OFFICE OF THE ATTORNEY GENERAL
AND MINISTRY OF JUSTICE

DIRECTIVE ON CONSTITUTIONAL AND LEGAL COMPLIANCE IN THE CONDUCT OF CRIMINAL INVESTIGATIONS

(NOVEMBER 2ND, 2026)

OFFICE OF THE ATTORNEY - GENERAL AND MINISTRY OF JUSTICE

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Attorney-General's Directive No. 001 of 2026

To: The Inspector-General of Police; the Director-General, Criminal Investigations Department; the Executive Director, Economic and Organized Crime Office; the Director-General, National Investigations Bureau; the Director-General, Narcotics Control Commission; the Commissioner-General, Ghana Revenue Authority (Customs Division); the Comptroller-General, Ghana Immigration Service; the Chief Executive Officer, Financial Intelligence Centre; the heads of all other public bodies vested by law with powers to investigate criminal offences.

Copied to: The Special Prosecutor; the Minister for the Interior; the Chief of the Defence Staff (in respect of the Military Police when acting in aid of the civil power); the Commissioner, Commission on Human Rights and Administrative Justice; the Executive Director, Legal Aid Commission.

1. The Office of the Attorney-General has observed recurring practices that fall short of constitutional standards. These include detention beyond forty-eight hours without production before a court, arrests made to recover civil debts, coerced or improperly recorded statements, searches without lawful authority, and the maltreatment of suspects by law enforcement agents before charge.

2. Every criminal investigation in Ghana must be conducted within the boundaries set by the Constitution and the criminal laws of Ghana. An investigation that breaches a suspect's fundamental rights wrongs that person. It also undermines effective prosecution, exposes the Republic to claims for compensation, and erodes public confidence in the criminal justice system.

3. This Directive restates the binding legal requirements relating to criminal investigations, sets minimum operational standards, and establishes reporting and accountability arrangements. Its purpose is to ensure that every case referred for prosecution is built on lawfully obtained and admissible evidence.

4. This Directive is issued by the Attorney-General in the exercise of the functions conferred by Article 88 of the Constitution. Under Article 88(3), the Attorney-General is responsible for the initiation and conduct of all prosecutions of criminal offences. Under Article 88(4), all offences prosecuted in the name of the Republic are at the suit of the Attorney-General or any other person authorised by the Attorney-General in accordance with the law.

5. Because the evidence gathered in an investigation determines whether a prosecution can lawfully proceed, the Attorney-General has a direct constitutional interest in the way investigations are conducted.

6. This Directive gives effect to, and must be read with, the following:

6.1. the 1992 Constitution, in particular Chapter Five (Fundamental Human Rights and Freedoms), including Articles 12, 14, 15, 17, 18 and 19, and Article 296 on the exercise of discretionary power;

6.2 the Criminal and Other Offences (Procedure) Act, 1960 (Act 30);

6.3 the Criminal Offences Act, 1960 (Act 29);

6.4. the Evidence Act, 1975 (NRCD 323);

6.5 the Police Service Act, 1970 (Act 350);

6.6 the Juvenile Justice Act, 2003 (Act 653) and the Children's Act, 1998 (Act 560);

6.7 the Economic and Organized Crime Office Act, 2010 (Act 804);

6.8 the Anti-Money Laundering Act, 2020 (Act 1044);

6.9 the Narcotics Control Commission Act, 2020 (Act 1019);

6.10 the Data Protection Act, 2012 (Act 843);

6.11 the Electronic Communications Act, 2008 (Act 775);

6.12 the Cybersecurity Act, 2020 (Act 1038);

6.13 the Witness Protection Act, 2018 (Act 975);

6.14 the Legal Aid Commission Act, 2018 (Act 977); and

6.15. Ghana's obligations under the International Covenant on Civil and Political Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the African Charter on Human and Peoples' Rights.

6.16 Where this Directive and an enactment conflict, the enactment prevails. Nothing in this Directive confers a power not otherwise conferred by law or limits the operational independence of any agency guaranteed by the Constitution or statute.

7. This Directive applies to every public officer who, under any enactment, exercises powers of arrest, detention, search, seizure, interview or interception for the purpose of investigating a criminal offence (an "investigating officer").

8. It applies to, among others, the Ghana Police Service (including the Criminal Investigations Department and all regional and divisional commands), the Economic and Organized Crime Office, the National Investigations Bureau, the Narcotics Control Commission, the Customs Division of the Ghana Revenue Authority, the Ghana Immigration Service, the Financial Intelligence Centre, the Forestry Commission, the Minerals Commission, and the Military Police when acting in aid of the civil power.

9. The Office of the Special Prosecutor is independent under the Office of the Special Prosecutor Act, 2017 (Act 959). This Directive is communicated to that Office as a statement of the constitutional standards the Attorney-General expects all prosecutorial investigations in the Republic to meet.

10. Each head of agency shall bring this Directive to the attention of every investigating officer under their command within fourteen days of receipt.

11. **The guiding principles of this directive shall include:**

11.1. Every coercive act must rest on a specific legal power. An officer must be able to name the enactment that authorizes each arrest, search, seizure or detention.

11.2. The rights in Chapter Five of the Constitution bind every investigating officer. Article 12(1) requires all organs of government and its agencies to respect and uphold those rights.

11.3. A suspect is presumed innocent until either proven guilty or has pleaded guilty, as Article 19(2)(c) provides, and must be treated accordingly at every stage.

11.4. Coercive powers are used only where necessary, and to no greater extent than the investigation requires.

11.5. No person shall be targeted, arrested or treated differently on grounds of gender, race, colour, ethnic origin, religion, creed or social or economic status, contrary to Article 17(2) of the Constitution. Investigative powers shall not be used for partisan political ends.

11.6. Investigative powers shall not be used to enforce contracts, recover debts or resolve land or family disputes that disclose no criminal offence.

11.7. Every material decision in an investigation must be recorded, reasoned and open to review both internally and by adjudicatory bodies.

12. **Arrest and Detention shall be conducted in the following manner:**

12.1. An arrest shall be made only on a warrant, or without warrant where Act 30 or another enactment expressly permits it on reasonable suspicion of an offence. Invitations to "report" shall not be used as a device to detain a person who has not been lawfully arrested.

12.2. In accordance with Article 14(2) of the Constitution, a person arrested or detained shall be informed immediately, in a language that the person understands, of the reasons for the arrest and of the right to a lawyer of the person's choice. Where the person cannot afford a lawyer, the officer shall inform them of the services of the Legal Aid Commission.

12.3. Pursuant to Article 14(3) of the Constitution, a person arrested on reasonable suspicion of having committed or being about to commit an offence, and not released, shall be brought before a court within forty-eight hours.

The forty-eight hours run from the moment liberty is first restrained, not from the time of entry of the arrest in the diary of action.

12.4. Before the forty-eight hours expire, the officer in charge shall either release the person, with or without enquiry bail, or bring them before a court. Detention beyond that period without a court order is unlawful and shall not be justified by weekends, public holidays, transfer between stations or incomplete investigations.

12.5. An application for remand shall disclose the specific investigative steps outstanding and the reasons the suspect cannot be released on bail. Investigating officers shall not make repeated remand applications without demonstrable progress.

12.6. The officer in charge shall, without delay, inform a relative or person nominated by the suspect of the arrest and place of detention, unless the suspect objects.

12.7. Suspects shall be held only in police cells or other places lawfully designated for detention. Unacknowledged or incommunicado detention is prohibited.

12.8. Only such force as is reasonably necessary to effect an arrest or prevent escape may be used. Firearms shall be used only as authorized by law and the relevant standing orders.

12.9. Every detention facility shall keep a register recording the name of each detainee, the time and grounds of arrest, the arresting officer, the time rights were communicated, visits by counsel and family, and the time and manner of release or production in court.

13. Treatment and Dignity of Suspects

13.1. Article 15(1) of the Constitution provides that the dignity of all persons shall be inviolable. Under Article 15(2), no person, whether arrested, restricted or detained, shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment, or to any other condition that detracts or is likely to detract from their dignity and worth as a human being.

13.2. Torture, beating, threats, sleep or food deprivation, stripping, humiliation and threats against relatives are absolutely prohibited. No order of a superior officer and no exceptional circumstance justifies them.

13.3. Every detainee shall have access to adequate food, water, sanitation and, where required, medical attention. An injured or unwell detainee shall be seen by a medical practitioner without delay, and the examination recorded.

13.4. A person who has not been convicted shall not be treated as a convicted person and shall be, as far as practicable, kept separate from convicted persons, as required by Article 15(3) of the Constitution.

13.5. Female suspects shall be searched only by female officers and detained separately from male detainees.

13.6. Any officer who witnesses or learns of ill-treatment of a suspect shall report it immediately to the head of agency, who shall ensure that it is investigated independently of the officers concerned.

14. Interrogations, Statements and Confessions

14.1. Under section 120(1) of the Evidence Act, 1975 (NRCD 323), a confession by a suspect is admissible only if it was made voluntarily. Under section 120(4), a statement is not voluntary if, among other things, it was induced by a threat or promise, by cruel or inhuman conditions, or by the infliction of physical suffering. No investigating officer shall seek a statement by any of these means.

14.2. Before any interview, the suspect shall be cautioned in a language they understand that they are not obliged to say anything and that anything said may be given in evidence. The caution, the language used and the suspect's response shall be recorded on the statement form.

14.3. Under section 120(2) of NRCD 323, a statement made by a suspect while arrested, restricted or detained is admissible only if it was made in the presence of an independent witness. The independent witness must understand the language the suspect speaks and must be able to read and understand the language in which the statement is made. Where the statement is in writing, the independent witness shall certify in writing that it was made voluntarily in their presence and that the suspect fully understood its contents. Where the suspect is blind or illiterate, the independent witness shall also read over and explain the statement to the suspect before it is signed or marked, and certify this on the statement, as section 120(3) requires. The independent witness shall not be a police officer or other member of the investigating agency.

14.4. A suspect who asks for a lawyer shall be allowed reasonable opportunity to consult one before and during the interview. An interview shall not proceed in the absence of a requested lawyer except where delay would cause a real risk of harm to life or the loss of evidence, and the reason for proceeding shall be recorded.

14.5. Where the suspect does not understand English, a competent interpreter shall be provided, and the interpreter's name and language recorded.

14.6. Interrogation or interview of suspects shall be conducted at reasonable hours, with reasonable breaks, and shall not be unduly prolonged. The start time, end time, breaks and persons present shall be recorded.

14.7. Where facilities exist, interrogations or interviews in serious cases shall be audio or video recorded in full. Recordings shall be preserved as exhibits.

14.8. Each further statement shall be separately cautioned, dated and signed. No investigating officer shall rewrite, edit or substitute a statement after it has been signed.

15. Search, Seizure and Handling of Exhibits

15.1. Article 18(2) of the Constitution protects every person from interference with the privacy of their home, property, correspondence or communication, except in accordance with law and as may be necessary in a free and democratic society for public safety or the economic well-being of the country, for the protection of health or morals, for the prevention of disorder or crime or for the protection of the rights or freedoms of others.

15.2. Premises shall be searched only under a search warrant issued by a court under Act 30 or the relevant enactment, or without warrant only where an enactment expressly authorizes it. Where a warrantless search is conducted, the investigating officer shall record the legal power relied on and the reasons a warrant could not first be obtained.

15.3. Searches shall, where practicable, be conducted in the presence of the occupier or an adult representative and an independent witness. Officers shall identify themselves, show the warrant, and cause no more damage than is necessary.

15.4. Every item seized shall be listed on an inventory signed by the searching officer and, where possible, by the occupier or witness. A copy of the inventory shall be given to the occupier.

15.5. Each exhibit shall be labelled, sealed and entered in the exhibit register on the day of seizure. Every transfer of custody, examination or laboratory submission shall be recorded. Exhibits shall not be retained in an officer's personal possession.

15.6. Property not required as evidence, or not liable to forfeiture, shall be returned promptly to the person entitled to it, against signature.

15.7. A body search shall be conducted with respect for dignity, in private, and by an officer of the same sex as the person searched. Intimate searches shall be conducted only by a medical practitioner.

16. Surveillance, Interception and Digital Evidence

16.1. No investigating officer shall intercept communications, access stored communications or data, or conduct covert electronic surveillance except with the authorization of a court or under the procedure prescribed by the enactment conferring that power.

16.2. Requests to telecommunications operators, financial institutions or other service providers for subscriber data, call records, account information or content shall

be made only through the lawful process prescribed by the relevant enactment, and copies of each request and authorization shall be kept on the case file.

16.3. Personal data obtained in an investigation shall be processed only for that purpose, kept securely, and disclosed only as permitted by the Data Protection Act, 2012 (Act 843).

16.4. Digital devices seized shall be forensically imaged by trained personnel using a documented method, and the original preserved unaltered. Officers shall not browse a seized device outside the scope of the warrant or authorization.

16.5. Suspects shall not be compelled by threat or force to disclose passwords or unlock devices except under a court order or an express statutory power.

17. Bail and Release

17.1. Liberty should be the rule, with detention the exception. Where investigations can continue without the suspect in custody, the suspect shall be released on enquiry bail.

17.2. Bail conditions shall be reasonable and proportionate to the offence and the suspect's circumstances. Excessive or unattainable sureties, cash deposits not provided for by law, and the retention of title documents as a condition of release are prohibited. Bail shall not be used as punishment.

17.3. Officers shall not demand or accept any payment, gift or favour for the grant of bail. Bail is free.

17.4. Every grant, refusal or condition of enquiry bail shall be recorded with reasons. A suspect refused enquiry bail shall be brought before a court within the forty-eight-hour period in paragraph 5.3 above.

17.5. In accordance with Article 14(4) of the Constitution, a person who is not tried within a reasonable time shall be released, unconditionally or on reasonable conditions. Investigating officers shall therefore complete investigations and submit dockets promptly, so that no accused person remains on remand while evidence is still being sought.

18. Children and Vulnerable Persons

18.1. A suspect under eighteen years of age is a juvenile and shall be dealt with under the Juvenile Justice Act, 2003 (Act 653). The best interest of the juvenile shall be paramount, as section 2 of Act 653 requires.

18.2. On the arrest of a juvenile, the investigating officer shall inform at least one parent, guardian or close relative of the juvenile as soon as possible. Where none of them can be informed, the officer shall inform the probation officer responsible for the district, as required by section 11 of Act 653. Under section 13 of Act 653, a juvenile shall not be questioned or interviewed unless a parent,

guardian, lawyer or close relative of the juvenile is present. Where none of them can be contacted, a probation officer shall be present.

18.3. Juveniles shall be detained only as a last resort and for the shortest possible period. A detained juvenile shall be kept separate from adults, as required by section 15 of Act 653 and Article 15(4) of the Constitution.

18.4. The identity of a juvenile suspect shall not be disclosed to the media or the public, as section 3 of Act 653 requires. Investigating officers shall protect the identity of a child victim or witness in the same way.

18.5. Persons with disabilities, persons with mental illness, pregnant women, nursing mothers and elderly persons shall receive the accommodations their condition requires, including medical attention, accessible facilities and appropriate support during interview.

19. Victims and Witnesses

19.1. Victims shall be treated with courtesy and respect. Complaints shall be recorded fully and promptly, and the complainant given a reference number.

19.2. Victims of sexual and gender-based violence and domestic violence shall be referred to the Domestic Violence and Victim Support Unit, interviewed in private by trained officers, and supported to obtain medical examination without charge to them where the law so provides.

19.3. Officers shall not discourage a complainant from pursuing a criminal complaint, nor mediate or "settle" offences that the law does not permit to be settled.

19.4. Witnesses at risk shall be considered for protection under the Witness Protection Act, 2018 (Act 975). Witness statements shall be taken voluntarily, without inducement, and witnesses shall not be detained to secure their testimony.

19.5. Victims shall be kept informed of the progress of the investigation and of any decision to charge or not to charge.

20. Freezing and Seizure of Assets

20.1. Bank accounts, property and other assets shall be frozen or seized only under a power conferred by statute and within the time limits and confirmation requirements prescribed by the relevant enactment.

20.2. Where an enactment requires an administrative freeze to be confirmed by a court within a stated period, the agency shall apply for confirmation within that period or release the asset.

20.3. Freezing shall be limited to assets reasonably connected with the suspected offence. A freezing order shall not be used to coerce a suspect into making a statement, a payment or a refund.

20.4. Seized assets shall be inventoried, secured and preserved so that their value is not dissipated, pending the order of the court.

21. Publicity and the Presumption of Innocence

21.1. Suspects shall not be paraded before the media, photographed in custody for publication, or presented to the public in a manner that suggests guilt.

21.2. Public statements about an investigation shall be made only by the authorized spokesperson of the agency, shall be factual, and shall not express an opinion on guilt or disclose evidence that may prejudice a fair trial.

21.3. Confessions, statements and exhibits shall not be released to the media before trial.

21.4. Officers shall not disclose information concerning an investigation on social media or to any unauthorized person.

22. Coordination with the Office of the Attorney-General

22.1. In serious, complex or high-profile cases, including homicide, corruption, organized crime, terrorism, money laundering and cases involving public officers, the investigating agency shall seek the advice of the Office of the Attorney-General at the start of the investigation and before any arrest, where practicable. This does not apply in the case of corruption or corruption-related offences investigated by the Office of the Special Prosecutor.

22.2. No person shall be arraigned for an offence triable on indictment unless the docket has been reviewed and advice on prosecution issued by the Office of the Attorney-General, save where the law or an existing delegation provides otherwise.

22.3. Every docket submitted for advice shall contain a summary of facts, all statements, a list and description of exhibits with chain-of-custody records, the detention record of each suspect, any warrants or court orders obtained, and a note of any departure from this Directive with the reason.

22.4. Investigating officers shall preserve and disclose to the prosecutor all material gathered, including material that may undermine the case for the prosecution or assist the accused, so that the prosecution can meet its duty of disclosure.

22.5. Dockets shall be submitted for advice promptly upon completion of investigations and, in remand cases, no later than thirty days after the suspect is first remanded, unless the Office of the Attorney-General agrees otherwise in writing.

22.6. Each head of agency shall designate a senior officer as liaison to the Office of the Attorney-General for the purposes of this Directive.

23. Records, Oversight and Reporting

23.1. Every agency shall maintain, at each station or office, the detention register (paragraph 5.9), the exhibit register (paragraph 8.5) and a register of warrants, court orders and freezing orders obtained.

23.2. Station and unit commanders shall inspect these registers at least weekly and certify the inspection in writing.

23.3. Each head of agency shall submit to the Attorney-General a quarterly compliance report stating:

23.3.1. the number of persons arrested, released on enquiry bail, and brought before court;

23.3.2. every instance of detention beyond forty-eight hours, with the reason and the action taken;

23.3.3. every allegation of ill-treatment, unlawful search or coerced statement, and its outcome;

23.3.4. the number of dockets submitted for advice and their age at submission; and

23.3.5. training delivered on this Directive.

23.4. The first report is due at the end of the first full quarter after this Directive takes effect.

23.5. Each agency shall incorporate this Directive into its standing orders, training curricula and induction programmes for investigators within ninety days after this Directive takes effect.

23.6. Agencies shall cooperate fully with the Commission on Human Rights and Administrative Justice and the courts in any inquiry concerning the treatment of suspects.

24. Non-Compliance and Consequences

24.1. Evidence obtained in breach of the Constitution or the law may be excluded at trial and may cause a prosecution to fail. The Office of the Attorney-General will not lend its authority to a prosecution that rests on evidence obtained by torture or coercion, and may decline to prosecute, or discontinue, where a serious breach has tainted the case.

24.2. A person who is unlawfully arrested, restricted or detained is entitled to compensation under Article 14(5) of the Constitution. A person whose fundamental rights are contravened may also apply to the High Court for redress under Article 33. Unlawful detention, torture and other rights violations may therefore expose the Republic and individual officers to civil liability, and

individual officers to criminal liability under the Criminal Offences Act, 1960 (Act 29).

24.3. Where a breach of this Directive is established, the head of agency shall take disciplinary action under the agency's governing enactment and regulations, and report the action taken to the Attorney-General.

24.4. Where a breach discloses a criminal offence, the matter shall be referred for independent investigation and, where the evidence warrants, prosecution.

25. Commencement and Review

25.1. This Directive takes effect on the date of signature and remains in force until revoked or amended.

25.2. It shall be reviewed by the Office of the Attorney-General after twelve months, in consultation with the heads of agencies, in the light of the compliance reports received.

25.3. Enquiries on the interpretation of this Directive shall be addressed to the Director of Public Prosecutions, Office of the Attorney-General and Ministry of Justice, Head Office, Accra.

Dated at the Office of the Attorney General, Law House, Accra, this 2nd day of November 2026.

DR. DOMINIC AKURITINGA AYINE, MP
ATTORNEY GENERAL AND MINISTER
FOR JUSTICE