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LAW AND POLICY THOUGHTS IN NIGERIA



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Adeniyi Olatunbosun, PhD

CHAPTER SEVEN

NIGERIAN POLICE FORCE AND THE CRIMINAL JUSTICE ADMINISTRATION

K. O. Olaniyan*

Introduction

Police as an agency of the Criminal Justice System is the very first institution that a Criminal Suspect comes in contact with; the police is therefore seen as the gateway to the running of the administration of the Criminal Justice. The Nigerian Police Force is a creation of the Constitution¹, the general duties are therefore provided for by the subsidiary legislation² pursuant to the Constitution. The powers of the Police is also a creation of law³, these laws give authority to the Police in the performance of their general duties.

This Chapter attempts an expose of the “general duties” as well as other sundry duties of the Nigerian Police Force in the general administration of Criminal Justice. It will become evident that the Police as the gatekeeper of the Criminal Justice System has enormous power to decide who goes into the system and its efficient and effective decision has wider implications for the other components in the Criminal Justice System i.e. the Court and the Prison.

The Police are primarily responsible for the maintenance of public order, prevention and detection of crimes in the state. It also protects

* Lecturer, Department of Jurisprudence and International Law, University of Ibadan.

¹ Section 214, Constitution of the Federal Republic of Nigeria 1999 (as amended).

² Section 4, Police Act, Cap P19 Laws of the Federation of Nigeria, 2004.

³ Section 23, Police Act, Cap P.19 Laws of the Federation of Nigeria, 2004.

the life, liberty and property of the people. Crime is increasing day by day with the increase in the complexity of societies and civilization. Hence, the role of the Police has become more important than ever before. Without the Police, there would be chaos in the society and the people would live in a chaotic state of nature in which life would be nasty and brutish. Thus, the Police enforce criminal law, maintain law and order and investigate crimes. It provides the necessary checks against the inconsistencies of human nature. The Police play an important role in the administration of justice. In theory, one's safety and liberty depend upon the law and constitution but in practice the laws and judicial decisions are enforced by the Police. Thus the Police are major players in stabilizing modern civil societies. The primary functions of law enforcement officials are that of an impartial investigator and protector of public safety. Police officers are the first to respond to the crime scene and first to have contact with victims. The initial information the victim provides to law enforcement is the most critical factor in solving a crime.⁴

General Duties of Police in Nigeria

The Constitution of the Federal Republic of Nigeria provides that "the members of the Nigeria Police Force shall have such powers and duties as may be conferred upon them by law"⁵ that such powers and duties "may be prescribed by an Act of the National Assembly"⁶. Without mincing word, the duties and roles of the Nigeria police is statutorily spelt out in Section 4 of the police Act as follows:

"The police shall be employed for the prevention and detection of crime, the apprehension of offenders, the protection of law and order, the protection of enforcement of all laws and regulations with which they are directly charged,

⁴ The police and the criminal justice system <http://thelawyerschronicle.com/the-police-force-and-the-criminal-justice-system/> accessed on 25/11/2015

⁵ Section 214(1)(b) Constitution of the Federal Republic of Nigeria 1999 (as amended).

⁶ Section 214(2)(A) Constitution of the Federal Republic of Nigeria 1999 (as amended).

and shall perform such Military duties within or without Nigeria as may be required by them, or under the authority of this or any other Act."

Section 23 of the same Act further provides:

"Subject to the provisions of section 174 and section 211 of the Constitution of the Federal Republic of Nigeria (which relates to the power of Attorney General of the Federal and of the State to institute and undertake, takeover and continue or discontinue Criminal proceedings against any person before any Court of law in Nigeria) any Police Officer may conduct in person all prosecution before any court whether or not the information or Complaint is laid in his name."

The law has clothed the Nigeria Police with enviable powers in the sphere of administration of justice, preservation of law, order and maintenance of national tranquility. In the exercise of its primary powers, the Police also act in other spheres which are necessarily incidental to the exercise of the actual powers of the police. For instance, in the exercise of the primary duty of the police under section 4 of the Police Act, the Act gives the Police the power of public prosecution⁷. By these powers, the police can arrest, charge and prosecute any person suspected to have committed a crime before any court of law in Nigeria⁸.

Also in the bid to create a favourable condition for the discharge of the duty of the police; the Police Act has also given the police the power to arrest any person suspected to have committed a crime with or without warrants⁹. It should, however, be noted that the exercise of these numerous powers conferred on the police has to be discharged with due regards to reasonability and decorum. Any

⁷ Sections 23 Police Act. Cap. P19, LFN, 2004.

⁸ In Superior Courts of Record; the prosecution of offenders is often done by the Police, through the instrumentality of state counsel in Ministry of Justice. Predominantly, police prosecution is done at Magistrate Courts and other lower courts

⁹ Section 24 Police Act. Cap. P19, Laws of the Federation of Nigeria, 2004.

exercise of such powers in contravention of procedures accepted practice and the rights of individuals would be rendered ultra-vires null and void. This is importantly so as individual rights are also fundamentally guaranteed by the same Constitution that confers powers on the police.

Now the relationship between the police and the society as well the system (that is, the law and the constitution) which are parties in this big social contract shall be clearly understood in a sequential elucidation of their functions as stipulated above.

The Prevention and Detection of Crimes¹⁰

The two concepts of crime prevention and detection, though so close and interwoven as to be taken as synonyms, one for the other, the two concepts are not the same. It is true that you can prevent the commission of a crime if you detect its anticipatory steps early enough before commission of the crime. However prevention as used under the Police Act refers to situation where crime are discovered and thus prevented before commission. On the other hand crime detection refers to the investigatory power of the police to discover the commission of crime at any point in time and to be able to identify the person involved in the commission of the crime. Thus prevention of a crime can and is usually preceded by detection of acts to commit a crime.¹¹

Statutorily, it is conclusive that most of our law enforcement laws tend to give priority to the prevention and detection of crime, this is because of the importance attached to "nipping a crime in the bud" rather than expending tireless efforts (usually in futility) investigating the crime afterwards. Also, insecurity of lives and property in a developing nation like Nigeria is always on a steady increase, hence the need for the police to be alert by taking several steps towards evolving policies, strategies and the technological know-how for detecting and preventing the commission of crime. And to that effect, section 53 of the Criminal Procedure Act (CPA)

¹⁰ Section 4, Police Act Cap P19, Laws of the Federation of Nigeria, 2004.

¹¹ Alemika E.E.O. 2010. History, Concept and Crisis of the Police in Nigeria, Spectrum Books Limited (see generally).

provides that every police officer may interpose for the purpose of preventing and shall to the best of his ability prevent the commission of any offence. A police officer may of his authority interpose to prevent any injury attempted to be committed in his view to any public property, moveable or immovable.

It can be deduced from the above cited section that the law appears to give law enforcement officers (and the police in particular) the necessary legal backing to use all lawful means to avert or suppress the commission of crimes, in fact, beyond mere statutory provisions, the police have (for operational efficiency) institutions empowered to ensure state security through intelligence and investigation bureau (F.I.I.B) Alagbon; ably assisted by all the various state intelligence and investigation bureau (S.I.I.B), the Divisional Crime Offices (D.C. Os) in all the various local government areas of the federation. Also in the security web are the Special Anti-Robbery Squads, the Police Finger Prints Unit, the Photographic Unit, as well as the Handwriting Unit. All these security intelligence agencies are highly specialized; and their establishment is calculated towards preventing and suppressing of crimes and criminal activities, through intelligence information investigation, and operations.

However, it is observed that Detection of Crime on the other hand is an area where our policing system seriously lags behind. In era of terrorism, intelligence gathering should be a major role of the police. There cannot be detection of crime when intelligence policing is poor. For example how does a policeman detect that a would-be Terrorist plans to detonate bomb/IED? He knows through intelligence gathering and as a result prevents the commission of a crime. Sadly, Nigeria police cannot be said to have lived up to its expectation in this regard. This is not too good for the image of the Nigeria Police Force.

It is also observed that the Nigerian Police Force generally abuse the aspect of their role to prevent the commission of a crime. It is though permissible to prevent crime but to what extent can the police prevent crime. Many citizens have been police victims in carrying their purported roles of crime prevention. For example, a police may hide under the guise of prevention of crime to assume jurisdiction in land matters or any other civil action. If for example

Mr. A and Mrs. B are fighting over a piece of land and Mr. A approaches the Police over the dispute alleging that Mrs. B plans to attack him anytime he comes on the land. At this point, it is the duty of the police to wade into the matter and prevent a possible crime of malicious damage, grievous bodily harm or even criminal assault against the Complainant and the suspect. It is enough for the police to prevent this and stop. The Police begin to act ultra vires the moment it start giving ownership of the law to a party over the other which is what happens in most cases with the Police. The police are expected to draw line between what amounts to crime prevention and unlawful usurpation of the power of court.

Apprehension of Offenders¹²

Nigeria Police performs the role of apprehending offenders when it is unable to prevent and detect the commission of an offence. Nigeria Police sometimes rise to this challenge. We have situation where armed robbers were after a successful operation apprehended by the police. Of a particular reference are certain squads being formed for the purpose of carrying out roles like this, such as SARS (Special Anti Robbery Squad). Many times gallant officers of the police lose their lives in the process of apprehending offenders. It is however pertinent to note that there are instances where police apprehend innocent citizens when they are unable to apprehend the real culprits.

Maintenance of Law and Order¹³

The police also maintain law and order and they make sure that there is peace in the country to the best of their ability. In situation where there is breach of law and order, the culprit is arrested by the police as their major role is to maintain peace in the land. In fact this is an omnibus role that is capable of accommodating all the roles of the police.

Section 10 of the Police Act vests a duty on the police under the directive of the president to ensure public safety and public order. This may be executed in several ways such as enforcement of laws and regulations governing unlawful assemblies. Also by

¹² Section 4, Police Act Cap P19, Laws of the Federation of Nigeria, 2004.

¹³ Section 4, Police Act Cap P 19 Laws of the Federation of Nigeria, 2004.

suppression, not of public meetings (as guaranteed by the constitution) nor of public processions as guaranteed by the public order decree of 1979; but rather, by ensuring order; through the apprehension and prosecution of offenders who intend to provoke civil unrest from such public processions.

The Protection and Enforcement of all Laws and Regulation with which they are charged¹⁴

While it is true that the Police enforce the law as it is in order to bring sanctity into the land, it is not true that the Police should constitute itself into an institution capable of interpreting laws as our Police is fond of doing. The police should be taught that the court is the sole agency/institution that interprets the law and the Police will merely enforce an interpreted law. Overzealousness of the police should be discouraged.

Performance of Military Duties in and outside Nigeria¹⁵:

The Police perform military duties in the cause of carrying out their role where there is need for such. Military duties may include: maintain peace in time of riot and crisis; maintain peace when there is electoral violence or civil disorderliness. All these form part of the duties of the police. Therefore, it will not be right to draft military men when there is civil unrest like election violence or riot as is mostly obtainable in Nigeria, it is worthy of notice that there is specially trained Police for this purpose, that is, the Mobile Police Officer (MCPOL).

Consequently, the Nigerian police force has on several occasions, in the past been deployed to serve in various nations particularly in Africa. In 1960 they assisted in the peacekeeping campaign in the Democratic Republic of Congo, later on in Angola, Namibia, and Cambodia¹⁶.

At this juncture, it is pertinent to humbly submit that in the discharge of the duties saddled upon the Nigerian Police Force, the Force has over the years failed. This is by virtue of certain inherent

¹⁴ Section 4, Police Act Cap P 19 Laws of the Federation of Nigeria, 2004.

¹⁵ Section 4, Police Act Cap P 19 Laws of the Federation of Nigeria, 2004.

¹⁶ Oyesoji A. 2014. *Policing and Terrorism; Challenges and Issues in Intelligence*. Ibadan: Stirling Horden Publishers Ltd. page 17

problems and challenges that has militated the force in the application of its powers as have been statutorily provided. Some of these problems include but not limited to; The abuse of human rights, collection of bribes, corruption in the force, illiteracy and incompetence of certain police officers, arbitrary arrest and detention. Furthermore, it has been noticed that despite the teeming police personnel, the force is still bereft of manpower in certain areas of its operation. There have been situations in which the police complain of shortage of staff when issues are reported to them. Another problem is the lack of scientific and technological equipment for detecting crimes by the police.

Powers of the Police

Prosecution of Offenders: This is one of the most controversial powers given to the Police. A police can subject to the power of the Attorney general prosecute in any court throughout the federation. On whether it is compulsory for prosecution police officer at superior court to be a legal practitioner, the issue has been exhaustively dealt with and finally laid to rest by the Supreme Court of Nigeria in the case of *FRN V. Osahon*¹⁷ where the court held:

From Colonial period up to date Officers of various ranks have taken up prosecution of criminal cases in Magistrate and other court of inferior Jurisdiction. They derived their powers under section 23 Police Act. But when it comes to Superior Court of record, it is desirable though not compulsory that the prosecuting Police Officer ought to be legally qualified. This is not deleting from the provisions of section 174(i) of the Constitution, rather it maintains age long practice of Superior Court hearing Counsel rather than non- lawyers prosecuting matters...For the foregoing reasons I hold that a Police Officer can prosecute by virtue of section 56 (ii) Federal High

¹⁷*Osahon V. FRN. 2006. 5 NWLR. PT 937. 361, See also Olusemo V. C.O.P (1998) 11 NWLR pt. 525 p. 547; Ajakaye V. FRN (2010) 11 NWLR pt 1206, p.500*

*Courts Act, and section 174(i) of the Constitution of the Federal Republic of Nigeria.*¹⁸

Therefore, the position of the law still remains that a Police Officer whether trained as a legal practitioner or not can prosecute offenders from Magistrate up to the Supreme Court. However, whether such is efficient or not is another matter entirely. Without prejudice to the above power of the police, the police also have the power to arrest with or without warrant power to execute summons lawfully issued by a court, power to grant bail at the police level, power to search person, house, shop, warehouse or other premises, power to detain or power to take fingerprint. All these powers are for the purpose of aiding the effective discharge of their general duties¹⁹.

For instance section 10(2) CPA provides that the authority given to a police officer to arrest a person who commits an offence in his presence shall be exercisable in respect of offences committed in such officer's presence not withstanding that the written law creating offence provides that the offender cannot be arrested without a warrant. Section 55 CPA gives the police further powers of arrest to prevent offences and injury to public property; it provides that;

*Notwithstanding the provisions of any written law, a police officer knowing of a design to commit any offence, may arrest, without orders from a magistrate and without a warrant, the person so designing, if it appears to such officer that the commission of the offence cannot otherwise be prevented.*²⁰

Historical Antecedent of Police And Policing In Nigeria

The Nigeria police Force have a similar history with that of the army and the state itself. It dates back to 1861 shortly after the subjugation of Lagos through bombardment by the British. The Nigerian police started as a Consular Guard of 30 men in 1861 in

¹⁸ *Osahon V. FRN*. 2006. 5 NWLR. PT 937. 361, Per Belgore JSC particularly at pp50-51

¹⁹ Sections 23-30, Part IV, Police Act, Cap P19, Laws of the Federation of Nigeria, 2004.

²⁰ section 26(e) of the CPC.

Lagos (1). For their security and effective administration, the British colonial Authority established the Hausa Police constabulary for the Lagos Colony, the Niger Coast Constabulary for the Oil Rivers Protectorate in the South-East and the royal Niger constabulary in the Northern part of Nigeria. Even after the amalgamation of Northern and Southern Nigeria by Lord Lugard in 1914 the Northern and Southern police force continued to operate separately until April 1st, 1930 when they were eventually merged to form a single body that is today known as the Nigeria police Force with headquarters in Lagos²¹.

It is important to note at this juncture that in 1943 Nigerian Police Act was enacted by the British Colonial government to make the Nigeria police have a statutory flavor. Presently the Nigeria police is not only a creation of the Constitution but also has all the duties and powers spelt out in the Constitution of the Federal Republic of Nigeria:

“There shall be a Police force for Nigeria which shall be styled the Nigeria Police Force, subject to the provision of this section, no other Police Force shall be established for the federation of any part thereof, the members of the Nigeria police force shall have such power and duties as may be conferred upon them by law.”²²

Pursuant to the above law, however, there is the Police Act Cap P 19 Laws of the Federation of Nigeria 2004. Section 4 of the extant law which confers on the police the power to prevent the commission of crime, apprehend offenders and conduct prosecution of Criminals. The same section 214 of the CFRN 1999 (As Amended) explicitly prohibited any form of police system aside the constitutionally provided Federal Police. Hence, it shall be unconstitutional for any State to conceive the creation of a State Police without amending the provision of section 214 CFRN 1999 (As Amended). By extension

²¹ Oyesoji A. A. 2009. *Understanding Nigerian Police: Lessons from Psychological Research*. Ibadan: Spectrum Books Limited (See generally)

²² Section 214 Constitution of the Federal Republic of Nigeria 1999 (as amended)

also local policing in form of Vigilante shall also by virtue of this provision be unconstitutional.

The establishment of police forces in colonial Nigeria reflected administrative policy and concerns. One of the noticeable features of early colonial police is that too much emphasis was placed on maintenance of law and order. Much emphasis was placed on suppression of riots to the detriment of prevention, detection and prosecution of crime. For this reason no attention was paid to educational standard of the recruits, as a police recruit only needed to pass test of physical fitness before being considered as a fit and proper person for recruitment to the police.²³

Some scholars argued that the police powers given to the Native Authorities after the 1914 amalgamation were therefore of greater relevance to Western and Northern Nigeria than to the south-eastern parts of Nigeria. As Native Authorities, the Chiefs had their police powers extended and consolidated under the laws of 1916 and 1924. The Native Authority Ordinance conferred on the Native Authorities the responsibility for maintaining order in their respective areas. Under it, they were allowed to prevent crime and arrest offenders by employing 'any person' to assist them in carrying out their police duties. Their police powers were increased under the Protectorate Laws Enforcement²⁴.

Under these laws, 'palace messengers' "*the akodas*" of the Yoruba kings were recognized and reformed as "olopas" while in the Emirates of the North, the palace *dogarai* also were recognized and reformed as *yan/dandoka*. In both cases, these traditional 'police' constituted the nucleus of local police forces of the colonial era. However, the contact of the Yoruba's with the colonial police must have greatly influenced the Yoruba's in organizing the local security men along that of colonialist. Accordingly, the Egba united

23 Onoge.O.F. (1993). "Social Conflicts and Crime Control in Colonial Nigeria" in T. N. Tamuno, et al eds. Policing Nigeria: Past, Present and Future, Lagos: Nigerian Police and Malthouse Press Ltd. The situation is gradually changing for the better as the method and procedure of recruitment does not depend on physical fitness alone.

24 Osoji A. 2014. *Policing and Terrorism: Challenges and Issues in Intelligence*. Ibadan: Stirling Horden Publishers Ltd.

government established an Egba police on the 27th of July 1905. The membership of this police was largely drawn from 'ode' called native hunters and their original assignment was to combat the menace of armed robbers considered to be on the increase then. Ibadan and many other Yoruba towns subsequently copied the initiatives of the Egbas.²⁵ Be that as it may, the amalgamation of the southern and northern protectorate to form Nigeria in 1914 did not follow a similar pattern. It was not until 1st April 1930 that the Nigeria police became unified under the command of an inspector general whose office was at the force headquarters in Lagos. This pattern was maintained by the colonialist till 1st October, 1960 when Nigeria gained independence and survived till few years after i.e. 1966.²⁶

Police in Nigeria's Post-Colonial Era

Nigeria joined the comity of independent States from Britain on the 1st October 1960. Not until the termination of the democratic rule by the military on the 18th of January 1966, the politicians of the 1st republic maintained the policing arrangement bequeathed to Nigeria on the eve of independence. Until 1966, the local police forces in Northern and Western Nigeria coexisted with the federal police force which is also known as NPF. It appeared as if the politicians of the newly independent Nigeria had no temperament that can sustain multiple police forces. The local forces were disbanded as recommended by a panel set up in 1966 by the military regime of JTG Aguiyi Ironsi. The Panel headed by Gobir, was requested to consider the desirability of dual (Local and National) or centralized (unified) police and prisons service. The Gobir Panel submitted its report to the military regime led by General Gowon and recommended the abolition of local police forces and prison services. The Committee condemned the local police forces of poorly trained, corrupt and used for partisan political purposes, including the repression of opponents, by traditional rulers and

²⁵ Alemika. E.E.O. 2010. *History, Concept and Crisis of the Police in Nigeria*. Lagos: Nigerian Police and Malthouse Press Ltd. p.33

²⁶ Alemika. E.E.O. 2010. *History, Concept and Crisis of the Police in Nigeria*. Lagos: Nigerian Police and Malthouse Press Ltd. p.34

politicians in Northern Nigeria as well as by political parties and governments in power in the Northern and Western Regions.²⁷

The experience of the Nigeria Police Force under the military rule may be characterized as sweet from 1966 -1979 and bitter from 1983-1999. The military rule under General Gowon may indeed be viewed as the sweetest period of police-military collaboration in governance. More importantly, the police were respected as partners by the military rulers. However, the Force as an organization was neglected in terms of funding and equipping. This may be attributed to the fear of the military that a strong police force may constitute a threat to the Armed Forces, especially by acting as a counterforce during military coups. Instead of equipping the police to serve as the primary tool for promoting and protecting internal security, the military governments resorted to establishing special task forces with army and police personnel.²⁸ Each unit of such was led by a soldier, often junior in rank to the police on the task force. This demonstrated the subordinate role assigned to the police, the impact of which is still felt seventeen years after military rule i.e. 1999 - 2016²⁹.

Of the entire problems facing the Nigeria police as an institution, none is more pronounced than corruption, leadership crisis and high centralization of power. This conclusion can hardly be faulted, considering the manner by which the rank and file usually extorts money from drivers of commercial vehicles and motorcycles. Little wonder that one of the first steps taken by then current leadership of the NPF was the cancellation of checkpoint, believed to be the Achilles heel of the NPF.

Rapid Growth under Civilian Rule: 1999 to Present

In response to rising levels of crime that followed the end of military rule, the then President Olusegun Obasanjo ordered the inspector general of police to undertake yet another massive recruitment drive aimed at adding 40,000 police officers per year for five years. Similar to the recruitment drive of the late 1970s, police

²⁷ Onyeozili.E.C. 2005.*Obstacles to Effective Policing in Nigeria*, African Journal of Criminology and Justice Studies, Vol.1 No1(See generally)

²⁸ Ibid.

²⁹ Ibid.

authorities made little effort to screen candidates for criminal backgrounds, and many recruits simply bribed their way into the force.

By 2008, the police force, at some 371,800, had more than doubled in size in less than eight years. However, the Nigerian government failed to provide a commensurate increase in funding to train, equip, and manage the vastly enlarged force. The 2008 Presidential Committee on the Reform of the Nigeria Police Force noted that police training became further overstretched during this period, and that “very little, if any, attempt was made to upgrade the police training institutions.”

As a result, the committee concluded, Nigeria is now “saddled with a very large number of unqualified, under-trained and ill-equipped officers and men many of whose suitability to wear the respected uniform of the Force is in doubt.

Structure of the Nigeria Police Force and Its Oversight Bodies

The Nigeria Police Force is a federal government institution with a centralized command structure headed by the inspector general of police (IGP) who reports directly to the president. According to Nigeria’s constitution, the president must “consult” with the Nigeria Police Council prior to appointing or removing the inspector general. However, the council, a civilian oversight body membership includes the 36 state governors. The independent Police Service Commission (PSC) is responsible for appointing, promoting, and disciplining all members of the police force, with the exception of the IGP. However, the PSC has delegated these powers back to the police force for all junior and rank-and-file police personnel.

Over the years, civilian oversight of the police has fallen under several government ministries, including the Ministry of Interior and the Ministry of Police Affairs. Since 2008, the Ministry of Police Affairs has had budgetary and general administrative oversight of the police. Each of Nigeria’s 36 states, as well as the Federal Capital Territory, is served by an administrative unit known as a state command. The state commands are grouped into 12 zonal commands—with two to four states in each zone—each under the

supervision of an assistant inspector general of police (AIG). Each state command is headed by a commissioner of police (CP) who is directly accountable to the AIG in the respective zone.³⁰

State commands are divided into smaller area commands, police divisions (headed by a divisional police officer, or DPO), police stations, police posts and village police posts.

The Nigeria Police after series of metamorphoses has the following units³¹

- i. Administration
- ii. Anti-Fraud Section
- iii. The Central Criminal Registry (CCR)
- iv. Special Anti-Robbery Squad (SARS)
- v. X-Squad
- vi. General Investigation
- vii. Special Fraud Unit (SFU)
- viii. Legal Section
- ix. Forensic Science Laboratory
- x. Interpol Liaison
- xi. Homicide
- xii. Anti-Human Trafficking Unit
- xiii. Special Branch CIB/SIB
- xiv. Force CID Kaduna Annex

Police and the Administration of Criminal Justice In Nigeria

The Police is a unit of armed forces established for the maintenance of law and order. It is a branch or department of government which is charged with preservation of public order and tranquility, enforcement of laws, the promotion of public health, safety and morals; the prevention, detection and prosecution of offenders. The Nigeria Police, which is charged with these enormous responsibilities in the geo-political entity called "Nigeria", has been under intense public criticism in the last three decades over its

³⁰ Kuteyi, O.S. & Ogunfolu A. 2002. *The legal and Socio-economic Implications of State Police in Nigeria*. Being a paper presented at the national association of law Teachers Conference 23rd - 26 April 2002, Lagos

³¹ Ibid.

apparent inability to effectively prevent and control crime³². In the words of Dambazau:

“so many factors have been attributed to this failed situation. Firstly, there is the issue of lack of professionalism, generally attributed to recruitment policy, which has effect on the quality of manpower; the problem of poor training and general atmosphere of indiscipline. Secondly, corruption in the Nigeria Police is said to be endemic, and has eaten deep into the very fabric of the system”³³

Okereke observed that, many Nigerians see the policeman as a “lazy, corrupt, inefficient, bribe-taking, money-extorting officer”. Whatever the perceived inadequacies in the police system are, the Nigeria Police Force still remains the biggest, most viable and important sub-sector of the criminal justice system.³⁴ The police present the entry point into the criminal justice system either through reports from the public or its own discovery. The average citizen has contact with the police more, than with any other organ or agency connected administration of criminal justice. The police, therefore, may form the basis for the evaluation of the entire criminal justice system. This therefore, makes the operational policies and procedures of the police very crucial to the image of the entire criminal justice system. The importance of the police may however be the reason behind the police being the “bashing child” whenever a crime is committed against the citizen, notwithstanding the fact that the citizen may have contributed to his misfortune. This may be why Kuteyi and Ogunfolu have the same reasoning when they said:

The Police Force everywhere are saddled with thankless jobs. Citizens take their security for granted until it is violated, they blame the police for ineffectiveness. The core problem of the police force is

³² www.nigeriapolice.com. Accessed on 19/7/11, 3:02pm.

³³ www.nigeriapolice.com. Accessed on 19/7/11, 3:02pm.

³⁴ Dambazau, A.B., *Criminology and Criminal Justice*, (Spectrum Books Limited Ibadan Nigeria 2007) p. 111

*that they are expected to eliminate or cure a problem that can neither be cured nor eliminated.*³⁵

Challenges of the Nigerian Police Force in the Administration of Criminal Justice In Nigeria

The Nigeria police in the discharge of its constitutional duties through the instrumentality of officers and men of the force have in amount of cases violated the wordings and spirit of the constitution it was meant to protect. Most officers and men of the force had the orientation of brutality and corruption. This may not be unconnected with the colonial heritage of the force as it relates to brutality and poor welfare of the force. It seems that police are sometimes handicapped when it comes to discharging their duties. It is noticed that some of the factors that contribute to such hindrance are:

Lack of scientific equipments for detecting crime;

Lack of equipment for the police has remained a contentious issue in the national discourse on efficient law enforcement. An analysis of newspaper stories and articles in recent times shows that majority believe that one of the biggest problems confronting the Police Force is that of lack of equipment occasioned by inadequate funding. Although over the years budgetary allocations to the police have increased. This has failed to match the clear needs of the police. A visit to any police station will reveal the magnitude of the problem. From such basic things as buildings, office space within the building, furniture down to even uniforms and kits, the Nigeria Police Force appear ill equipped for its tasks. Patrol vehicles, communication facilities and computers.

Many police stations cannot even boast of a telephone! Apart from inadequacy, the police lack the modern weapons needed to combat violent crimes, such that very often, criminals boast of superior weapons. Also, It is commonplace that the police frequently decline to respond to a distress call on the ground that there are no funds or

³⁵ Kuteyi, O.S. & Ogunfolu A. 2002. *The legal and Socio-economic implications of State Police in Nigeria*. Being a paper presented at the national association of law Teachers Conference 23rd - 26 April 2002, Lagos

that there are no vehicles to convey them to the scene of crime! When they do respond, they arrive late after the crime has been completed and the suspects long disappeared.

It is apt to say that the Nigerian Police are acutely under-funded; its men ill motivated, and in terms of enabling infrastructure it is ill equipped to cope with the rising crime profile in the country.

Corruption:

This is already a household name in the Nigeria police. This may take the form of bribery or any other vices hindering proper administration of justice. Corruption and extortion are widespread among the members of the Nigerian Police Force and have soiled their image. While corruption is endemic in all segments of the Nigerian society, it is particularly objectionable among the police because it is their occupational responsibility to prevent and work at its elimination. Police corruption elicits serious concern for three significant reasons. First, the police are expected to be moral as well as law enforcement agents. If the police which are employed to prevent and detect corruption, and bring culprits to judgment are themselves corrupt, the society's crusade against corruption is guaranteed to fail. Second, the police exercise powers that have profound implications for the life, property, safety and freedoms of citizens. Where the exercise of such powers is contaminated by corrupt motives, the citizens feel exceedingly vulnerable and insecure. Third, police corruption is often equivalent to extortion, a form of robbery or demand with force. Closely related to the problem of corruption and extortion is the incidence of collusion of some police officers with criminals, resulting in increased insecurity and police inefficiency in tackling crime. Corrupt motive is also a source of police brutality. Police brutality is a means of coercing individuals to succumb to demands for bribes, and at some other time, it is a punishment for not cooperating with the police in their demand for gratification, this happens to be one of the major obstacles to the prospect of the Nigerian police. Unfortunately, Police most often than not apply unreasonable and sometimes illegal force in the discharge of their role in administration of justice in Nigeria³⁶. In many instances, workers, students, radicals, human

³⁶ Alemika E.E.O. 1998. *Policing and Perception of Public in Nigeria* p.161.

rights activists and other innocent citizens continue to suffer excessive and recurrent waves of brutalities, abductions, unwarranted searches and violations of privacy and private family life, extra-judicial killings, bodily injury, intimidation etc.

The twin phenomenon of police brutality and corruption constitute the main barrier in the positive public perception between the police and the public in Nigeria.

Indiscipline and involvement in crime or collusion with criminals:

The Police Force if it is to be effective must be a discipline, sometimes the alleged would go scot free while the complainant or the innocent individuals are arrested and detained for a long period and a times prosecuted.

Poor Investigative Skills:

The Nigeria police have been severally criticized for its shoddy conduct of investigation usually fraught with errors sometimes.

Also, there are allegations that police arraign suspects in court before looking for evidence to prosecute them. Another awful practice by the police is the persistent use of the "holding charge" to detain awaiting trial suspect. There is no way the police will not have good investigation skills and there will be an efficient policy system. This further contributes to inhuman conditions under which suspects are held in police cells.

Poor remuneration and general condition of service:

Police welfare is paramount to efficient policy, if the pay is bad, the officer is frustrated, then police cannot function maximally with result. It will definitely result in low commitment of officers to their duties. A situation where by officers pay is a negligible amount cannot motivate officers of the force. Inadequate office, un-hygienic working environment and residential accommodation.

Inadequate manpower, both in terms of quantity, but more especially of quality. These include poor crime and operational information management, including inaccurate recording and collation, poor storage and retrieval, inadequate analysis and infrequent publication of criminal statistics. Inadequate logistic,

stamina³⁹. These inadequacies associated with selection, screening, testing and training adversely impact on discipline orientation, attitude, performance and conduct of the Nigerian police. In the course of this study, lack of awareness of the exact power and function of police and general ignorance of the importance of human rights education as well as observance of the rule of law has been implicated as a major factor that has affected the role of the police in the administration of justice in Nigeria. Hence, it is recommended that police must be trained and educated in some basic concepts such as rule of law, human rights and limits of the powers of the police. In the part of the general public, there is need for awareness campaign or public enlightenment on the need to support the police in the administration of justice. Once these have been put in place, the public will truly see the police as a friend and will collaborate effectively to fight crimes in Nigeria.

There is the need to establish Police Board at the local and state levels to replace the moribund and weak police community service committee. The new board once established, will promote partnership, communication and cooperation between the community and the police. They should monitor police conduct, and performance as well as public complaints against police malpractices, including production of quarterly and annual report for the Inspector-general of police, police service commission and the Nigerian police council presently, characterized by deep suspicion and sometimes violence. It is true that achieving an ideal Nigerian police force can indeed be challenging, particularly that enormous resource is required from the government which has other responsibilities. In this regard, it is recommended that government should ensure sustained political commitment for improving the Nigerian police. By sustained political commitment, government is required to show genuine concern on police problems by enacting workable laws and fully implements police policies to address and deal with the problems.

³⁹ Kuteyi, O.S. & Ogunfolu A. 2002. *The legal and Socio-economic Implications of State Police in Nigeria*. Being a paper presented at the national association of law Teachers Conference 23rd - 26 April 2002, Lagos p.29

It is also recommended that all the security agencies in Nigeria, particularly the police, the armed forces, state security service and so on must cooperate and complement one another in the administration of justice in Nigeria. To facilitate this, a coordinating mechanism should be put in place that should encourage sharing of security information, tips and intelligence. This mechanism will equally stamp out rivalry which presently is one feature among security agencies in Nigeria. Once this is achieved, law enforcement agencies in Nigeria rather than being reactive will become more preventive in their approach as obtainable in other advanced jurisdictions.

Finally, the police should be properly equipped with modern and sophisticated equipment. Government must also provide good condition of service to the police, this include recruitment of adequate number of policemen, attractive salary and accommodation. This will improve the image of the police and thereby boosting their morale.