly preserve the relevant evidence and record the facts faithfully. All the time should have to have comparisons and verifications. Finally they should structurally establish the stories and go for the arrest, detain and produce the suspects in courts.

Many of these procedures require certain knowledge and a systematic approach. The officers need to use their scientific knowledge as well as scientific experiments with the assistance of many other agencies of the state. Officers have to develop these techniques by continuous training. Yes it is difficult comparing the results of a professionally investigated crime to those of an investigation in which torture has been used.

All these are included in the basic training of police officers in their early careers. But with time many of these techniques are forgotten by officers who go for the easier method of torturing the suspect in order to conclude the investigation.

The taking of finger prints or foot prints is a rudimentary compared to the modern techniques. But our officers pay little attentions for the very least of these things. If they do not pay attention at the very beginning of a crime scene investigation evidence can easily be destroyed.

During the time that I got ready for my retirement, we were given a series of training on the use of DNA evidence in criminal investigations. At that time I was serving in the Kandy division. That may be the reason that I was exposed to many of these new techniques. I found it very interesting and logical and enjoyed the scientifically established methods. We can establish a very strong case against an accused in a criminal case using these methods of gathering evidence. But there are two major division of service. The very first part is for the police officers and the second part is completely to the laboratory investigations.

But my personal opinion on that is the officers on duty in the crime investigation hold more than ninety percent responsibility on the weight of properly using DNA evidence. The utmost responsibility of the police officer in such cases is collecting the blood stains before they are destroyed. They have to provide the protection to the scene. They have to take the blood stains following the methodologies they are taught and without breaking the chain has to hand over the evidence to the laboratory after obtaining the necessary judicial orders.

If the police officers are going to use DNA evidence then the officer in charge of the crime scene investigation should follow the exact procedure on how to collect the blood samples from the scene. First he should know how to protect the scene of crime ensuring the lifespan of the material evidence. He should developed his investigative skills even to observe small micro materials. He should know how to differentiate the materials as to which are substantially relevant and what are not. All this depends on the maturity, training and experience of the officer in the area of criminal investigations.

In one way these are very sophisticated procedures but I feel that they are simple if we use our minds and training. We the officers have to work creatively and be able to adapt our experience to different situations. After I leaned these things I really felt that I was able to engage in professional and scientific work. But unfortunately, I only learned these things shortly prior to leaving the service.

These procedures are difficult but I believe that submitting this kind of evidence in a criminal trial against an accused gives a far greater chance of a successful prosecution. It is certainly much more successful than relying on verbal evidence. Scientific evidence cannot be easily challenged even by experienced lawyers. But as in the criminal trials the role of the investigating officers would be thoroughly questioned it would be much easier for them if they presented scientifically gathered evidence. Any hint or suspicion of torture by the police to obtain confessions only brings shame to the service.

So I believe in the future we should not be so ready to get the all the crime related information from the arrested suspects. Instead of that we have to go for these modern methods. Presently I know there are officers who are having this particular knowledge on the relevant field. But the number of these officers is limited. So the department should concentrate their attention to provide this kind of training to all the new recruits in the future.

The elimination of torture from the Sri Lanka police service will only happen only after providing such kind of successful training to all the officers and adopting such approach to the criminal investigation system.

### **What is the relationship between the police and the general public?**

Certainly interrelationship between the police and the public is not good. But I have seen the many places where they maintain successful relationships with the general public in high standards. For example: The Kirulapana Police Station. I think the obstruction that police face when they try to establish better relationships are due to political influence and the intervention by the senior officers for their whims and fancies. In the present context in Sri Lanka the police officers in station always have to obey the orders of these two parties willingly or unwillingly. Then senior police officers always interfere with stations to fulfill the whims of individual influential parties. Junior officers are no longer able to object to those illegal orders. The public believe that police officers bow to the politicians and influential parties and are no longer impartial and independent in their inquiries and operations which necessarily affect the public. The public believes that the police do not care about them. They are neglected in the hands of the police. This has been the major accusation for many decades. Especially in the central province of the police I feel that most of the people coming from the lower starters or lower peoples belonging to marginalized groups like lower caste or poor sectors look at the police with suspicion.

Still police are not able to get the confidence of these people at all. The police especially in the cases where people belonging to such kind of social groups are victimised by the higher sectors of the society they cannot imaging receiving an impartial investigation. Though at the beginning of the investigations they might feel confident, later they give up when the people belonging to influential classes get involved or are the accused. When these things happened it is the officers who are directly entertaining the public who are accused and face enormous difficulties. Finally we get harassed by the public.

Most of the time we get defamatory treatment. People no longer tolerate these kinds of illegalities and discriminations. They openly accused us. But the senior officers who come with such illegal orders never understand these social changers. For example: some time ago a group of police officers arrested the son of an influential person on financial fraud after having received a formal complaint. Then the wife of a senior minister called and informed the officers not to proceed with the investigation and not to file a case against the suspect. However, the officers who conducted the investigation did not adhere to the

request and proceeded with the investigation and filled a case against him. Then a representative of the politician offered a few hundred thousand rupees to the officers and asked them not to file the case. It was suggested that they go for an out of court settlement among the parties. But they didn't accept that also and filled the case. Finally three officers out of that group of officers were arrested on fabricated bribery charges and interdicted from service. It is because of this kind of practice that the police has now become a infamous institution that works only to fulfill the whims and fancies of the politicians.

At the same time I would like to say that the CID contributed much superior excellent service before the present time. The CID in the past conducted efficient and successful investigations and were able to assist the courts to prosecute more serious criminals. But presently we see that there is a decline of making complaints to the CID. At the same time there is a trend among people not to assist even to CID for their investigations. I personally believe that if the conduct of the CID is fully activated and necessary assistance is provided to it then we can have much better optimum use of their services. At the same time we have to encourage the citizens to provide their assistance to the CID by providing the crime related information that they have. At the same time we have to increase the public awareness on the service so that they know what to expect from the service and institutions like the CID.

Therefore if we need to develop the relationship between the public and the police we have to deliver much efficient and prompt service to the public. At the same time we have to maintain our service impartially. The department has to take special measures to minimize the delays in investigations and other departmental services.

**There is an accusation that suspects are getting killed while in police custody. What do you think on that?**

Yes there are such accusations. Certainly I think we have to have an impartial and neutral look at these accusations. The media directly makes this allegation to the police. But I should say that any officer in service does not like to see either himself or his associates getting interdicted or dismissed from the service. So all the officers in service are taking precautions and are much conscious of the possibility of such irregularities. So I can explain this allegation with an example easily. One day police officers arrested a suspect on obscene behavior after becoming drunk and detained him. He had been convicted for many other crimes as well as for the same crime before. The officer-on-duty that night was aware of the fact that he had told the officers that he would have his revenge. It was due to this that he was watched carefully. But in the morning he was found hanging in the cell by a shirt. Later it was found that he has taken the shirt from another detainee who was in the next cell.

Even this single incident shows that there are people who want to get revenge from the police even at the cost of their life.

**If you have a problem do you go to the police?**

Certainly if I am having a problem easily I can get the service of the police. I am still having such trust. That may be due to my capacity as a retired officer. But in my service life I have observed most of the innocent people face enormous difficulties at police stations when they came to get the purported services. When I was serving in Jaffna and Vavuniya I experience that many innocent poor people faced exceptional difficulties due to language problems. The majority of the officers in service in those areas

with me had no adequate knowledge on Tamil to communicate with the ordinary people. On the other hand, when rich and influential people came to get the service of the police, the officers paid attention to their cases. Some time some officers provide their service for those kinds of people due to fear. I have seen that they are providing such service promptly.

### **Is there a law to prevent domestic violence?**

I know that parliament adopted such an act in 2005. There are occasions that police file cases in courts under that law. But I have seen many occasion that even though there is a legal provision that police can fill cases on that basis they direct the victims to go and get the legal assistance from a lawyer and file a case in court. Most of the time it is the poor who come to court for such cases. They cannot offer necessary payments to retain a lawyer for those cases but police officers direct them to lawyers in order to minimise their duty and neglect their official responsibilities. So I believe that if there is a proper awareness programme to the police officers on the legal space and the responsibilities of the officers under the act that would help many victims who come seeking justice and relief for their problems. Especially the victimised women should be handled with much more professionalism and maturity by the officers. On the other hand the police officers should be made aware of the ignorance among the rural and backward sectors of the society before they are deployed to these branches where women related matters are handled. I have to say that many cases reported to the police never end up with proper legal relief to the victims. That is due to the lack of the knowledge of the victims and the difficulties in the court proceedings. In such occasions the duty of the police officers can be seen as most sacred.