

State Policing in Nigeria: A Response to Emerging Trajectories of Conflict and Crime?

By Adebola Rafiu Bakare,¹ Asimiyu Olalekan Murana² and Fatima Omotayo Aliu³

Abstract

This article argues that the current policing system in Nigeria is highly influenced by the character of the State which has led to a security system that is tailored along patron-client lines. It identifies the challenges hindering the effectiveness of the current security system and calls for the introduction of a policing system where each federating state will be allowed to create and structure its own state police to complement the existing federal police. The article recommends that policing powers be jurisdictionally divided between the federal and state police. It concludes that the introduction of a flexible state policing system will provide and ensure peace and safety, provided that politicians demonstrate the political will and commitment necessary to effectively operate the system as prescribed by the law. In addition, all efforts should be made to avoid using the state police as an instrument for intimidating members of the opposition.

Keywords: Policing, Nigeria, Crime

Introduction

The deteriorating security situation in some parts of Nigeria is becoming worrisome in the face of ever increasing acts of armed robbery, lawlessness, kidnapping-for-ransom, and social disorder all over the country. This notion is based on the findings of the research carried out by Trent (2015, cited in Nwankwo and James, 2016: 13) which reported 54 deaths in 47 criminal events that cut across the country between 2013 and 2015. The Nigeria Police Force (NPF), by section 214 of the 1999 constitution (as amended), is saddled with the responsibility of curbing these crimes and ensuring the safety of lives and property of citizens within the country. However, there is wide criticism of the police premised on its poor performance (see Alemika, 2005; Ali, 2008; Guttschuss,

1 Adebola Rafiu Bakare is based at the Department of Political Science, University of Ilorin, Ilorin, Nigeria. E-mail: bolaonboard@yahoo.com; bolaonboard1@gmail.com

2 Asimiyu Olalekan Murana is based at the Department of Political Science and Conflict Resolution, Abdul-Raheem College of Advanced Studies, Igbaja and affiliate of Al-Hikmah University, Ilorin, Nigeria. E-mail: lekanimran@yahoo.co.uk

3 Fatima Omotayo Aliu is based at the Department of Political Science, University of Ilorin, Ilorin, Nigeria. E-mail: rblawal@yahoo.com

2010; Inyang and Abraham, 2013; Alechenu, 2013; Bakare, 2014; Karimu, 2015, among others). The structural weaknesses of the Nigerian police are mostly noticeable during electioneering periods owing to its inability to curb the violence before, during or after hotly disputed elections. This, along with other security threats and crimes, has led to the call for reform and repositioning of the Nigerian Police Force.

Alemika (1988, 2004, 2005 and 2007) identifies some of the infractions of some police officers as including acts of intimidation, brutality, arrests without warrant and corruption. Several studies are of the view that the Nigerian police have been implicated in incidents involving the abuse of human rights (Comassie, 1990 and 1996; Nwankwo, C.D. et al., 1993; Alemika and Chukwuma, 2000; Ali, 2008; Okeshola, 2013). Other challenges facing the force include inadequate resources, manpower shortage, inadequate and archaic weaponry, corruption, and politicization of the force, among others. Some commentators (Alemika and Chukwuma, 2004; Ikuteyiyo and Rotimi, 2010; Inyang and Abraham, 2013; Bakare, 2014) also note that most citizens have little or no confidence in the Nigerian police as a result of their encounters with the institution.

The ineffectiveness of the Nigerian Police Force is often attributed to immediate and remote causes. The immediate one relates to the feeling that most of the people recruited into the force may not be deeply committed to law enforcement. It is believed that many join the Force to evade unemployment and meet their basic survival needs (FGD, 2014). Onyeozili (2005) traces the remote cause(s) to the origins of the police as a coercive instrument of the colonial government designed to conquer, pacify, exploit, and suppress colonial subjects. The resultant effect of this on post-colonial Nigeria has been the continuation of most of the structural deficiencies of the policing system. In most cases the police cater to the interests of the governing class and elites, while exploiting and suppressing the poor. This unfortunate development explains the inadequacies of the national police.

It is pertinent to note that some of the allegations against the police include arbitrariness in exercising its power, corruption, extra-judicial killings, lack of will to combat crime, needless confrontation with other security agencies, disregard for the respect of human rights, and the perversion of justice (cf. Alemika, 2005; Ali, 2008; Guttschuss, 2010; Alechenu, 2013; Inyang and Abraham, 2013; Bakare, 2014; Karimu, 2015). This situation has fuelled mutual suspicion and mistrust between the police and the informal non-state security actors or /vigilantes established by local people out of the loss of confidence in the regular police (Bakare, 2014). In view of these, the questions as to what, or who is responsible for the continuous decline of the police force and how to salvage the situation is pertinent. Addressing these questions will go a long way in building an effective policing system capable of responding to the new trend of criminalities,

especially in the wake of new technology and globalization.

The quest for a formidable police force has led to the establishment of several high-powered committees and the preparation of dozens of reports and recommendations aimed at building a police force capable of securing the lives and property of all Nigerians (Alechenu, 2013). It has also, over time, led to on-going debates among security experts, politicians and other stakeholders. There are basically three arguments for the reformation of the security sector. While some call for the incorporation of the non-state policing into the mainstream or formal policing, leading to a “hybrid” form of community policing (see Alemika and Chukwuma, 2004; Brogden, 2004; Ikuteyiyo and Rotimi, 2010; Inyang and Abraham, 2013; Bakare, 2014). Others, including most of Nigeria’s state governors, believe that the only solution is to unbundle the Nigeria Police Force by amending section 214 (1) of the 1999 constitution to allow for the establishment of state police. The third category, prominent among whom are Goodluck Jonathan (a former Nigerian President), M. D. Abubakar (former Inspector General of Police), and Abubakar Tsav (a retired Commissioner of Police), argue for the maintenance of status quo with the call for strengthening the Force with regards to acquisition of modern technology, weaponry and recruitment of more personnel among others (see also Soyinka et al., 2011; Nimbe and Bayo, 2011). This article analyzes the arguments for and against the creation of state police as well as the contending issues, challenges, and prospects in the near future in Nigeria (see Bakare, 2014, for the analysis of the other two arguments: community policing and status quo).

The Concepts of Police and Policing

Police refers to a socio-political and legal institution charged primarily with the enforcement of criminal law and the maintenance of order. The primary role of police is policing, i.e. securing compliance with existing laws and conformity with precepts of social order. Put simply, while ‘police’ is an institution, ‘policing’ is the art and act of the institution. According to Martin (1990: 6):

Police work involves a variety of tasks and responsibilities. Officers are expected to prevent crime, protect life and property, enforce the laws, maintain peace and public order, and provide a wide range of services to citizens ... A common trend unifying these diverse activities, however, is that potential for violence and the need and right to use coercive means in order to establish social control.

But the police are not the only agency involved in policing. Many quasi-police agencies, such as the Customs and Immigration, financial and economic regulatory agencies, are

also involved in public policing. Thus, policing refers to measures and actions taken by a variety of institutions and groups (both formal and informal) in society to regulate social relations and practices to secure the safety of members of community as well as conformity to the norms and values of society. It is therefore a “sub-set of control processes” which involves “the creation of systems of surveillance, coupled with the threat of sanctions for discovered deviance – either immediately or in terms of the initiation of penal process, or both (Reiner 2000: 3).

Policing has always been necessary in all societies for the preservation of law, order, safety and social relations. The necessity of policing becomes even more evident in modern societies characterized by diversities and contradictions arising from population heterogeneity, urbanization, industrialization, and conflicting ideologies on appropriate socio-political and economic form of organization. Traditionally, policing was the responsibility of all adults in the community. All adult males were obliged to contribute towards the prevention and control of crime and disorder under the systems of ‘hue, cry and pursuit’ and the ‘watch and ward’ that preceded the emergence of specialized police forces as organs of the state (Weber, 1968). But the emergence of the state, with its vast bureaucracies anchored on centralization, hierarchical authority/power structure, and professional staff changed the traditional policing philosophy rooted in the idea of policing as everybody’s business. The emergence of the state as an entity with claim to the monopoly over the means of legitimate violence in society resulted in the creation of specialized agencies, such as the police and the armed forces, for controlling the use of violence by other groups.

Historical Development of Policing in Nigeria

The history of policing in Nigeria can be divided into three phases: the pre-colonial, colonial, and post-colonial eras. In the pre-colonial era, crime prevention was the duty of indigenous institutions responsible for crime control. In the absence of codified laws, the regulation of behaviour was largely enforced by various norms and institutions in different parts of the country, e.g. secret societies, messengers, and palace guards (Marenin, 1985; Ikuteyiyo and Rotimi, 2010; Inyang and Abraham, 2013). During this period, the laws enforced by these security institutions were not documented, but were known by many. The policing structure was directly under the control of the political or administrative leaders.

During the colonial era, policing was operated based on the provisions of British law. This model marked a paradigm shift from the traditional pattern of policing where emphasis was placed on traditions, customs and undocumented laws. During this era, the police under the Native Authority system served and protected the interventionist

and extractive interests of the colonial masters at the expense of the masses which they were commissioned to protect. Rotimi (2001) described this pattern of policing as that in which ‘strangers policed strangers’. The police were pitched against the people they were meant to protect and there were series of clashes between both parties. This situation made scholars and criminologists to opine that the main preoccupation of the police during the colonial era was tied to British domination of Nigeria which depended on coercive force and violence, and the capacity to maintain colonial rule despite opposition from the colonized peoples (Tamuno, 1970; Ikime, 1977; Crowder, 1978; Alemika, 1988; Ahire, 1991). Onyeozili (2005) argued that the deployment of the police to advance the colonial agenda subsequently shaped the nature of post-colonial policing as a modality of oppression in Nigeria.

The present Nigeria Police Force largely reflects a cultural transfer of the style of policing from the colonial law enforcement officers. For over five decades since the operationalization of the Nigeria Police Force and its related agencies, insecurity has remained a major challenge. The police authorities have made several attempts to reform the force to ensure better performance. However, the implementation of such policies has in many cases been problematic. This has combined with other factors to fuel further demands for change in current police methods of operations. Various options, including devolution of police powers from the central government to accommodate regional and state levels, community policing, and incorporation of informal police institutions into mainstream policing, have been proffered for effective policing in the country.

For advocates of state or regional police, there are concerns by critics opposing it that the sad experience of the local police in the 1960s, in which the police became an instrument of oppression in the hands of the regional ruling class, could repeat itself (Nimbe and Bayo (2011) cited in Inyang and Abraham, 2013). According to this school of thought, devolving police powers to the regional or state level will give some state governors, who are major agitators for its establishment, an undue advantage to use the police to harass and victimize members of the opposition or the public (Soyinka et al., 2011). However, some observers equally point out that the federal police force may already be serving the same purpose under the manipulation of politicians in the ruling party.

Alternatively, many have argued that community policing which requires effective police-public partnership in crime prevention is the best form of policing (Bakare, 2014). This view is surprisingly shared by some members of the police force themselves. In a research project carried out between March 2001 and December 2003 by the Centre for Law Enforcement Education in Nigeria (CLEEN Foundation) in partnership with the Nigerian Police Force in fourteen states selected from the six geopolitical zones of Nigeria, it was discovered that if community policing strategy is adopted, it could assist

in eradicating most of the challenges attributed to the traditional reactive police culture (Pam Sha, 2005). Despite this discovery, the low publicity given to this project and the laxity exhibited towards its full implementation, together with other factors, such as incessant transfer of criminal Investigation Police Officers (IPOs) who have unfinished cases on their tables, poses a threat to its success (Inyang and Abraham, 2013).

The Character of the Nigerian State, and its Impact on the Nature of Policing

The ruling elites in Nigeria are mainly factionalized along ethnic, regional, religious, and institutional lines, being the products of uneven development and rivalry, which, British colonial administration fostered among (and within) the different regions of the country. These elites have built constituencies organized along communal, ethnic, religious, and regional lines. Depending on the level of contestation, factions of the elite manipulate and exploit the differences and anxieties arising from unequal size, competition over resources, and access to public office to further political interests. The fact that the colonial authorities forcefully merged previously autonomous ethnic groups to form Nigeria resulted in stiff competition among these various groups over available state resources and power. Such zero-sum competition has propelled various ethnic groups and sectional constituencies to continue to engage in intense struggles with one another for access to state power and the benefits accruing there-from (Omotoso, 2010: 146). This was the nature of the Nigerian state before the Southern and Northern police forces were merged in 1930. During this period, most police were associated with local government (Native authorities). But by 1960s under the first Republic, these forces were established at the regional and then national levels. The politicians of the first 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 Nigerian Police Force.

The politicians of the newly independent Nigeria may have had the view that a decentralized police force would be antithetical to peaceful co-existence and easy governance of the country, against the background of the unitary and despotic orientation of colonial rule. Such a position explains why local police forces were disbanded as recommended by a panel set up in 1966 by the military regime of General 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 recommending the abolition of local police forces and prison services to the military regime led by General Gowon. The Panel also condemned the local police forces of being poorly trained, corrupt and partisan. This was based on several observations, including the role of local police under the control of traditional rulers and politicians in Northern and Western Regions in repressing the opposition (Ohonbamu, 1972).

According to Alemika and Chukwuma (2012), the experience of the NPF during military rule may be characterized as ‘sweet’ between 1966 -1979, and ‘bitter’ from 1983-1999. Military rule under General Gowon may indeed be viewed as the sweetest period of police-military collaboration in governance. Between 1966 and 1979, the police were co-opted into governance by the military as state administrators and members of the Supreme Military Council. More importantly, the police were respected as partners by the military rulers. However, during the period of 1983-1999, the police lost its position of prominence in government, though still incorporated as junior partner of the military, as state governors (Alemika, 2010). However, the Force as an organization was neglected in terms of funding and equipment. This was 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 adequately equipping the police to serve as the primary tool for promoting and protecting internal security, the military governments resorted to establishing joint special task forces made up of military and police personnel (Alemika, 2010). Each unit of the taskforces was led by a soldier, often junior in rank to the police officers on the task force. This demonstrated the subordinate role assigned to the police, the impact of which is still felt sixteen years after military rule, from 1999 to 2015. In the current democratic dispensation, the military and police maintain the façade of friendship and partnership at the top echelon where the top-level police hierarchy is invited to military events (and vice versa). However, the relationship at the lower echelons is a lot more fragile, characterized as a cat and mouse game. While the military claim to be the number one security agency in the country, the police see it as a common boundary guard (Bakare, 2014).

Since the return to democracy in 1999, the police force is no doubt the “bride” of the political class. While those that argue against its decentralization hinge their arguments on the fear of the politicization of state police by state governors, the federal government is no saint either. Since Nigerian politics is typified by various cleavages and a zero-sum competition for power and control of resources, it is also impossible to have a truly neutral or professional police force: state or federal. The police are not immune from the contradictions within the Nigerian state. Recruitments, promotions, postings, appointments, and training in the police force, though based on the principle of federal character, is not entirely free of ethnic, religious, and regional considerations. The religious and ethnic backgrounds of new intakes at any point in time usually reflect those of the top hierarchy in the force. Appointments to specific lucrative or “juicy” leadership positions tend to be partly influenced by ethno-religious considerations. Cronies are posted to “juicy” states, while others are posted to less lucrative and crises-ridden states. To the average Nigerian, the word ‘police’ is synonymous with ‘corruption’. Events and experiences of the people make them believe that it is practically impossible to eradicate corruption in the police force. Some reportedly join the force consciously despite the

meagre salary and welfare package with the underlying motive that they would make it up through ‘corrupt means’.

The relationship between the Nigerian Police Force and the citizens is also worrisome. The institution is rated as one of the topmost institutions that abuse human rights (Comassie, 1990 and 1996; Nwankwo, C.D. et al., 1993; Alemika and Chukwuma, 2000; Ali, 2008; Okeshola, 2013). Over the past three years, the Nigeria Police Force has paid over N1 billion to Nigerians whose rights were abused by police officers (Arase, 2015). Many police officers who perpetuate acts of torture hide under the Force Order 237 which allows the use of force by the police. Even though local and international groups and individuals are criticizing this law, the police hierarchy appears as not doing enough to repeal it or caution its officers. Police detention cells are notorious as places of torture where forced “confessions” are extracted from suspects under duress. In most cases, the presiding judges dismiss such cases as confessions made under duress cannot stand in the law courts. The Nigerian police is also accused of double standard in the arrest and treatment of suspects. While the poor and underprivileged are disgracefully arrested and publicly paraded in handcuffs (sometimes without arrest warrants), the rich and the privileged are mostly invited with courtesy, despite being accused of committing heinous acts.

Patron-client relations that characterize the Nigerian state and elites are also embedded in the state security system, particularly the police force. This police force serves the interest of the Nigerian governing elite. It has little or no autonomy from the ruling elites, and is sometimes caught up in the struggles between factions of the governing class, especially between the national ruling and opposition factions. It is against this backdrop that advocates of effective policing are calling for a break from the business-as-usual pattern, and a move towards establishing an efficient and highly professional policing system based on best practices from around the world.

Emerging Trajectories of Conflict and Criminal Tendencies and the Need for Appropriate Responses: A Case for State Policing

In recent years, the trend of conflict and criminal activities in Nigeria is witnessing continuous changes. Despite the existence of a plethora of security agencies, the new trend poses a formidable threat to the corporate existence of the country. No day goes by in Nigeria without reported and unreported cases of conflicts and violent criminal activities in one part of the country or the other.

Adeola (2008) contended that, there were countless incidences of conflicts and crime in Nigeria. Conflicts that have occurred in Nigeria include: Yoruba - Hausa Community

crisis in Sagamu (Ogun State), Ile-Ife (Osun state); Zango - Kataf (Kaduna State); Eleme - Okirika (River State); Tiv - Jakun (Taraba State); Ogoni - Adoni (River State); Chamba - Kuteb (Taraba State); Itsekiri - Ijaw/Urhobo (Delta State); Aguleri - Umuleri (Anambra); Ijaw - Ilaje (Ondo State); Basa - Egbura (Nassarawa State); Hausa/Fulani - Sawaya (Bauchi State); Fulani - Irigwe and Yelwa - Shendam (Plateau); and others not mentioned (Ubi 2001; Imobighe, 2003; Omotayo, 2005); and the ongoing Fulani herdsmen - farmers in Benue, Taraba and Southern Kaduna and several states in Nigeria. Others involve the Bojie-Insadop communities, and Ikot Offiong in Cross River State and Akwa Ibom States (Adeola 2008).

In the last twelve years in Nigeria, no fewer than two hundred conflicts and causality figures, conservatively put over 500,000, were recorded in quick succession across the country. These have resulted in loss of lives and properties of innocent people. Thus, Maire (2001) describes Nigeria as “a fallen house that conjures images of chaos, confusion, and crime – repressions, business fraud, a nation in comatose and a brink...”.

In recent times, there has been a growing concern over the increasing trends of violent crimes and terrorist activities especially involving the use of improvised explosive devices (IEDs) by criminal and terrorist elements. For instance, murder, which is a clear example of violent crime, was 1,629 in 1994. This number steadily increased to 2,120 in 2001 and climbed to 2,136 in 2003 (CLEEN Foundation, 2007). These phenomena went up by 75 percent between 1994 and 2003. Armed robbery was equally put at 2,044 in 1994. In 2002, it rose to 3,889, amounting to over a 52 percent increase in less than a decade. In 2007, the Nigeria Police Force (NPF) recorded 34,738 incidences as crimes against persons and this figure escalated to 35,108 incidences in 2008 (NPF, 2008).

A cursory look at some of the state level (disaggregated) data in Nigeria is of great concern. For instance, in 2002, 52 cases of armed robbery were reported in Abia State; but in 2004, it rose to 176. In Edo State, 71 cases of armed robbery were reported to the police in 2002; the number steadily increased to 144 in 2005 and 163 in 2006 (Attoh, 2012). In 2008, the Abia State Police Command recorded a total of 940 criminal cases and arrested 1,275 suspects. It is important to note that between 2009 and 2010 Aba, the economic hub of Abia State, was laid prostrate by the activities of robbers and kidnappers especially through the exploits of the late Obioma Nwankwo (aka Osisikankwu). Lagos State also, which is the commercial nerve centre of Nigeria, recorded a total of 12,837 criminal cases and the arrest 14,996 suspects in the period under review (Attoh, 2012).

According to a 2007 internet crime report released by the Internet Crime Complaint Centre (IC3), Nigeria ranks third among the cybercrime committing countries in the world. This puts the country, alongside the United States, United Kingdom, and Romania, among the

top ten countries where internet crimes are perpetrated (Odapu, 2008). According to the report, in the US alone, “Nigerian letter fraud” (E-mail scams emanating from Nigeria) constituted 1.1 per cent of the 2007 top IC3 Complaint Categories received. The Central Bank of Nigeria (CBN) in its banking sector supervision report revealed that the banking sector lost 7.2 billion Naira [around ... USD) to internet fraud. However, the Chief Executive Officer of Global Network for Cyber Solution, Segun Olugbile, believes the amount is in the region of N10 billion (Odapu, 2008). Weekly Trust reports from Lagos say overnight browsing still booms in the city; despite an Economic and Financial Crimes Commission (EFCC) ban, the proliferation of private Internet Providers with affordable modems has boosted cybercrime. This trend enables the perpetrators to surf the net in the comfort of their homes. However, the Economic and Financial Crimes Commission (EFCC) avers that a total of 136 suspects were arrested consisting of 60 suspects in the Southwest, 39 in the Southeast, 26 from the South-South, and 11 in the North. The commission posits that it continues to update its capacity through training and logistics to cope with the growing dynamics of the crime (Attoh, 2012).

Also, in a report released in naijafeed.com, the former Minister of Police Affairs, Ibrahim Yakubu Lame, disclosed that 512 people were kidnapped in 2010 out of which 30 of the victims died in the hands of their kidnapers. In 2008, 353 people were kidnapped and two victims lost their lives. Kidnapping-for-ransom in Nigeria began rising in 2006 when militants in the Niger Delta started kidnapping expatriates working in the oil industry. For Abati (2009), kidnapping and hostage-taking are no longer restricted to the Niger Delta area, or South-South of Nigeria. With reported cases in Lagos, Abuja, Benin city, Owerri, and now Kaduna and Kano, this crime has become a national phenomenon. Abati (2009) indicated that the challenges of infrastructure have not helped the State Security Service.

Eso (2009), has sought to explain why kidnapping is becoming widespread in Nigeria. First, it is attributed to the large amounts of money paid as ransom by relatives of victims. There is, also, a near certainty that families of the victims will pay the ransom without going to the police. Second, kidnapping is big business, because of bad governance, lax legislation and weak law enforcement; perpetrators can launder and spend the proceedings of their crimes. Third, existing laws tend not to punish kidnapping at the same level as other violent crimes. For example, while those convicted for armed robbery or murder face the death penalty, the punishment for kidnapping is less severe. Also, successful prosecution of top-level kidnapping is largely few and far between, except in a few exceptional cases where perpetrators are brought to book.

Premised on the foregoing, while Nigeria seems not yet a ‘failed state’, it could arguably qualify as a ‘failing state’ in some respects. This can be attributed to the fact that the

centralized policing system is unable to stem the rising tide of crime and violent conflict. The limitations of the national police are such that the institution is unable to catch up with the new trajectories of crime and violent conflict. This calls for a more flexible and response approach to policing. This is where a state police becomes relevant. In this case, each state of the federation will organize, structure, fund and control its police force based on the existing trend and practices of crime and violent conflict in the state. The essence of state policing system is seen from the argument of Olong (2012) that state and local police forces will be thoroughly familiar with the people, their terrain, culture, religion, etc.; and will confer on the police and policing, the appearance of being part of these communities instead of being seen as a contemptuous occupying force imposed from the outside.

Challenges and Prospects of State Police in Nigeria

The call for the establishment of state police reached a climax during the 2014 National Conference. Prior to this period, there had been less agitation for it. The core argument is that a federally controlled institution is not likely to be effective given the heterogeneous nature of the country as well as the vast geographical spread. This prompted some states to establish their own quasi-policing institutions (that fall under concurrent and residual list) to complement the federal institutions. For example, when it was observed that the Transport Section of the Nigeria Police Force that control and manage traffic in major cities was not performing up to expectation, the Lagos State Government established a traffic management institution known as the Lagos State Traffic Management Authority (LASTMA) to complement the effort of the Nigerian Police. The improved free-flow of traffic in Lagos State prompted other States to follow suit (TRACE in Ogun State, KWATMA in Kwara State, among others). This development did not go unchallenged by the federal government. The matter was politically and legally contested. At a point, the federal government threatened that LASTMA must not operate on federal roads. This was, however, resolved in the law court. Given the success stories recorded so far in the transport sector, one would have expected that such should have been replicated in the security sector. However, this cannot be because it is a constitutional issue. Section 214(1) of the Nigerian 1999 constitution (as amended) expressly forbids the establishment of state police when it states that:

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.

Subsection 2 also gives the National Assembly the monopoly to make laws for the administration and organization of the police without prejudice to the extant provisions

of the constitution. The President, being the Chief Security Officer of the country, is empowered by Section 215(3) as amended, to give lawful directions to the Inspector General of the police with respect to the maintenance and securing of public safety and order as he may consider necessary. The president is also allowed to delegate this power to the Minister of Police Affairs and the Inspector General is obliged to comply with such directions or cause them to be complied with by relevant officer or command.

However, the Governor who, by virtue of his office, is considered the Chief Security Officer of the state or his agent (Commissioners) is not given express constitutional right to give full directives to the Commissioner of Police in his state. Though, subsection 4 permits the Governor or his agent to give lawful directions to the Commissioner of Police with respect to the maintenance and securing of public safety and order within the state as considered necessary, such Commissioner of Police in his discretion may request that such matters be referred to the President or Minister of Police Affairs before he comply or cause them to be complied with. This provision is responsible for the refusal of some Commissioners of police to take directive from State Governors. This is rampant in state[s] under the control of opposition political parties.

The federal government has the monopoly of establishing, funding and directing the police. It is however observed that Governors do fund the police in their respective states through acquisition of equipment for fighting crime, kitting, and provision of infrastructural facilities for optimal performance of the police in their state. Most police commissioners rely on the kind of support in running the police under their command. In many cases, the first move of a Commissioner newly posted to a state is to pay a courtesy visit to the Governor to solicit for support and co-operation. A Governor that supports and funds the police in his state often has considerable leverage over the police as the Commissioner may not request for any directive by the Governor to be referred with the President before complying.

The idea of state policing has gained popularity because of the surge in crime rate and the inability of the federal police command to effectively respond to existing challenges. The proponents of the idea of a state police believe that its closeness to the society places it in a more proactive position for detecting and tackling any crime before it gets out of hand (Vera, 2014). They argue that the only action needed from the federal government is to amend the 1999 constitution by granting a legal backing to it. It is believed that better training opportunities and equipment for the system already exist in different guises or can be developed. This is because most of the states already have security outfits that can metamorphose into an official state police.

Those regarded as anti-state police have hinged their argument on the fact that it may give some state governors, who are major agitators for its establishment, undue

advantage to intimidate political opponents or members of the opposition, reminiscent of the experience with the local police in the 1960s, when policing became an instrument of oppression in the hands of the ruling class (Soyinka et al., 2011; Nimbe and Bayo, 2011). Although many critics accept the fact that state police are better than a centralized policing system, they only reject the idea of a state police because the country is not yet (politically) ripe for it. This view is echoed by former President Goodluck Jonathan, when he openly argued that “Nigeria is not yet ripe enough for the creation of state police as it will be abused by governors and thereby worsen the security situation” (Daily Trust, 28 August 2012). Also, a former Inspector-General of Police, M. D. Abubakar, also supported the President when he expressed his opposition to the clamour for the decentralisation of the police on the same grounds. He suggested that proponents of state policing should exercise more patience citing the peculiar socio-economic and political status of the country (Iriekpen, 2014).

In response to the argument of the critics, a proponent, Rt. Hon. Victor Ochei (Speaker, Delta State House of Assembly) opined that the fear of abuse of the force by state governors, which critics had regularly held as part of the reasons for their opposition to the establishment of state police formations, remained untenable against the backdrop of the persisting allegations of the abuses committed by the Nigerian Police Force (NPF), by those who currently run and control it. He noted that since state governments now contribute a substantial amount of funds, equipment and other logistics to the Nigeria Police Force, it made sense for them to be constitutionally allowed to establish, fund and operate police formations. He submitted that both state and federal police will complement each other, and any potential conflict over jurisdictions can be avoided by the reclassification of offences into federal and state categories, as obtainable in the United States and other countries (Ochei, 2013).

This group received a boost when the 2014 National Conference approved the decentralization of the Nigeria Police Force paving the way for states to establish their own police. The conference delegates recommended that the federal police would have jurisdiction over the entire country and on clearly spelt-out matters and offences, while the jurisdiction of the state police will be limited to the states and operate within the ambit of the laws enacted by the State Assembly; and that such should only be created by states that desire them, and are economically capable of kitting and financing the system (Daniel, 2014).

Conclusion: ‘To be’ or ‘not to be’

The Nigeria Police Force faces constantly evolving challenges that impede its efficient operations. These include: the persistence of the colonial legacies, such as, brutality,

emphasis on order rather than security and safety of citizens, suppression of dissent or perversion of justice, economic mismanagement and poor performance (Alemika, 2007). There are also other challenges that have been largely unaddressed by successive administrations. These include, institutional deficiencies because of inadequate funding, manpower shortage, outmoded or non-functioning equipment, high levels of corruption, extra-judicial killings, inadequate capacity to combat crime, rivalry or conflict with other security agencies, and disregard for the respect of human rights in policing procedures (Bakare, 2014). To overcome these challenges, Alemika (2005) suggests the restructuring of the State and politics, an overhaul of the weak intelligence and incentive structure, investigation, operational and administrative capacities of the force; reform of the Policing System, and the establishment of training institutions that can help professionalize and build the capacity and integrity of members of the Force.

It should be noted that the foregoing recommendations, though important, cannot be fully implemented without paying attention to the performance and welfare of the individual policeman. Sadly, there are a few cases where policemen had been reportedly involved in armed robbery operations (The Nation, 2013). This underscores the need to scrutinize recruitment into the Force. The practice of recruiting persons based on the presentation of referrals/complimentary/business cards from senior highly placed persons in government or society should not be a substitute for the need for thorough scrutiny of every applicant. The cleansing process must begin from the individual. The success story of communal policing before colonial rule in most African societies was largely due to the involvement of the citizenry who were committed to the task of maintaining peace and security in the community. Individuals with criminal or questionable backgrounds should not be recruited into the Nigeria Police Force. Nigerian democracy, like other transitional democracies, apart from purging itself of colonial heritage (westernized philosophy), must look inwards. Furthermore, traditional African moral norms and religious values (Dopamu, 2008; Alamu, 2010) should be integrated into the training of policemen and the maintenance of community-based peace and security. Vigilante groups, like the Oodua Peoples' Congress, Bakassi Boys, Egbesu Boys, Arewa Youth, to mention but a few, represent communal efforts that could be used in checking crimes like stealing, kidnapping, among others.

We strongly argue that the time is ripe to embrace state policing in Nigeria. Each state should be allowed to create its own police force in line with its local and cultural context. Secondly, there should be a division of power between the federal and state police such that each will have its area of jurisdiction. Specific offences should be regarded as being subject to the jurisdiction of the federal police, and other offences reserved for the state police. This can be done in line with the exclusive, concurrent and residual division of powers among federal and state governments as enshrined in the constitution. Third,

there must be a framework for federal and state police forces to ensure a harmonious working relationship. Since there is free movement from one state to the other, any suspect that relocates from one state to another state after committing a crime must be repatriated to the state where the crime was originally committed for prosecution. In addition, the presence of federal police in any state should not be seen or used as a form of intimidation against the state police.

Fourth, the federal police should be primarily based in the Federal Capital Territory (Abuja) and no state police should be established there. It is the responsibility of the federal police to operate in the FCT and enforce laws equivalent to state-related crimes which the National Assembly should make. Fifth, each state must design qualification and entry requirements for enlisting into the state police based on prevailing circumstances in such state. High consideration should be given to residents in the state for a period, even if they are not indigenes of such states, provided they meet the residency requirement and their qualifications, loyalty, and integrity can be guaranteed. Finally, politicians at the federal level should respect the autonomy of the police and refrain from using it as an instrument for political domination and harassment of the opposition, or those considered as government critics.

References

- Abati, R. (2009). Ransom kidnapping, hostage taking and a bewildered Nigeria. Available at: <http://www.nigerianvillagesquare.com>. Accessed on 17 January 2017.
- Adeola, G. A. (2008). The Ife-Modakeke crisis: An insider view. *Ife Psychologia*, 3, pp. 14-20.
- Ahire, P. T. (1991). *Imperial policing: The emergence and role of the police in colonial Nigeria*. Philadelphia: Open University Press.
- Alamu, A.G. (2010). The role of African religion in promoting national security in Nigeria. *AAU African Studies Review*, 9(June), pp. 141-155.
- Alechenu, J. (2013). State police: To be or not to be. Retrieved from: <http://www.punchng.com/politics/state-police-to-be-or-not-to-be-2/>
- Alemika, E. E. O. (2010). History, context and crisis of the police in Nigeria. A paper presented at the Biennial Retreat of the Police Service Commission on the theme, 'Repositioning the Nigeria Police to Meet the Challenges of the Policing a Democratic Society in the twenty-First Century and Beyond', held at the Le Meridian Hotel, Uyo, Akwa Ibom State, November 1-4.
- Alemika, E. O. (2007). Law enforcement and order maintenance in a democratic transitional society: The challenge of the Nigerian police. In S. G. Ehindero, et al. (Eds.), *The Nigeria police and civil society*, pp. 143-164.
- Alemika, E.O. (2005). Challenges confronting police reform in transitional contexts, Paper presented at the Faculty of Law, University of Cape Town, July 18.
- Alemika, E. E. O. (1988). Policing and perceptions of police in Nigeria. *Police Studies*, 11(4), pp. 161-176.
- Alemika, E. E. O and Chukwuma, I. C. (2012). Analysis of police and policing in Nigeria. In a Desk Study of the Role of Policing as a Barrier to Change or Driver of Change in Nigeria, prepared for the Department of International Development (DFID), Lagos: CLEEN Foundation.
- Alemika, E. E. O. and Chukwuma, I. C. (2004). The poor and informal policing in Nigeria. A report on poor peoples' perceptions and priorities on safety, security and

informal policing in A2J Focal States in Nigeria. Center for Law Enforcement Education (CLEEN), Lagos. Retrieved from GSDRC website: <http://www.gsdrc.org/docs/open/SSAJ126.pdf>

Alemika, E.E.O. and Chukwuma, I. (2000). Police community violence in Nigeria. Lagos: Center for Law Enforcement Education.

Ali, G. (2008). Police and human rights abuse in Nigeria. A seminar paper presented in Department of Sociology, Ahmadu Bello University, Zaria.

Arase, S. (2015). Nigerian police pays over N1billion to victims of human rights abuse by officers. The Punch, 22 July.

Attoh, F. (2012). Rethinking crimes and violent behaviour in Nigeria: An appraisal of the challenges and solutions. *British Journal of Arts and Social Sciences*, 8(II), pp. 1-9.

Bakare, A. R. (2014). Rivalry or partnership policing? Harvesting the gains of the state and non-state security providers in Ilorin, Nigeria. *Centrepoint Journal (Humanities Edition)*, 17(2), pp. 69-88.

Brogden, M. (2004). Community policing: A panacea from the west. *African Affairs*, 103(413), pp. 635-650.

Chima, W. (2009). Ethnic conflict in Nigeria's Oil Delta. Retrieved from Timelines.ws/countries/Nigeria.HTML.

Comassie, A.I. (1996). The making of the peoples' police. Lecture delivered at the National Orientation Agency, Abuja.

Comassie, A.I. (1990). Discipline superior police officer. A paper presented at the Seminar for Area Commanders and Assistant Commissioners of Police, held at the Police Staff College, Jos. March 19 - 23.

Crowder, M. (1978). *Colonial West Africa: Collected essays*. London; New Jersey: Frank Cass & Company Limited.

Daily Trust, 28 August 2012.

- Daniel, A. (2014). Confab approves creation of state police. Retrieved from: <http://starconnectmedia.com/2014/06/26/security-national-conference-endorse-state-police-for-nigeria/>
- Dopamu, A. P. (2009). In the service of humanity: The farewell lecture. Ilorin: University Press.
- Dopamu, A. P. (2008). African religion and national security. In M. A. Folorunsho et al. (Eds.), Religion and national security. Ijebu-Ode: NASRE, 6.
- Eso, H. (2009). Incessant kidnappings and the brutalization of Nigeria. Available online at: <http://www.kwenu.com>. Accessed on 17 January 2017.
- Federal Republic of Nigeria. (1999). Constitution of the Federal Republic of Nigeria. Lagos: Federal Government Printer.
- Focus Group Discussion conducted by Bakare, A. R. in Ilorin with 8 participants from the Nigeria Police Force. January 12, 2014.
- Gaya, S. (2009). Introduction to peace and conflict studies in West Africa. Ibadan: Spectrum.
- Guttschuss, E. (2010). Everyone's in on the game: Corruption and human rights abuses by the Nigeria Police Force. Human Right Watch Report, August 17. Available online at <https://www.hrw.org/report/2010/08/17/everyones-game/corruption-and-human-rights-abuses-nigeria-police-force>
- Habeeb, P. (2004). State police not solution to crime – IGP. Daily Trust Newspapers, March 17. Retrieved from <http://www.mtrustonline.com/dailytrust/>.
- Ikime, O. (1977). The fall of Nigeria: The British conquest. London: Heinemann.
- Ikuteyiyo L, and Rotimi, K. (2010). Community partnership in policing: The Nigerian experience. Ile-Ife: Obafemi Awolowo University.
- Imobighe, A. T. (2003). Ethnicity and ethnic conflicts in Nigeria: An overview. Ibadan: Spectrum.
- Inyang, J. D and Abraham, U. E. (2013). Policing Nigeria: A case for partnership between formal and informal police institutions. Merit Research Journal of Art, Social

Sciences and Humanities, 1(4), pp. 53-58.

Iriekpen, D. (2014). IG: Nigeria not ripe for state police. Retrieved from: <http://www.thisdaylive.com/articles/ig-nigeria-not-ripe-for-state-police/169858/>

Karimu, O. O. (2015). Effects of the Nigeria police force personnel welfare condition on performance. *European Journal of Research and Reflection in Arts and Humanities*, 3(1), pp. 26-38.

Maire, O. (2001). How do ethnic militias perpetuate in Nigeria. A micro analysis. Available online at: <http://www.microconflict.eu/.../RW19-YG/pdf>.

Marenin, O. (1985). Policing Nigeria: Control and autonomy in the exercise of Coercion. *African Studies Review* 28(1)

Martin, S. E. (1990). *On the move: The status of women in policing*. Washington, D.C.: Police Foundation

Nimbe, E. and Bayo, O. (2011). Implications of state police in a fledgling democracy. Akungba – Akoko: Faculty of Law, Adekunle Ajasin University.

Nwankwo, C.D. et al. (1993). *Human rights practices in the Nigerian police*. Lagos: Constitutional Rights Project.

Nwankwo, U. V. and James, O. (2016). Prevalence of lethal and non-lethal crimes in Nigeria. *Journal of Advanced Research in Humanities and Social Sciences*, 3(1), pp. 10-25.

Ochei, V. (2013). Why Nigeria needs state police. Retrieved from: <http://thepointernews.com/?p=26297>.

Odapu, M. (2008). Nigeria: Cyber crime - Time to stop county's dominance. Available online at: <http://www.allafrica.com>. Accessed on 17 January 2017.

Ohonbamu, O. (1972). The dilemma of police organization under a federal System: The Nigerian example. *The Nigerian Law Journal*, 6, pp. 73-87.

Okeshola, F. B. (2013). Human rights abuse by Nigerian police in four selected states and the federal capital territory, Abuja. *British Journal of Arts and Social Sciences*, 13(2), pp. 242-250.

- Olong, M. A. (2012). The Nigerian police and good community relationship: A desideratum. *International Journal of Asian Social Science*, 2(11), pp. 2055-2056.
- Omotayo, B. (2005). Women and conflict in the new Information Age: Virtual libraukesti the rescue. A paper presented at the World Library Information Courses: A Voyage of Discovery, August 15-18, Norway.
- Omotoso, F. (2010). Indigeneity and problems of citizenship in Nigeria. *Pakistan Journal of Social Sciences*, 7(2), pp. 146-150.
- Onyeozili, E. C. (2005). Obstacles to effective policing In Nigeria. *African Journal of Criminology and Justice Studies*, 1(1), pp. 32-54.
- Pam Sha, D. (2005). Evaluation of Community Policing Forum Project implemented by CLEEN Foundation. Jos: Department of Political Science, University of Jos.
- Reiner, R. (2000). *The politics of the police*. Oxford: Oxford University Press.
- Rotimi, K. (2001). *The police in a federal state: The Nigerian experience*. Ibadan: College Press Limited.
- Soyinka, A., Umukoro, A., Adewuyi, O., Ezeoke, J., Adeyemi, A., and Adebayo, F. (2011). State police to be or not? *Tell Magazine*, August 8.
- Tamuno, T. N. (1970). *The police in modern Nigeria, 1861-1965: Origins, development, and role*. Ibadan: University Press.
- The Nation Newspaper (July 12, 2013).
- Ubi, O. M. (2001). Communal conflict and traditional conflict resolution: Ugeb/Idomi 1992 conflict experience. *Ife Psychologia*, 3.
- Vera, C. (2014). The debate on state police in Nigeria. Retrieved from: <http://dailyindependentnig.com/2014/07/debate-state-police-nigeria/>
- Weber, M. (1968). *Economy and society*. California: University of California Press.