

**CIVIL SOCIETY PANEL
ON
POLICE REFORM IN NIGERIA
2012**

FINAL REPORT

SEPTEMBER 2012

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TRANSMITTAL LETTER

His Excellency,
Dr. Goodluck Ebele Jonathan
President,
Commander-in-Chief of the Federal Republic of Nigeria,
State House,
Abuja.

Mr. President,

SUBMISSION OF REPORT OF THE CIVIL SOCIETY PANEL ON POLICE REFORM IN NIGERIA

Your Excellency will recall that on February 17, 2012, you inaugurated a nine-person Presidential Committee on the Reform of the Nigeria Police Force chaired by Mr. Parry Osayande, Retired Deputy Inspector General of Police. It had five Terms of Reference to advise your government on measures that can be taken to improve the performance of the Nigeria Police and restore public confidence in the institution.

Coming against the background of three previous Presidential Committees on Police Reform established by your predecessors whose recommendations were neither made public nor seriously or scrupulously implemented, the response of civil society in Nigeria to Mr. Osayande's Committee was expectedly mixed. However, being of the view that the task of reforming the Nigeria Police Force is too important to be left to government alone, key non-governmental organisations working on police reform issues in Nigeria decided to engage the process in a creative and proactive way through the establishment of a parallel but complementary Civil Society Panel on Police Reform in Nigeria, using the same terms of reference drawn by your government. The Panel operated under the auspices of the Network on Police Reform in Nigeria (NOPRIN) with technical support and facilitation by the CLEEN Foundation.

In order to carry out this assignment effectively, the Panel consulted widely with stakeholders in civil society, government, political parties, security agencies, women's organisations, the media and the general public. We interacted with senior and junior police officials including the Inspector General of Police, Mr. M.D. Abubakar, and benefited from their wealth of experience in police and policing matters. The Panel requested and received memoranda from the general public. We also held public hearings in seven cities in each of Nigeria's six geo-political zones and the Federal Capital Territory, during which oral and written presentations were made by members of the public and other interested stakeholders.

We have the honour to inform Your Excellency that the Panel has completed its work. Consequently, we hereby submit the Report of the Panel for the consideration of the Government.

We hope that the recommendations of this Panel, which draws heavily from major voices in civil society, will complement those of Mr. Osayande's Committee in guiding your Government in its efforts to reposition and transform the Nigeria Police into an effective and accountable public service institution.

We seize this opportunity to express our appreciation to you Mr. President, for agreeing to receive our parallel but complementary report. This is an indication of the willingness of your Government to welcome alternative views when responding to critical national challenges, and we cannot think of any issue more critical to the survival of our nation at this juncture in our history, than repositioning the Nigerian Police Force to effectively and efficiently discharge its functions in partnership with the communities it serves.

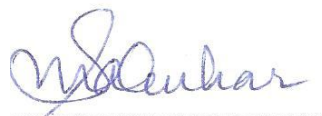
Please accept, Your Excellency, the assurances of our highest esteem and respect.



Ms. Ayo M.O. Obe
Chair



Dr. Smart Otu
Member



Dr. Abubakar Mu'azu
Member



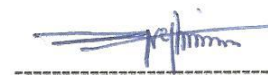
Ms. Josephine Effah-Chukwuma
Member



Ms. Ayisha Osori
Member



Mr. Samson Itodo
Member



Mr. Chinedu Nwagu
Secretary



Mr. Innocent Chukwuma
Technical Adviser

ABBREVIATIONS AND ACRONYMS

AIG	Assistant Inspector General of Police
APER	Annual Performance Evaluation Report
CDHR	Committee for the Defence of Human Rights
CLEEN	Centre for Law Enforcement Education
CIB	Criminal Investigation Bureau
CID	Criminal Investigation Department
CSO	Civil Society Organisation
DIG	Deputy Inspector General of Police
EFCC	Economic and Financial Crimes Commission
FRSC	Federal Road Safety Commission
ICPC	Independent Corrupt Practices and other Related Offences Commission
IGP	Inspector General of Police
MoPA	Ministry of Police Affairs
MOPOL	Mobile Police
NAPTIP	National Agency for the Prevention of Trafficking in Persons
NDC	National Defence College
NDLEA	National Drug Law Enforcement Agency
NIPSS	National Institute for Policy and Strategic Studies
NNPF	Northern Nigeria Police Force
NPF	Nigeria Police Force
NSCDC	National Security and Civil Defence Corps
NOPRIN	Network on Police Reform in Nigeria
PCB	Police Public Complaints Bureau
PCRC	Police Community Relations Committee
PSC	Police Service Commission
SCID	State Criminal Investigation Department
SNPF	Southern Nigeria Police Force
SSS	State Security Service
UN	United Nations

ACKNOWLEDGEMENTS

In the course of its work, the CSO Panel received valuable support, assistance and contributions in the form of ideas, funding, suggestions, written memoranda, oral submissions, and solidarity from individuals, organisations and institutions too numerous to list. We gratefully acknowledge these contributions, which were made in the hope that the Nigeria Police Force will be reformed to better serve all resident in Nigeria irrespective of social status, religion, political affiliation, ethnicity, age or gender. Having completed this assignment, the challenge before civil society groups in Nigeria now, is to ensure that this report and its recommendations are adopted and implemented by the government.

SUMMARY OF FINDINGS AND RECOMMENDATIONS

1.1.1 Introduction

Official debates about police reform in Nigeria and committees established by successive governments to facilitate such discussions and recommendations of measures for implementation have mostly been dominated by people with a security background who view such assignments as their exclusive preserve. As a result, their reports have often focussed on increasing policing capacity in the areas of personnel strength, materials for work and welfare; as though once these are right, the NPF will be super effective and efficient. While not belittling the significant difference a properly resourced NPF can make in addressing the safety and security challenges currently confronting Nigeria, experience from other jurisdictions has shown that it requires more than this for the police to win the confidence of the people and be effective in carrying out their functions.¹ Community support and participation are critical to improving police performance, and if the people are not consulted and their priorities factored into the reform process, their support for reform programs can not be guaranteed.

1.1.2 It was with this in mind, that when the Federal Government inaugurated another Committee on reform of the NPF in February 2012 and appeared to be following the same procedure as in the past, civil society groups working on police reform in Nigeria felt they should do more than send another round of memoranda. They decided to set up a parallel but complementary Civil Society Panel on Police Reform in Nigeria (CSO Panel). Ms. Ayo Obe chaired the six-person Panel whose other members were Ms. Josephine Effah-Chukwuma, Mr. Sampson Itodo, Dr. Abubakar Mu'azu, Ms. Ayisha Osori, and Dr. Smart Otu. Innocent Chukwuma provided technical advice; Chinedu Nwagu served as the Secretary and Okechukwu Nwanguma served as the CSO liaison officer.

1.1.3 In its work the CSO Panel paid more attention to salient issues that may not necessarily require a great deal of money before they can be addressed, but are often ignored in the work of government committees on Police reform. However, the CSO Panel recognizes the impact of material deficiencies on the effectiveness of the NPF and aligns with reports of government committees on such issues.

1.2.1 Methodology

The Panel used a variety of complementary methodological approaches in carrying out its functions. These were: review of extant literature, which helped it to properly situate its work and enrich its understanding of the issues at play; call for memoranda to enable members of the public who wanted to contribute to work of the Panel to send written presentations; organisation of public hearings in the six geo-political zones of Nigeria and the Federal Capital which provided an opportunity for members of the public to make presentations in person; bilateral interaction with key actors in the field; and a validation workshop where the key findings of the CSO Panel were presented to civil society representatives. The effective combination of these approaches enhanced the Panel's appreciation of the issues involved in its work and placed it in a privileged position to offer the recommendations contained in this report.

Summary of Findings and Recommendations

¹ See Robert Reiner (2000), *The Politics of the Police*, Oxford: Oxford University Press

1.3.1 **Factors Affecting Effective Performance by the NPF**

The factors affecting police performance that were identified by the panel include inadequate articulation of the NPF's mission, legal framework, specialization of functions, performance appraisal system, duplication of policing agencies, weak oversight agencies and corruption.

1.3.2 *Mission of the Police*

The Panel found the mission statement of the NPF as provided in Section 4 of the Police Act inadequate in capturing the expectation of the new kind of police Nigeria requires in the context of its disheartening experience of police inefficiency and brutality and hope for a democratic society of security and liberty. In proposing a new mission statement for the NPF the CSO Panel is of the view that the focus should be on modelling a new police service that works in partnership with the communities it serves.

1.3.3 *Recommendations*

- The National Assembly should amend Section 4 of the Police Act to incorporate language that emphasizes that the Nigeria Police is a service organisation that respects human rights, works in partnership with the community and is impartial before the law in carrying out its functions of ensuring the security of persons and property, detecting, investigating and activating the prosecution of offences.
- The Nigeria Police Force should embark on a strategic planning exercise with a view to articulating operational vision and mission statements consistent with the values of a civil agency and the protection of the fundamental rights guaranteed in the Constitution of Nigeria in discharging its functions.

1.3.4 *Constitutional and Statutory Framework*

The CSO Panel found the constitutional and statutory framework under which the NPF operates to be a significant challenge to the effective performance of its functions: Sections 214-216 create the NPF, while the Police Act provides for its organisation, discipline, powers and duties. The Panel identified two issues in the legal framework of the NPF: lack of operational autonomy, which has led to politicization and lack of professionalism in the NPF, and an opaque leadership appointment procedure, which can rob the NPF of the services of its most competent officers at leadership levels.

1.3.5 *Recommendations*

- Amend Section 215(3) of the Constitution and sections 9(4, 5) and 10(1, 2) of the Police Act to restrict the role of the President or Minister of Government acting on his behalf to issuing only lawful policy directives, not operational directives, to the NPF. The amendment should state clearly and unambiguously that operational control of the NPF and its department/units rests with the IGP.
- Sections 215(1) and 216(2) of the Constitution should be amended as part of the present constitutional reform process to:
 - Provide for a competitive and transparent process to be followed in the appointment of an IGP if the position becomes vacant, including an open application process, screening of applicants, Senate hearing and confirmation of the most competent person for the job;
 - Specify relevant competences and qualifications that must be met by anybody vying for the position of IGP and other senior command positions in the NPF, including academic qualifications and relevant professional and management experience;

- Guarantee security of tenure for the IGP with one term limit of five years;
- Stipulate processes that should be followed for an IGP to be removed from office, including a public hearing by the Senate.

1.3.6 *Structure and Organisation of NPF*

The Panel found the NPF structured in a way that over-centralises its operations. Even though the NPF has a five-tier command structure (Headquarter, Zonal, State, Area and Divisional Commands), too many decisions begin and end on the desk of the IGP. Similarly, although the NPF has seven Deputy Inspectors-General (DIGs) who function as the heads of departments at headquarters and ought to lighten the load on the IGP, the Panel found that apart from adding to the unwieldy nature of the NPF's structure, the DIGs have little real work to do. Furthermore, despite an outward show of unity, the current DIG structure does not help stability in the NPF, as all the DIGs see themselves as IGPs in waiting and spend their time plotting for a change in the leadership of the NPF, since the IGP has no security of tenure.

1.3.7 *Recommendations*

- The NPF structure should be decentralized and powers and resources devolved to Zonal, State, Area and Divisional Commands to enable them to respond effectively to the priority safety and security needs of their jurisdictions.
- The seven DIG structure should be abolished, and the IGP should have just one DIG who should serve as his second in command.
- The headquarter departments should be headed by AIGs in the same way as Zonal Commands.

1.3.8 *Lack of Specialization*

The CSO Panel found that lack of specialization has robbed the NPF of the capacity to develop its personnel to become experts in different fields of policing, a gap which impacts its ability to solve complex crimes. With the exception of a few specialists such as medical doctors and veterinarians, the CSO Panel found that upon enlistment, all officers are made to carry out all duties, irrespective of their areas of specialization, and are moved around at will from one duty post and function to another, without prior training or preparation. The Panel observed that the lack of career trajectory in the NPF has turned most police officers in Nigeria into 'jacks-of-all-trades' who in the end, are not able to master any.

1.3.9 *Recommendations*

- The 'general duty policy' should be abolished. Every police officer should be given a time line of five years to specialize after recruitment, be a promotable officer or go home.
- Diverse professionals such as criminologists, psychologists, sociologists, lawyers, doctors, pathologists and others should be recruited as police officers and allowed to practice their professions within the police service, and be promotable in their areas of expertise as is done in services such as the military.

1.3.10 *Duplication of Policing Agencies*

The Panel found a government penchant for the creation of agencies (such as the EFCC, ICPC, FRSC, NAPTIP and NDLEA) that fragment and duplicate police functions, and are inimical to improving the effectiveness of NPF because they not only deprive the NPF of badly needed material resources, but also deplete its pool of human resources. Some of

these agencies, such as the EFCC, still draw their leadership and operational personnel from the NPF.

1.3.11 *Recommendation*

The government should establish an inter-agency committee for the harmonization of the functions of all agencies performing policing and internal security functions in Nigeria with a view to:

- Determining those that should be merged with the NPF;
- Delineating functions where merger is not a feasible option; and more importantly;
- Working out, from leadership to operational level, arrangements to coordinate activities that will ensure that resources are properly shared, and that inter-agency cooperation in planning and executing safety and security functions is enhanced.

1.3.12 *Weak Oversight Agencies*

The Panel found no justification for the existence of the Ministry of Police Affairs (MoPA) and the Police Service Commission (PSC) as separate bodies as presently structured, organized and managed. The MoPA maintains a huge bureaucracy for the purpose of either duplicating functions already performed or statutorily assigned to the NPF or the Police Service Commission (PSC). The PSC on its part has been dismissed as nothing more than “a dismal chronicle of rubber-stamping decisions taken by the police”.² Participants at the public hearings also criticised the lack of response to (or even acknowledgement of) complaints about police misconduct sent to the PSC. At the same time, concern was expressed about the unclear constitutional area in which not only agencies such as the EFCC, ICPC, FRSC, NAPTIP, NDLEA and NSCDC are operating, but the legal vacuum in which a variety of community-based security initiatives are operating, and their often shaky adherence to human rights and due process standards.

1.3.13 *Recommendations*

- The Ministry of Police Affairs should be restructured and renamed Ministry of Public Safety and Security to coordinate the activities of government in the field of public security and discontinue the present practice of replicating the bureaucracies of the NPF and PSC. It should also be charged with providing a regulatory framework for community initiatives on crime prevention and creating an incentive regime to ensure that they comply with the law and eschew human rights abuses in carrying out their functions in rural areas or inner city communities not often covered by police patrols.
- The PSC should be strengthened and provided with adequate resources to establish its presence across the country, starting at the level of Nigeria’s geo-political zones, and expanding to states and local governments as funds and resources permit.
- The PSC should establish a department responsible for investigation of public complaints against the police (particularly cases of corruption, rape, torture and extrajudicial killing) and stop sending such petitions back to the police for investigation.

² Quoted in *Opportunity for Justice*, Lagos: CLEEN Foundation (2006), p. 174.

- The process of appointing the chairperson and members of the PSC should be transparent and rigorous in order to ensure that only qualified persons are appointed to actualise its enormous potential as a civilian oversight body on police in Nigeria.

1.3.14 *Performance Appraisal System*

The Panel found that the NPF does not take assessment of its officers' performance seriously. On paper, the appraisal system of the NPF looks impressive, as it covers critical issues such as discipline, knowledge of the job and environment, attitude to work and performance, relationship with colleagues and superiors and more importantly, relationship with members of the public. However, the problem is in the application process, which is not prioritized, rigorously applied or transparent. In the words of a police officer, "APER (Annual Performance Evaluation Report) is there for the sake of being there. What the police do is eye service. Nobody actually looks at the APER."

1.3.15 *Recommendations*

- The IGP should set up a committee to review the performance appraisal system in the NPF with a view to proposing a new and functional system, which should then be implemented and stringently applied. The committee should include independent experts in the field of performance management.
- A task-based system of appraisal which focuses on performance in given tasks, instead of the current blind filling of forms by superiors, should be adopted to create objective and transparent criteria for the assessment of police officers.
- The APER template should be revised to provide for police officers being appraised to also score themselves on the issues on which their supervisors are appraising them. The expected differential in scores will provide an opportunity for the supervisors and subordinates to discuss the appraisal process and build confidence in it.

1.3.16 *Ban on Police Unionism*

Despite the widespread belief that it is illegal for police officers to form any kind of trade union or professional association, the Panel could not find any legislation that supports such a conclusion. Rather, section 40 of the Constitution guarantees the right to freedom of association and specifically provides that "Every person shall be entitled to assemble freely and associate with other persons, and in particular he may form or belong to any political party, trade union or any other association for the protection of his interests". The Panel found the tendency of government to conflate the right to associate with the inevitability of strikes as not only restrictive, but also likely to guarantee a situation in which grievances are bottled up until they explode in a manner that is not only detrimental to effective performance of police duties but also may affect national security.

1.3.17 *Recommendation*

Having regard to the rights guaranteed by section 40 of the Constitution, the CSO Panel recommends that police officers should be encouraged and permitted to form a Police Association for the purpose of collective bargaining, but be barred from using the strike option in pressing their concerns or demands for better conditions of service.

1.3.18 *Police Corruption*

In spite of the efforts of the current IGP to deal with corruption in the NPF by dismantling road blocks and dismissing police officers caught in corrupt acts, the CSO Panel found

that corruption is still the number one impediment to the effective performance of police functions in Nigeria and a cancer that has spread to every facet of the NPF. The Panel recognised that corruption has spread throughout Nigerian society but rejected the suggestion that this in any way excuses or justifies corruption in the NPF.

1.3.19 *Recommendations*

The leadership of the NPF should:

- Sustain the abolition of police roadblocks and checkpoints on the highways.
- Create a functional and easy-to-use database of police officers in Nigeria to enhance personal performance monitoring and help expose erring officers to the public.
- Resuscitate the police X-Squad in all police commands and formations across Nigeria, and provide a line budget for their work.
- Work with civil society groups to introduce the use of new media technologies to map police corruption in Nigeria and deploy more officers from X-Squad to corruption hotspots as identified in the mapping using geographic positioning system (GPS) technology.

1.4.1 **Scope and Standard of Training**

The major challenges to training and manpower development in the NPF as identified by the Panel include its restrictive regulatory framework, the content of the training curriculum, the state of training institutions and infrastructure, the quality of trainers and the culture and commitment of trainees.

1.4.2 *Regulatory Framework*

The Panel found the current regulatory framework in the Police Act (the Act), under which the training and development of the NPF is subsumed, to be a major obstacle to effective training and development. One drawback is that the time prescribed for training in the Act, 3-6 months, is too short.³ Another is that fixing the length and content of training for police officers under the Act means that the police are unable to adapt to changing situations and requirements without undergoing a cumbersome legislative amendment process.

1.4.3 *Recommendations*

- The National Assembly should amend the Police Act to expunge section 103 of the Police Act and remove provisions that regulate the period and content of police training from the Act.
- The power to revise the duration and content of police training should be conferred on the IGP who may, in consultation with police oversight agencies, issue fresh training regulations from time to time but no less often than once every five years
- Provisions in the Act which discriminate against women police officers by directly or indirectly excluding them from certain aspects or types of training, such as Section 123 of the Police Act, are unconstitutional and should be repealed or amended. Other provisions, such as section 121 of the Act, must not be interpreted as limiting the role of women police officers.

1.4.4 *Content, Culture and Commitment to Training*

The Panel found the NPF training curriculum to be severely undeveloped, with critical gaps in areas that are vital to effective policing in a modern democracy, such as crime

³ Section 103 of the Nigerian Police Act Cap 359, Laws of the Federation of Nigeria, 1990

scene management, forensics, special victims, human rights and information technology. In particular the Panel is of the view that the mass recruitment drive of 2000-2004, where over 40,000 new recruits joined the NPF each year, had a devastating impact on the quality of training in the NPF. One, this heavy intake of fresh recruits over-burdened already strained training facilities and two, the educational capacity and ethics of these recruits were extremely doubtful.

1.4.5 *Recommendations*

- The training curriculum of the police should be reviewed to include new areas of training and specialty, such as crime scene management, forensic science, special victims, human rights, police prosecution, professional ethics and values, policing elections, information technology and public order policing.
- Instead of a single training manual that covers the entire NPF curriculum,⁴ each area of training outlined above should be developed individually with separate curricula, manuals and levels of specialization or degrees of complexity.
- The recruitment exercise should be transparent, rigorous and should include psychological tests and the profiling of recruits to determine their state of mind and moral uprightness.

1.4.6 *State of Police Training Institutions*

The Panel found the state of training institutions and facilities available for police training in varying states of dilapidation and decay. With the gruelling and dehumanizing conditions to which they are exposed, it is hardly surprising that the police officers who ‘graduate’ from these training institutions have not just failed to learn the skills they need for effective policing, they have also become brutalized and ready to treat the public whom they are meant to protect with unnecessary harshness and cruelty.

1.4.7 *Recommendations*

- All police colleges and training institutions in Nigeria should be refurbished and modernised to ensure that basic infrastructure such as lecture halls, student accommodation and teacher residences, cafeterias, running water, constant electricity, clinics, recreational and other facilities are in provided. In addition, up to date equipment, tools, libraries, laboratories and physical training facilities must be provided.⁵
- All training institutions should be audited every 5 years to ensure the facilities do not get run down and that they are maintained on a continuous basis.
- Adequate training kits for the police must be provided and laboratories, gymnasiums, libraries, computer laboratories, shooting galleries and weaponry rooms must be well equipped to ensure that the police are familiar with these tools and skilled in handling them.

1.5.1 **Causes of Collapse of Public Confidence in the NPF**

The CSO Panel identified general and specific causes of the collapse of public confidence in the NPF to include the colonial origin of the NPF and the failure of post-independent

⁴ The current training curriculum is divided into the following main areas of police duties: (i) police administration, (ii) police investigation and intelligence duties, (iii) traffic duties, (iv) legal duties, (v) liberal studies and (vi) field studies.

⁵ The Yusuf Panel Report 2008 estimated that it would cost ₦19,951,777,126.12 to refurbish police training institutions.

political leaders to transform the NPF from a colonial occupation force to a service oriented and accountable public institution; the character of the Nigerian state/government, which tends to privilege coercion of citizens rather than consultation, cooperation and drawing its authority from the people; the highly centralized nature of the NPF with limited powers to its local commands and units to engage communities and factor in their priorities in the delivery of policing services; poor police response to citizens in distress and performance in crime control; egregious conduct by the police on and off duty; inefficiency in the NPF's utilization of limited resources available to it and poor public presentation and corruption.

1.5.2 *Police Conduct On and Off Duty*

The Panel was overwhelmed by public complaints against police incivility, insensitivity, cruelty and gross abuse of human rights which were identified as major reasons why the public have low confidence in the NPF. Cases of abuse of human rights by the NPF presented to the Panel ranged from arbitrary arrest and detention, torture with all kinds of implements, maiming of suspects in detention, to denial of medical assistance and extra-judicial execution. In one egregious case recounted to the Panel, the suspect was shot and left to die in the bush but was saved by the intervention of villagers. The Panel noted that these abuses continue to occur on a significant scale because of weak internal and external oversight mechanisms for holding the police accountable for abuse of human rights and other acts of misconduct.

1.5.3 *Recommendations*

- Respect for human rights must be prioritised in the NPF through training, sanctions and adequate resourcing of internal and external control mechanisms for investigating rights abuse in the NPF.
- In addition to institutional liability, any police officer involved in human rights violations must be held personally accountable through both administrative and judicial processes, and subjected to sanctions and punishment. Mere dismissal or suspension for abusing human rights should not be seen as a substitute for criminal prosecution where appropriate.
- The police should be given public relations training in order to be better equipped to communicate and relate with members of the public in ways that uphold human dignity while preserving police authority.

1.5.4 *Poor Public Presentation of the Police*

Poor public presentation of the NPF and its members was identified as another major cause of lack of public confidence on the police. The participants stressed that the unkempt and unfit appearance of police officers, the shabby and often stinking police stations, and the filthy and dilapidated police barracks have created a deep contempt for the police in the minds of the public. Furthermore, obsequious greetings such as "Your boys are here Sir!" to motorists in expensive cars at checkpoints in solicitation of tips instead of doing their work in a professional manner make police officers look like beggars.

1.5.5 *Recommendations*

- The NPF should ensure that the quality of fabric for police uniforms is improved, and that accessories such as belts, boots, sweaters, rain coats and boots are provided and upgraded. Regular inspections of kit should be carried out to ensure that police are smartly dressed at all times while in uniform.

- Police officers must meet set standards of physical fitness, with regular fitness tests. To ensure this, every police station should have access to a fully equipped gymnasium.
- An urgent nationwide audit of police barracks must be carried out with a view to renovating and maintaining them. Cleaning contractors should be engaged to ensure that police barracks are regularly cleaned. Senior officers should carry out regular inspections, with sanctions for dirty and unkempt premises.
- Police officers should be adequately remunerated and motivated to reduce the present low self-esteem that pervade the junior and some senior ranks.

1.6.1 **Insensitivity to Crimes Against Women**

Another cause of low public confidence in the NPF which came out strongly during the public hearings of the CSO Panel was police insensitivity to the plight of victims of gender crimes such as domestic violence and rape. Not only do the police ridicule and trivialize cases of domestic violence and rape reported to them, they go further and blame the victims for their victimization. The result is a very low rate of reporting what are known as gender crimes. The Panel found that police personnel lack the knowledge and skills to respond sensitively to gender crimes or deal with vulnerable groups such as children or persons with disabilities, as they have received no training in policing such groups.

1.6.2 *Recommendations*

- A specialised training programme on policing of gender crimes should be introduced, and only officers, whether male or female, identified from the general course to be interested and committed to the issue should be nominated to undergo such training.
- A Gender Crimes Section or Family Support Unit should be set up at the Area Command level in states, to respond to gender crimes. Only officers who have undergone specialised training should be posted to this section.

1.7.1 **Other issues covered by the Panel**

Other issues critical to improving police effectiveness and public confidence in the NPF identified by the CSO Panel include: name and orientation of the police, funding of the police, reward and recognition for the police, the issue of state police, community policing, police accommodation, policing of elections and the design of police stations.

1.7.2 *The Call for State Police*

The CSO Panel noted that previous government Committees on police reform rejected calls for State police, giving reasons such as that local police forces were misused by politicians in the past, or will lead to the break-up of Nigeria in the future. However, the Panel considered these arguments as mere mantras repeated by those who wish to avoid the hard thinking that the issue really requires. The CSO Panel is of the view that it is essential for Nigeria to commence a much more informed debate on the subject, so that a rational and measured decision can be taken, which will, it is hoped, address the concerns raised by those opposed to state police. The Panel also considers that while the experiences of the past are important, they should be used as guides, rather than all-time barriers to the future establishment, composition, operations or control of State police in Nigeria.

1.7.3 *Recommendations*

- Government should establish a committee to work out the modalities for the establishment of State police in states desirous of maintaining such, with a view to recommending the framework and measures that should be put in place to address the concerns against state police.
- State Police should only be established on a basis of strict adherence to the principles of operational autonomy, and be based on sound professional practice in appointment, operations and control.
- There should be defined parameters of cooperation which provide that where a state does not fully cooperate with its counterpart or the Federal Police on any matter the Federal Police should take over and deal with the matter as is common in other jurisdictions.
- Civil society organisations should work with the legislature to conduct informed debates in partnership with the media, towards amending the Constitution to allow for the establishment of State police and also produce a bill that will guarantee the establishment of independent and professional state police services.

1.7.4 *Funding of the Police*

The Panel found the current state of funding the NPF challenging at different levels, including low budgetary allocation, incomplete release of budgeted funds and late release of funds, all of which make planning in the NPF a difficult enterprise. However, the Panel found most troubling the practice of donation of funds and equipment to the NPF by state, local governments and private bodies, which are not captured in the annual budget of the NPF and often end up fuelling corruption in the police. The Panel believes that regulation of these complementary sources of funding to the police will not only enable a credible assessment of whether the NPF is indeed underfunded but also encourage better utilization of the donated resources and check the risk of politicization and privatization of the police, which such donations could induce.

1.7.5 *Recommendations*

- A transparent system and guidelines for making financial, vehicular, equipment and other forms of support or assistance to the NPF should be put in place by the NPF and its oversight agencies.
- Financial contributions must be reported and paid into designated police accounts to ensure compliance with police financial regulations.
- Contributions in kind must conform to police equipment standards. Would-be donors should make their intentions known in advance of purchase, and obtain the specifications for any items that they may wish to contribute.
- States, local governments, individuals and organisations must reveal the source of the funds used or donated, and the exact cost of each item of equipment provided from their own resources to the police.
- Such contributions should be considered as part of the budgetary resources available to the police.

1.7.6 *Reward and Recognition in the NPF*

The Panel notes that there is no system of rewarding police officers for outstanding community service and that frontline police officers hardly receive recognition and commendation from the government or the public for the important work they do, often at the risk of their own lives. The Panel concludes that this type of officer needs to be

recognized and rewarded for their sense of duty instead of the current practice of mostly restricting national awards to the leadership of the NPF.

1.7.7 *Recommendations*

- Model or outstanding police officers should be recommended for national honours, with particular attention being paid to deserving officers of lower rank.
- Communities and civil society organisations should also identify and reward or honour outstanding police officers in their communities.
- Appropriate publicity should be given to officers who are honoured or rewarded, and the conduct for which they are receiving awards.
- The NPF should set aside a day or week every year for celebrating outstanding performance by its officers and for remembering its fallen heroes, as is done by the military. Such a day or week should also be used to organize seminars, workshops and symposia in different parts of the country to sensitize members of the public about the important work the NPF does in Nigerian society.

1.7.9 *Model Police Station*

Finally, the Panel notes that policing is a local matter and that citizens' enduring perception of the NPF and willingness to make use of the formal criminal justice system in resolving disputes is often based on how they or people they know are treated at police stations when they go to report crime or call for help. To change peoples' experience and perception of the NPF for the better, police reform programs need to concentrate on the local level of policing where it matters most. It is therefore urgently necessary for the government to commit to supporting a pilot program of comprehensive remodelling of police stations in Nigeria as to architectural designs, physical buildings, availability of facilities, strategies and processes that improve police services at the police station.

1.7.10 *Recommendations*

- Government should undertake a comprehensive assessment of police stations in Nigeria with a view to determining whether they are fit for purpose. Such a review should examine the architectural designs, physical facilities, functions, strategies, processes and more importantly orientation of the personnel management with a view to developing an action plan for the comprehensive remodelling of police stations in Nigeria.
- Following the action plan, a police station should be selected in the capital of each of the 36 states and Abuja for the commencement of the pilot model police station programme.
- Government should concentrate on developing physical infrastructure such as designing model police stations with architecture that incorporates good practices obtainable in other countries; building the structures, equipping them with modern facilities that will make the work environment pleasant for the police, visiting members of the public and suspects in custody; providing adequate communication equipment and communication; and ensuring that office supplies are regular.
- Development partners and CSOs should be partnered with by the government and NPF to provide technical assistance in the piloting of model police stations, especially in the areas of developing and implementing integrated models of Community Policing, Community Safety, Family Support Units, Neighbourhood Policing and Crime Prevention at the stations.

1.8.1 *Conclusion*

The CSO Panel believes that if the recommendations of this report are implemented together with those of the government committee, the NPF will in the near future become more effective, accountable and service oriented. The Panel invites the reader to read the full report.

CHAPTER ONE

INTRODUCTION

This chapter introduces the report and discusses the context that gave rise to the CSO panel, its terms of reference, the methodological approach used in carrying out the assignment. It highlights the issues canvassed in the memoranda received and submissions at the public hearings.

2.1.1 THE PROBLEM OF THE NIGERIA POLICE FORCE

The origin of the Nigeria Police Force (NPF) dates back to 1861 when the British colonial government established the Lagos Consular Guard primarily to protect its economic interests and control the restive natives in then Lagos Colony. The NPF became formally established in 1930 when the two regional police forces – the Southern Nigeria Police Force (SNPF) and the Northern Nigeria Police Force (NNPF) – were merged to form the Nigeria Police Force with its headquarters in Lagos.

- 2.1.2 More than fifty years after Independence in 1960, Nigeria is still grappling with the problems bequeathed by the failure of post-Independence civil and military political leaders to transform the NPF into a service-oriented and accountable institution. These problems have been highlighted in a series of reports by committees set up by the government on the reform of the NPF. From the perspective of the Nigerian people, whose views this Panel was established to reflect however, the overarching experience of the Police is deeply unfavourable. In the words of one contributor:

“The paradox of Nigeria Police Force can be located in the fact that the police is unable to protect citizens and no organ or authority of state has been able to protect the people from police excesses.”⁶

This statement encapsulates both the NPF’s evident deficiencies, incapacity and ineffectiveness in providing the people with safety and security for their lives and property, and the brutal human rights abuses that have made the Police distrusted and feared by the public whom they are constitutionally mandated to protect. Chapter Four of this Report discusses both general and specific causes of collapse of public confidence on the police.

2.2.1 SECURITY CRISES IN NIGERIA

Even though violent crimes such as armed robbery, homicide, kidnaping and bombing of individuals and public institutions are not unknown in Nigeria, the monstrous dimensions they have assumed in recent years, particularly bomb attacks, have not only exposed major deficiencies in the ability of the NPF to perform its most basic functions, namely “prevention and detection of crimes and apprehension of offenders”⁷ but have also brought to the fore the urgency of revamping the security establishment of the country, particularly the NPF.

- 2.2.2 At the last count, close to 1,000 people have been killed and thousands of others either maimed or internally displaced as a result of the activities of just one group (Jamaatu Ahlis Sunna Lidda’awati Wal Jihad, also known as Boko Haram) out of the several

⁶ Emeka Ononamadu: Memo to the CSO Panel on Police Reform, 21st May 2012

⁷ Police Act, Section 4.

insurgent groups operating in different parts of Nigeria. In their response, the nation's security agencies, and the NPF in particular, show a lack of capacity for gathering actionable intelligence and a penchant for resorting to collective and indiscriminate punishment of local communities. This ends up alienating the people whose cooperation is critical to any success in constraining and containing these insurgencies. Chapters Two and Three of this Report discuss the performance deficits in the NPF, and the training inadequacies that have contributed to the NPF's failings in this area.

2.3.1 ESTABLISHMENT OF THE PARRY OSAYANDE COMMITTEE ON POLICE REFORM

As the security challenges continued to mount, there seemed to be a fresh resolve on the part of the Federal Government to tackle them. President Goodluck Jonathan dismissed the Inspector-General of Police, Hafiz Ringim and appointed M.D. Abubakar in his place, and then set up a committee to proffer recommendations on how to tackle what was widely acknowledged to be deep-seated rot in the NPF and to reposition it to face the challenges of policing in a democratic society. Vice-President Mohammed Namadi Sambo inaugurated the committee on February 17, 2012, with the following membership:

- Chairman of the Police Service Commission, Parry Osayande, who is a retired Deputy Inspector-General of Police (Chair)
- Casmir T. Akagbosu, retired Assistant Inspector-General of Police
- Bashir A. Albasu, retired Assistant Inspector-General of Police
- Major-General S.N. Chikwe, rtd.
- Professor S.D. Mukoro
- Dr. Fabian Ajogwu
- Aisha Larai Tukur
- The Solicitor-General of the Federation
- The Permanent Secretary, Office of the Secretary to the Government of the Federation
- Esther Gonda (Secretary)

2.4.1 ESTABLISHMENT OF THE CSO PANEL

The CSO Panel on Police reform was deliberately set up to ensure that the views of ordinary people are taken into account in the determination of policing priorities, the framework for delivering those priorities and how they should be delivered. This is because police and policing are too important in a democracy to be left to the vagaries of government and security forces alone. Previous government committees may have been set up in direct reaction to public outcry or outrage, but such committees, including the Parry Osayande-led one, have been dominated by people with a security background. This has led to predictable recommendations and outcomes: demands for more personnel, more materials and more welfare. But the experience of other jurisdictions shows that more than proper resourcing are required for the police to gain the confidence of the people and be effective in discharging their functions.⁸ In this Report, we have attempted to put across the concerns expressed to us by the Nigerian people because community support and participation are critical to improving police performance. If the people are not consulted, or their priorities not factored into the reform process, their support for any reform programmes can not be guaranteed. For this reason, although we have made use of the collective wisdom of previous efforts in this field and heard from experts academics and practitioners in the field, we urge that the wisdom of the people ought not to be discountenanced merely on account of any perceived lack of expertise.

⁸ See Robert Reiner *op. cit.*

2.5.1 COMPOSITION

The following persons constituted the CSO Panel on Police Reform:

- Ms. Ayo Obe - Chair
- Ms. Josephine Effah-Chukwuma - Member
- Mr. Samson Itodo - Member
- Dr. Abubakar Mu'azu - Member
- Ms. Ayisha Osori - Member
- Dr. Smart Otu - Member
- Chinedu Nwagu - Secretary
- Okechukwu Nwanguma - Civil Society consultant
- Innocent Chukwuma - Technical Adviser

2.6.1 TERMS OF REFERENCE

The terms of reference of the Panel were the same as those given by the Federal Government of Nigeria to the Parry Osayande led Committee, namely to:

- Identify the challenges and factors militating against effective performance in the Nigeria Police Force and make recommendations for addressing the challenges.
- Examine the scope and standard of training and other personnel development activities in the Police to determine their adequacy or otherwise.
- Determine the general and specific causes of the collapse of public confidence in the police and recommend ways of restoring public trust in the institution.
- Examine records of performance of Officers and Men of the Nigeria Police Force with a view to identifying those that can no longer fit into the system due to declining productivity, age, indiscipline, corruption and/or disloyalty.
- Make any other recommendations for the improvement of the Nigeria Police Force.

2.6.3 In the event, the CSO Panel was unable to treat the fourth term of reference which deals with examining the performance records of personnel of the NPF with a view to determining those who can no longer fit into the system due to declining productivity, age, indiscipline, corruption and or disloyalty. To do this the Panel would have needed access to the service records of police officers in Nigeria, particularly the records of those who have been processed through the disciplinary mechanisms of the NPF and its oversight agencies. Although the Panel duly requested these records from the PSC, NPF, MoPA and NHRC, none of these government institutions responded to the Panel's requests. However, it is difficult to believe they had the information in any systematic or easily retrievable format. Moreover, in the absence of credible performance appraisal and disciplinary systems as observed by the Panel, there are serious doubts whether the processes by which police officers are disciplined and their performance assessed in the NPF are fair and transparent.

2.6.4 The Panel considered these issues as critical, as it did not want to become a tool for witch-hunting police officers whom their superiors or others within police oversight bodies simply wanted to get rid of. Therefore, the Panel decided to omit the fourth term of reference in its work. Instead, it calls for the establishment of a panel to specifically vet police officers in Nigeria. It is of the view that this will achieve a more transparent result than simply relying on recommendations compiled by police authorities and their oversight agencies.

2.7.1 METHODOLOGY

After being constituted, the CSO Panel met to discuss the appropriate mode of operation that would enable it to achieve its goals and adopted a work plan with clear time lines for completing each phase of its assignment. The Panel used a variety of complementary methodological approaches to carry out its assignment as set out below.

2.7.2 **Review of Extant Literature**

The secretariat was charged with sourcing and collating extant materials on police and policing in Nigeria and other jurisdictions, and these were distributed to members of the Panel for review. The materials included reports of previous government committees on police and security reform, reports of judicial panels of inquiry, publications and administrative reports of the NPF, publications of NGOs and scholarly research from within and outside Nigeria. Review of these materials helped the Panel in situating its work, enriched its understanding of the issues canvassed during its public hearings and assisted when preparing this final report.

2.7.3 **Call for Public Memoranda**

At the Panel's initial press conference on the 26th of April 2012, held to announce its establishment, the Panel issued a general call to members of the public, stake holding institutions, civil society organisations, victims of police abuse and their relations and other relevant organisations interested in its work, to submit memoranda. The call was subsequently published as paid adverts in national newspapers and broadcast as jingles on major radio networks. To enable electronic submission of memoranda, an e-mail address, Twitter feed and Facebook page were created. These were complemented by a blog to facilitate online discussion about what needs to be done to improve the NPF and its services. Interested persons and groups were given three weeks to submit written memoranda, although the Panel continued to receive memoranda long after the date had expired. In all, a total of 200 memoranda were received.

2.7.4 **Public Hearings**

Between May and July 2012, the Panel held public hearings in seven cities across the six geo-political zones of Nigeria and Abuja, the Federal Capital. This provided further opportunities for members of the public, particularly those who could not send written memoranda to make direct input.

Venues and Dates of Public Hearings

S/N	City	Zone	Venue	Date
1	Lagos	South West	Airport Hotel, Ikeja	May 17, 2012
2	Owerri	South East	Concorde Hotel, Owerri	May 21, 2012
3	Uyo	South South	EEMJM Hotel, Uyo	May 23, 2012
4	Sokoto	North East	Dankani Hotel	May 29, 2012
5	Lokoja	North Central	Nostalgia Hotel	June 4, 2012
6	Yola	North East	Muna Hotel	June 7, 2012
7	Abuja	Federal Capital	Dennis Hotel, Abuja	June 12, 2012

2.7.5 **Issues Highlighted by Memoranda and the Public Hearings**

Communications made to the CSO Panel by those who participated in its work through written memoranda and oral statements at its public hearings showed that the Nigerian public is very much alive to the issues that militate against the effective performance of the police in Nigeria. Among the issues that they highlighted, views expressed and advice offered were:

- The NPF is in such an irremediable condition that it should be completely disbanded, and that every police officer who wishes to do so should be made to reapply, and forced to meet strict re-entry standards.
- That Nigerians must identify what kind of police they want, and for what purpose. A new mission statement to reflect that the police is there to serve and protect the people, rather than as the enforcement arm of the heirs of colonial rulers should be drawn up.
- The NPF must be independent, and section 215(3) of the Constitution and concomitant provisions in the Police Act which require the Inspector-General of Police (and thus the entire NPF) to take directives from the President, should be repealed. It is little wonder that State Governors want their own State Police Force so that they too can exercise the kind of power that the President exercises at the national level, but the error of tying the police to the political authority should be corrected, not replicated at state level.
- The appointment of the Inspector-General of Police should be an open and transparent process, the IGP must have a fixed term with security of tenure, subject to removal only on a motion by the Senate.
- The NPF is over-centralised, and this is a matter that must be tackled irrespective of whether or not the country is to have State Police.
- The NPF is excessively militarized, and has lost sight of its mission as a civilian body. Generally, the NPF relates to the Nigerian public as though it is an occupying or conquering force, and clings to the name Nigeria Police Force in place of more user-friendly terms such as Nigeria Police Service or Nigerian Police.
- The public image of the NPF is extremely poor due to the decrepit, filthy and untidy presentation of most police stations, the slovenly and unfit appearance of many police officers and the slums that most police barracks have been allowed to degenerate into.
- The abolition of roadblocks, which was a huge and continuing disgrace to the NPF, should be maintained. Police roadblocks should not be allowed to creep back into the practices of the NPF under any guise.
- There must be accountability for abuses by the police.
- Arbitrary arrest and detention by the NPF are almost completely unchecked, and directed largely against the lower classes, who, despite their poverty, must find money to meet police extortion if they want to free themselves from the grip of the NPF, a process which often has little or nothing to do with whether any actual offence has been committed.
- The NPF uses brutality and torture not only because they do not know how else to tackle crime, but because police officers not really interested in solving crimes, and only see crimes as a gateway to a process of extortion and human rights abuse.
- Recruitment has become thoroughly corrupted, with no adherence to announced or transparent procedures, injection of last-minute candidates with political or other connections at the expense of those who have followed the announced procedures, but are unable to pay their way through.
- Entrants to the NPF are put through a perfunctory training, the main purpose of which seems to be to de-humanize and brutalize those who survive it. Weapons training is poor or non-existent, while intelligence and forensic training has all but ceased to exist. As a result, police officers hardly know how to function at crime scenes, gather evidence or handle situations which may pose a risk to the maintenance of law and order.

- The mass recruitment of 2000-2004 was an absolute disaster for the NPF, with few or no checks on the persons being recruited, with the result that people with criminal and other questionable histories have been recruited into the NPF.
- The ordinary or junior police officer's lot is a miserable one, with much of the abuse that they suffer coming from their own superior officers.
- The NPF still has a very poor welfare package, and despite a no doubt welcome increase in salary, in other areas, basic needs are lacking. Police officers are under an 'obey without complaining, oppress others in your own turn' culture.
- The police must be allowed to form an association or union which can raise issues relating to the welfare and other concerns of police officers. While restrictions should prohibit the right to strike, the practice of requiring junior police officers to channel grievances through senior police officers who are often the ones oppressing them leaves those grievances unaddressed, is bad for morale and inhibits good policing.
- Politicians and other prominent figures in society have had an extremely negative impact on discipline within the NPF, while the open flouting of the rules against hiring out of police officers as individual or personal guards only exacerbates this problem.

2.7.6 Interaction with Key Stakeholders

In addition to receiving written memoranda and organizing public hearings, the Panel considered it important to interact further with stakeholders who play key roles in policing Nigeria. Among those with whom the Panel held discussions were the Inspector General of Police, Alhaji M.D. Abubakar, Commissioners of Police in charge of state commands, State Commissioners of Justice and Attorneys-General, Special Advisers on Security to State governors, leaders of NGOs and the media.

2.7.7 Validation Workshop

After producing the first draft of its final report, the CSO Panel organized a validation workshop in Abuja to present the key findings of its work and draft recommendations for addressing them to key stakeholders, particularly representatives of civil society organisations. This was to get their feedback on the findings and recommendations of the Panel. The workshop was held at the Dennis Hotel, Abuja on 25th July 2012 and its outcome helped the Panel in finalizing its report and recommendations.

2.7.8 Main Findings and Recommendations

It goes without saying that a huge number of issues need to be addressed in the quest to reform the Nigeria Police Force and position it to meet the security challenges that the country faces in the 21st Century. At its meeting with the Inspector-General of Police, M.D. Abubakar, the CSO Panel was able to confirm that several administrative reforms have been implemented since he assumed office in January 2012. This Report nonetheless reiterates some of such reforms because it is the Panel's view that such matters ought to be institutionalised, rather than dependent on the individual occupant of the office of Inspector-General of Police.

2.7.9 Indeed, the Panel's recommendations, which are spread throughout this Report, are largely directed to basic matters about the NPF itself. However, there are eight key areas in which the Panel has made recommendations which form the kernel of its Report, namely:

- Structure and Organisation of the NPF
- Political Control of the NPF
- State Police

- Accountability and Human Rights
- Training
- Conditions of Service
- Funding of the NPF
- Model Police Station

2.8.1 CONCLUSION

In this Report, the CSO Panel has attempted to put across the concerns expressed to it by the Nigerian people. The Panel has not reproduced the data and general historical background that is to be found in other reports: not only would that amount to duplication, but the resources available to us, as a private initiative of civil society in Nigeria, would not have permitted us to investigate all the statistics and data of the NPF. The CSO Panel focused on salient issues that do not always require a lot of money before they can be addressed, but are often ignored in the work of government committees on Police reform. Nonetheless, the Panel recognizes the impact of material deficiencies on the effectiveness of the NPF, and aligns with the recommendations of previous government committees on such issues.

- 2.8.2 Participants repeatedly expressed bafflement at the resistance of the NPF to reform, particularly against a background of lavish praise showered on Nigerian police officers sent abroad on international peace-keeping duty. Participants wondered why it was so difficult for the experiences of such police officers to have any impact on policing at home. One of the reasons suggested for the refusal – stiff resistance even – by the Nigeria Police Force to repeated calls on it to reform and in particular, to improve its forensic capacity, to have functional laboratories where the tools of modern policing such as DNA testing, fingerprinting, ballistics, blood spatter, handwriting analysis, facial recognition, CCTV footage and so on, can be used in the detection of crime, is that this would move crime control and detection from the subjective to the objective. With objectivity comes some loss of control. Yet if the NPF is to function efficiently and regain the trust of the Nigerian public at all, it is precisely that objectivity that must be brought to bear on policing Nigeria in the 21st century.
- 2.8.3 If the police fear loss of control, there is no doubt that political authorities also find the notion of relinquishing control over the NPF difficult. But the Panel's findings show that political control has brought with it a loss of understanding about what the true function of the Police ought to be in a democracy. Instead of devoting their talents and energies to the protection of the Nigerian people, the NPF has seen itself as the obedient attack dog of a political master, licensed to batten off the population whom it is constitutionally required to protect. Nigerians are seeing the warning that 'you cannot serve two masters' played out in their own experience with the police which suggests to them that in trying to serve a political master, the NPF has learned to hate and despise the people.
- 2.8.4 The reciprocity of that sentiment is what has brought us to where we are today. This is why, for the CSO Panel, the demands of the present crisis in which we find ourselves as regards policing require more than merely adjusting some technical aspects, or a futile attempt to return to a past that has already long vanished, or trying to tinker with the burning edges of the problem while showering a rain of money on a rotting centre. Civil Society and the Nigerian people demand a clean break with the past. They demand a Police Service that answers to them, and which makes their security its priority.

- 2.8.5 It is with these major concerns in mind that the Panel, having effectively combined the foregoing approaches to enhance its appreciation of the issues involved, has been placed in a privileged position from which to offer the recommendations contained in this report.

CHAPTER TWO

TERM OF REFERENCE #1

3.1.0 INTRODUCTION

This chapter identifies, discusses the challenges and factors that militate against NPF's effective performance of its duties and makes recommendations for addressing them. It recognizes that the reports of previous Presidential Committees on police reform have dwelt extensively on material deficiencies in the NPF and made elaborate recommendations for addressing them, which should be studied as complements. The chapter focuses on salient but non-hardware often ignored in the work of government committees on Police reform. These include the mission of the NPF, adequacy of its legal framework, specialization of functionalities, performance appraisal systems, strength of oversight agencies, coordination of policing agencies and of course corruption.

3.2.1 THE MISSION STATEMENT OF THE NIGERIA POLICE

At its public hearings, the Panel was presented with a picture of a police force whose mission was not only ill-understood by the people but also whose performance on duty was seen as falling grossly below expectation. What resonated was the anger of Nigerians that the NPF does not exist to protect or serve them. Rather its personnel were seen as oppressors who treat members of the public as mere meal tickets and sources of income. This compelled the Panel to begin its work on term of reference #1 by interrogating the articulation of mission of the police as provided in Section 4 of the Police Act:

“The police shall be employed for the prevention and detection of crimes, 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 and outside Nigeria as may be required of them by, or under the authority of this or any other Act.”

- 3.2.2 From a legal point of view, the above provision represents what the police can validly do: its legal remit. But from a public management perspective, this ought to be the mission statement of the police in Nigeria which should embody its organisational culture and work ethos; the personal compact between the leadership of the police and the rank and file police officers; and the relationship between the police as an agency and its customers – the Nigerian people.⁹ The first point is to determine whether the Section 4 mission statement captures the kind of police Nigeria needs. What do Nigerians want the Police to be and to do? Most organisations have a mission statement which shows what the organisation is set up to achieve. When an organisation is to be redesigned or re-engineered for greater efficiency and effectiveness, its mission statement should be a first consideration.

3.2.3 Observations

The Panel is of the view that the mandate in Section 4 is inadequate in capturing the expectation of the new kind of policing Nigeria requires, particularly in a context where the citizens' disheartening experience is of police brutality, even though they hope for a

⁹ See CLEEN Foundation (2004), Review of the Nigerian Police Act, 1942: Legal Diagnostic and Draft Bill, Lagos: CLEEN Foundation.

democratic society of security and liberty. The police should be defined in language that focuses on fairness, deference to human rights in the prevention and investigation of crime and efficiency in combating crime. Further, the mission statement should define a community-oriented policing that sees the work of the police as enabling the effective enjoyment of rights and self-fulfilment. This redefinition through the mission statement (legal mandate) is a political responsibility, which the National Assembly can authorize through a legislative amendment.

- 3.2.3 In proposing a new mission statement for the Nigerian police the Panel is of the view that the focus should be on modelling a new police service that is suitable for a country with democratic aspirations. It must articulate a service whose directing principles are the protection of the security and liberties of citizens, a civil force dedicated to the prevention of crime and protection of public order by the use of minimal force; and an agency that is not a servant of the government but of the law and of the people.

3.2.4 *Recommendations*

- The National Assembly should amend Section 4 of the Police Act to incorporate language that emphasizes that the Nigeria Police is a service organisation that respects human rights, works in partnership with the community and is impartial before the law in carrying out its functions of ensuring the security of persons and property; detection, investigation and activating the prosecution of offenders.
- Nigeria Police Force should embark on a strategic planning exercise with a view to articulating operational vision and mission statements consistent with the values of a civil force and the protection of human rights and fundamental freedoms guaranteed in the Constitution of Nigeria in discharging its functions.
- Technical assistance in carrying out these amendments and strategic planning should be sought from civil society organisations and development partners which have expertise in organisational development and change management.

3.3.1 **THE CONSTITUTIONAL AND STATUTORY FRAMEWORK**

The constitutional and statutory framework under which the NPF operates presents a significant challenge to the effective performance of its functions. Sections 214-216 provide for the establishment of the NPF, while the Police Act provides for its organisation, discipline, powers and duties. The Panel identified three areas in the legal framework of the NPF that impact negatively on its performance: lack of operational autonomy; opaque leadership appointment procedure and excessive centralization of structure and organisation.

3.3.2 **Lack of Operational Autonomy**

Under the Constitution of Nigeria, the Inspector-General of Police (IGP) – and by extension the entire NPF which he or she commands – is subject to directives (policy and operational) from the President. There is no restriction on the type of directive the President can give, so long as it is seen as lawful and relates to maintaining and securing public safety and order. Section 215(3) of the 1999 Constitution provides as follows:

“The President or such other Minister of the Government of the Federation as he may authorise in that behalf may give to the Inspector-General of Police such lawful directions with respect to the maintenance and securing of public safety and public order as he may consider necessary, and the Inspector-General of Police shall comply with those direction or cause them to be compiled with.”

Sections 9 and 10 of the Police Act¹⁰ are even more explicit:

9 (4) The President shall be charged with operational control of the Force.

9 (5) The Inspector-General shall be charged with the command of the Force subject to the directive of the President.

10(1) The President may give to the Inspector-General such directions with respect to the maintaining and securing of public safety and public order as he may consider necessary, and the Inspector-General shall comply with those directions or cause them to be complied with.

10(2) Subject to the provisions of subsection (1) of this section, the Commissioner of a state shall comply with the directions of the Governor of the state with respect to the maintaining and securing of public safety and public order within the state or cause them to be complied with:

Provided that before carrying out any such direction the Commissioner may request that the matter should be referred to the President for his directive.”

3.3.3 *Observations*

The CSO Panel observes that provisions like these make it difficult for the police to act professionally and decisively in situations where directives from the President or any Minister of government acting on his behalf may be at variance with their professional judgement about what needs to be done. During its public sittings the Panel was presented with allegations that the police had acted in a partisan manner to favour parties in government in some cases, and others where they failed to intervene to save lives because of perceived partisan considerations – where the police were second-guessing the possible political fallout, and prioritizing that above the safety and security of people in danger or distress. In its memorandum to the CSO Panel, the CLEEN Foundation argued:

“There is no democratic country in the world today where you would find in its statute books a provision like Section 9(4) of our Police Act which vests operational control of the police to the President rather than the Chief of Police. What obtains in other jurisdictions is policy control of the police by political authorities while operational control is retained by the Chief of police who is a professional in the field.”¹¹

3.3.4 *Recommendations*

To free the NPF from the likelihood of partisan control by political authorities in the exercise of its operational powers, the Panel recommends that:

- Section 215(3) of the Constitution and sections 9(4) & (5) and 10(1) & (2) of the Police Act should be amended as part of the present Constitutional Reform process to restrict the role of the President, or such other Minister of the Government of the Federation as he may authorise, and Governors to issuing lawful policy directives to the NPF.
- The amendments should state clearly and unambiguously that operational control of the NPF and its department/units rest on the IGP or such other police commanders as the IGP might authorise.

3.3.5 **Police Leadership Appointment Process**

¹⁰ Chapter P19, Laws of the Federation of Nigeria 2004

¹¹ CLEEN Foundation Memorandum to the CSO Panel to the Panel, 2012, p.9.

Presentations made to the Panel by experts and NGOs on the leadership of the NPF highlighted the problems caused by the high turnover of its leadership, and the opaque processes by which Inspectors-General of Police are appointed, and argued that these make planning for improvements in the performance of the police rather difficult in Nigeria.¹² For instance, in thirteen years of civilian rule since 1999, Nigeria has had seven IGPs, a ratio of one IGP roughly every two years! The lack of security of tenure for the IGP and government's habit of removing IGPs at will, make the position one of the most unstable leadership positions in the country, and perhaps accounts for the *ad hoc*, short-term approach that has come to define the NPF.

- 3.3.6 The procedure for appointing the head of the NPF was also identified as an obstacle to producing the kind of leadership that might drive reform or improvement in police performance. Section 215(1) of the Constitution provides that the IGP “shall be appointed by the President on the advice of the Police Council from amongst serving members of the Nigeria Police Force.” As has been observed by a scholar on police and policing:

“The Constitutional provision does not provide for competence and other requirements for the appointment of an IGP ... except that they should be appointed from the serving officers. Significantly, it did not even provide that the officer must be of any particular rank. For the sake of argument, it will be constitutional to appoint a constable as an Inspector General of Police.”¹³

- 3.3.7 Furthermore, none of the Constitution, Police Act or the Police Regulations provide any elaboration on the procedure for the appointment of an IGP or indeed, any other leadership position in the NPF. Consequently:

“Appointments into the Nigeria Police Force are determined largely by seniority and representation, and influenced by nepotism, political patronage and regime interests and preferences. As a result, organisational management and leadership development have been lacking, leading to organisational ineffectiveness.”¹⁴

- 3.3.8 If the NPF is to be rebuilt for improved performance, the process of making appointments into leadership positions needs to be fully defined, open, competitive and transparent. The qualities required for leadership positions in the NPF should include the ability to: facilitate the development of organisational vision and mission; develop, implement and continuously evaluate a strategic plan for the NPF; communicate the vision, mission and strategic plan of the NPF to different audiences such as citizens, legislatures, the executive, criminal justice circles within and across jurisdiction, and development partners.

3.3.9 *Recommendations*

The CSO Panel recommends that the procedure for the appointment of the IGP should be reviewed and that Section 215(1) of the Constitution should be amended to provide for the following:

¹²See CLEEN Foundation (2011), “The Leadership Question in the Nigeria Police Force”, Lagos: CLEEN Foundation.

¹³ Refer to E.E.O. Alemika (2011), “Leadership Qualification and Appointment Procedure in the Nigeria Police Force: A Critical Analysis”, Paper presented at the 5th Policing Executive Forum, organised by the CLEEN Foundation in Abuja.

¹⁴ *Ibid.*

- The process by which an IGP is appointed should be open, competitive and transparent. The position should be advertised, with the criteria for the appointment being publicised and include possession of a university degree and relevant professional and management experience, and should include a public hearing.
- Interested persons should apply through the Police Service Commission, which will screen the applications and refer all qualified candidates to the Senate.
- Following interview and public hearing, the Senate should draw up a shortlist which should be sent to the Police Council, a body which includes all State Governors.
- The President should then make the appointment on the advice of the Police Council.
- The appointment of the IGP should guarantee security of tenure for a five-year non-renewable term of office for the IGP in order to ensure a one-year overlap with an incoming political administration, or guarantee at least three years renewable once.
- An IGP should only be removed on a motion by the Senate. The basis for such removal should be gross misconduct (as defined in section 143(11) of the Constitution) or incapacity of mind or body such as to render him or her incapable of performing the functions of their office. The process for removal should also include a public hearing by the Senate.

3.3.10 **Centralized Structure and Organisation**

As a result of issues raised in written memoranda and at its public hearings, the Panel studied the structure of the Nigeria Police and paid particular attention to its upper echelons. The Panel found that the NPF is structured in a way that over-centralises its operations. Even though it has a five-tier command (Headquarters, Zonal, State, Area and Divisional Commands), too many decisions begin and end on the desk of the IGP who heads the Force Headquarters Command.

3.3.11 Similarly, although the NPF has seven Deputy Inspectors-General of Police (DIGs) who function as the second-in-command and as heads of each of the six departments at Force Headquarters (A, B, C, D, E, F) and ought to lighten the load on the IGP, the Panel was informed that apart from increasing costs and adding to the unwieldy nature of the NPF structure, the DIGs have historically had little real work to do. Despite an outward show of unity, the DIG structure does not help stability because DIGs tend to see themselves as IGPs-in-waiting. With a history of IGPs who have no security of tenure and are therefore at risk of being removed at the slightest excuse for perceived or actual failings, successive IGPs have tended to suspect the DIGs rather than sharing the load of tackling the nation's security challenges with them.

3.3.12 Furthermore, apart from satisfying the federal character principle by appointing one DIG from each of the six geographical zones of Nigeria, the current DIG structure has no basis in law as section 7 (1) of the Police Act which provides for the rank, envisages only one DIG when it states that: "a Deputy Inspector-General is the second in command of the Force and shall act for the Inspector-General in the Inspector General's absence from Force Headquarters."

3.3.13 *Recommendations*

In the circumstances, the Panel recommends:

- The NPF structure should be decentralized, and powers and resources devolved to Zonal, State, Area and Divisional Commands to enable them to take initiatives in consultation with the communities in their area of operation, to improve their performance in the priority areas identified by their local communities.

- The seven DIG structure should be abolished and replaced with just one Deputy Inspector-General of Police to stand in for the IGP when necessary;
- The six Headquarter departments should be headed by AIGs in the same way as Zonal Commands are headed by AIGs.
- Zonal, Area, State Police Headquarters and Divisional police officers must carry out operations without recourse to political office holders for directives within the area for which they are responsible.

3.4.1 **LACK OF SPECIALIZATION: THE GENERAL DUTY SYNDROME**

The impact of lack of specialization in the career path of most police officers in Nigeria came through in most presentations made to the CSO Panel in its public hearings across Nigeria. From minor offences to major and heinous crimes, members of the public expressed annoyance and disappointment at the inability of the NPF to resolve crimes because of deficits in their skill sets and facilities: even where police officers were willing, they were unable.

3.4.2 The Panel observed that apart from a few specialists such as medical doctors and veterinarians, all officers are required to carry out all duties irrespective of their area of specialization, and are moved around at will from one duty post and function to another, without prior training and preparation. The Nigeria Police Force has no specific programmes for identifying, training and deploying police officers to any of the command and management positions in the organisation. This is apparent from the fact that all officers are trained along the same linear general duty career path as follows:

- Basic entry training (recruit, cadet inspector and cadet ASP)
- Promotion and refresher courses
- Functional specialist training dissociated from career planning
- Command courses (junior, intermediate and senior)
- Strategic Policy level courses (NIPSS and NDC)

3.4.3 As can be seen, although specialist training is offered, in terms of a police officer's career, such training is a dead end. One result is that few officers retain such training or build up a body of experience on the basis of it, since from one posting to another, their specialist knowledge may be completely irrelevant. A second result is an alarming shortage of specialists in forensic fields such as document examiners, fingerprint and ballistics experts, while a third negative effect shows up in the failure to sustain programmes such as community policing.

3.4.4 Meanwhile, the linear training program and career path does not produce the best management for the NPF either:

“From the pool of officers, some individuals are appointed to perform managerial functions from the field to general management levels. In essence, an individual is appointed as command manager and leader of the NPF without any prior identification of leadership potential and subsequent ... training necessary for leadership competencies.”¹⁵

¹⁵ Alemika, *op. cit.*

In the Panel's view, this lack of career trajectory in the NPF has turned most police officers in Nigeria into 'jacks-of-all-trades' who have ended up unable to master any. In the words of a leading expert on police matters during the Kogi hearing:

“...there is the need for career development in the police. The general duty officer is not a career path for the police. It impedes promotion. Police officers perform every duty and end up being incompetent in all of them. Within 3-5 years, a police officer should specialize or go home...”¹⁶

3.4.5 *Recommendations*

- The 'general duty policy' should be abolished.
- Police officers should be given a time line of five years to specialize after recruitment, be a promotable officer or go home.
- Diverse professionals such as criminologists, psychologists, sociologists, lawyers, doctors, pathologists and others should be recruited as police officers and allowed to practice their professions within the police service and be promotable in their areas of expertise as is done in services such as the armed forces.

3.5.1 **Performance Appraisal System**

At its public hearing in Lagos, the CSO Panel was asked whether there were systems for measuring the performance of police officers in Nigeria on the basis of which they were promoted or sanctioned. The import of the question was not lost on the Panel given the public's perception that the NPF performs poorly in discharging its functions yet they continue to read reports of mass promotion of police officers.

- 3.5.2 There can be no doubt of the importance of performance appraisal in police forces. The authors of a study of the issue as it relates to the Turkish National Police observed that the police:

“... not only provide services but also fight crime and have the power to restrict rights and freedom of citizens with their actions and inaction. Police are often in public view and are subject to criticism constantly regarding the efficiency and effectiveness of their services.... If the police perform their role effectively, society benefits immensely. Conversely, with poor police performance, the damage to police confidence and constitutional rights can be irreparable. Police performance appraisal plays a critical role in providing better-quality service to the society.”¹⁷

- 3.5.3 However, for a police performance appraisal system to yield the expected benefits of enabling an organisation to identify, monitor and record behaviour and characteristics that affect job performance and can be used to make decisions about training, rewards and sanctions, a number of factors have to be considered. These include the robustness of the content, rigour and transparency in the administration process, application of the outcome and the level of satisfaction of both the appraisees and appraisers. An examination of the performance appraisal system of the NPF using these criteria reveals a dysfunctional system that is grossly abused and in dire need of review.

¹⁶ Keynote Address by Professor Etannibi Alemika at the CSO Panel's Kogi sitting.

¹⁷ *Performance Appraisal System in the Turkish National Police* Serder Gul et.al (2010)

- 3.5.4 The performance appraisal System in the NPF, the Annual Performance Evaluation Report (APER), provides 24 areas in which superiors officers are required to assess and score their subordinates using a grid system that ranges from ‘exceptionally effective’ (A) to ‘definitely ineffective/not up to the job’ (E). The 24 assessment areas are as follows:

S/N	Theme	A Exceptionally effective	B More than Generally effective	C Generally Effective	D Performs Duty Moderately without Serious Shortcoming	E Definitely ineffective and not up to the job
1	Professional Knowledge					
2	Local Knowledge and Current Affairs					
3	Application to Duty					
4	Oral Expression					
5	Written Expression					
6	Relations with members of the public					
7	Output at work					
8	Quality of Work					
9	Punctuality					
10	Integrity					
11	Reliability under pressure					
12	Management of staff					
13	Specialist/technician knowledge (if applicable)					
14	Judgment					
15	Relationship with superiors					
16	Relationship with colleagues					
17	Relationship with subordinate					
18	Acceptance of responsibility					
19	Drive and Determination					
20	Appearance					
21	Disciplinary Records					
22	Performance in promotion courses/examination					
23	Community Work					
24	Honours and Special Recognition					

- 3.5.5 On paper, the appraisal template looks impressive as it covers critical issues such as discipline, knowledge of the job and environment, attitude to work and performance, relationship with colleagues and superiors and more importantly relationship with members of the public. However, the problem is in the way it is applied, which is neither prioritized nor transparent. In the words of a police officer who interacted with the Panel:

“APER is there for the sake of being there. What the police do is eye service. Nobody actually looks at the APER. You can hardly see anybody in the police who is graded as failed in the APER, no matter how deficient and ineffective the person is. Nobody is using APER to promote anybody. People who did not do very well in APER end up being promoted through special promotion done by successive IGPs. Often it’s their ‘boys’ that they give special promotion, not because of any exceptional performance.”

- 3.5.6 Another troubling aspect of the APER process as recounted to the CSO Panel by police officers is that the APER forms are filled without the assessing officers having personal knowledge of the officers being appraised. It is often treated as one of those forms that have to be filled but whose importance is either not recognized or is ignored. Since they

do not really know the officers, the appraisers rely on factors such as the ethnicity or religion of the persons being appraised (which can easily be inferred from their names) to decide what scores to award, favouring those who match their own, and in some cases, giving low or even punitive scores where the converse is the case. Because of the opaque nature of the process, the appraised officers are not given any opportunity to comment on their APER and are thus unable to clarify issues or register any objections they may have to an unfair assessment.

- 3.5.7 The CSO Panel notes that other police jurisdictions have moved away from this method to a task based system where police officers due for appraisal are given tasks related to their job description to perform by a team of appraising officers and are scored based on their performance on the assigned tasks. The fact that the assessment is task-based and supervised by a team creates transparency and prevents one officer who might be prejudiced to single-handedly determine the fate of those being appraised.
- 3.5.8 Another worrisome aspect of the NPF performance appraisal system is the question about what is done with the APER after the completion. Police officers who interacted with the Panel reported that it hardly yields anything because nobody takes it seriously. Decisions about what training an officer should undergo, who should receive promotion or other reward, or who should be sanctioned are rarely based on the APER. This defeats the whole essence of performance appraisal. In the words of one officer:

“At the end of the day, you see officers who cannot express themselves being promoted. Check their exam files at the promotion exams and courses at the Police Staff Colleges you will find out that they performed badly. They end up being promoted because of their states of origin, ethnicity, religion and other extraneous considerations. In particular, special promotions defeat the essence of APER.”

3.5.9 *Recommendations*

Mindful of the challenges that the NPF faces as a result of the mass recruitment of 2000-2001, the CSO Panel is of the view that the performance appraisal system of the NPF must be completely overhauled. It needs to be reviewed and prioritized both as a tool for ensuring that only deserving officers are promoted, and as a tool for improving the productivity of officers and units. To this end, the following recommendations are made:

- The IGP should set up a committee to review the NPF's performance appraisal system. The committee should propose a new system to address the shortcomings of the current system highlighted above. The committee should include independent experts in the field of performance management.
- To create objective criteria and a transparent process for the assessment of police officers, a task-based system of appraisal by a team of police officers, which focuses on performance in respect of given tasks should replace the current blind filling of forms by superiors.
- To build confidence in the process, the APER template should be revised to allow for the police officers being appraised to also score themselves on the issues on which their supervisors are appraising them. Provision should also be made for the officer being assessed to discuss their appraisal with the officers making the appraisal.
- The completed appraisal report should form the basis for general decisions on training and promotion.

- No special or extraordinary promotion should be approved without a separate justification in addition to a police officer's appraisal reports.

3.6.1 **DUPLICATION OF POLICING AGENCIES**

Despite the fact that section 214(1) of the Constitution stipulates that there shall be no police other than the Nigeria Police Force, successive governments have established a number of agencies to perform policing functions. The result has been to duplicate and dissipate resources that could have been used by the NPF to improve its performance. Some of such agencies include the State Security Service (SSS), the National Drug Law Enforcement Agency (NDLEA) and the Federal Road Safety Commission (FRSC): these were established before the 1999 Constitution came into effect, but nothing appears to have been done to regularize their position. Others such as the Independent Corrupt Practices Commission (ICPC), the Economic and Financial Crimes Commission (EFCC), the National Agency for the Prevention of Trafficking in Persons (NAPTIP) and National Security and Civil Defence Corps (NSCDC) were established after the country returned to civilian rule, and after the 1999 Constitution and section 214 came into effect.

3.6.2 Ironically, the reality on the ground several decades after the establishment of these agencies with much fanfare, is that the majority of them still depend on the NPF for their leadership and operational cadres, thereby further depleting the personnel resources of the NPF. For example, since its establishment by Decree No. 48 of 1989 under the Babangida military regime, all but one¹⁸ of the NDLEA's chairmen have been drawn from either serving or retired police officers. Similarly, the EFCC has continued to depend on the NPF for its chairmen and operational officers since its establishment in 2003. The same applies to the NAPTIP. Only the SSS has succeeded in building its own leadership and operational cadres following its founding with initial recruitment from the NPF.

3.6.3 The Panel believes that fragmentation and duplication of the functions of the NPF by other agencies has had the effect of postponing much-needed reforms in the NPF and depriving it of much needed human and material resources. Participants at the Panel's sittings remarked that most of such agencies had not been set up in response to the concerns of the Nigerian people, but in response to pressure from overseas. Where a particular species of criminal activity attracts adverse reactions overseas (be it trafficking in drugs or persons, or corruption or fraud), the reaction of successive governments has been – not to strengthen the capacity of the NPF to tackle such crimes – but to create a crime-specific agency and hive off resources for such new agency, while still leaving the thereby depleted NPF with power to tackle such crimes. The ensuing rivalry and lack of co-operation between the NPF and these agencies has been detrimental to their effectiveness and efficiency.¹⁹

3.6.4 *Recommendations*

The Panel recommends the establishment of a Presidential Committee for the harmonization of functions of all agencies performing policing and internal security functions in Nigeria with a view to:

- Determining those that should be merged with the NPF;

¹⁸ General Musa Bamaïyi rtd.

¹⁹ Examples of such rivalry are numerous, but during the time when the Panel was sitting and preparing this Report, the nation was treated to the unedifying spectacle of rivalry and lack of co-operation between the NPF and the SSS in what became known as 'Faroukgate', and the even more egregious case of the NPF parading one set of suspects for the murder of Olaitan Oyerinde (Special Assistant to the Edo State Governor) and the SSS later parading a completely different set!

- Delineating functions where merger is not seen as a feasible option and more importantly;
- Working out coordination arrangements/platforms from the leadership to operational level of activities that would ensure that resources are shared and interagency cooperation in planning and execution of safety and security functions enhanced.

3.7.1 **WEAK POLICE OVERSIGHT AGENCIES**

The CSO Panel struggled to find any justification for the existence of the Ministry of Police Affairs (MoPA) and the Police Service Commission (PSC) as presently structured and organized. In the case of the MOPA, it appears to maintain a huge infrastructure for the purpose of either duplicating functions already performed or statutorily assigned to the NPF or the Police Service Commission (PSC). Despite its costly infrastructure, MoPA has been unable to service the NPF in any meaningful way, such that even ordinary witness statement forms are in short supply in most police stations across the country. The Panel was informed by IGP Abubakar that the salary and allowances of police officers would soon be paid directly into the bank accounts which each police officer will be required to maintain, thereby removing another of the functions that the Ministry seems to be so busy providing. The Ministry also appears to play no effective role in coordinating the haphazard manner in which equipment is donated to the NPF.

3.7.2 Furthermore, non-state and voluntary policing sector actors, whose activities complement the work of NPF in many communities not often covered by police patrols, are left without any support or regulation in the work they do, which, though important, sometimes leads to abuse. A properly structured ministry to cover policing matters – possibly renamed Ministry of Public Security – could play an important role in providing a regulatory framework for the activities of these voluntary policing groups as well as other public security institutions such as FRSC, NATIP, NDLEA and the Civil Defence Corps.

3.7.3 On paper, the Police Service Commission ought to be one of the most powerful civilian oversight bodies on policing in the world, charged as it is with the constitutional and statutory responsibility for appointments, promotions and discipline in the NPF. But a combination of self-defeating restraint in the performance of its disciplinary functions over the NPF and the government treating its functions as a low budget priority has robbed the institution of vibrancy and relevance. Discussing the ineffectiveness of the PSC in holding the police accountable for human rights abuses, Prof. Philip Alston Jones, then UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Execution, said:

“In terms of governmental accountability, the Police Service Commission is charged with police discipline, but has opted to refer all complaints of extrajudicial police killings back to the police for investigation. The Commission’s mandate is potentially empowering. But despite efforts of one or two excellent Commissioners, its performance has been dismal and self-restraining. Its Quarterly Reports to the president are not published and present a dismal chronicle of rubber-stamping decisions taken by the police, coupled with inaction in relation to pressing concerns. A radical overhaul of its procedures and compositions is warranted.”²⁰

²⁰ UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Execution, Country Mission to Nigeria (June/July 2005) quoted in *Opportunity for Justice*, CLEEN Foundation (2006), p.174.

3.7.4 Many of those who made submissions to the Panel during its public hearings lamented the inability of the PSC to even acknowledge their petitions against police misconduct, let alone act on them. Several said they have resigned themselves to their fate, because police oversight agencies do not take their complaints seriously. Some canvassed the establishment of a separate and independent body to deal with serious complaints against the police such as torture and extrajudicial killing. The Dan Madami Presidential Committee on Police Reform also recommended the establishment of an Independent Police Public Complaints Commission, but this was rejected by the government. The CSO Panel however, considers that a review of that rejection has become urgent since, as the PSC continues to be unwilling and unable to deal with citizens' complaints against police abuse, there is increasing resort to violent demonstrations against egregious violations either to vent anger and exact some form of revenge, or as a means of forcing police authorities to respond to their grievances. Such Commissions have been established in other jurisdictions, such as South Africa, Kenya and the United Kingdom, although the experience in some countries underlines the importance of constant vigilance to ensure that such bodies do not fall into a pattern of over-cosiness with the police they are supposed to investigate.

3.7.5 *Recommendations*

- The Ministry of Police Affairs should be restructured and renamed Ministry of Public Safety and Security to coordinate the activities of government in the field of public security and discontinue the present practice of replicating the bureaucracies of NPF and PSC. It should also be charged with providing a regulatory framework for community initiatives on crime prevention and creating an incentive regime to ensure that they comply with the law and eschew human rights abuses in carrying out their functions in rural areas or inner city communities not often covered by police patrols.
- The PSC should be strengthened and provided with adequate resources to establish its presence across the country, starting at the level of Nigeria's geo-political zones, and expanding to states and local governments as funds and resources permit.
- The PSC should establish a department responsible for investigation of public complaints against the police (particularly cases of corruption, rape, torture and extrajudicial killing) and discontinue sending such petitions back to the police for investigation.
- The process of appointing the chairperson and members of the PSC should be transparent and rigorous in order to ensure that only qualified persons are appointed to actualise its enormous potential as a civilian oversight body on police in Nigeria.

3.8.1 **BAN ON POLICE UNIONISM**

Despite the widespread belief that it is illegal for police officers to form any kind of union or association, the Panel was unable to find any legislation that supports such a conclusion. Rather, section 40 of the Constitution guarantees the right to freedom of association and specifically provides that:

“Every person shall be entitled to assemble freely and associate with other persons, and in particular he may form or belong to any political party, trade union or any other association for the protection of his interests”

- 3.8.2 In the circumstances, if the NPF has in fact been maintaining its ban on the formation of a union or association by police officers in the belief that the law permits, or even requires it to do so, such laws must undoubtedly have been overtaken by the 1999 Constitution. It should also be noted that the tendency to conflate the right to associate with the inevitability of strike action is not only short-sighted and restrictive, it guarantees a situation in which grievances are bottled up until they explode in a manner that may be detrimental to the overall security of the nation. Certainly the absence of any such union or association has not prevented police officers from threatening and indeed, from actually embarking on strikes. This is undoubtedly because where the representatives of the dissatisfied police officers are unable to table any issues of concern because of non-recognition, it is impossible for there to be any dialogue with a view to addressing such grievances. All that is left for those with complaints is to go on strike.
- 3.8.3 The Panel is aware of section 45 of the Constitution, which preserves laws that may be “reasonably justifiable in a democratic society (a) in the interest of defence, public safety, public order, public morality or public health; or (b) for the purpose of protecting the rights and freedom of other persons”, but is of the view that having regard to the worldwide recognition of the rights of serving police officers to form and belong to unions or associations, it cannot reasonably be argued that the existence of such bodies would have any detrimental effect.
- 3.8.4 The Panel deprecates the prevailing culture within the NPF, which is unfortunately endorsed by the present Police Service Commission, that any junior police officer with a grievance or complaint must channel such grievance or complaint through his or her superior officer. This approach overlooks the fact that in many cases, it is the same superior officers who are the cause of the grievance.
- 3.8.5 *Recommendation*
Having regard to the right guaranteed by section 40 of the Constitution, the Panel recommends that police officers should be encouraged and permitted to form a Police Association.
- 3.9.1 **CORRUPTION AND MISCONDUCT**
As with almost every other sector in Nigeria, corruption poses a big challenge to the Nigeria Police Force. In the eyes of the Nigerian public, the police – more than any other agency – are synonymous with corruption, and in surveys, the NPF ranks among the top three most corrupt institutions in Nigeria²¹. The case of the NPF is perhaps the most egregious because they engage in extorting money from helpless Nigerians in an extremely conspicuous manner. They extort money from motorists at road blocks, from detained suspects as a condition for their release, from complainants as a condition for investigating crimes, and accept – or even demand – bribes to arrest innocent individuals or pursue civil disputes. As noted in this Report, corruption is a major factor that has adversely affected the confidence of the public in the NPF.²²
- 3.9.2 *Observation*
From the experiences of Nigerians who submitted memoranda and made oral submissions, corruption within the Nigeria Police Force is at alarming level, and is being perpetrated

²¹ See CLEEN Foundation study on National Crime and Safety Survey, 2011.

²² For more detail about corruption in the NPF, see the section on term of reference #3, Chapter 4 of this report.

with impunity. The panel found that the corruption of the NPF is manifested in several ways, including bribery, extortion (mainly through the notorious road blocks), favouritism, premeditated theft, prejudice, perjury, and collusion with criminals.²³ Indeed, it is the CSO Panel's opinion that corruption within the NPF is at the root of all the other numerous challenges facing the police in Nigeria.

3.9.3 *Recommendations*

While the Panel recognises that the problem of corruption is indeed a huge one, it is of the view that it is one that requires a serious and sustained effort if it is to be eradicated. To this end, the leadership of the NPF should:

- Sustain the abolition of police roadblocks and checkpoints on the highways.
- Create a functional and easy-to-mine database of police officers in Nigeria to enhance personal performance monitoring and helping to expose erring officers to the Nigerian public.
- Resuscitate the police X-squad in all police commands and formations across Nigeria, by providing a line budget for their work.
- Work with civil society groups to introduce the use of new media technologies to map low-level police corruption in Nigeria and deploy more officers from X-Quad to corruption hotspots as identified in the mapping.

²³ For more on police corruption and as it relates to Nigeria, see Elly Stoddard "The Informal Code of Police" deviancy: A Group Approach to Blue-Coat Crime, Journal of criminal law, Criminology, and Political Science, Vol.59 1968, P.204. Stoddard's analysis of the dimensions of corruption with the police attests vividly to the Nigeria experience.

CHAPTER THREE

TERM OF REFERENCE #2

INTRODUCTION

4.1.0 This chapter examines the scope and standard of training and other personnel development issues in the NPF to determine their adequacy or otherwise and make recommendations on how to improve them. Firstly, police training and its significance to effective policing service delivery is examined in the introduction. Secondly, the chapter looks at the major problems and challenges to training and manpower development in the Nigeria Police Force. The key issues are highlighted and analysed separately and recommendations designed to address these are also given. Input from the public hearings of the Panel and written memoranda submitted to it are considered in addition to the reports produced by the last three government reform committees.²⁴

4.1.1 **Significance of training in the Nigerian Police Force**

Policing a complex society like Nigeria is both physically and intellectually demanding and dangerous. To meet these challenges, police personnel must be fully trained and equipped. Both the capacity of the Nigeria Police Force (NPF) and its training have become areas of concern as they continue to deteriorate. The security challenges confronting the country and the inability of the NPF to stem the tide of violence underscores concerns about its capacity to police the country effectively. Persistent complaints of police misconduct, human rights abuse and general unprofessionalism characterize the narrative of citizens who encounter the police on a daily basis. This makes the training, re-orientation and continuous development of police personnel an urgent concern for Nigeria. Indeed, no reform agenda for the police can be considered viable unless it sufficiently addresses the issues of training and manpower development.

4.1.2 Proper training, or the lack of it, affects the success and failure rates of police prosecution of cases. Because the police do not have strong investigative or prosecutorial skills, many criminal prosecutions are lost in court for want of evidence and inadequate prosecutorial preparation and abilities. This also affects the number of awaiting trial persons (ATPs) who sometimes spend years in prison or police custody because of poor investigation and prosecution capacity. Improving the capacity of the police would have a significant impact on the effectiveness of the criminal justice system in Nigeria. It would reduce prison congestion, secure justice for victims, accused persons and society, boost public confidence in the law and ensure the freedom of thousands of ATPs who are in prison but have not been tried.²⁵

4.1.3 It is difficult to separate the police penchant for resorting to brute force from their evident lack of capacity to investigate crimes with forensic or other sophisticated methods of

²⁴ The Report of the Justice Olasumbo Goodluck Judicial Commission of Inquiry on the Apo Six Killing by the Police in Abuja, the Presidential Committee on the Reform of the Nigeria Police Force headed by Alhaji Muhammed Dan Madami and the Presidential Committee on the Reform of the Nigeria Police Force headed by Alhaji M.D. Yusuf).

²⁵ According to the Controller-General of the Nigerian Prison Service, Mr. Olusola Ogundipe, “no fewer than 17,164 persons have been on remand in various prisons across the nation for between 5-17 years without their cases being concluded”. He explained that the affected persons were part of the 34,328 awaiting trial inmates being held in different prisons.

gathering and analysing evidence. That lack of capacity appears to be a direct result of the poor training given to new recruits and of the failure to make continuous training an integral part of a police officer's career to bring them up to date with new developments in criminal investigation.

4.2.0 PROBLEMS AND CHALLENGES TO TRAINING AND MANPOWER DEVELOPMENT IN THE NIGERIA POLICE FORCE

4.2.1 The Regulatory Framework

The current regulatory framework, i.e. the Police Act (the Act), under which the training and development of the NPF is subsumed, constitutes an obstacle to effective training and development. One of the major drawbacks is that the time prescribed for training in the Act, between 'three months and six months duration'²⁶, is too short in many cases. This is not enough time to ground them in even the basics that will enable them to function as effective police officers, particularly with the fairly low entry-level qualification for the NPF²⁷. The regulatory framework also prescribes the type of training to be provided. Considering that the Act was promulgated in 1943 and has not undergone any extensive review since then, what is prescribed is entirely inadequate to meet today's needs, and in some areas, is discriminatory.²⁸

4.2.2 Fixing the length and content of training for police officers within the Act means that the police are unable to adapt to changing situations and requirements. If reviewing a basic matter like the length of constables' training becomes an exercise in amending a law through the legislature, it is hardly surprising that the police have had the same regulation regulating the period for training for over 50 years. If fresh legislation is required to address the problem and there is no political will to address it, we are unlikely to see any reform in police training in Nigeria.

4.2.3 The Panel observed that every committee that has looked into the reform of the NPF has highlighted the problem of inadequate training and made recommendations for improvement. However, none of the three main reform efforts within the last decade, namely the Judicial Commission of Inquiry on the Apo Six Killing by the Police in Abuja (Apo Six Commission), the 2006 Presidential Committee on the Reform of the Nigeria Police Force (the Madami Committee) and the 2008 Presidential Committee on the Reform of the Nigeria Police Force (the Yusuf Panel) made any comment about the impact of the Act and Regulations on training.

4.2.4 Recommendations

In order to address the limitations resulting from the current regulatory framework, the Panel makes the following recommendations:

- The provisions that regulate the period and content of training should be removed from the Police Act. Instead, the power to revise such matters should be conferred on the Inspector-General of Police who may issue fresh training regulations from time to time but no less often than once every five years.

²⁶ Section 103 of the Nigerian Police Act Cap 359, Laws of the Federation of Nigeria, 1990

²⁷ Police Service Commission Guidelines for Appointment in the Nigeria Police Force, 2006 - to be a Constable, the person must be a Nigeria citizen, between 18 to 25 years old, have O level qualification or its equivalent with 5 credits passed, be mentally and physically fit and have no previous criminal record.

²⁸ Under the Act, female members of the NPF are excluded from certain trainings, for example, in the use of weapons. See Section 121 of the Act.

- Provisions in the Act, which discriminate against women police officers by directly or indirectly excluding them from certain aspects or types of training are unconstitutional and should be repealed or amended. Other provisions, such as section 121²⁹ of the Act, must not be interpreted as limiting the role of women police officers.

4.3.1 The Content of the Training Curriculum

At every incident and at every level requiring police intervention in Nigeria today, the quality of service from the NPF is low. This poor quality of policing service delivery is directly proportionate to the quality of the country's police personnel. No police officer can give what s/he does not have, but officers of the NPF are clearly not given enough in terms of their training. The curriculum is severely undeveloped and has critical gaps in areas that are vital to effective policing in a 21st century democracy, such as forensics and crime management, special victims, human rights and information technology. After all, it is common wisdom that "... the criminals are changing their old ways; therefore, the police should also change ..."

- 4.3.2 The routine of the average crime-fighting, law-enforcing police officer involves considerable risk and danger, but AK 47-wielding police officers often pose a risk both to themselves and to the public. Proper training can make the difference between failure and success in their duties, and between life and death.³⁰ For example, while the so-called 'accidental discharge' of police firearms has claimed the lives of many Nigerians, high police-to-police fatalities have been recorded as a result of 'friendly fire'. The poor training in weapons handling and marksmanship that police officers receive has been cited as a major cause.³¹ This is only one aspect of training in which severe deficiencies are apparent, but it is one in which the police receive at least *some* training. In many other areas, police officers appear to be completely untrained.
- 4.3.3 Numerous submissions to the Panel complained that the police rarely manage even basic crimes such as hit-and-run cases, burglary or robbery to a satisfactory conclusion, while detection and conviction rates for more sensitive or serious cases such as murder, rape, child molestation and domestic violence, are even worse. Police officers routinely bungle or compromise investigations due to an apparent lack of training in how to treat a crime scene and prevent contamination. They show little or no knowledge of how to recognise, protect, gather or handle potential evidence, betraying serious gaps in their training. That these deficiencies are a cause of anger and concern to the public is evident from reactions to the death of Sgt. Sunday Badang who died trying to defuse a bomb in Kaduna in February. While there was praise for the heroic officer and sympathy for his death, many Nigerians also criticised the 'bomb disposal' procedure of Badang's colleagues, which consisted of shooting several rounds at the suspicious package, following which he

²⁹ Police Act Section 121: Women police officers shall as a general rule be employed on duties which are connected with women and children, and shall be particularly employed in the following duties-

- (a) investigation of sexual offences against women and children;
- (b) recording of statements from female witnesses and female accused persons and from children;
- (c) attendance when women or children are being interviewed by male police officers;
- (d) the searching, escorting and guarding of women prisoners to and from police stations;
- (e) school crossing duties;
- (g) crowd control, when women and children are present in any numbers.

³⁰ LaRoche, C. "The Importance of Police Training". Accessed on 26 June 2012 at http://www.ehow.com/about_7237541_importance-police-training.html

³¹ CLEEN Foundation, "Emergency Response to Victims of Gun Violence and Road Accidents" Monograph Series 9, Conference Proceedings, 2010, page 59

approached the suspect parcel with no protection or other precaution at all. The package exploded, killing him in an incident that was captured and broadcast on the Internet³².

- 4.3.4 Similar deficiencies are evident in the way the police relate to potential witnesses and suspects. From memoranda and submissions at the public hearings, victims of crimes of sexual violence such as rape are wary of reporting to the police because of the harsh and humiliating treatment they get. It is difficult to conclude that police officers know how to gather physical evidence in such cases, or that they have received any sensitivity training to enable them to deal with vulnerable members of society such as women or children. For example, the Panel was told of the treatment suffered by a minor who had been abducted for several days. Taken to the police by her parents to lodge a complaint, the child was made to stand before a panel of seated police officers who questioned her inappropriately, implying that she had gone willingly and had enjoyed being sexually abused.³³
- 4.3.5 Although some human rights component has recently been introduced into the curriculum of the police colleges, few serving police officers have undergone such training, and this is evident from the experiences of abuse related by members of the public.
- 4.3.6 In their various reports, the Apo Six Commission, the Dan Madami Committee, the Yusuf Panel and the Police Service Commission,³⁴ have all warned that the institutions³⁵ of the NPF which offer training are in states of dilapidation and decay. While all the reports agreed that the abysmal state of training institutions must be addressed, not all of them touched on the quality of the curriculum. This was not the case with submissions to the CSO Panel, as the need for changes to the training curriculum of the NPF was raised by academics and members of the public on the basis of their own interaction and observations. For instance, during the Lagos public hearing, a participant³⁶ recommended that if the creation of state police was being raised as a solution to the general inefficiencies of the NPF, the better course would be to strengthen the police through better training of personnel.
- 4.3.7 The CSO Panel agrees that the decades-long neglect of the curriculum, particularly in respect to crime scene procedures, evidence-gathering, new technologies, human rights, handling vulnerable groups and community policing, has been detrimental to the operations and effectiveness of the NPF. The Panel is of the view that as long as the content of training and development remains weak and insufficient to meet basic policing demands and standards, the lack of quality policing will persist and the NPF will continue to lag behind in meeting the challenges of maintaining law and order, and providing public security and safety.

³² <http://saharareporters.com/video/video-how-anti-bomb-unit-police-was-blown-boko-haram-bomb-kaduna-viewers-discretion-seriously/> accessed on August 1 2012

³³ Petition to the Inspector General of Police dated 15 September 2011 on Inhumane and Degrading Treatment of Sexually Assaulted Children at Ajeromi Ifelodun Police Station, submitted to the Panel and referenced during the public hearing in Abuja on 12 June 2012

³⁴ Police Service Commission Report on the Familiarization Tour of Police Training Institutions, 2003

³⁵ Eight specifically reviewed by the Police Commission in the 2003 (Police College, Ikeja, Lagos State, Police Detective College, Enugu, Police College, Oji River, Enugu State, Police College, Kaduna, Kaduna State, Police Staff College, Jos, Plateau State, Police College, Maiduguri, Mobile Police Training College, Gwoza, Borno State and Police Academy, Wudil, Kano State)

³⁶ Comrade John Augustine of the CDHR. Eze Harrison from NAVC also pointed out that because “people are smuggled into the force without being made to go through the normal recruitment process. Training is important”.

4.3.8 The Panel notes however, that notwithstanding the legal issues referred to above, the police training curriculum was reviewed in 2009, while in 2010/11 a draft curriculum which includes topics such as community policing, human rights studies and conflict management has been produced, but is not yet operational in police training, nor is it comprehensive in any case. Gaps are particularly evident in the perfunctory treatment of human rights and the failure to address issues such as domestic violence. Although the NPF has been repeatedly criticized for its refusal to act in cases of domestic assault and/or battery against growing evidence and data, which identifies domestic violence as a serious threat to vulnerable groups in Nigeria³⁷, the lack of improvement shows that this is an area where the training curriculum needs to be strengthened.

4.3.9 *Recommendations*

To address the limitations resulting from the current training curriculum the Panel makes the following recommendations:

- All police officers must be fully trained in the recognition, protection, gathering and handling of evidence. This should form part of their basic training.
- Instead of a single training manual that covers the entire NPF curriculum,³⁸ each area of training should be developed individually with separate curricula, manuals and levels of specialization or degrees of complexity. For example the curriculum on police investigation and intelligence duties could cover the whole gamut of forensic investigation (DNA testing, finger print processing, ballistics, blood spatter etc.) but because there will be varying levels of complexity in this area; fresh recruits should not be trained with the same curriculum on DNA for example, as an officer preparing to specialize as a detective after years in the field. Therefore curricula for each area should be developed according to the training needs of new recruits and those needed for continuous or further training of other police officers according to their rank, responsibilities and specialist skills.
- New areas of training and specialty must be introduced, while the quality and depth of training in other areas should be improved. Specifically, the curriculum for the police training should be expanded to include:
 - Forensics in crime management – the curriculum should cover all the various sciences relating to the management of crime and accident scenes, tracking and profiling of criminals.
 - Special Victims – this should cover special policing needs: crimes against the vulnerable members of the community such as women, children, the elderly and the disabled. It should also cover crimes involving sexual violence, domestic violence, child molestation etc.
 - Human Rights – this should be detailed and cover the Fundamental Rights guaranteed in the Constitution as well as other relevant international human rights instruments ratified by Nigeria. Training should emphasize the constitutional and moral mandate that the police have to protect and defend these rights
 - Police Prosecutors – members of the NPF who serve as police prosecutors need special training to understand civil and criminal procedural rules including jurisdiction issues as they apply to holding charges, the process for arraignment,

³⁷ The Gender in Nigeria Report 2012, Improving the Lives of Girls and Women in Nigeria, DFID & British Council p. 46 asserts that 1 in 5 females have been subject to verbal, physical or psychological abuse in the home.

³⁸ The current training curriculum is divided into the following main areas of police duties: (i) police administration, (ii) police investigation and intelligence duties, (iii) traffic duties, (iv) legal duties, (v) liberal studies and (vi) field studies)

bail etc. In the long term, this Panel recommends that the NPF also considers recruiting and hiring lawyers for the role of police prosecutors.

- Professional Ethics and Values – including a revised code of conduct which covers the relationship of the police with the public and appropriate behaviour in dealing with the public. It should deal with the behaviour of the police in order to address the public’s complaints about the loutish and boorish conduct of the police. It must include a social relations component aimed at “ensuring that the police are properly oriented to promote good relationships with the public and protect human rights and the rule of law in the country”.³⁹
- Policing Elections – this should address the role of the police during elections in a democracy and other areas of persistent complaint from the public in this regard. It should incorporate the Police Service Commissions Guidelines for Police Officers on Electoral Duty.
- Information Technology – this curriculum should address the fact that the police are not trained or equipped to use computers, GPS and other technology aids that can be used in mapping and solving crimes. Training should provide the police personnel with the skills to use modern equipment and teach them the benefits of the technology in solving and fighting crime.
- Public order policing – this should address crowd control, policing demonstrations, rallies and marches and all other situations where there are large numbers of people and emphasize non-violent methods of dealing with such situations.

4.4.1 CULTURE AND COMMITMENT TO TRAINING

Nobody looking at the condition of the NPF’s training institutions would be left in any doubt that there has been little commitment to training in the NPF. In memoranda and statements at the CSO Panel’s public hearings, the lack of interest in reviewing the training curriculum and the poor quality of training given to police recruits and police officers was repeatedly remarked on. It was emphasized that unlike the practice in the past, those posted to training institutions now are rarely the finest police officers sent to conduct training as a prelude to promotion, but rather, are those who are out of favour with the senior hierarchy. With the view within the NPF that training institutions are for “those who are not wanted”, it is hardly surprising that the quality of training is not up to the expected standard. Indeed, the poor culture and attitude toward training prompted the Yusuf Report to recommend that: “Every promotion in the Force should be preceded by successful completion of prescribed courses and examinations.”⁴⁰ However, this recommendation did not include details on what the qualifications and training requirements for various levels within the police should be, thereby leaving training needs for promotion unclear. It also failed to stipulate the standards required of instructors at police training institutions or to address the impact of corruption on the integrity of the training received or qualifications awarded.

- 4.4.2 The mass recruitment drive of 2000-2004 where over 40,000 new recruits each year joined the NPF also had a negative effect on training. One, this heavy intake of fresh recruits greatly over-burdened already strained training facilities, and two, the educational capacity and ethics of these recruits were of extremely doubtful integrity.⁴¹ As a result, they had difficulty absorbing such training as they did receive, and because their training

³⁹ CLEEN Foundation, 2008 “Memorandum to the Presidential panel on Police Reform in Nigeria” p 3

⁴⁰ Yusuf Panel Report 2008, p. 92

⁴¹ The Panel heard several complaints that recruits had been accepted with fake documentation and that there had been little scrutiny or verification of credentials that were produced, such that one recruit successfully passed himself off with a School Leaving Certificate issued to a female candidate!

seemed to make no impression on them but they nonetheless graduated out of these institutions as qualified police officers, it reinforced the sense that training was not important. The Panel was also told that police training institutions were not immune from corruption, and that many recruits – who had in several cases already paid their way into being recruited – simply paid their way through to graduating from police institutions.

- 4.4.3 Little or no information about the annual budget for training in the NPF was available, but it seems that insufficient budgeting, poor implementation and low monitoring and evaluation of the budget spend are consequences of the cavalier attitude within the police towards training. Previous committees have recommended that the training institutions be upgraded but it is difficult to see how this will address the disaster that has overtaken police training at the basic levels where the foundation and fundamentals of policing are to be set. Indeed, if the NPF is unable to manage such basic training or to change its poor training culture, the proposed Police University risks ending up as an empty prestige project. The upgrading will mean nothing if the same culture of withholding the necessary resources in terms of personnel, facilities and funds and merely awarding certificates that are not backed with the necessary content, is simply transferred to the new institution. The Panel is of the view that the acceptance and implementation of the Dan Madami Committee's recommendation to upgrade ought to spur the NPF to radically overhaul and improve its commitment to proper training at all levels.

4.4.4 *Recommendations*

To bring about the necessary change in the attitude and commitment of the NPF towards training, the Panel makes the following recommendations:

- The police should maintain, but strictly verify the qualification requirements for all members of the NPF, both senior members of the NPF and entry-level recruits. Entry level police constables should have a minimum of school leavers certificate with at least 5 credits or an OND or National Certificate of Education (from colleges of education)
- The recruitment of persons to be trained as police officers should be entrusted to an independent body known as the 'recruitment board' to be composed of police officers of the rank of Commissioner, representatives of civil society, recruitment experts and representatives of the Police Service Commission (PSC) and academia. The recruitment exercise should be transparent, rigorous and should include psychological tests and the profiling of recruits to determine their state of mind and moral uprightness.
- Although academic qualifications alone cannot substitute for sound police training, members of the police who are interested and have secured admission should be given study scholarships and study leave to improve their qualifications after spending a minimum of five years in the NPF.
- Constables should undergo refresher courses two years after basic training⁴² and should thereafter take regular training courses. These, together with the review and verification of qualification requirements are necessary to address the negative impact of the mass recruitment of 200,000 new police officers between 2000 and 2004, when those with low or dubious qualifications were able to make it into the NPF.
- Flexibility and autonomy should be introduced into planning the length of time for training, which should vary according to the level at which the recruit or particular officer is, the requirements of the specific curriculum being followed and where training is tied to promotion, on the specifications of the required training.

⁴² Yusuf Panel Report 2008, p. 92

- A specific part of the NPF's budget should be devoted to training. Training should have an explicit line within the budget that should be publicly available and subjected to proper assessment to ensure the budget's adequacy. The budget should also be monitored closely once it is made public to ensure that funds are spent for assigned purposes. This Panel also recommends that an analysis of the implementation of previous budgets should be done as a foundation for projecting the annual training budget for the next 3-5 years and determining whether training is receiving an adequate share of the total NPF budget. In the Panel's opinion, training and development (not including improvements to the infrastructure of the training institutions) should take at least 25% of the annual budget until the state of training has improved to the standards of benchmark jurisdictions.
- Diligent officers should be rewarded or encouraged with more training to help them excel within their areas of expertise. Training abroad and cross-posting to different parts of the world where there will be opportunities to work and learn should be offered to police officers who perform well on the basis of objective criteria, rather than – as is the present perception both inside and outside the NPF – being offered to those who are well-connected, seen as 'good boys' or able to pay their way through. This will increase respect for training and help change the attitude of the police towards training and technical expertise.
- Promotions within the police should be tied to professional and academic qualifications, or those who have acquired technical expertise. Where all other things are equal, preference should be given to those with academic qualifications, with a view to achieving a situation where all senior police officers hold university degrees.⁴³

4.5.1 THE STATE OF TRAINING INSTITUTIONS AND INFRASTRUCTURE

Several reports of previous panels on police reform to which the CSO Panel had access indicate that many of the NPF's training institutions⁴⁴ are in varying states of dilapidation and decay. These reports also reveal that existing training facilities are stretched well beyond capacity. This became woefully apparent in 2001 when Nigeria's four Police Colleges, which were designed to take 4,000 trainees for a six month period, were directed to train 40,000 personnel a year. Because little or no advance preparation was made for this massive increase in police recruits, this "turned the colleges more into concentration camps than training institutions".⁴⁵ With the gruelling and dehumanizing conditions to which they are exposed, it is hardly surprising that the police officers who 'graduate' from these training institutions have not just failed to learn the skills they need for effective policing, they have also become brutalized and ready to treat the public whom they are meant to protect with unnecessary harshness.

- 4.5.2 The infrastructure in most training institutions is broken, with no running water, no electric power and insufficient capacity. As a result those undergoing training are more concerned with meeting their day-to-day needs than benefiting from the training to which they are being exposed. While some basic training can be done without such

⁴³ This is in line with current trends worldwide. For example, the current head of the Metropolitan Police (New Scotland Yard) in the UK has a Master's degree in Law from the University of Oxford. He has a Diploma in Applied Criminology from the University of Cambridge and an MBA from the University of Sheffield.

⁴⁴ Eight specifically reviewed by the Police Service Commission in the 2003 (Police College, Ikeja, Lagos State, Police Detective College, Enugu, Police College, Oji River, Enugu State, Police College, Kaduna, Kaduna State, Police Staff College, Jos, Plateau State, Police College, Maiduguri, Mobile Police Training College, Gwoza, Borno State and Police Academy, Wudil, Kano State)

⁴⁵ CLEEN Foundation, 2008 "Motions without Movement: Report of the Presidential Committees on Police Reform in Nigeria" p. 95

infrastructure, the Panel can hardly imagine making progress in information and communications technology training without electricity. Institutions that are supposed to offer more specialised training are equally, if not more defective. The Dan Madami Committee described the Detective College in Enugu as: “grossly inadequate for the specialized training the institution was meant to offer” and recommended that it should be refurbished, and that a second Detective College should be established at Abuja. This is necessary to address the concerns of members of the public who complained at the public hearing about the lack of investigative and forensic capacity within the NPF and the need to improve training.

4.5.3 *Recommendations*

To address the decayed state of training institutions and infrastructure, the Panel recommends the following:

- The completion⁴⁶, modernization and refurbishment of all police colleges and training institutions to ensure that all have basic infrastructure: lecture halls, student accommodation and teacher residences, cafeterias, running water, constant electricity, clinics, recreational and other facilities. In addition, up to date equipment, tools, libraries, laboratories and physical training facilities must be provided.⁴⁷
- All training institutions should be audited every 5 years to ensure the facilities do not become run down and that they are maintained on a continuous basis.
- Adequate training kits for the police must be provided. Laboratories, gymnasiums, libraries, computer laboratories, shooting galleries and weaponry rooms must be well equipped to ensure that the police are familiar with these tools and skilled in handling them.

4.6.1 **THE QUALITY OF TRAINERS**

A major factor in the problems that the NPF is having with the training and development of police officers is the quality, expertise and commitment of the trainers themselves. Not only have their qualifications and expertise been questioned, their poor welfare package means that they are even more demotivated to perform than the police officers whom they are expected to train. The Panel learned that because postings to training institutions are seen as punishment postings, instructors at training institutions are hardly exposed to the most modern policing methods and techniques, or offered overseas training and cross-posting. Although submissions to the Panel emphasized the need for better training, such improvements cannot materialize if the trainers themselves are neither qualified nor committed.

- 4.6.2 The Panel agrees with the Yusuf Report recommendation about: “The re-training of the trainers centrally in a group or in groups locally or overseas ...”⁴⁸ and with its advice that “Trainers must be given incentives such as teaching allowances, welfare needs, such as housing (or the means to purchase their own houses) and schools for their dependents.”⁴⁹

4.6.3 *Recommendations*

To ensure that those training the police are better qualified and motivated, the Panel recommends that:

⁴⁶ Police training institutions are in varying stages of completion, but some have been occupying temporary sites for over 30 years.

⁴⁷ The Yusuf Panel Report 2008, estimated ₦19,951,777,126.12 for the refurbishment of police training institutions.

⁴⁸ Yusuf Panel Report, p 37

⁴⁹ Ibid

- The current culture within the NPF where training is considered to be punishment reserved for those out of favour must change. The best and brightest minds in the police should be encouraged (with perks and flexibility) to teach at any of the training institutions that are closest to their posting. Teachers and trainers – either from within or outside the NPF – should be periodically sent on overseas training or exchange programs with police organisations in other jurisdictions in order to improve the technical expertise of the NPF. Trainers and officers who teach should be encouraged, where appropriate, to contribute to academia by writing articles for publication.
- Trainers at the police training institutions should be accorded significant privileges whether or not they are members of the NPF. Full-time and part-time trainers must be accommodated, and compensated adequately.
- The training policy for the NPF should be revised to encourage and accommodate the use of academics from universities and think tanks to support the training curriculum, especially for specialized areas like human rights, criminal law, law of evidence, behavioural science etc. These academics should be compensated adequately for their expertise and time to ensure that others are encouraged to support the training of the police officers.

4.7.1 Conclusion

The need to improve on the standard and scope of training has been underscored time and again in previous police reform efforts and this Panel is doing the same. There is an “urgent need to review the content of police training in Nigeria, which has not changed since colonial times and has continued to emphasize brawn instead of brain”.⁵⁰ The changing dynamics of conflict in society demands that the capacity of the NPF should be constantly improved. Since March 2010, the NPF has had to deal with more incidents of terrorist bombing, crowd management and riot control than in previous years. The persisting crises in Maiduguri, Plateau State, Bauchi State, Yobe, Kaduna, Kano and other parts of the country are a challenge to the capacity of the NPF. Finding an appropriate response to terrorist attacks requires new skills, but if the NPF has been able to send any personnel to crash courses on combatting terrorism, the public is yet to be convinced that it has had any effect.

- 4.7.2 Across the country, Nigerians underscored the need to revisit the value system that drives the NPF and to accord priority to training and doctrine because these affect police effectiveness and service delivery. In his keynote address to the Lokoja public hearing, Professor Etannibi Alemika urged that training should not be reserved only for those officers due for promotion, but that it should be regular, with a view to creating a culture of service to Nigerians amongst the police. Police training in Nigeria should thus become the principal means by which police officers are equipped to meet the changing demands of their job, and by which new ideas, policies and learning are communicated to the body of the organisation.

⁵⁰ CLEEN Foundation, 2006. “Opportunity for Justice: A report of the Justice Olasumbo Goodluck Judicial Commission of Inquiry on the Apo Six Killings by the Police in Abuja p.15

CHAPTER FOUR

TERMS OF REFERENCE #3

5.1 INTRODUCTION

The third term of reference requires the CSO Panel to determine the general and specific causes of the collapse of public confidence in the police, and to recommend ways of restoring public trust in the institution. This is a recognition that public confidence and trust are essential for effective policing. As expected by this way this term of reference is framed, the Panel examined both the general causes of lack of public confidence and the specific causes.

5.2.1 GENERAL CAUSES OF LACK OF PUBLIC CONFIDENCE IN THE NPF

The Panel identified three general factors that have alienated the NPF from the people it is supposed to serve. These are: the colonial origin of the NPF and its impact on police functions which have endured to this day; the character of the Nigerian state and its government, and the highly centralized nature of the NPF.

5.2.2 Origin of the NPF

The literature on history of the police and policing in Nigeria is replete with accounts of the rich and diverse quasi-policing structures and strategies used by the communities and ethnic nationalities in the land that later became Nigeria to provide for the security of their persons and their property during the pre-colonial era.⁵¹ A common feature of the ‘rudimentary police’ forces that operated during this era was that they were drawn from and mostly rooted in the communities they served and therefore drew their authority from them. Hence securing the confidence and trust of the community was not a major challenge in this pre-colonial era.

5.2.3. The modern Nigeria Police Force however – armed, distinct and distant from civil society – is a colonial creation, motivated by the needs of colonial government for a punitive force that would be handy in holding the restive natives on a leash, leaving them free to proceed with the colonial plunder of their resources. Being aware of the motive of the colonial government in setting up police forces in various parts of Nigeria and later merging them to form the NPF in 1930, is important because it not only had a significant influence on the functions and powers of the NPF, but also affected the public’s perception of and level of confidence in the police.

5.2.4. The first police force in Nigeria was established with 100 men in Lagos in 1861 and was known as the Hausa Constabulary. The name derived from the fact the first recruits was drawn from the Hausa ethnic groups who at that time were strangers in Lagos. In a letter to the Duke of Newcastle, the colonial governor of Lagos, H.S. Freeman, revealed the advantage of an estranged police force to an occupying power:

“The men (Hausa men recruited into the force in Lagos Colony), being from the interior and professing the Mussulmen (Muslim or Islam) religion, are hated by the natives of these parts who have hitherto only known them as slaves. They (Hausas) are disliked by the Europeans as being of a more independent character than the

⁵¹ See T.N. Tamuno (1970), *The Police in Modern Nigeria*, Ibadan: Ibadan University Press; T. N. Tamuno (1993), ‘Crime and Security in Pre-colonial Nigeria’, in T.N. Tamuno et al. (eds.), *Policing Nigeria: Past Present and Future*, Lagos: Malthouse Press Limited, 1993; E.E.O Alemika and I.C. Chukwuma (2000), *Police Community Violence in Nigeria*, Lagos: Centre for Law Enforcement Education, 2000.

Lagos people. They thus have only the government to depend on, and if properly managed, will prove a valuable resource to this settlement.”⁵²

- 5.2.5 Thirty years later, another colonial governor of Lagos was still extolling the virtues of using strangers to police strangers:

“In our Hausa force we have a body of men dissociated from the countries immediately around Lagos both by birth and religion, and who are as a matter of fact the hereditary enemies of the Yorubas. This is such an enormous advantage in any interior complication [opposition to colonial rule] that I should be sorry to see it abandoned.”⁵³

Indeed, the practice remained in place throughout colonial rule, building a legacy of alienation of the police from the people.

- 5.2.6 After independence, successive governments (civilian and military) neither deviated from colonial policing philosophy, recruitment policies, and deployment strategy nor transformed the police from a colonial occupation force to servants and protectors of the ordinary people. As has been noted elsewhere:

“The parties that assumed power after independence found it more convenient to retain all colonial structures of coercion ... in dealing with the people. Therefore, instead of major reorganisation of the police force ... what was witnessed was a ceremonial oath transferring the allegiance of the Force from the British Crown to the Federal Republic of Nigeria and change of their former crests bearing the symbol of the British crown to the Federal Coat of Arms. All other features of the police that made them widely feared and despised under colonial rule were left untouched.”⁵⁴

- 5.2.7 During the CSO Panel’s public hearings, the police were variously described as “Any Government in Power”, “servants of ruling parties”, “VIP servants”, “on sale to the highest bidder” and “an agency that offers security to the rich – and *only* the rich – leaving the poor and the less privileged vulnerable.” All these are symptoms of a policing philosophy in which the wellbeing or concerns of the policed population comes a distant second to the need to satisfy political masters. That philosophy manifests in the attitude of police officers as they deal with ordinary members of the public, whether as suspects or victims, where they exhibit high levels of incivility, unprofessionalism, lawlessness, arbitrariness, insensitivity and corruption. Unsurprisingly, this attitude fuels distrust and lack of confidence. Therefore, any serious effort to improve the trust and confidence of the public in the police must include a fundamental rethinking and reorientation of the NPF away from the mindset of an occupation force lording over the people, and towards one where police officers see themselves as the people’s servants and protectors.

5.2.8 The Character of the Nigerian State/Government

⁵² Letter from Governor H.E. Freeman to the Duke of Newcastle on December 31, 1863, quoted in E.E.O. Alemika and I.C. Chukwuma (2000), *Police Community Violence in Nigeria*, Lagos: Centre for Law Enforcement Education., P.31

⁵³ Letter from Governor Denton to London, 1893

⁵⁴ Innocent Chukwuma (1997) "The Legal Structure of the Police and Human Rights in Nigeria," *Third World Legal Studies*: Vol. 14, Article 4

Police culture theorists argue that the police mirror and perpetuate the power differences in the society they police. According to Robert Reiner: “The police officer is a microcosmic mediator of the relations of power in a society.”⁵⁵ Elsewhere, it has been argued:

“In a totalitarian and economically inequitable society, police role will be more to defend the *status quo* of political oppression and economic injustice. In contrast, in a democratic society the police are more likely to provide services that will enhance development and democracy.”⁵⁶

- 4.6.2 From the time it was cobbled together by the British colonial government in 1914 to the present day, the Nigerian state itself has been maintained mostly by force of arms. It has not been about the people and has never pretended to prioritize their interests or concerns. Language such as “Nigerian unity is non-negotiable” or “To keep Nigeria one is a task that must be done” does not admit any idea of a free decision by the people. As a result, the agencies established by the state, especially coercive agencies such as the NPF, have been used – not to serve the people – but to maintain and reinforce the reality of occupation to the point that the people can be said to have been held hostage by the Nigerian state from its inception.
- 4.6.3 At Independence in 1960, the first set of Nigerians who assumed power when colonial rule ended had a unique opportunity to re-engineer the state and redirect it from an oppressive state to one that existed to enforce the social contract of guaranteeing the security and welfare of the people. This did not happen. Instead, the new government maintained the colonial security apparatus, including the police.
- 4.6.4 Since then, the twin challenges of military dictatorship and fraudulent elections have reinforced the predilection of Nigerian governments to maintain a coercive security machinery: the effect of which has been to maintain and even reinforce the alienation of the police from the people with the resulting loss of trust and confidence.
- 4.6.5 The military takeover of power in 1966 and subsequent appointment of the Inspector General of Police and his deputy as members of the Federal Executive Council under Major General Aguiyi Ironsi led to a marriage of convenience between the police and the military, which neither improved the relationship between the police and the people, nor enhanced the efficiency of the police in discharging their functions.⁵⁷ As observed elsewhere:

“The population of soldiers at the time of the first military take-over of government in January 1966 was about 11,000 and the police was the only federal law enforcement agency that had presence throughout the country. It became clear that the army could not effectively rule without police assistance. Subsequently, police personnel were appointed into successive military regimes in Nigeria. Thus apart from carrying out their traditional law enforcement functions, the Nigeria Police Force also participated in drafting draconian decrees by military regimes.”⁵⁸

⁵⁵ Robert Reiner (2000), *The Politics of the Police*, New York: Oxford University Press, p.88.

⁵⁶ See E.E.O Alemika and I.C. Chukwuma (2002), *Analysis of Police and Policing Nigeria*, Lagos: Centre for Law Enforcement Education, p.3

⁵⁷ See S.A. Asemota (1993), “Policing Under Civilian and Military Administrations”, in T.N. Tamuno *et al* (eds.), *Police Nigeria: Past, Present and Future*, Ibadan: Malthouse Press Limited. p.397; I.C. Chukwuma, (1998), “Police Powers and Human Rights in Nigeria”, *Law Enforcement Review*, January – March, 1998, p. 27.

⁵⁸ Op. cit.

4.6.6 Under civilian rule, the use of the police to perpetrate electoral fraud and assist ruling parties and governments to remain in power, irrespective of the wishes of the people as expressed through votes cast, has been so eloquently captured and documented in the reports of domestic and international election observers not to warrant repeating here. Suffice to say that such practices hardly yield high regard, trust or confidence in the NPF. But what this history means is that any efforts to reverse the collapse of public confidence in the police outside the wider issue of the character of the Nigerian state and government, and the need to make them more accountable and responsive to the needs of the people, are likely to be merely cosmetic, and to achieve only limited results.

5.3.1 **The Centralized Nature of the Police Force**

The present highly centralized and hierarchical structure of the NPF was identified as a major impediment to building community trust and confidence in the police at the public sittings organized by the CSO Panel. Many of the participants expressed the view that policing is a local affair and that successful policing depends on local knowledge, with information and support from local people. Perceiving that Nigeria's centralized police have not been able to respond effectively to the rising crime and security challenges in the country, some participants recommended the establishment of state police, others called for local government police while others proposed greater local autonomy within the NPF.

5.3.2 In the Panel's view, the existing structure of the police, led by an Inspector-General of Police who is answerable to the President, may be incompatible with a 'people's police'. Police personnel do not behave as though their primary responsibility is service to the people. In this regard, the Panel agrees with the 2005 Justice Olasumbo Goodluck Commission of Inquiry⁵⁹, which concluded that the NPF is: "... an unfriendly organisation whose officers are generally high-handed and abrasive, always using their position to take unfair advantage of people ..."⁶⁰ The Panel also agrees with the 2008 Mohammed Dikko Yusuf Committee, which found that: "... the negative image of the police in the eyes and minds of the public arose from the high level of crimes in the force and its failure to carry out genuine police functions successfully",⁶¹ adding that "... instead of becoming a public asset ... the police have become a public burden."⁶²

5.3.3 The Panel observes however, that neither of these, nor the 2007 Presidential Committee on the Reform of the Nigeria Police Force headed by Alhaji Muhammed Dan Madami made any recommendations on how to deal with these general causes or external factors responsible for public distrust of the police, although they recommended that calls for State Police should be rejected outright.

5.3.4 *Recommendations*

To address these general causes of public distrust of, and loss of confidence in the NPF, the CSO Panel makes the following recommendations:

⁵⁹ The Judicial Commission of Inquiry on the Apo Six Killings by the Police between 7th and 8th June 2005 in Abuja led by Justice Olasumbo Goodluck investigated the extrajudicial execution of six persons by police officers in Abuja in June 2005

⁶⁰ Report of the Judicial Commission of Inquiry on the Apo Six Killings by the Police between 7th and 8th June 2005 in Abuja: Main Report, Vol. I, Chapter 3, para. 1.2

⁶¹ Federal Republic of Nigeria, Presidential Committee on the Reform of the Nigeria Police Force, Main Report, Vol. 1, p. 196 (April 2008), hereafter referred to as Yusuf Committee Report.

⁶² Ibid. p. 33.

- Re-orientation/sensitization programmes should be designed for both the police and the public, to build trust. While the police need to be re-oriented as to the primary functions of the police, namely protection of life and property, and service to the people; the public must understand clearly the duties of the police, and the challenges that they sometimes encounter in carrying out their duties.
- Monthly meetings of police-public fora should be held at divisional level to promote trust and confidence in the police.
- Misuse and abuse of the police by politicians, government officials and the rich, must be curbed, and there should be effective implementation of the laws prohibiting the use of regular police by this category of people. The Panel recommends that only the VIP protection unit should be used, in a strictly limited manner, for that purpose.
- Rather than outright rejection of the idea of state police, the government should consider it objectively, weighing the merits against the demerits against other options.

5.4.1 **SPECIFIC CAUSES OF COLLAPSE IN PUBLIC CONFIDENCE**

In the oral and written presentations to the Panel during its public sittings, discussions invariably came down to three areas that are at the centre of public dissatisfaction with the police and are thus major causes of the collapse of public confidence in the NPF: Police performance in crime control; police conduct while on and off duty; and cost efficiency in the utilization of the limited resources and associated issues of extortion and acts of corruption.

5.4.2 **Police Performance in Crime Control**

With a perceived rise in violent crimes such as robbery, kidnapping, homicide and terrorism, the apparent inability of the police and other security agencies to solve them by bringing perpetrators to justice has left the public not only losing confidence in the police but also resigned to their fate or resorting to self-help in seeking solutions to their crime and security problems. The major reasons given to the Panel are that the police are very slow in responding to distress calls by victims, and that when they do intervene, they are unable to properly investigate crimes reported to them or gather evidence that will lead to the successful prosecution of suspects, preferring to extort money from complainants and extract confessions from suspects.

5.4.3 As a result, few victims of crime report to the police. The findings of the 2012 National Crime and Safety Survey conducted by the CLEEN Foundation revealed that only 2 in every 10 victims of crime in Nigeria (21%) reported to the police, a figure which, though low, is still higher than that of 2011 when only 16% of victims reported. Of these, less than half (48%) were satisfied with how the police handled their cases, and this means (barring any administrative requirements for a formal record) that more than half of the victims who reported crimes in the past, may not do so again if they become victims of crime, because of dissatisfaction with police performance. When asked the reasons for their dissatisfaction, two-thirds (66%) cited police ineffectiveness. Other reasons were corruption (17%), inadequate feedback (12%) and police insensitivity (5%).

5.4.4 *Observations*

The panel is of the view that the inability of the police to perform optimally in crime control is as a result of poor recruitment and training, logistics crisis and inadequate facilities for criminal investigation. This is consistent with the observation of the M.D. Yusuf Committee on Police Reform, which noted in its reported in 2008 that police investigation in Nigeria

hardly goes beyond taking statements and coercing suspects to confess.⁶³ Two years earlier, the Dan Madami report had similarly noted in 2006:

“There is only one trained ballisticsian left in the Force and we were told he would soon go on retirement. There are no more fingerprint experts and the forensic laboratory has not taken off. The Police dogs have either been retired or starved to death ... The Police pathologists are few and the hospitals are not well equipped.”⁶⁴

5.4.5 Without the necessary training, skills, modern equipment, logistics and infrastructure to support crime fighting and criminal investigation, the NPF is institutionally unable to perform effectively in crime control, which in turn erodes public confidence.

5.4.6 *Recommendations*

Many of the Panel’s recommendations in addressing police poor performance in crime control are captured in Chapter 2 above, which focuses on factors militating against effective performance by the police. However, in regard to the specific issue of loss of public confidence, the Panel makes the following recommendations:

- The Criminal Investigation Bureau (CIB) and the Criminal Investigation Department (CID) should both be totally re-organized to strengthen their capacity and effectiveness, particularly with regard to intelligence gathering, good and proper use of information received, and forensics. In this regard, the NPF must ensure that only competent, well-trained men and women of integrity are posted to the CIB and CID. These officers should also undergo regular refresher courses in order to keep up to date with existing and emerging challenges in crime and in criminal investigation techniques.
- For an improved and speedy response to distress calls, unified simple emergency numbers should be established and fully maintained and staffed with personnel who are trained to take emergency calls and direct them to the appropriate agency. This is already operational in Lagos State through the 767 emergency number, but the National Communications Commission must now implement the terms of licences granted to telephone operators in the country and ensure nationwide coverage with full and effective back up. The police must also equip themselves with up-to-date street maps and other navigational aids to speed up their response to emergency calls as well as facilitate access to other sister emergency services.
- The Panel agrees with the Yusuf Panel that a central forensic laboratory in Abuja, supported with laboratories in each of the country’s six geo-political zones, should be established and operated by trained officers and civilians. However, the CSO Panel wishes to emphasize that such laboratories will be ineffective in investigating crime or bringing offenders to book if the ordinary police officer who is likely to be the first responder at a crime scene remains untrained in protecting the integrity of crime scenes, gathering and handling forensic evidence.

5.5.1 **Police Conduct On and Off Duty**

Another factor that impedes public confidence in the NPF is the conduct of police officers in the performance of their duties and in relating with members of the public while on and off duty. A disturbing list of such objectionable behaviour was chronicled during the CSO Panel’s public hearings and included:

- Incivility, abusive language, and shouting

⁶³ Yusuf Committee Report, p. 145.

⁶⁴ Madami Committee Report 2006, Vol. II, p. 31 (2006).

- Human Rights abuses including torture, arbitrary arrest, illegal detention, and extra-judicial killings
- Dictatorial and undemocratic response to public protest
- Poor public presentation
- Sexual abuse
- Insensitivity to gender crimes
- Lack of coherent institutional mechanism for police accountability

5.5.2 **Incivility**

The bulk of public complaints against police conduct relate to incivility. On the road (patrolling or at checkpoints) and in police stations, the boorish behaviour of police officers is a major source of public distrust and diminished confidence in the police. Police officers subject members of the public who come into contact with them to snappy treatment, verbal abuse, lewd jokes, harassment and intimidation. The level of ridicule and indecent remarks aimed particularly at victims of gender crimes amounts to double victimization and many victims are discouraged from pursuing their quest for justice.

5.5.3 *Observations*

The Panel notes that the NPF did not escape the militarizing effect of years of military rule in Nigeria: indeed, a retired police officer who participated at the public hearings seemed almost bewildered at the idea that the word ‘force’ might be removed from the name of the NPF, seeming unable to conceive how he would have been able to relate to members of the public if he did not have “the word ‘Force’ to let people know ...”⁶⁵. It is thus not surprising that police officers behave as if they have do not know how to address members of the public authoritatively yet politely; and often confuse the former as meaning shouting.

- 5.5.4 The Panel recognises that police officers are themselves often subject to abuse and contempt from the public. Studies have shown that members of the public sometimes resent the police even when they are carrying out their functions lawfully, partly because of widespread public ignorance of what the police are permitted to do and not do under the law.⁶⁶ However, the panel believe that proper training of police officers in public relations and sensitivity to the needs of vulnerable groups will not only equip the police to handle such situations in a professional manner, but will also show how such an approach can be more effective than shouting and abuse. Members of the public also need to be educated on the important role and functions of the police in a democracy and their limits under the law.

5.5.5 *Recommendations*

- The police should be trained in public relations so that they are better equipped to communicate and relate to members of the public in ways that uphold human dignity while at the same time preserving police authority;
- Awareness programmes on the role and functions of the police in a democracy and problem-solving techniques should be organized through community policing fora and Police Community Relations Committees (PCRC).

5.5.6 **Human Rights Abuse**

The flagrant abuse of human rights by police officers is arguably the number one cause of collapse of public confidence in the police. In its public hearings, the Panel heard harrowing

⁶⁵ CSO Panel public sitting at Yola.

⁶⁶ Refer to E.E.O. Alemika and I.C. Chukwuma (2000), Police Community Violence in Nigeria, Lagos: Centre for Law Enforcement Education,

allegations of police brutality to suspects, their relatives and friends, with little regard for the presumption of innocence to which those accused of committing, abetting or condoning crimes. Because of the poor police record with regard to bringing charges or prosecuting cases to conviction, that presumption of innocence has not been rebutted in most cases, yet those who fall into the police net still end up paying a very heavy price because of human rights abuse by the NPF. Moreover, where those who can rightly be described as ‘victims of the police’ are generally perceived to be innocent, the effect is to almost completely destroy public trust in the NPF.

5.5.7 The level of human rights abuse by the NPF was seen by most participants at the CSO Panel’s public sittings as so bad, that most considered the situation to be irremediable, and some argued that the only solution was the complete disbandment of the NPF. It was noted that the systemic abuse of the powers of arrest and detention form the gateway to most of the other abuses to which Nigerian citizens and others are subjected at the hands of the police who are not only supposed to be their protectors, but the very embodiment of the law. Yet following arbitrary arrest and detention come reports of rape, beatings, torture with all kinds of implements, maiming of suspects while in detention (generally by shooting them in the joints or limbs), refusal to offer medical assistance and extrajudicial executions. In one egregious case, an alleged suspect was shot, thrown into the bush and left to die but survived due to the intervention of villagers.

5.5.8 It was also not lost on participants that most of the victims of these abuses were either the poor and disadvantaged, or were people who had become involved in disputes with the rich or powerful. The latter became victims because the police took sides with those who had the capacity to offer them bribes, although they also displayed a chilling and cynical readiness to continue extorting money from either side, since in such cases, even those with little means had to struggle to find money with which to bribe the police in order to escape rape, beating, torture or maiming, or to be allowed access to medical treatment.

5.5.9 The accounts related to the Panel are consistent with the findings of several studies by not only CSOs, but previous Police Reform panels and committees established by the government itself. In 2010, the Network on Police Reform in Nigeria published the report of its multi-year study in which it concluded that the NPF has become a criminal force and that the institutional culture was one of approving or tolerating abuse of human rights by its personnel. According to the NOPRIN Report:

“Police in Nigeria commit extrajudicial killings, torture, rape, and extortion with relative impunity. Nigeria Police Force (NPF) personnel routinely carry out summary executions of persons accused or suspected of crime; rely on torture as a principal means of investigation; commit rape of both sexes, with a particular focus on sex workers; and engage in extortion at nearly every opportunity. Nigeria’s government has previously acknowledged these problems and promised to address them. But as this report demonstrates, the government has allowed the abuse to continue, and there is virtually no accountability for it.”⁶⁷

5.5.10 In 2008, the M.D. Yusuf Committee had similarly concluded that policing in Nigeria was characterized by a pattern of:

⁶⁷ See NOPRIN and Justice Initiative (2010), *Criminal Force: Torture, Abuse and Extrajudicial Killing by the Nigeria Police Force*, New York: Open Society Institute, p.11.

“... unlawful arrest and detention, extortion, torture, rape, extrajudicial killings and other forms of brutality. The negative image of the police in the eyes and minds of the public arose from the high level of crimes in the force and its failure to carry out genuine police functions successfully.”

That particular committee concluded that “instead of becoming a public asset therefore, the police have become a public burden.”⁶⁸

5.5.11 *Observations*

The CSO panel notes that although past government committees on police reform warned that poor training, lack of funding for intelligence and scientific investigation had left the police in a situation where the only tools easily to hand were brute force and torture which were used to force confessional statements from suspects, the same complaints still surfaced at its own public hearings. This indicates that not much has been done to combat the wholly reprehensible conduct complained of. When report after report shows that the government is fully informed and aware of abuses by the NPF, and has been advised how to address those abuses, yet is seen to have done nothing, public cynicism and the complete erosion of confidence in the police is the inevitable end result.

5.5.12 *Recommendations*

- Respect for human rights must be prioritised in the NPF through training, a sanctions regime, the establishment of units responsible for investigation of rights abuse and adequate resourcing of the unit to enable it to perform at its best.
- Human rights must form a central part of the basic training of police officers, with regular refresher courses. The course content should include the fundamental rights guaranteed by the Constitution and the rights of persons with regard to arrest, detention and bail.
- Standard, accurate and up-to-date records of arrests, detention, injuries or deaths in custody, and firearms incidents must be maintained by all police stations and detention facilities, without exception. These records should be submitted to the Police Service Commission on a quarterly basis, and to the National Assembly annually. Such records should thereafter be publicly accessible.
- The Police Service Commission and the National Human Rights Commission should vigorously exercise their right to inspect all police stations without notice, and ensure that all records are up to date, with particular emphasis on preventing lengthy police detention.
- In addition to institutional liability, any police officer involved in human rights violations must be held personally accountable through both administrative and judicial processes, and subjected to sanctions and punishment. Mere dismissal or suspension for abusing human rights should not be seen as a substitute for criminal prosecution where appropriate.
- Magistrate courts should be designated to sit at weekends to hear the cases of detained suspects. Police officers must ensure that those arrested and detained are brought before such courts within the reasonable times stipulated in the Constitution.

5.5.13 **Denial of the Right to Peaceful Assembly**

The hostility of the police to the public right to peaceably assemble and their use of teargas, violence and firearms against unarmed protesters was strongly condemned during the CSO Panel's public sittings. Even stronger objections were raised to the carelessness of police

⁶⁸ Quoted in Criminal Force, p.21.

action against protesters, and reference was made to the killing of Abiodun Ademola who was shot when the police allegedly shot into a crowd of youths who gathered to play football on the street and read newspapers while a protest was being held against the Federal Government's removal of fuel subsidy. Although in that case, charges were brought, this was ascribed to public protests and the circumstances under which the killing took place. More commonly, police abusers of human rights enjoy impunity from their colleagues, and in the few cases where charges are brought, the police barely co-operate with prosecutors and very few convictions are recorded.

5.5.14 *Observations*

It is regrettable, but not entirely surprising, that panels established by the Federal Government have failed to consider the negative impact that police interference with protests has had on public trust and confidence in the NPF. The CSO Panel is of the view that government cannot be exonerated from responsibility for abuses by the police which arise from interference with the public's right to peaceful assembly and association, a right which is guaranteed by section 40 of the Constitution. Where protests are directed against government, it often deploys the police to disperse the protesters with force or the threat of force, while the organizers of protests have often been arrested. The CSO Panel also considers that the political control by which the Inspector-General of Police is directly answerable to the President is responsible for the hostility that the NPF shows to those engaged in protest against the actions of government.

5.5.15 *Recommendations*

- Section 215(3) of the Constitution which requires the Inspector-General of Police (and thus the entire NPF) to take directives from the President, should be repealed.
- Government must scrupulously respect the people's right to peaceful assembly and association. It must desist from using the police to scatter peaceful protests, particularly where these have not resulted in breakdown of law and order.
- The police must be trained in peaceful crowd control, and must be deployed to protect the people's right to protest.

5.5.16 **Poor Public Presentation**

In several memoranda and at each of the public hearings, the poor public presentation of the NPF and its members were sharply criticized, and cited as a major cause of lack of public confidence in the police. Indeed, it is not too much to say that the unkempt and unfit appearance of police officers, the shabby and often stinking police stations, and the filthy and dilapidated police barracks have created a deep contempt for the police in the minds of the public.

- 5.5.17 The police officer in the public eye does not often inspire confidence or respect. Obsequious greetings such as "Your boys are here Sir!" to motorists driving expensive cars at checkpoints in solicitation of tips instead of professionally assessing the occupants of vehicles make police officers look like beggars. This is coupled with the shabby way some police officers dress, with torn and faded uniforms, worn out slippers or sandals, complemented by guns that are often held together by tape. Participants at the CSO Panel's hearings also noted that the standard kit issued to police officers includes little or no equipment, handcuffs or truncheons, while the way police officers handle the large AK47 sub-machine guns issued to them – slung across their bodies or dangling from their shoulders with pieces of string or what appears to be clothes line twine – does nothing to inspire confidence that the same may not result in death by 'accidental discharge'. Instead of modern shoulder radios, the Nigerian police officer often has to rely on his or her own

mobile telephone, for which there is no funding support. Police officers were also criticised for appearing unfit, obese and pot-bellied. The Nigerian public is now sufficiently exposed to images of police officers abroad, and can longer accept that their own police should look different. Contributors remarked that while they have a predilection for behaving with arrogance and brutality to ordinary citizens, few police officers seem able to carry themselves with pride and confidence: instead many can be seen slouching around in public, begging and scrambling for money and tips, eating – and even brawling – in public.

5.5.18 Apart from the appearance of the police officer among the public, the deplorable condition of police stations was also strongly criticised in submissions to the CSO Panel. Few police buildings, even at the National Force Headquarters in Abuja, give the appearance of modern, business-like environments where serious crime prevention, detection and control is being undertaken using the technology and facilities available to 21st century policing. Instead, police stations are most often dingy places, which, even when they enjoy electricity supply, remain ill-lit, dirty and shabby. Few have functioning toilets or running water. Facilities for taking statements are rudimentary, and public respect is further diminished when they are required to purchase ordinary stationery for use in investigating complaints. With these basics usually missing, it is not surprising that computers, access to databases and other technology are rare in Nigeria's police stations.

5.5.19 The third aspect of the poor public presentation of the NPF that destroys public confidence is the appearance of police barracks. An architectural student who participated in the public hearings informed the CSO Panel that in an exercise by which they had been required to design barracks for different services, they had been asked to bear in mind, when preparing their designs "... that the police is known to be very dirty." Indeed, police barracks are notorious across the country for their filthy condition, although some participants asserted that many people living there are not serving police officers. There seems to be little systematic approach to maintenance and cleaning, nor is there a meaningful programme of regular inspection of either police stations or police barracks.

5.5.20 *Observations*

The Panel observes that funds provided for the welfare, wellbeing and maintenance of police personnel, their families, accommodation and offices, are inadequate and have in the past been delayed, diverted or stolen outright. The Panel considers this dangerous, as police personnel who are not well catered for are stripped of their own dignity, and will in turn find it difficult to be civil and respectful when dealing with members of the public.

5.5.21 *Recommendations*

- Police officers must be paid their salaries and allowances as and when due. The NPF should institute a direct payment system which eliminates opportunities for diverting funds allocated for salaries and other aspects of police officers' welfare, but pending the development of such a system, strict sanctions must be applied to anyone responsible for delaying or diverting officers' salaries and allowances.
- The NPF should review the standard kit issued to police officers and ensure that it includes communications and other crime-fighting equipment that will equip them to do a professional job.
- The NPF should ensure that the quality of the materials used for police uniforms is improved and that accessories such as belts, boots, sweaters and raincoats are provided and upgraded. Regular kit inspections should be carried out to ensure that uniformed police officers are smartly dressed at all times.

- Police officers must be required to meet certain standards of physical fitness, with regular fitness tests. To ensure this, every police station should have access to a fully equipped gymnasium.
- An urgent nationwide audit of police stations and barracks must be carried out with a view to renovating and maintaining them. All stations must be provided with electricity and running water. Government should consider whether the design of police stations is fit for purpose, and if necessary, commission new designs.
- Cleaning contracts with security-cleared companies should be entered into for the maintenance of police stations and barracks. Regular inspections must be carried out by senior officers, with sanctions for dirty and unkempt premises

5.5.22 Sexual Abuse

Sexual abuse and rape by policemen, especially of female suspects and detainees, is another reason why the public – and women in particular – have lost confidence in the police. It is a routine but unspoken aspect of policing in Nigeria. The Yusuf Committee acknowledged that rape is one of the forms of police brutality committed against the public.⁶⁹ Reflecting on this reality in an article in January 2009, one commentator regretted that:

“... the big scandal is that the police are not interested in prosecuting rapists. The police station itself is a rape centre ... We have a country where it is risky for a woman to be detained overnight in any police station.”⁷⁰

Some female detainees have reported being sexually abused by the police, including being raped and having pepper spray used on their genitals. Referring to sex workers, whom the police often “raid”, arrest and detain for soliciting, a police officer in Ikeja, Lagos State, described raping them as one of the “fringe benefits attached to night patrol.”⁷¹ However, sexual abuse is not limited to female detainees. NORPRIN informed the Panel that male detainees that it had interviewed had described being tortured by having sharp objects inserted into their genitals.

5.5.23 Observation

In a report on sexual violence by internal security agencies in Nigeria issued in 2006 Amnesty International alleged that:

“Nigerian police force and security forces commit rape in many different circumstances, both on and off duty. Rape is at times used strategically to coerce and intimidate entire communities.”⁷²

The CSO Panel regrets that little seems to have changed in the years since this report, or indeed, similar observations in previous reports by government-established committees despite several proposals to tackle the problem of sexual abuse in police stations that the NPF could have implemented with little or no cost, if the political will to do so had been present.

5.5.24 Recommendations

To eliminate the problem of sexual violence perpetrated by police officers, the CSO Panel makes the following recommendations:

⁶⁹ Yusuf Committee Report, p. 196

⁷⁰ Reuben Abati, “Queen Okoye: Raped by the Police,” *The Guardian*, January 30, 2009, p. 51.

⁷¹ NORPRIN interview with a police officer, Ikeja, Lagos State, May 2007

⁷² Amnesty International, “Nigeria: Rape: The Silent Weapon,” AI Index: AFR 44/020/2006, November 2006, p. 1

- The conduct of male police officers while responding to or investigating cases involving women and while on deployment to communities in conflict should be closely monitored to ensure that they do not perpetrate sexual abuse.
- Women police officers should be on duty in any police station where female suspects are detained overnight. If none is available, such suspects must be taken to the nearest police station where women police officers are on duty. However, such officers must be free of the indoctrination of subordination that affects many women police officers.
- Victims of sexual abuse by the police must be encouraged to report their experience rather than succumb to the present tolerant attitude, which suggests that police authorities see such abuse, especially when it involves prostitutes, as 'fringe benefits'. A clear message must go out that the era of impunity in respect of such crimes is over, and every allegation of rape or sexual abuse against police officers must be investigated. Offenders should be held personally accountable, and brought to book through both administrative and judicial processes.

5.5.25 **Insensitivity to Crimes Against Women**

Similar to the problem of sexual abuse committed by police officers against female suspects is the problem of the insensitivity with which the police treat victims of gender crimes such as domestic violence and rape when they report their experience. This amounts to secondary or double victimization of women. Such cases came out strongly during the public hearings when the public were explaining why they had no confidence in the NPF. Not only do the police ridicule and trivialize cases of domestic violence and rape, they go further and blame the victims for their victimization. This has led to a low reporting rate, for rape in particular, a crime for which victims already risk social stigmatization. Indeed, in the CLEEN Foundation's 2011 National Crime and Safety Survey, police insensitivity, followed by societal stigma, were cited as the major reasons while victims of gender crimes do not report their experience to the police and why only one per cent of them admitted to being victims of rape.⁷³ In the circumstances, it is hardly surprising that a similar report by Project Alert on Violence Against Women in November 2011 confirmed that women and young girls, whether as suspects or as victims, lacked confidence in the police.⁷⁴

5.5.26 *Observations*

Police personnel lack the knowledge and skills to respond sensitively to gender crimes, as they have not been trained in policing vulnerable groups.

5.5.27 *Recommendations*

- Under the general human rights training recommended above, a module dealing with human rights and gender-based violence should be part of the basic training received by every fresh recruit, so that police officers will be exposed to the issue right from the start of their policing careers.
- A specialised training programme on policing gender crimes should be introduced, and only officers (whether male or female) identified from the general course to be interested and committed to the issue should be nominated to undergo such training.
- A gender crimes section should be set up at the Area Command level in states, to respond to gender crimes. Only officers who have undergone specialised training should man this section.

5.5.28 **Lack of Institutional Accountability**

⁷³ See CLEEN Foundation's Policy Brief, No. 002, October 2011.

⁷⁴ Project Alert on Violence Against Women, 2011. Abused: Violence Against Women in South West Nigeria

A disturbing aspect of police misconduct in Nigeria is the impunity enjoyed by most violators. Most police officers who violate human rights go unsanctioned and unpunished.⁷⁵ The NPF is yet to prioritize discipline and disciplinary mechanisms as tools that should be used in a fair, consistent and transparent manner to punish erring officers and remove those who constantly undermine police effectiveness. The Panel was told that only a clearly demonstrated rejection of this policy of impunity and virtual immunity for police officers, and the open embrace of a policy of accountability for erring police officers would boost the confidence of the public in the police and improve the relationship between them.

5.5.29 So far, the discipline of erring police officers has been largely episodic rather than systematic, and reactive rather than proactive. It is usually only when the police are the subject of public protest or condemnation in the mass media for gross violations of human rights, such as the Apo Six extra-judicial killings, or when the victim is a prominent person, that there may be a public show of punishment through a quickly organised Orderly Room trial and the subsequent dismissal of the officers in question. But in the remote corners of the 774 local government areas in Nigeria where policing takes place, there are no coherent, systematic and adequately resourced mechanisms for holding police officers accountable for violations of rights or and other acts of misconduct. Such mechanisms as there are, appear unwieldy or haphazard in coordination. A review of internal disciplinary mechanisms in the NPF shows that they are highly discriminatory against the poor, and accorded little priority. Comments by those who made submissions to the CSO Panel showed that the general public is also aware that disciplinary procedures are often applied selectively as a means of dealing with police officers who have fallen foul of one superior officer or offended a rich or well-connected person. Thus even where disciplinary measures are taken, they may fail to boost public confidence.

5.5.30 Similarly, oversight mechanisms such as those of the Police Service Commission, Ministry of Police Affairs, National Assembly Committees on Police Affairs on Police Affairs and the National Human Rights Commission are only paper tigers. In the case of the PSC, it relies on the police for investigation of complaints sent to it, which in the final analysis is as good as taking the complaint back to the institution responsible for the abuse. Although the PSC Act stipulates that one of the departments to be maintained by the Commission is an Investigation Department, in practice, it performs little more than receiving documents and preparing them for review by the Commissioners. While the NPF has mounted a successful campaign against any independent or forensic capacity in the PSC, its ultimate ambition is to abolish the PSC's investigation department completely, as the NPF's proposals for legislative amendments to the PSC Act showed.

5.5.31 The CSO Panel also learned that the NPF habitually disregards or staunchly resists any attempts at external oversight, and this resistance extends to judicial processes and orders. Court bailiffs, who, in normal circumstances, are accompanied by police officers when carrying out their work, rarely have the courage to insist on delivering processes which require personal service to senior police officers. Some who have tried to do so have been manhandled or assaulted by junior officers in behaviour designed to shield the NPF from being accountable to the courts.

5.5.32 *Observations*

While the NPF claims that it does have internal disciplinary mechanisms for punishing erring officers, and that it does indeed take action against the bad eggs amongst its members,

⁷⁵ See Etannibi Alemika, "Police-Community Relations in Nigeria: What Went Wrong?" in *Policing a Democracy*, CLEEN & National Human Rights Commission, Page 86.

the public perception is different, as not only do the public do not have access to such mechanisms, too many have seen the frequent boast of the swaggering police officer: “I will slap/kill you and nothing will happen!” come true to believe that much is being done behind the scenes. Not only is the result severe damage to public confidence in the police, the tendency to resort to self-help, and attack police officers or go on a rampage as the only outlet for frustrated outrage remains an ever-present danger.

5.5.33 *Recommendations*

Ensuring individual and institutional accountability within the NPF is important if the NPF wants to become a police service that is trusted and respected by members of the public. Critical to realizing this goal are the following recommendations:

- *Making discipline a police priority:* The leadership of the NPF needs to make police discipline a national functional policing priority, but this requires genuine commitment right at the top. The importance of leadership as a driving force for changing the culture in policing institutions has been identified in the relevant literature. Therefore the police hierarchy should see the disciplinary system as a tool for inculcating their values, and achieving their mission and vision. It should be used proactively to promote a new culture and establish clear minimum standards for the police as a whole. The system must be used in a fair and consistent manner to remove those police officers whose misconduct undermines the transformation and effectiveness of the NPF.
- *Review of the Police Code of Conduct:* There is an urgent need for a review of the Code of Conduct in the Police Act. Such review should reduce the rather lengthy Code to a size that can be easily memorized and internalized by police officers. It should emphasize the service nature of police and incorporate the standards in the United Nations Code of Conduct for Law Enforcement Officials as well as draw inferences from recent PSC guidelines on the conduct of police officers on electoral duty. To this end, a joint PSC/NPF committee should be set up to review the code. It should invite civil society groups working on police reform in Nigeria to make their input.
- *Information Management and Analysis:* The issue of information management in the NPF needs to be examined at all levels as an important factor in improving discipline and tracking officers with unusually high number of complaints against them, especially at the Area command level because they are decentralized enough to process a particular number of divisional police stations. Area commanders should be tasked with monitoring and assessing the disciplinary system at each police station. Assessments for each police station could be based on the extent to which different categories of misconduct are occurring, and whether or not appropriate disciplinary steps are being taken. This will go a long way to help state commands and Force Headquarters to monitor the issue of discipline accurately.
- *Streamlining of Disciplinary Mechanisms:* The unusually high number of disciplinary mechanisms that presently exist in the force need to be streamlined, as they make their work not only ineffective through unnecessary duplication but also create problems in tracking police officers who are processed through them. For example, the work of the NPF’s X-squad and Human Rights Units can be merged with the PCBs, since the three bodies process cases of misconduct and abuse of human rights. The tendency of successive IGPs to establish their own *ad hoc* mechanism for dealing with abuse such as corruption and human rights violations should be stopped as these create coordination problems and tend to undermine existing mechanisms. Rather, those existing mechanisms should be assisted with resources and personnel to make them more effective.
- *Establishment of PCB at Divisional Police Station level:* The police PCBs should be established at divisional police station level to bring their activities closer to the

grassroots communities where complaints against police misconduct are likely to be higher given the low visibility of the actions of police personnel (vis-à-vis the upper echelons of the police hierarchy and media exposure or NGO scrutiny) at the level of local and rural communities. Local PCBs should send weekly or monthly reports of their activities to the state headquarters of the police to enable harmonization, analysis and evaluation of their work with a view to identifying and dealing with officers who feature regularly in public complaints.

5.5.35 Efficiency in Cost Management

Another critical cause of low public confidence in the NPF is that even if budgetary allocations to the police may be insufficient, the limited amounts disbursed have not been effectively utilized or sufficiently disbursed beyond the headquarters in Abuja to commands, departments and units where they are needed for the daily functioning of the police. The CSO Panel was encouraged by reports that under the current IGP, there has been a change of approach by which the limited funds are to be made available to areas of greatest and urgent need.

- 5.5.36 However, a regular feature of policing in Nigeria is the complaints of state, area and divisional commanders that they have no funds to carry out their functions and meet their overheads. A needs assessment commissioned by the European Union in 2007 on the forensic and investigation capability of the NPF revealed, in relation to disbursement of police budget that:

“None of the Criminal Investigation Departments (SCIDs) in the four states and Abuja that were visited by the assessment team had a budget allocation that they could look forward to in discharging their functions, not to talk of how adequate or regular the budget may be. This means that funds are not provided for detectives who need to travel to investigate cases assigned to them in and outside of their jurisdictions, service their informants, duplicate thick case files to the Ministry of Justice in cases of capital offences such as homicides and armed robbery, etc. If they need funds to do any of the foregoing, they have to look elsewhere. Looking elsewhere sometimes means depending on complainant to fund the investigation. Most Nigerians cannot afford such an expense, and this often leads to the abandonment of their complaints. Those who are able to pay sometimes direct the police to follow improper measures in the investigation. Allegations are often made that suspects get arrested unnecessarily and are then exposed to inhuman treatment that hardened criminals receive in detention.”

- 5.5.37 Related to the above is that the reckless use of available policing resources such as patrol vehicles, walkie-talkies, weapons and bulletproof vests leads to their being grounded within one or two years of being procured new. The situation with regard to vehicles in particular is particularly condemnable. Road users are regularly treated to cases of spectacularly reckless driving by the police, unnecessary speed, and on some occasions deliberate attempts by the police to force motorists off the road, especially when driving in convoys, conducting MOPOP movements, using official vehicles for private purposes and other shows of bravado. Behaviour of this sort makes it difficult for the public to believe that the NPF is under-resourced and reinforces the view that the NPF as an organisation is incapable of the efficient use of scarce resources.

- 5.5.38 For its part, the NPF complains that materials donated to them rarely come with funds for maintenance, whereas because the nature of their work subjects such materials to high

usage, they break down easily. Moreover, donated items are often at the whim of the donor with no police advice or input, but not in conformity with the NPF's own specifications. This is a particular problem where vehicles are donated, as there is no in-house capacity and competence to maintain the motley assortment of vehicles with which generous donors have saddled the NPF, which presently has BMW, Ford, Toyota, Mazda and Toyota brands in the police fleet.

5.5.39 *Observations*

The CSO Panel notes that while previous panels on police reform set up by the government frequently cited lack of funds as the cause of the poor performance and conduct of the NPF, they made no mention at all of accountability in managing the funds and resources that the police already had. In the Panel's opinion, the failure of police officers to manage the resources at their disposal effectively has exacted a very high toll on the NPF, and moreover, that unless this problem is addressed, any additional money heaped on the police will not only not solve the problem that it is supposed to address, it will also create fresh avenues for waste and corruption since "the person who has difficulty managing ₦100 effectively will have difficulty managing ₦100,000".

5.5.40 *Recommendations*

- The government should ensure that the NPF imbibes the culture of prudent management of scarce resources and that different levels of leadership in the NPF (from divisional to Force headquarters) are accountable for whatever resources (including funds) are made available to them.
- Internal accountability mechanisms need to be strengthened to check cost management within the police. Officers should be trained and re-oriented to managing resources effectively.
- The practice of policing by donation should be stopped: no police organisation can perform effectively if it is dependent on hand outs and charity.
- The leadership of the NPF should create and sustain a robust maintenance culture in all sectors, as this is critical to enhancing the lifespan of its facilities.

CHAPTER 5

TERM OF REFERENCE #5

6.1.1 INTRODUCTION

This chapter address issues that are important to police reform but were not fully addressed in the preceding parts of this report. Issues such as the name and focus of the police, state, local or regional police, police accommodation, community policing, communications (new media technologies), multiple policing agencies are among the issues discussed.

6.1.2 The Name and Focus of the Police

The police in Nigeria are called the Nigeria Police Force (NPF), a name which suggests a combat outfit aiming to conquer an enemy. In the context of its colonial origins, the use of the term ‘force’ made sense as it described an outfit meant to subdue indigenous peoples under the guise of maintaining law and order to facilitate British colonial expropriation of the country’s resources. From a legal viewpoint, section 214(1) of the 1999 Constitution creates “a police force for Nigeria, which shall be known as the Nigeria Police Force.” Section 9(4) of the Police Act, which creates the NPF states that the police is not only charged with preventing and detecting crime, preserving law and order, protecting life and property and enforcing all laws and regulations which they are directly charged, but also that “they shall perform such military duties within or without Nigeria as may be required ...” This reinforces the perception of the police as a military outfit. At the CSO Panel’s public hearings, contributors urged that “the name of the Nigeria Police Force should be changed to the Nigeria Police Service and the police crown should be changed to replace the elephant and batons.”

6.1.3 Many observations made to the Panel identified the quasi-military training given to police officers as a legacy of the colonial orientation designed to produce the repressive and domineering enforcement arm of a conquering power, rather than an agency oriented towards ensuring the maintenance of law and order and the protection, safety and security of citizens. Thus it was criticised as being designed to dehumanise the personality in order to produce an officer capable of resorting to brute force with no imbued sense of responsibility or respect for citizens’ rights

6.1.4 Views expressed to the CSO Panel were that the NPF’s orientation needs to be refocused from seeing itself as a force to a service-oriented institution, and that the word service will serve as a constant reminder to the police, as well as to the public, that they exist to serve society. It necessitates a doctrine and philosophy of policing in Nigeria that must be reformed to accommodate democratic input and which defines the basis of policing in Nigeria as being citizen-focused with a service mission.

6.1.5 Observations

- The Panel noted that previous investigations into police reform, such as the 2002 Presidential Panel on National Security, had recommended that the police be transformed into a service. These recommendations however, were not implemented or put into effect by government, and the Panel also notes that to change the name will require an amendment to the Constitution since it is that apex law which names the Nigeria Police Force in section 214(1).

- The Panel noted that many serving and retired police officers, who are accustomed to being members of a ‘force’, do not consider the change of name important and accord low priority to the legal amendments necessary to transform the Nigeria Police into a ‘service’. Indeed, while not rejecting the idea, the Yusuf Panel⁷⁶ said that: “for reasons technical and constitutional, it is no longer *a priority*⁷⁷ to change the name of the Nigeria Police Force to Nigeria Police Service.” Police officers who have more direct interaction with the public however, are much more wedded to their identity as a ‘force’ since their relations with the public are characterised by coercion and oppression, rather than cooperation and service.
- The Panel is of the view that this attitude, which ranges from indifference to hostility, reflects the attitude of the police to relations with the general public. The concept of how such a name change might change public perceptions of the police, and how in turn, this may impact the quality of policing, hardly figures in police considerations. Instead, the lingering hangover from the period of military dictatorship leaves many police officers fearing that removing the word ‘force’ will render them subordinate to the military: this was just one of several indications of rivalry among Nigeria’s security services and a hankering by the police to be counted among the ‘big beasts’ in uniformed organisations.

6.1.6 *Recommendations*

- The name of the Nigeria Police Force (NPF) should be changed to either the Nigeria Police Service or simply Nigeria Police. Section 214(1) of the Constitution and Section 9(3) of the Police Act should be amended to reflect this change.
- A new mission statement should be drawn up to reflect a redefined doctrine and philosophy of policing in Nigeria that is civilian-friendly and people-focused police.
- The training of the police should integrate and emphasise the service component, social responsibility and respect for human rights. Such training should also focus on police-civilian relations as a critical factor in building trust and facilitating the gathering of intelligence.

6.2.1 **State, Local Government or Regional Police**

The subject of State police kept recurring during the CSO Panel’s sittings and in memoranda received. This was a natural outcome of the security challenges confronting different parts of Nigeria. CSOs were among the first to call for State Police in Nigeria, but these calls were not taken seriously. Calls for State Police were also associated with politicians in the South West, particularly in Lagos State where the government has led the way.

- 6.1.3 In recent times State governors have joined the discussion about State Police. While their nationwide body, the Governors’ Forum, has come out in favour, the Northern Governors’ Forum has declared itself to be against State Police. Despite the evident disunity amongst governors on the issue, the raised tempo of discussion is a direct response to the worsened security situation in the country. From militancy in the Niger Delta, through kidnapping in the South East and conflict in Plateau State, to the Boko Haram insurgency spreading from the North East which has resulted in terrorist attacks even at the Nigeria Police Force Headquarters in Abuja; the growth and spread of these problems and the evident failure of the NPF to nip in the bud, or arrest and reverse any of them have been attributed to absence of State Police. Governors complain that the present Constitutional arrangements do not give States any significant control over the police, and that their only input to policing in the

⁷⁶ M.D. Yusuf-led Presidential Committee on the Reform of the Nigeria Police Force (2008)

⁷⁷ Ibid. Emphasis added.

country is as members of the Nigeria Police Council, whose functions under the Constitution are defined to include:

- (a) the organisation and administration of the Nigeria Police Force and all other matters relating thereto (not being matters relating to the use and operational control of the Force or the appointment, disciplinary control and dismissal of members of the Force);
- (b) the general supervision of the Nigeria Police Force; and
- (c) advising the President on the appointment of the Inspector-General of Police.⁷⁸

- 6.2.3 The CSO Panel was confronted with the whole range of views on the issue in memoranda submitted and contributions during its public hearings. Arguments in favour were that it is a contradiction in terms for Nigeria to claim to be operating a federal system of government without State Police. The population is too large for a single centralised police system to handle effectively. The Federal government is unwilling or unable to fund the police, but while State – and even Local – governments are obliged to contribute funds to assist various police commands, they have no say over local police operations. It was so bad in some states that despite receiving such funds from different states, police officers still picked and chose when it came to enforcing State laws. For example, in Lagos State, the police refuse to enforce provisions of the State's Domestic Violence Law, while in Kano State, they refused to enforce provisions of the Shari'a Law which created criminal offences based on Islamic Law. Such attitudes led to the creation of bodies such as the Hisbah in Kano State, who enforced Shari'a law but handed transgressors over to the NPF, where as often as not, they ran into problems caused by the refusal of officers of the NPF to take necessary action or detain those handed over to them. Indeed, it was this kind of value judgment that made it imperative to create a State police that would be willing to enforce *all* the State's laws⁷⁹, not just those which took its fancy, as was the case with the NPF.
- 6.2.4 It was also argued that the twin menaces of terrorism and kidnapping had been allowed to spiral out of control due to poor local or 'on-the-ground' intelligence that would have allowed the police to share in local knowledge about strangers, or strange activities in the areas under their control, and put a stop to such activities. It was agreed that the Regional police of the First Republic were abused by the then Regional governments to oppress political opponents, but it was argued that the unwanted effects experienced in those days can be addressed now through appropriate legislative safeguards to prevent politicians and state governors from negative influence over the police.
- 6.2.5 Above all, proponents of State police argued that it was a mistake to see the issue as one of battles and struggles for control among different political gladiators. Rather, State police were needed because at present, policing does not address the needs and concerns of ordinary Nigerians; is careless of ordinary people's security or need for protection from the depredations of criminals and ne'er-do-wells and has turned itself into oppressors of the people who have much more to fear from the police than they have to be reassured by. A service-oriented State police starting with a clean slate, it was argued, would be better placed to meet these needs. While it was agreed that the motives of State governors in seeking to establish State police might be less than pure, proponents emphasized that in calling for State and Local police, they were rejecting the precedent set by the NPF and its subservient relationship to the presidency. Thus, if State governors hoped to exercise the

⁷⁸ Section 28, Third Schedule, 1999 Constitution of the Federal Republic of Nigeria

⁷⁹ Although it should be recognised that the vast majority of crimes such as murder, assault, rape, theft etc. are state offences since they are created under the Criminal Code and the Penal Code which are state laws.

same powers at state level that the president exercises at national level, they should be swiftly disabused of this illusion.

- 6.2.6 The CSO Panel also heard strong arguments against State police. Starting from an assumption that State police would merely replicate the situation at the national level, where the NPF is seen as primarily a political tool in the hands of the President and the Federal Government, opponents cited the example set by State governors' handling of outfits as diverse as State Independent Electoral Commissions (SIECs), Hisbah in Kano State, Bakassi Boys in the South East, and Kick Against Indiscipline (KAI) and the Lagos State Transport Management Authority (LASTMA) were cited to show on the one hand that governors were just as – if not more – capable of political oppression and intolerance for dissenting views as the Federal government, and on the other, that ordinary people were at as great – or greater – risk of oppression and extortion as they went about their business or tried to make an honest living as they were under the Federal police. Particular bitterness was expressed at the way State run outfits would seize the goods of traders and lock them up, experiences difficult to distinguish from robbery and kidnapping!
- 6.2.7 Opponents of State police argued that in a multi-ethnic and multi-cultural country in which primordial ties are strong, the country is simply not mature enough for State police. Fears were expressed that State police could result in the dismemberment of the country because it is prone to abuse, while strong doubts were expressed that any legal safeguards would insulate the police from abuse. It was pointed out that the wide dissatisfaction with the Federal police is partly due to governors and politicians meddling into their affairs and participants asked: If governors have so much influence over the NPF which is not formally under their control, how much more a police totally beholden to them for everything? The use of political party thugs such as 'Yan Kalare' in Gombe State, 'Sara Suka' in Bauchi State and 'ECOMOG' in Borno State to mention just a few, certainly have not inspired confidence that State police would not be misused or abused.
- 6.2.8 Concerns were also raised about the kind of oversight that could be exerted over State police. While at the Federal level, the National Police Council and the National Assembly might be expected to step in to play a genuine oversight role, the iron control exercised by State governors over all processes within their domain, with State legislatures reflecting little or no variation from the state ruling party and local governments none at all, meant that this option would be meaningless at state level. Fears were also expressed that any safeguards put in place to guarantee a professional performance by State police could easily be abused by state governors who would be shielded by their constitutional immunity from any legal action that might be taken against them.
- 6.2.9 Another concern expressed was that there if State police were instituted, there would be challenges in relation to inter-state crimes, cooperation between the police of different states, or with the Federal Police. With the country already witnessing the balkanisation of the NPF – the establishment of NDLEA, ICPC, EFCC, NAPTIP – participants also voiced concern that there would be duplication of effort, turf wars and a further reduction in funds available for genuine policing, with more going into setting up unproductive bureaucracies or administrative set up.
- 6.2.10 *Observations*
- The CSO Panel notes that previous government panels on police reform have rejected calls for State police. For example, the Presidential Committee on the Reform of the

Nigeria Police Force⁸⁰ accepted the analysis of its predecessors that State police could lead to the disintegration of Nigeria. The Panel however, does not consider this to be anything more than a mantra repeated by those who wish to avoid the hard thinking that the issue really requires.

- Despite its rejection by previous government panels, the issue continues to be discussed, and at the time the CSO Panel was sitting, a bill on the subject was before the House of Representatives, although the same was withdrawn before any public hearing was conducted by the legislature.
- The CSO Panel is of the view that little illumination of the subject can be achieved while the debate continues to be posed as an “either/or” matter without any real thought as to what might actually be being accepted or rejected. However, the Panel considers that it is essential for Nigeria to commence a much more informed debate on the subject, so that a rational and measured decision can be taken, rather than the country shouting “either/or” while problems continue to mount, and then taking a hasty, panicked decision as the only option left.
- The Panel is also of the view that while the experiences of the past are important, they should be used as guides, rather than all-time barriers to the future establishment, composition, operations or control of State police in Nigeria.
- The immunity conferred by section 308 of the Constitution attaches only to the holder of the office in their personal capacity. It is not transferable, and does not protect those carrying out illegal or unconstitutional orders, or protect a state against legal action.

6.2.11 *Recommendations*

- In view of the high level of distrust about the intentions of State governors, the general lack of political diversity within States, and sense of class oppression expressed to the Panel, a great deal of work to build trust and strengthen institutions within the States that are independent of political control must be undertaken by State governors before any real moves to establish State police can be undertaken.
- Nonetheless, the issue of State Police should be considered in the context of Nigeria’s federal structure and should be introduced taking into cognisance the abuses of the past by making them autonomous of political control by state governors
- Sections 214-216 of the Constitution should be amended, and Item 45 (Police and other government security services established by law) on the Exclusive Legislative List moved to the Concurrent List to allow for the creation of State Police.
- State Police should only be established on a basis of strict adherence to the principles of operational autonomy, and be based on sound professional practice in appointment, operations and control.
- The State Police should have defined parameters of cooperation and where a state does not fully cooperate with its counterpart or the Federal Police on any matter the Federal Police should take over and deal with the matter.
- Civil society organisations should work with the legislature and conduct informed debates in partnership with the media towards amending the Constitution to allow for the establishment of State Police and also produce a bill that will guarantee the establishment of an independent and professional State Police.
- Safeguards should be put in place to reassure the public and boost confidence. These include:
 - Establishing an independent service commission for the police to guarantee police autonomy at federal and state levels in matters of appointment, discipline, promotions and accountability. It should operate in the same manner as the National

⁸⁰ 2008: The M.D. Yusuf Panel

Judicial Council and be insulated from interference by political office holders, whether at state or federal level

- Permitting cross service transfer from the state through the federal levels (condonment/transfer of service); this will enable professional and experienced police officers to serve, or be recruited to serve in the police in any part of the federation
- Recruiting or appointing on the basis of residential status, rather than indigeneity, particularly having regard to the diverse ethnic and cultural make up of most states of the federation
- The State Police Service shall draw up an annual policing plan which details policing priorities to be during the coming year. It should be based on surveys and official statistics on crimes and trends in criminal activity. Funds should be allocated on the basis of such plan.
- Annual reports should be submitted to the State House of Assembly providing information about police activities during the preceding year and showing the extent to which the policing plan referred to above has been implemented.
- The independent service commission for the police shall carry out periodic audits for all police services to ensure compliance with and maintenance of professional and autonomous service standards and respect for human rights

6.3.1 **Militant Groups and Terrorism**

Nigeria has been subject to security challenges from groups, many of which claim an ethnic, regional or religious identity, that have challenged the State's monopoly of the arsenals of violence. The result has been economic sabotage, kidnapping, armed attacks on government buildings, bomb attacks – including suicide bombing – on churches and other public buildings, targeted killings of security personnel – principally police officers, but also soldiers and prison and immigration officers – drive-by shootings and the assassination of political, religious or ideological opponents including Imams and Ulamas. Although the use of terror tactics by militia groups may have originated with political or religious grievances, the situation has degenerated into an orgy of destruction of life and property which in many cases have no practical or easily identifiable agenda.

6.3.2 In the resulting security crisis, government has shown only a limited capacity to deal either with the crime and policing problems, or the political or social issues from which they have sprung. At the CSO Panel hearings, ordinary Nigerians complained of being caught in the crossfire between the violent destruction of life and property unleashed by militants and criminals on the one hand, and the high-handed scorched-earth security response of the state on the other. The police and other security forces were criticised for not being proactive, or prepared for any kind of security threat at all. Instead of learning from terrorist attacks in the United States of America, Britain and Spain, or even those in Kenya and Tanzania, and preparing scenarios about how to deal with similar situations should they arise in Nigeria, our security sector shows every sign of being taken by surprise at the escalation of terrorist attacks, and our security response appears to be rooted in denial⁸¹, moving directly from there to brutal and heavy-handed tactics that seem to have worsened the situation, rather than alleviating it.

6.3.3 Academics who contributed to the work of the Panel reported on the lack of systematic contact between them, the police and other experts in peace research, conflict resolution and

⁸¹ Even when the Force Headquarters in Abuja was attacked by suicide car-bombers in July 2011, the police seemed to spend more time denying that the bombers were suicide bombers, because of a complacent certainty that 'Nigerians can never be suicide bombers'.

conflict management, or even sister security agencies. They questioned whether the NPF has the right manpower and resources to meet heightened security threats.

6.3.4 Ordinary members of the public emphasized that current police tactics and the security response was achieving the exact opposite of winning hearts and minds in the affected communities, and the disregard shown for democratic policing risked driving the public into the arms of those who had shown a capacity to strike back at the police in retaliation for the human rights abuses and extra-judicial killings that were seen as the cause of the escalation of the Boko Haram threat in the first place. Another point that was emphasized all over the country was that the failure of the police to implement the provisions of the criminal law had created the conditions in which what should have remained as minor criminal infringements were allowed to fester and balloon into serious security challenges. In particular, the failure to deal with political thugs was cited as being behind security threats as diverse as criminal activities in the Niger-Delta, kidnapping in the South-East and terrorism in the North East.

6.3.5 *Observations*

- The CSO Panel noted that although the NPF has a Research, Statistics and Training Department, it lacks the resources necessary to enable it to serve as a genuine think tank for the police; and that its activities seem to be limited to merely recording reported incidents of crime. It commissions no research geared towards enhancing either its own performance or that of the police. The Panel noted that the funds for the Department are part of the general police budget, and that as it is clearly not a priority, it has tended to lose out when funds are being allocated.
- The Panel also noted that any superior police officer may be posted to head the Research, Statistics and Training Department without having had any of the expertise or specialist training appropriate to such a position.

6.3.6 *Recommendations*

- The police must review and strengthen existing mechanisms and introduce new ones to enhance their intelligence capacity. They must also improve methods and procedures to guarantee the confidentiality of undercover officers and informants
- The police and all internal security forces must be trained in the practice of democratic policing and strategies to win hearts and minds of people in communities
- There must be a zero-tolerance attitude to crimes, with no exemption or immunity for political crimes or other law-breaking by thugs or those with political connections.⁸²
- The police should establish fora for periodic contacts with security experts in academia, peace research and conflict resolution/management as well as sister security agencies and security-focused NGOs and to examine the history, context, content and implications of crimes in other parts of the world with a view to developing response measures should a similar challenge present itself in Nigeria.
- The Research, Statistics and Training Department of the police must go beyond recording reported crimes and start actual direct research or sponsoring academic researchers and NGOs to undertake studies on crime and security issues for the police.
- The police must guarantee complete independence for research and discussion of results without regard to political, commercial or other interests.

⁸² In an interview by African Independent Television on the spate of kidnapping in the South East and the FCT, late DIG Haruna John, then Commissioner of Police for the Federal Capital Territory stated that despite the police arresting persons caught red-handed, they would later be released following intervention by their political sponsors or godfathers, only to be caught and released 'on orders from above' again.

- The personnel deployed to the Research, Statistics and Training Department should be experts and police professionals with the requisite intellectual capacity and skills to handle the affairs of the department. The Department should be adequately and separately funded, and such funding should be rigorously monitored

6.4.1 **Community Policing**

Concerns were repeatedly raised with the CSO Panel about the divide between the NPF and members of the public, with contributors identifying this divide as a major obstacle to the police being positioned as the preferred and trusted security agency to which citizens could take their security concerns. Even where police officers were not seen as being involved in the corrupt activities and oppressive behaviour that have earned the force the active dislike and hostility of the public, or where they might even have earned the trust of local communities, contributors to the Panel's work complained that there was no continuity or certainty in such relationships. Instead of building on such relationships, the NPF was more apt to transfer police officers from one end of the country to another in what appeared to be an arbitrary and even punitive fashion, with only perceived 'bad eggs' seeming to be able to pull strings to remain amongst communities who were praying for their departure!

- 6.4.2 One concept identified as a possible answer to this problem is community policing, which recognises the importance of involving the public in making the environment secure. It challenges the police to adopt strategies that strengthen their relationship with the community and earn the support of the people for effective monitoring of individuals and gathering of intelligence and information. It requires active effort on the part of the police to endear themselves to the community and to take supportive actions in order to earn the people's trust and friendship.

- 6.4.3 A pilot project took off in selected states in 2004, and there were visible signs such as inscribing some police vehicles with the words 'Community Policing'. But in its memo to the CSO Panel, the CLEEN Foundation noted that support for community policing had hardly permeated the higher echelons of the NPF, let alone its junior officers. It identified the failure of the NPF to take ownership of the Community Policing project as a key problem. In other words, as long as NGOs and other outside agencies were ready to fund pilot projects or carry out the necessary training, the NPF was willing to go along, or rather, to be carried along. But the way that officers who had received community policing training were then transferred from place to place, or back to general or other duties, not only meant that the benefit of their training was lost, it also showed that those taking decisions about such postings had completely failed to imbibe the purpose and importance of community policing, and what was necessary to take it forward.

6.4.4 *Observations*

- The CSO Panel notes that the NPF has been open to the idea of community policing, and that in Borno and Imo States, which were selected for initial implementation, the project has visibility through the 'Community Policing' inscribed vehicles dedicated to the project by the State Commands.
- The Panel also notes that previous panels on police reform have recommended that the NPF should adopt and expand community policing.⁸³

6.4.6 *Recommendations*

⁸³ Presidential Panel on National Security (2002)

- The government and the NPF should take full ownership of the community policing development programme and commit Nigeria's resources to develop it instead of depending on development partners to shoulder the entire cost.
- The NPF should revive the Steering Committee it established in 2004 to drive the implementation of community policing in Nigeria and to liaise with development partners in the implementation of other reform programmes currently supported by them.
- Police officers who undergo training in community policing should be returned to continue the project and remain in situ.
- The police should develop a framework where all divisional commanders sustain periodic meetings with citizen groups engaged in security activities to elicit their help in combating crime and as a means of monitoring their activities in the community.

6.4.1 **Police Accommodation**

As mentioned in Chapter 4 of this Report, which looks at the reasons for the public's loss of confidence in the police, the deplorable condition of police barracks across the country contributes greatly to negative perceptions about police officers and the NPF. Members of the public were united in condemnation of the condition of such living quarters, which is so notorious that the CSO Panel was told of architecture students being given an exercise to design barracks for the armed forces and the police, were instructed that "the police are known to be very dirty".

- 6.4.2 These conditions are clearly due to systemic failings and neglect, an unrealistic expectation about the role that others are expected to play in keeping police property clean and hygienic⁸⁴ and an abandonment of oversight and supervision by police authorities to ensure that acceptable standards are maintained.
- 6.4.3 At the same time, it was clear both from submissions to the Panel and reports of previous government investigations that only a small percentage of the total police strength is actually accommodated in police barracks. A situation where barracks accommodation was never enough for police personnel was aggravated with the massive recruitment of the Obasanjo administration, such that 80% of police officers have no official accommodation.
- 6.4.4 The Panel's heard disturbing testimony from participants – some of whom were either former police officers or the children of police officers – about the hardship caused by the arbitrary posting practices of the NPF. The situation was graphically captured in by the Apo Six Commission⁸⁵ which noted that officers were posted on transfer with no regard to their need for accommodation. The Report described how many transferred officers are forced to find shelter in offices and corridors of police stations or buildings, in containers or broken down vehicles in police premises, or to squat with relatives. The Report noted that as a consequence many police officers are forced to engage in what is sociologically described as 'living-apart-together'. They are forced to maintain two homes and spread meagre financial resources thinly to fend for themselves and their families. The financial hardship often comes with strain on family life, so that transferred officers also live with the fear that unscrupulous colleagues may take advantage of their absence to seduce their wives.

⁸⁴ While detainees seem to be saddled with the responsibility of maintaining police stations in their deplorable condition, police officers wives and children seem to be the ones expected to carry the can in the barracks.

⁸⁵ Judicial Commission of Inquiry into the Apo Six Killings by the Police: Main Report (2005)

- 6.4.5 Participants also spoke of the problems associated with having police officers as co-tenants, particularly in the kind of ‘face-me-I-face-you’ type of accommodation⁸⁶ that is often the best that a junior police officer’s salary will stretch to. They were often quarrelsome and overbearing, prone to threatening co-tenants with whom they or their spouses had disagreements.
- 6.4.6 With these two difficult scenarios, the Panel faced conflicting arguments about how the accommodation problem should be tackled if it was to impact on the efficient performance of the police. Some argued in favour of expanding barracks accommodation, giving as reasons that:
- it is one of the ways by which regimentation and discipline can be enforced
 - it provides officers with the opportunity to get to know each another and thus guard against infiltration or impersonation by criminal elements
 - it makes it easy to provide recreational facilities for police personnel at comparatively reasonable costs
 - it makes it easy to mobilise police personnel in times of emergency
 - it provides better protection to individual police officers than community residence, particularly now that they are being targeted by insurgents
 - it guards against an undue familiarity with the public that could lead to officers being compromised or dealing with criminal behaviour in a selective manner.
- 6.4.7 Others however, argued that not only was it not possible to accommodate all police officers in barracks, it was not even desirable, because:
- barracks accommodation keeps the police away from the people that they are supposed to protect and detached from concerns about guaranteeing their safety and security
 - living outside barracks gives the police the opportunity of keeping tabs on developments in the environment, and to develop local knowledge about residents, their characters and proclivities
 - barracks residence creates a gulf between the police and the public which induces the police to see those outside as ‘bloody civilians’ and creates conditions in which it is easier for the police to act and treat the public with brutality
 - a strategically designed and deployed police with the appropriate logistic support can easily be mobilised even in times of emergency without having to be resident in barracks. Moreover, it is the Police Mobile Force (PMF) that is expected to respond to emergencies; not all police officers
 - the Police Housing Scheme can be properly managed to facilitate house ownership by police personnel
 - the detection and prevention of crime, as an intelligence-based activity reliant on informants, will be facilitated by police officers residing in the community
 - community policing will be more effective when police officers reside in the communities they serve

6.5.9 *Observations*

In considering this matter, the CSO Panel made the following observations:

- Police Barracks provide accommodation for less than 20% of serving police officers. The cost of providing accommodation for all police officers renders it impractical.

⁸⁶ Accommodation where tenants rent one or more rooms in a building, with services such as kitchens, bathrooms and lavatories being used in common. Disagreements arising from interaction in common areas, whether as to cleaning, monopolising space etc. can easily arise.

- Accommodating police officers in barracks is a disincentive to their building or purchasing their own homes. Moreover, it runs counter to the monetisation policy of the Federal Government.
- The Police Cooperative and Federal Government housing schemes have assisted police officers to own their personal houses but their scope is limited.
- While existing barracks can still be of use to the police in accommodating officers posted away from their homes, the 'C' Department which ought to be responsible, appears to lack the required personnel and expertise to effectively maintain existing structures or provide other necessary services within the barracks.
- In countries such as South Africa, Canada, the United States of America and the United Kingdom, the police do not live in barracks, but stay amongst the people, and are able to uphold policing standards because they are products of strong professional and institutional orientation

6.5.10 *Recommendations*

- The majority of police officers should not be accommodated in barracks, but instead should reside amongst the people in line with the practice in other parts of the world and to deepen the effectiveness of community policing.
- The Police housing scheme should be structured in a way that makes it easy for police officers to acquire their own houses. The Police Micro Finance Bank and Police Cooperative Society should offer loans that will facilitate the ownership of a house by any officer who has put in a minimum of ten years' service
- 'C' Department (Works) must be overhauled and strengthened to ensure that it discharges its maintenance responsibilities and is able to undertake repairs, maintenance and low scale renovation. Barracks should be renovated every five years.
- Weekly inspection of police barracks by senior police officers should be revived.
- In allocating accommodation in existing police barracks, priority should be accorded to officers posted away from home.

6.6.1 **Communications: New Media Technologies and Policing**

Both at public hearings and in written memoranda, the outdated techniques and equipment of the NPF was the subject of a great deal of adverse comment. Unlike their counterparts in other countries, radios and other communication gadgets are provided only to senior police officers deployed to specific areas of operation. Participants noted with displeasure that although the average junior police constable is entrusted with an AK47 sub-machine gun which he can be seen slinging across his body as he balances on the back of an okada motorcycle taxi, he is left to depend on his own self-financed mobile telephone if he wants to communicate with his mother station.

- 6.6.2 Even where senior officers are out on patrol, their bulky outdated radios, which require the use of at least one hand (unlike their counterparts in other countries where the police radio is integrated into the shoulder every officer's uniform and can be operated in a hands-free manner) expose a police force that is very much out of date in this regard. It goes without saying that vehicles sent out on patrol lack the radio equipment that is standard in other parts of the world.
- 6.6.3 It is against this background that police officers, who may initially have developed the habit of asking for 'particulars' as a genuine response to vehicle theft and armed robbery, now retain the habit not only in order to continue being able to extort money from the public, but also because even in a real case of suspicion, they are unable to ascertain the status of any

vehicle. This naturally leads to friction and corruption, as well as exposing the police to ridicule.

6.6.4 Beyond the importance of new technologies in respect of the fight against traditional crimes, new media technologies have led to the emergence of new forms of crime generally referred to as cybercrime. They have also been used to spread dangerous rumours and foment conflicts.

6.6.5 In considering these issues, contributors to the work of the CSO Panel urged that the police must move with the times and embrace these new technologies in all operations, that they should develop the necessary expertise to not only use such media but also to be able to police all forms of crime, including cybercrime, effectively. The resistance of the NPF to computerisation and other new technologies was seen as indicative of a desire to cling to old, subjective ways of policing which allow police officers to manipulate investigations, opening the way to corruption. At the same time, they urged the police must keep in mind that criminals may also use new technologies to monitor the police and escape detection.

6.6.6 *Observations*

- There is no organised police communication coverage nationwide. Instead, despite indications of intentions to provide nationwide communications coverage for the police, there had been no implementation.
- Attempts by state and local governments to assist the police by providing communications equipment have resulted in a plethora of non-standardised equipment.
- Despite the critical importance of communications to effective police performance, the police have no functional or reliable nationwide communication coverage for contacts between field officers and bases; they also lack a functional dedicated line that the public may use in case of emergency.
- Police training institutions are woefully underequipped and hardly computerised at all, making meaningful training of officers in computer applications and acquisition of new technologies all but impossible.

6.6.7 *Recommendations*

- The computerisation of the NPF in all spheres must be speeded up and implemented. The NPF must establish a watertight data management and control system based on professional and ethical management information practices.
- Computer training must be made part of police training in all police institutions of whatever grade or level.
- Serving police officers should undergo regular courses in computer appreciation with intensive training in specific areas such as pay roll, central motor registry, crime records, armoury and stores.
- Persons wishing to enrol into the Nigeria Police must show evidence of computer literacy
- The Police should establish an ICT Unit which can provide hardware and software support services, including maintenance. Professionals in relevant areas of communications technology and proficient technicians should be recruited and be guaranteed opportunities for further training.
- The police must install nationwide communication coverage to enhance communication between officers in the field and their bases, other officers and in monitoring and tracking criminals.

- The NPF should establish a dedicated police communication network. The facilities of NigComSat should be made available for this purpose. This is in addition to having to a dedicated radio frequency.
- The NCC should implement the 119 emergency number without further delay and ensure that it is fully backed up and supported.

6.7.1 **Funding of the Police**

Although several of those who participated in the CSO Panel's work argued that it will be impossible to conclude that the Nigeria Police Force is underfunded until there is a transparent and verifiable method of tracking how funds are allocated and applied; others maintained that the NPF is woefully underfunded and that little of the much-touted massive increase in funding for the security sector is being felt on the ground. Participants pointed out that police stations at almost every level have a disturbing reputation of being perpetually lacking basic supplies to serve the public, and that victims of crime are still being required to pay for basic materials before investigation can be undertaken⁸⁷. Although it was felt that these demands had a deeply detrimental effect on the reputation of the NPF and, it was also recognised that the habit of making such demands was now deeply ingrained, and would be difficult to break or eradicate.

6.7.2 *Observations*

- Whatever funds are budgeted for the police, they are either inadequate or are being misappropriated. There appears to be no effective internal tracking mechanism for budget funds, while the Ministry of Police Affairs, which claims responsibility for assisting the NPF in budgeting matters as its *raison d'être*, has had little or no impact on the problem.
- Although the CSO Panel has recommended elsewhere in this Report that the budgeting process in the NPF must be reviewed and be a 'bottom-up' process, such improvements will have little effect if budgets are not properly implemented and monitored.

6.7.3 *Recommendations*

- The police must establish a robust system for internal tracking of the flow of funds from headquarters to the various police zonal and state commands, police divisions, police stations, police districts, posts and units and special units.
- The police should see the establishment and maintenance of such a system as an important public relations challenge.

6.8.1 **State and Local Government Financial and Other Contributions to the Police**

Following directly from the above, a culture has also grown up within the NPF of seeking or accepting contributions either to its budget, infrastructure or equipment from state and local governments, or even from private companies and individuals. Participants noted that the police are not ashamed to call these contributions "donations", just as if the NPF is a charity!

6.8.2 It was acknowledged that the challenges faced by the police in regard to funding may be due to low budgetary allocation, incomplete release of budgeted funds or late release of funds, but what most participants found disturbing was that these donations of money and equipment are almost completely unregulated, and are not factored into the funding of the NPF. It was also noted that in many cases donations are made in a haphazard way, and that the condition of most equipment after a short period of use is evidence of lack of

⁸⁷ See Chapter 4 on reasons for loss of confidence in the NPF

maintenance. Participants were particularly angered by the waste evident in the number of cannibalized and unserviceable ‘donated’ vehicles littering most police stations, which they ascribed firstly, to the lack of accountability in respect of such donations and secondly, to the fact that since such donations are usually at the whim of the donator, there is no attempt to ensure that they fit in with standards established by the NPF which therefore makes no arrangements for them to be serviced or maintained.

6.8.3 Issues were also raised about the transparency of the use of funds when local and state governments make purchases for donations to the police. Suspicions were voiced that public funds could be being looted through inflation of the cost of vehicles and equipment given to the police. Concerns were also expressed that behind public gratitude for such assistance expressed by the police, there could be some private pressure – whether direct or indirect – to compromise investigations into the fraudulent or other criminal activities of the donors of such largesse, even where assault and murder are indicated.

6.8.4 *Observations*

- The CSO Panel is aware of initiatives such as the Lagos State Security Trust Fund which works in close collaboration with the NPF to provide equipment support and funds for the pay of police personnel serving in the State.
- The Panel also noted that nearly all state governments make some form of contribution to the operation of the NPF within their states.

6.8.6 *Recommendations*

- A transparent system of defined guidelines for making financial, vehicular, equipment and other forms of support or assistance to the police should be put in place.
- Financial contributions must be reported and paid into designated police accounts to ensure compliance with police financial regulations
- Contributions in kind must conform to police standard equipment. Would-be donors must make their intentions known in advance, and obtain the specifications for any items that they may wish to contribute.
- States, local governments, individuals and organisations must reveal the source of the funds used or donated, and the exact cost of each item of equipment provided from their own resources to the police.
- Such contributions should be considered as part of the budgetary resources available to the police.

6.9.1 **Police Cooperation with Civil Society and the Media**

The adversarial relationship between the police and civil society, including the press, contributes to negative perception about the police in Nigeria. While, in common with many other agencies of government, the police express concern that the spotlight beamed on them by civil society groups and the media has a mostly negative effect on their performance, civil society and the media insist that such scrutiny is an inescapable requirement of accountability. Civil Society groups which participated in the Panel’s work were of the view that if the principles of democratic policing are to be upheld, the police cannot be left to operate unmonitored, citing numerous instances of human rights abuse, torture, inhuman and degrading treatment and extra-judicial executions. It was also pointed out to the Panel that the present terrorism threat that the country is facing is a direct result of the reaction to such abuses, even though it was agreed that the reaction is criminal and completely out of proportion. However, they rejected any idea that the police could shroud their activities from public scrutiny under guise of ‘security’, particularly where such excuse

was in fact no more than an attempt to cover up corruption, extra-judicial killings and other vices.

6.9.2 Civil society groups also insisted that they have the capacity to help re-orient the police and provide support services that will make them effective and credible in the society. They complained however, that despite a willingness to cooperate with civil society groups where these were seen as conduits to grants and donations, or overseas training and travel from foreign governments or private donors; such cooperation was often only skin deep, and that the NPF showed little indication to adopt new systems and methods to which such contacts ought to have exposed them. Once the funding dried up, so did the NPF interest in any particular project, and the police fell back into old ways of doing things.

6.9.3 The public also strongly criticised the performance of Police Public Relations Officers, citing the number of times press reports on issues of, burning national or local concern contain some reference to the inability of the relevant PPRO to even admit to any knowledge of the incident in question. Participants asked whether such denial of knowledge was due to deliberate cover-ups, or whether the police authorities attach so little importance to the role of public relations and public information that they simply do not bother to integrate their spokespersons into the general information loop. In any event, the effect was described as counter-productive.

6.9.4 However, participants also reflected that poor relations with civil society and the media also did not reflect well on civil society and the media. While the public turn to civil society when they are victims of human rights abuse by the police, this is as much for want of anywhere else to turn to. The media on the other hand, were criticised as being too ready to swallow any line handed to them by the police without attempting to probe further. One participant angrily related how a kidnapping that the relations of the victim had had to resolve by themselves was falsely rendered in the media as “a daring rescue” by the NPF.

6.9.5 *Observations*

- Projects initiated by civil society in the security sector often fail to build genuine partnerships with the police, or to become integrated into day-to-day police practice, thereby failing to drive reform
- The human rights desks in police stations established with the support of the National Human Rights Commission (NHRC) which could enhance police performance in regard to compliance with human rights standards are neither sufficient nor sustained. As a result, deviants are neither sanctioned nor checked, with the resultant disastrous effect on the police reputation and public confidence.
- There is no formal organised liaison between the police and civil society.

6.9.7 *Recommendations*

- The police must partner with civil society groups and the media to help drive reform and secure both public and governmental support to improve its services and the quality of its performance.
- The police need to ensure that functioning human rights desks are present in all police stations to forestall police deviants from engaging in human rights abuse that invites the contempt of the public; the police should also ensure that the Office of the PPRO is run by professional public relations and media experts for enhanced relations with the media, and that such persons must be kept fully abreast of developments in respect of which they are likely to be asked for information.

- The police should liaise with civil society groups interested in and working in the areas of security, academics and researchers working on security issues and related areas including the media to gain in-depth perspective to specific security challenges for the purpose of blending it with their own expertise to deepen their operational strategies and tactics.

6.10.1 **Reward and Recognition for Outstanding Police Officers**

Although, as might be expected, most of the contributions to the CSO Panel, in focusing on areas of police performance that need reform or improvement, homed in on faults, many participants also emphasized that the police are engaged in work that receives scant reward and hardly any commendation, even though they face extreme danger from criminals who are often armed with sophisticated weapons, or are often subject to pressure to drop investigations where the rich or powerful, or politically connected offenders are involved. Participants recognised that the police are not all about corruption, extrajudicial killings or not responding to people who need their help. Despite the challenges they face, some officers have earned a reputation for commitment to their work. While some – such as police officers in the Traffic Warden Corps – may be in highly visible postings, others exhibit great bravery, while still others are distinguished by quiet commitment to their work or building good relations with local communities.

6.10.2 Contributors to the Panel’s work were unanimous in urging that such officers need to be recognised and rewarded for their commitment to duty and improving the reputation of the police.

6.10.3 *Observations*

- The NPF has an internal reward system which consists mostly of commendations, and awards.
- The Police Service Commission has the power to reward officers with advance or double promotions.
- While police chiefs are awarded national honours as a matter of routine⁸⁸, few frontline police officers are recommended for national honours.
- While some civil society organisations have instituted some awards in the security sector⁸⁹, there are few long-established awards for individual police officers.

6.10.4 *Recommendations*

- The police should sustain the existing system for rewarding outstanding performance through promotions, certificates and in-kind awards.
- The PSC should only confer double or advanced promotion on recommendations where the NPF makes out a proper case⁹⁰.

⁸⁸ This practice has rendered the honours system itself subject to stinging criticism from the public, which is unable to see merit in some awardees, of whom leading police officers are often seen as the least deserving of all.

⁸⁹ For example the CLEEN Foundation organises the ‘Best Police Station’ awards to encourage the maintenance of clean, decent police stations.

⁹⁰ In 2007 the Police Service Commission rejected a list of over 100 officers sent to it for special promotion because NPF Force Headquarters had failed to comply with its directive that a separate case and explanation must be made out for each individual case recommended for special promotion. It was observed that most of those singled out were serving in Abuja or attached to leading politicians as security detail, while serving officers fighting crime or exposed to danger were mostly ignored. Rumours of the promotion list had also caused a great deal of disaffection within the NPF. Following the end of that PSC’s term in November 2007, the NPF and the Presidency effected the rejected promotions in December 2007, and later, even gave some of the affected officers further promotions in 2008. The incoming (present) PSC faced a great deal of criticism for its attempts to undo the damage that this had caused.

- Outstanding officers should be recommended for national honours, with particular attention being paid to deserving officers of lower ranks
- Communities and civil society organisations should also identify and, with the approval of police authorities, reward or honour outstanding police officers
- Appropriate publicity should be given to officers who are honoured or rewarded, and the conduct for which they are receiving awards.

6.11.1 Police and Elections

The NPF has earned a reputation for helping to compromise the integrity of elections in Nigeria. The CSO Panel's attention was directed to reports by several election observers where the NPF is criticised for either failing to provide the correct response to arrest election rigging and electoral violence, or in which they have been accused of aiding and abetting election rigging. Participants complained that while police officers assigned to polling units were effective in handling individual cases of unruly behaviour, they were ineffective in responding to cases of overt election violence or rigging where political party thugs were involved, or turned a blind eye to connivance at election rigging by election officers. The behaviour of other police units not assigned to polling stations was also criticised, particularly the Mobile Police who were often seen carousing around in lorries and vans in a manner calculated to intimidate voters and the general public.

6.11.2 Participants expressed the view that perceptions that the NPF is solidly in the pocket of ruling parties, particularly at the national level are due to the fact that operational control of the police is subject to directives from the President and, to a lesser extent, state Governors. However, it was acknowledged that such huge sums change hands during Nigerian elections that changing the behaviour of police officers may prove extremely difficult, since apart from national political considerations, individual contestants often show themselves willing to spend huge amounts to secure their own elections. This may manifest as not merely maintaining their own militias or thugs, but ensuring police complicity in leaving them free to do as they please, quite apart from cases where police officers themselves are used to intimidate and cow political opponents.

6.11.3 At the same time, participants expressed sympathy for police officers who participate in elections. They recognised that they are often boxed into situations where they are susceptible to being compromised by political contestants. Payment of their allowances are delayed or withheld during the elections, making it easy for them to accept money from politicians to survive election duty days.

6.11.4 At a more general level, participants noted that the excuse given by the police for refusing to arrest election violence was hardly tenable. Participants distinguished between electoral offences that can only be detected by polling officers – such as impersonation, multiple voting, falsification of result sheets etc. – and those which constitute offences irrespective of any electoral context, such as assault, battery and other forms of voter intimidation, ballot-box snatching or stuffing. While the former may require the instruction of a presiding officer to inform a police officer that an offence has been committed, the latter are matters which any police officer ought to intervene to arrest. When even a former IGP with professional legal qualifications claimed that the Electoral Act meant that police officers could only arrest offenders when instructed to do so by presiding officers, it is hardly surprising that the police justify their inaction on this alleged legal confusion. However, clinging to excuses for inaction has done no good to the reputation and standing of the police.

6.11.5 Despite evident shortcomings, some participants commended police performance during elections. It was noted that they often deployed promptly and were generally in position before election officers. The fact that the NPF performed creditably in some areas where there was no overarching political directive was taken as evidence that police officers know how to do what is right. Participants urged that areas of positive police performance should be built on for a more non-partisan and professional police performance in future elections.

6.11.6 *Observations*

- The provision in the Electoral Act that empowers the presiding officer to direct the police to arrest electoral offenders relates to specific electoral offences which can only be detected by election officers, and do not restrict or derogate from the general powers of the police to take independent action
- The Police Service Commission has issued Guidelines for Security Personnel on Election Duty.

6.11.8 *Recommendations*

- The police must exercise their powers to arrest offenders conferred by the Police Act rather than waiting for orders from election officials before doing so.
- The relevant sections of the Electoral Act which provide that a presiding officer may direct the police to arrest electoral offenders should be amended to clarify that these powers do not derogate from the existing general powers of the police to act on their own initiative with regard to the detection of crime and arrest of offenders.
- Operational control of the police should be vested in the IGP, not the President. All the relevant resources for police duty should be made available under the control of the IGP to safeguard the police from being compromised by politicians
- The monitoring of police conduct during elections by the Police Service Commission should be expanded to include covert surveillance by the 'X' Squad, and cover the conduct of police on non-election duty.
- CSOs should also make the observation of the conduct of security personnel on election duty part of their election observation and monitoring brief.

6.12.1 **Model Police Stations (Back to Basics in Policing)**

As was abundantly clear from submissions made to the CSO Panel, policing is a local matter. The opinion that citizens have of the police and their willingness to use the formal criminal justice system where crimes have been committed is often based on how they, or people they know, are treated at police stations when they report crimes or go to the police for help when in distress.

6.12.2 In several cities where it held public hearings, the Panel listened to citizens recount the shabby treatment they received at police stations; the unwelcoming nature of the design and façade of the average police station; the antiquated and dilapidated facilities the police work with; the insensitivity of front desk officers to the plight of vulnerable groups such as women or citizens living with disabilities, who go to police stations for service or assistance. Despite this, some participants wondered how, with the resource crisis and the dingy, dispiriting environment in which the police are expected to work, they can really give their best or treat people who come to police stations in a humane way.

6.12.3 In the public hearing at Owerri held on May 21, 2012, a man related his experience when he went to a police station to report a robbery attack on him and his family. In his own words:

“I was driving out from my compound one early morning around 7 am to go to work. As soon as my gate was opened for me to reverse out, three young men with guns surrounded me, ordered me out of the car, beat me with the butt of their guns and took me to my house where they robbed me and my wife of all the money we had, and on top of that made away with the car. I went to report to the nearest police station, which I won’t mention for fear of my life, and that was when another trouble began. Without pitying me, the police asked me to bring what I considered a huge amount of money for the investigation to start. They said the money would be used for statement form, transportation to officers to the scene of crime, radioing the number of my car to all their formations etc... All through this period I was standing, shivering and traumatized about the close shave with death. Nobody offered me a chair to sit down or sympathised with me. To them it was a regular experience and an opportunity to extort. Needless to say that if I have such experience again – God forbid – I won’t bother to go to the police.”

6.12.4 The reluctance of most crime victims in Nigeria to report to the police because of adverse experiences such as this at police stations is well documented in the reports of CLEEN Foundation’s annual Crime and Safety Surveys.

6.12.5 *Observations*

As with other debates about reforming the police, this Report has made several recommendations that deal with the top of the policing service delivery chain, and matters such as the type of oversight ministry, appointment of the IGP and tenure of office, state police, structure and organisation of the police, decentralisation of the NPF, inter-agency cooperation and coordination and multiplication of policing agencies. Government committees on police reform have also tended to focus extensively on macro and national level issues such as structural, institutional, legal, and policy frameworks for the NPF. This tendency to focus at this level is no doubt a reflection of the oft-repeated cliché that ‘a fish starts to rot from the head’.

6.12.6 This CSO Panel however – as one established to reflect the views of ordinary Nigerian people – has been equally concerned with the end of the service delivery chain: the interface where ordinary citizens interact with the police. Hence it has proposed the redesigning and modelling of police stations in terms of building structure and range of services offered, both to improve citizens’ experience at police stations, and to provide a conducive working environment for police officers. This aspect of police reform was taken up by only one of the previous government-established panels, when the Yusuf Presidential Reform Committee recommended:

“As part demonstration of Nigeria Police Force quality service to the people, the Federal Government should, for a start, build modern police stations in the States & the FCT. This would further enhance the Police image among the people served ... At these Modern Police Stations, the needs of vulnerable persons, such as women, children and physically disadvantaged persons, should be given the highest possible priority (for purposes of design, access, ready and effective response) ... For efficient response to issues raised at these Modern Police Stations, only the best persons, selected through careful training and proven demonstration of Social Responsibility, should serve with ample morale-boosting entitlements.”

6.12.7 This important recommendation, which would have made police reform concrete in the experience of the people and triggered nationwide remodelling of police stations with a view

to improving their services to the people, was simply ‘noted’ in the government White Paper on the Committee’s report, which was as good as rejecting it. Certainly nothing was done to implement anything of the sort. But in the view of the CSO Panel, the need is now urgent for the government to make a commitment to support a program of comprehensive remodelling of police stations in Nigeria in structural design, facilities available, strategies and processes that will not only improve police service at the local level but also contribute in creating a new and positive image of the NPF as an effective and efficient public service organisation.

6.12.8 *Recommendations*

The following recommendations are made to enable a repositioning of the police station as the nucleus of police service and a return of the NPF back to the basics of policing as a local service:

- Government should undertake a comprehensive assessment of police stations in Nigeria with a view to determining whether they are fit for purpose. Such review should examine the architectural designs, physical facilities, functions, strategies, processes and more importantly orientation of the personnel management with a view to developing an action plan for comprehensive remodelling of police stations in Nigeria.
- Following agreement on the action plan, one police station should be selected in the capital of each of the 36 states and Abuja for the commencement of the pilot model police station in Nigeria.
- Government should concentrate on developing physical infrastructure, such as designing model police station architecture that incorporates good practices obtainable in several countries; building the structures, equipping them with modern facilities that will make the work environment pleasant for the police, safe and clean for those in custody and welcoming for those who have cause to visit police stations; providing adequate and functioning communications equipment; and ensuring that office and other supplies are fully supplied.
- The NPF should collaborate with development partners and CSOs to provide technical assistance to the NPF in the running of the model police stations, especially with regard to developing and implementing the integrated model of Community Policing, Community Safety, Family Support Units, Neighbourhood Policing and Crime Prevention at such stations.⁹¹

⁹¹ The DFID’s Justice for All (J4A) program is already engaged in such collaboration in selected police stations. The CLEEN Foundation has also been at the forefront of advocacy and capacity support to the police to implement reforms at the local police station level.

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