

NIGERIA POLICE FORCE: POWERS, CORRUPTION AND IMAGE BEFORE THE PUBLIC

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ABSTRACT

The Nigeria police Force is very strategic to the domestic peace, stability, law and order in Nigeria and its roles cannot be over emphasized. Like any other police machinery the world over, it has numerous challenges and is specifically having bad image before Nigerian society and is often accused of corruption, excessive use of force and atrocities on innocent citizens, inaction, politicization of functions, corruption and general ineptitiveness. This study looked into the Nigeria Police Force, its establishment, qualifications and background, powers and image before the Nigerians. The study found that most Nigerians view the Nigeria Police with contempt, suspicion and hatred. Many others also see the Nigeria Police as one of the most corrupt institutions and feel unsafe in the hands of police whenever anything occurs or goes wrong, the laws and regulations guiding the police service are mostly obsolete, Nigeria Police work in the most unsafe and uncomfortable atmosphere characterized by excessive politics, corruption, dilapidated structures and logistics and poor welfare and other necessary services. The study made recommendations as: enactment of good and competitive welfare packages, reviews of laws and acts on the police service, restoration of the past discipline and dignity to the service, fishing out all the bad elements from the service and curbing corruption that has devastated the entire service.

Key Words: *Image, Police, Public and Security.*

Introduction

There are several constitutionally established agencies responsible for the internal security, cohesion, order, peace and stability of states. In Nigeria, the most popular and strategic of those is the Nigeria Police Force for it plays a key role in providing and sustenance of a stable atmosphere for both the other state establishments and citizens to carry out their respective institutional duties and daily affairs of life. Despite this strategic roles and position occupied and played by the Nigeria Police, it has become the most criticized of all the law enforcing agencies and forces and has been painted so bad that most Nigerians including the state officials do not have or lack confidence in the force especially as regards to discharging its institutional functions with accusations of poor relations and image, corruption, extra-judicial killings, extorted confessions, politicisation of functions and the service et cetera. This study examines the establishment, qualifications, powers, corruption and image before the public of the Nigeria Police Force with a background that a popularly accepted police that effectively exercises its authority with least extent of corruption and having a good image is indispensable to the internal security, stability and socio-economic development of any state and society.

Background of the Nigeria Police Service and Force

The word 'police' according to Nmerole (2008:1) is derived from Greek word 'polis' which means that part of non-ecclesiastical administration having to do with safety, health and order in a state. Efficient and effective police institution is in dispensable to the development of every society and police is key to the functions and success of the other components of the justice and criminal justice system. The origin of the Nigeria police is rooted in Nigeria's colonial history with formation of a 30 man strong consular guards to protect the British colonial interests in Lagos in 1861 and 1930 (Arase & Iwuofor 2007:43 & Nmerole 2008:10-11). The process of evolution and development of the Nigeria Police Force also involved Royal Niger Constabulary, Niger Coast Constabulary, Regionalised Police Forces ('Yan Doka et al) and later a centrally established and controlled Nigeria Police Force. In the Northern part of Nigeria, the history of modern police is traced to the 'Dogaris' (able bodied men at the service of traditional rulers), 'Yan Doka

and 'Yan Gadi; the 'age grades' in the South East and 'Oro' and 'Egungun' in the South West (Nmerole 2008:10-11). Constitutionally, section 214 of the 1999 constitution establishes the current Nigeria Police Force as:

(1) There shall be a Police Force for Nigeria, which shall be known as the Nigeria Police Force, and subject to the provisions of this section no other police force shall be established for the federation or any part thereof. (2) Subject to the provisions of this constitution- (a) Nigeria Police Force shall be organized and administered in accordance with such provisions as may be prescribed by an act of the National Assembly; (b) the members of the Nigeria Police Force shall have such powers and duties as may be conferred on them by the law; (c) the national Assembly may make provisions for the branches of the Nigeria Police Force forming part of the armed forces of the federation or for the protection of harbours water ways, railways and air fields.

This section also prohibits establishment of any force parallel to the police in Nigeria such as the controversial state police. Nigeria police has undergone structural, command and control changes and reforms and is today the largest law enforcement institution in Africa with over 320, 000 officers and men as noted by Arase & Iwuofor (2007:43).

Composition, Functions/Powers of the Nigeria Police Force

The work of police actually begins with a step that is scarcely discussed in law books and seldom recognized by the public and so how an individual policeman carries out his daily work depends on his personal discretion as duties of the police compel them to exercise many personal discretions everyday (Coffey 1975:96). The police work is also related to law, social set up, politics, fundamental rights, justice and administration and so police work is both strategic and complex in any state and so according to Bunyard:

All countries have to arrive at a balance between allowing total freedom for the individual and restricting that freedom in order to preserve law and order. Then they have to fit the police into the framework of their legal and social systems and provide safeguards to ensure that the police act within that balance (1978:51).

Police engage in broad spectrum of crime prevention and other tasks many of which are not specifically designed as prevention but are preventive in nature (Coffey, 1975:123 & Bunyard, 1978:85) but keeping domestic securities and stability in states is mainly vested in the police. According to Reid:

Historically police have had greater responsibility for enforcing the peace than for law enforcement. It was their function to find homes and shelters for women who might be lured away from prostitution; to handle riots and other civil disturbances; to regulate garbage disposal, street sanitation, and explosives; and to inspect bars, liquor stores, and other businesses that require licensing. Numerous social service functions were part of their jobs as well (1997:461).

She also summarized the police functions into three as law enforcement, order maintenance and service related duties. Coffey (1975:95), has also noted that the law enforcing branch of the criminal justice system (the Police) has basic functions that include: prevention of crime, detection of crimes that have been committed, and identification of the persons responsible for crime, detention of the suspected offenders and presentation of evidences before courts. Bunyard (1978:88) also noted that the work of the police include: maintenance of laws and order, protection of persons and properties; prevention of crime; detection of criminals; controlling road traffic; and briefing anyone who needs help and availability at any emergencies. Similarly, Section 4, Part I of the Police Act provides that:

The Police shall be employed for the prevention and detection of crime, the apprehension of offenders, the preservation of law and order; the protection of life and property and the due enforcement of all laws and regulations with which they are directly charged, and shall perform such military duties within or outside Nigeria as may be of them by, or under the authority of this or any other Act.

Arase & Iwuofor (2007:43) also listed twelve classical principles guiding the organization and operation of the police as: stability, efficiency and organization of the police along military line; the police to be solely controlled by the government; absence of crime proves the efficiency of the police; distribution/circulation of crime news is essential; development of police strength by time and areas; perfect command of temper is an indispensable quality to a police officer; good appearances commands respect to the police officer; efficiency of the police ultimately depends on securing and properly training right persons to it; every police officer must be given a number; police headquarters should be centrally located and easily accessible; the police should be hired on probationary basis; and police records are indispensable to the police strength. To Eze in (Ekoku & Vogt, 1990:240), composition of the Nigeria Police shows that there is conventional police that carries out the routine and general maintenance of law, order and arrests as the first line of defence and the Mobile Police which serves as the anti-riot group. Currently, the Nigeria Police has personnel capacity of only about 371, 000 in a country with a population of about 160m (Aliyu, 2012). Securing and maintenance of public safety and order is the primary responsibility of the Nigeria Police Force and it is one of the most difficult roles to perform in a free society (Iweze in Ekoku & Vogt, 1990:240). According to (Nmerole 2008:15-21), the basic duties of the police include: patrol and guards, surveillance and crime detection and in their duties, Conklin (2007) has noted that the police has the discretion determine when, how and whether or not to initiate a criminal process and charges.

Police Violence and Abuse of Powers

It is normal in Nigeria to hear that there is an occurrence of police violence against the military (especially the Army) or Civil Defence Corps but the most pronounced is that against the armless civilians at markets, road blocks, petrol stations, liquor houses/bars et cetera (most of which end with so called accidental discharges, brutalities and or indiscriminate arrests and detentions). Police violence also occur in several other cases as for example where they are overwhelmed by criminals or relatives of a person to be arrested and sometimes just to show supremacy in the public; and although police shootings are an inevitable part of enforcing the law and keeping the peace, unjustifiable use of especially deadly force is treated as criminal act (Nmerole 2008:26-8; what also leads to that is the eagerness of the police especially the inexperienced ones to detect crime and or apprehend law offenders leading to practices that are illegal and resulting in brutality and highhandedness, mounting road blocks et cetera. Although an unprotected police cannot protect the society as maintained by (Nmerole 2008:28), a police office can only use fire arms under the following conditions: when attacked and life exposed to danger with no alternative way to save life, when defending an attacked person with no option to protect the person from deadly attack, when preventing and or dispersing rioters from damaging lives and properties, while arresting or re-arresting a person convicted of treason or misdemeanour and where the police is arresting a person trying to avoid arrest and the person is accused of any offence punishable by death or up to seven years imprisonment (Section 73 CC). Coffey (1975:96) has lamented that if police is to deter commission of crime, it must be assertive, avoid excessive use of authority and above all exercise great care in the use of force. Discipline and code of conduct in the police service is so sound that Rosenfeld in Tonry (2009:27-8) cited for example, a case of a police officer in Oklahoma, US who was demoted and subsequently charged with assault for slapping a teenage boy he caught having sex with his daughter on a couch in his home.

Centralised Control of the Nigeria Police

Police machineries are usually subjected to executive control as in Britain where for example, the secretary of state is responsible for exercising wide range of powers to ensure effectiveness and efficiency as noted by Bunyard (1978:36). Nigeria Police Force is centrally established and controlled by the constitution of the Federal Republic of Nigeria, 1999 (Section 214). Likewise the appointments, recruitments, promotion and dismissal are done internally within the force except for the principal officers which are subject to executive appointment and control especially the Inspector General though with significant influence of the Police Service Commission which itself is appointed by the Executive president. According to Section 309, (I & 2) of the Police Act, the Inspector General of Police is charged with supreme command of the Police Force and maintenance of public safety, order and is to keep the

Executive President and Commander in Chief of the Armed Forces of Nigeria fully informed of the state of public security throughout the federation. There are also the establishments of the Ministry of Police Affairs and a Police Service Commission. The president is constitutionally empowered to appoint and dismiss the Inspector General of the Police and unlike in the 1963 Constitution when the Inspector General was appointed by the Police Service Commission (see Section 215 [A1] of the 1999 constitution of Nigeria). Section 316 (1, 2 &3) of the Police Act provide that the Police Commissioner for each state is under the control of and responsible directly to the Inspector General of the Police and charged with administration and command of the respective states Police Command. According to Section 9 (I), Part I of the Police Act: There shall be the Nigeria Police Council with functions of: organization and administration of the police force and other related matters, general supervision of the Police force and advising the president on the appointment of the Inspector General of the Police. The president is by section 215 (1, 2, 3, 4 and 5) of the 1999 Constitution empowered to appoint and sack the Inspector General of Police on the advice of the Nigeria Police Council while the states Police Commissioners are to be appointed by the Police Service Commission. The Constitution also empowers the president and states governors to respectively give lawful directions to the Inspector General and states police commissioners as regards to securing and maintaining public order and safety and the Inspector General and respective Commissioners shall comply with such respective directions. The president may give the Inspector General of the Police such directions in respect of maintaining and securing public order and safety as he may consider necessary and the Inspector General shall comply with those directions or cause them to be complied with (Section 10 (1) and Part I of the Police Act. Section 215 (5) of the Constitution states that the Judiciary has no jurisdiction to inquire as per the directions given by the president to the police on securing and maintenance of public safety and order which makes the president exercise absolute control over the police force for the fact that even chairman and members of the Police service Commission are appointed by the Executive President but subject to the confirmation of the Nigerian Senate and the President is the Chairman of the Nigeria Police Council (154 [1] of the 1999 Constitution of Nigeria).

Qualification, Code of Conduct for the Nigeria Police and Corruption

The functions and due exercise of police powers largely depend on the type, composition of officers and men and the recruitment patterns of the force. These also largely determine its effective and efficient performance or otherwise. Those qualities may vary with level of development, societal composition, leadership commitment and willingness of the state to have such. Reid (1997:448-55) has particularly emphasized the qualities of recruits into the police as persons with developed skills to use discretions wisely, high degree of intelligence, education, tact and sound judgment, physical courage, emotional stability and honesty; psychological factors, temperament and personality. He also outlined the personal qualities of police officers as: braveness, fearlessness, decisiveness, calmness, rationale and to treat individuals without threats, disrespect, abuse or harassment.

The establishment of an effective and efficient police force requires careful recruitment and selection for (Reid, 1997:453-6) noting that “one of the most important aspect of policing is the recruitment, selection, education, and training of officers”. In ideal sense, police is one of the first if not first most disciplined force and so everything regarding establishment, qualifications, functions, code of conduct/ethics is clearly spelt out in order not to leave room for any insubordination, misconduct or corrupt practices. With respect to certain acts and omissions, regulation 370 of the Police Act (First Schedule) clearly provides that some specific actions (if engaged in by the police) are guilt and against discipline which generally include: absence from or lateness to duty; breach of confidence (divulgence of any secrets, improperly communicating to press or any other person any information, declaring or showing any force document to any other person without due authority); corrupt practices (receipt or giving bribe, failure to return any entrusted property, seeking to or extort anything from anyone, improper use of character for private ends, damage to any clothing or other articles of the Force); discreditable conducts (disorderly manner, any action prejudicial to discipline and assault on colleagues); disobedience to orders and insubordination whether in words or actions; drunkenness; false declarations/testimonies; negligence of duty; dirtiness; improper conduct and; unlawful exercise of authority. As if most or many of these provisions are not

either established or observed in many states especially developing ones, some police machineries have become characteristically opposite of all the above especially corruption and brutality. Corruption is no longer a matter but a transnational phenomenon that affects all societies and economies, manifesting in both public and private enterprises impacting negative consequences on politics, economy and corporate profiles of nations (Nmerole 2008:35). Lawrence W. Sharman as cited in Reid (1997:477) has lamented that one is corrupt “if he accepts money or money’s worth for doing something that he is under a duty to do anyway, that he is under a duty not to do, or exercise a legitimate discretion for improper reasons” and policing is rich in opportunities of corruption which is obvious because of the police power and accessibility to weapons noting that considerable attention has been given to police corruption and is thought to be common. Most of the times however, the position of trust that police occupy makes them particularly vulnerable to accusations of corruption as observed by (Bunyard, 1978:301). According to Green (1981:63):

Historically, the administration of the police has been competent or incompetent, corrupt or honest, all depending on many factors. Many of these factors came down to the administrative atmosphere in which the police were required to function.....since it is unlikely that any police department can operate honestly and effectively in a dishonest and incompetent municipal organization, or conversely, will be an efficient and effective force if the structure within which it operates is equally sound.

Section 353 of the Police Act and Section 6, Part I of the Fifth Schedule, 1999 Constitution of Nigeria provide that no any public officer should conduct himself in a manner to put his private interests in conflict with his official duties or do anything to cause suspicion in the minds of the general public and shall not therefore, allow his private interests into official public duties or use his position to secure or gain private interests or advantages; a police officer is not allowed to receive presents in cash, other valuables and is not allowed to give out such except to relatives and close friends; a police officer is not allowed to lend money on interest or stand as surety/guarantor for any money lent with interest. Section 9, Fifth Schedule Part I of the 1999 constitution of Nigeria also provides that: “A public officer shall not do or direct to be done, in abuse of his office, any arbitrary act prejudicial to the rights of any other person knowing that such act is unlawful or contrary to any governmental policy”. Police Corruption has been defined by Inciardi as cited in (Nmerole 2008:36) as “Misconduct by police officers in the form of illegal activities for economic gains and accepting gratifications, favour, or payment for services that are sworn to be carried out as part of their peacekeeping role”. It is no longer a hidden fact that corruption and other unethical practices are also prevalent within police departments and sparing no police jurisdiction and the situation is worrisome in view of the fact that the statutory role of the police is to fight crime and other societal ills such as corruption (Nmerole 2008:36-7). “Whenever corrupt enrichment is not sanctioned but tolerated by society, the worship of ill gotten wealth naturally becomes the acceptable norm because; to be righteous and poor in such a society will seem like a fruitless endeavour to the majority of the people” (Ayuba in Arase & Iwuofor 2007:312).

Many factors aid police corruption such as the society at large where corruption holds and corrupt individuals live and relate with others including the police hence, the citizens corrupt the police; exposure to opportunities for corruption by offering it to the police officers by the public, criminals traffic violators etc these are tempting; and disposition towards corruption by greedy officers and men, low moral standard and excessive materialism (Nmerole 2008:38-9). According to Idowu Owohunwa (cited in Arase & Iwuofor 2007:5163), “the consequence of a corrupt police institution is that for one corrupt police officer, justice is either denied or miscarried in respect of four hundred citizens”. Acceptance of bribes for taking no actions in respect of offences or for supplying information about police activities; obtaining money in form of loans or gifts; and borrowing money by using his using his position (Bunyard, 1978:301-2).

Nigeria Police and Image before the Public

Nigeria Police is currently the most discredited, disrespected and disdained among the Nigerian forces. Okoigun (2000:1) has maintained that whenever mention is made of the Nigeria police, there is impression of disorder, dehumanization and decrepitude while students and activists see the Nigeria police as trigger-happy and experts in accidental discharges. It is widely documented that many members of the public in Nigeria view the police as brutal, corrupt and ineffective as admitted by the Nigeria Police itself (see NPF, 2008:14). For Nmerole (2008:20), it is generally believed that police do not strictly adhere to legal rules in their duties and so, some of their activities expose them to public condemnation and civil suits against them. To Okoigun (2000:2), Nigerians expect a better police with human face to justify the slogan 'the police is your friend'. In general and reality, there is suspicion, negative perception, contempt and negative stereo-typing of the police by the Nigerian public and such are largely on accounts of true life personal or related experiences and ordeals in the hands of the police. The understanding and public view of the Nigeria Police has relegated community policing in Nigeria to unpopularity and background, which according to Dickson in (Arase & Iwuofor 2007:190) is a "philosophy and organizational strategy by which the police and members of a community work together as partners to combat societal ills such as crime and other forms of evil that threaten the peace and well being of residents" despite Balogun's submissions as cited in (Arase & Iwuofor 2007:19) maintaining that "the active involvement of the people in policing the society had become imperative as the police cannot handle the enormous responsibility which the internal security entails".

Challenges before the Nigeria Police Force

In addition to challenges facing the Nigeria Police on internal security, human trafficking, ethnic militia, youth restiveness and religious intolerance, it is faced by the greatest challenge of redeeming its image before the Nigerian public because most the valuable asset police officers can possess is the credibility with the community they are serving as lamented by Reid (1997:457). Apart also from the shortfall in personnel there is also lack of modern arms, munitions and other vital equipments for containing the increased menace and sophistication of violent crime and criminals (Arase & Iwuofor 2007:3). The solutions to these challenges are however, located beyond the office of the Inspector General of Police (Arase & Iwuofor 2007:3). Dan Madami in (Imobighe, 1987:108) has outlined the familiar causes of these instabilities as: political immaturity, insatiable lust for power, ethno-cultural, religious heterogeneity and intolerance, social disorganization due to indiscipline and criminality, educational imbalance and economic constraints, industrial unrests and statism, proliferation of small arms and light weapons. These are tied to the under strengthened capacity of the Nigeria Police which made it imperative for the Nigerian government to form and deploy joint task force (JTF) in various parts of the country, shortages of fund and logistics, irregular and ineffective training and re-training, corruption in the process of recruitment, promotion and retirement processes.

Summary and Conclusion

The success of every police service is much dependent on its proper and cordial relations and image with the public but for the Nigerian Police Force, there is much fear, suspicion and contempt and most Nigerians including the other state authorities do not have any either confidence in or respect for the Nigeria Police Force. Winning public confidence and support are very vital to the operations and success of police work everywhere in the world. But every police image is the replica of the society it is established and working for. What is today obtainable in the Nigeria Police Force is typical characteristic of the grossly abused processes of selection, recruitment, promotion and demotion of the officers and men of the Nigeria Police Force by the Force itself, Police Service Commission, government and Nigerians. This poor police-public image, relations and functions is manifested in police brutality and corruption which further aggravating security and related domestic security challenges.

The Police Force is not helping the matters especially with the actions, reactions and burst out of some of its officers and men. Politics is further compounding the police-public relations and functions especially in recent times. For the Nigeria Police to function properly and regain good image, confidence and trust, a lot must be done by it and similarly, all the other forces must accept indispensability of one another and that if one agency is held back from its efficiency and effectiveness, the entire system and domestic

security is affected (Okaro in Arase & Iwuofor 2007:114). Although some of the Nigeria Police laws and acts have been existence since colonial days, the main problems lie not in the laws and acts, code of conduct and discipline themselves but in the implementers and the implementation process. The need for both short (fishing out bad elements et cetera) and long term (changing recruitment et cetera patterns) policies for restructuring and reorganization of the Nigeria Police is imperative especially the Eight Point Tafa Balogun Reform Agenda as stated by Arase & Iwuofor (2007:3).

References

- Aliyu, M. B. (2012). “*The Search for National Security in Nigeria: Challenges and Prospects*”. Paper Presentation, Obafemi Awolowo Institute of Government and Public Policy.
- Arase, E. S. & Iwuofor, I. P. O. (Edits). (2007). *Policing Nigeria in the 21st Century*. Ibadan: Spectrum Books Limited.
- Bunyard, R. S. (1978). *Police: Organisation and Command*. London. Macdonald and Evans.
- Coffey, A. R. (1975). *The Prevention of Crime and Delinquency*. London: Prentice- Hall International, Inc.
- Tonry, M. (Edit) (2009). *Crime and Public Policy*. New York: Oxford University Press.
- Criminal Procedure Acts, Laws of the Federation of Nigeria, 1990.
- Constitution of the Federal Republic of Nigeria, 1963. Lagos: Government Printer.
- Conklin, J. E. (2007). *Criminology*. Boston: Pearson Press.
- Ekoku, A.E.&Vogt, M.A. (Edits). (1990). *Nigerian Defence Policy: Issues and Problems* Lagos: MalthousePress Limited.
- Green, G. (1981). *Introduction to Security*. Woburn: Butterworth Publishers Inc.
- Imobighe, T. A. (Edit). (2000). *Nigerian Defence and Security: Issues and Options for Policy*. Jos: NIPSS.
- Nigeria Police Force Annual Report, 2008.
- Nmerole, C. I. (2008). *Police Interrogation in Criminal Investigation: Historical, Legal & Comparative Analyssis*. Minna-Nigeria: Halygraph Nigeria Limited.
- Okoigun, R. O. (2000). *The Role of the Nigeria Police in Elections*. Lagos: CSS Limited.
- Orji, C. H., Edemeka, J., Jaja, S., Onwudike, C., Agaptus, O. B. & Akhirome, M. (2012). *The 1999 Constitution Made Simple for Every Body's Use*. Abuja. LawQuest Limited.
- Police Act, Cap. P19 LFN, 2004.
- Reid, T. S. (1997). *Crime and Criminology*. McGraw Hill Higher Education Group, Inc. USA.