Civilian Oversight and Accountability of Police in Nigeria

Edited by

E. E. O. Alemika and I. C. Chukwuma
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ACKNOWLEDGMENTS

This publication is based on a three-day workshop on Civilian-Police Public Access Procedure, organised by the Police Service Commission and the Centre for Law Enforcement Education in collaboration with the Open Society Justice Initiative and the Vera Institute of Justice. The workshop held at Chelsea Hotel, Abuja from September 24 – 27, 2003. The workshop was the first phase of a three-phased project aimed at strengthening the institutional capacity of the Police Service Commission as a civilian oversight body on the police in Nigeria.

The publication is a product of the contributions of many organisations and individuals, too numerous to mention here. However, the follow deserve special commendations:

Our first appreciation goes to the **Open Society Justice Initiative** for providing the main funds for organizing the workshop and this publication in addition to providing the organizing team the expertise of its Senior Legal Officer for Africa, Chidi Anselm Odinkalu and Programme Officer Maxwell Kadiri. Similarly, we thank **Macarthur Foundation** for providing part funding for the workshop, which enabled the participation of representatives of 20 civil society groups in the workshop under the umbrella of the Network on Police Reform in Nigeria (NOPRIN).

We are grateful to the President, Federal Republic of Nigeria, Chief Olusegun Obasanjo, for accepting the invitation to declare the workshop open and for sending the minister of Police Affairs, Chief Broadrick Bozimo, to represent him. We also thank the Inspector General of Police, Mr. Tafa Balogun, for his opening remarks to the workshop and for his approval of the participation of fifteen superior police officers in the workshop, led by two Deputy Inspector General of Police – Mr. Sunday Ehindero and Musa Abdulkadir.

Finally, the contributors and participants deserve our special commendation for their brilliant presentations and robust debates which the workshop a success. The names of the paper contributors are listed against their papers reproduced in this publication.
An effective and efficient police service is – in today’s world – one of the clearest and most direct expressions of the social contract between citizens and the state. The state is to provide the citizens with security, in return for which the citizens render unto the state – whether (as in the past) in the form of military service or (as more often nowadays) in the form of taxation.

While Nigeria does face various external threats, it is not – as at 2003 – a nation at war. Rather, the threat to our security is internal – most specifically from criminal activity within our own borders: the invasion is not of our country, by foreign armies, but of our homes, by armed criminals or of other aspects of our lives and property by ne’er-do-wells.

It is to meet this challenge that the nation state in today’s world maintains police authorities. Nigeria is no exception. The Nigeria Police Force – today established under section 214 of the Constitution of the Federal Republic of Nigeria 1999 – is the only body in the country with constitutional authority to police the society and to provide the security and the maintenance of law and order which the citizen has a right to expect from his or her government.

Despite this monopoly of policing authority however, there has been a severe loss of confidence in the Nigeria Police Force on the part of citizens. The result has been an explosion of societal ills – from instant or mob “justice” to a plethora of non-constitutional agencies such as ethnic militias and vigilante organisations, many of which, whatever their original lofty aspirations, have compounded the problems which they set out to solve (often with the grossest abuses of human rights) and which have increased the sense of helplessness on the part of would-be law-abiding citizens.

One of the tasks facing the country therefore, is the re-establishment of a sense of confidence on the part of the general public in the efficiency, fairness and impartiality of the Nigeria Police. But can this confidence be re-established if the public feel that their own concerns regarding the performance of police officers are irrelevant?

When a police officer is being considered for promotion or punishment, his or her record is examined and considered. But whether favourable or unfavourable, it is on the whole, only the assessment of fellow or senior police officers that goes to make up that record. Such fellow police officers are only too aware of the difficulties and problems that their colleagues face in their attempt to maintain law and order, to prevent criminal activity and to detect offenders and collect the evidence on which a case can be built which will secure the conviction and punishment of criminals in a court of law.

But should such understanding on the part of police officers excuse errant behaviour on the part of their fellows? It is said that “much is expected of those to whom much is given”. And while the individual members of the Nigeria Police could – on one level – justifiably remark that “much” is not given to them, for the ordinary citizen, the power of life or death, the power of
liberty or arrest, the right to bear arms: these constitute the “much” in return for which the highest standards of behaviour must be demanded.

It is against this background that the Police Service Commission, in collaboration with the Centre for Law Enforcement Education, the Open Society Justice Initiative and the Vera Institute, held its first national workshop on Public Access Procedures at Abuja in September 2003.

The Police Service Commission, established under section 153 of the 1999 Constitution, is the very embodiment of the concept of civilian oversight for the Nigeria Police Force. It is the Commission which is responsible for the appointment, promotion, discipline and dismissal of every police officer in Nigeria other than the Inspector-General of Police\(^1\). Of its seven members and Secretary, only one member is a retired senior police officer. The rest come from the non-police sector of society. The Act under which it is established goes further to specify that its members should include a representative of each of women, the Nigerian Press, Nigerian human rights non-governmental organisations and the organised private sector. But how meaningful can this laudable diversity of societal interests be, and how much confidence can the public have in its decisions as to appointments, promotions and discipline or dismissal if – at the end of the day – all the members can do is to act on the recommendations of other policemen who – however much they too may desire the creation of a respected police, and however rigorous they may be in exacting discipline and obedience from their juniors – are subject, or are perceived as being subject, to the camaraderie and closed ranks seen as necessary for the maintenance of *esprit de corps*?

Of course, members of the public can and do raise complaints against police officers. Cases of death or serious injury in police custody or resulting from torture at the hands of investigating officers, seizure of property, wrongful or malicious arrest, extortion and bribe-taking, release of suspected criminals (who then turn round to terrorize those who named them as suspects) – these have all been reported to the Nigeria Police Force. But even cases taken up by non-governmental organisations and legal practitioners are often left un-addressed and ignored in the expectation that the complainant will eventually get tired. How much more complaints raised by ordinary individual members of the public? And as noted above, how much confidence can the public have when they feel that their views are in any event, going to be considered (if at all) by fellow officers who – apart from having enough on their plate to fully justify (in their own eyes at least) filing such complaints away for consideration “at a later date” – may be all too ready to sympathise with a colleague expected to perform wonders with meagre resources and to build a secure house in which members of the public can sleep with both eyes shut using bricks made without straw?

The national workshop on Public Access Procedures was the first step by the Commission towards the systematic treatment of communications by members of the public on police conduct. The papers presented at that workshop, which are now gathered in this publication, highlight the many sides of the public access issue. They represent only a first step however.

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1 The Inspector-General of Police is appointed by the President of Nigeria on the advice of the Nigeria Police Council, a body composed of the President, the Governors of each of the (currently 36) States of the Federation, the Chairman of the Police Service Commission and the Inspector-General of Police.
The goal and ambition of the Police Service Commission is to ensure that no comment by a member of the public on the conduct of any police officer – whether to condemn or to commend – should simply get “lost in the system”, but that each is considered and dealt with. It is only then that Nigeria can truly begin to talk of true civilian oversight of its police force. For in the final analysis, that oversight rests – not only with the members of the Commission, but with the entire Nigerian public.

The publication is divided into three sections. Section one focuses on addresses and speeches made during the opening session by the dignitaries invited to grace the workshop. Section two contains the papers presented by resources persons from within and outside of Nigeria. Finally section provides the appendices.
ADDRESSES AND SPEECHES
OPENING ADDRESS

Chief Simon N. Okeke, FNIVS, FRICS;
Chairman, Police Service Commission, Abuja Nigeria

I am happy to welcome you to the Workshop on Civilian-Police Public Access Procedure organized by the Police Service Commission in collaboration with the Open Society Justice Initiative (OSJI), the Vera Institute and the Centre for Law Enforcement Education (CLEEN). It is instructive to note that this workshop is the first in the series of Workshops/Seminars to be embarked upon by the Police Service Commission.

This workshop has been organized to enhance the capacity of the Commission in its service delivery and also to create an opportunity for the contribution of the various stakeholders to forge a strategic direction in its operations. It is expected that this workshop will provide the avenue to highlight the importance of the Police Service Commission as a civilian and democratic institution open to members of the public to give expression to their opinions, complaints and commendations on the conduct and activities of the officers and men of the Nigeria Police Force.

The Police Service Commission is the body charged by the Constitution and the laws of the Federal Republic of Nigeria with the appointment, promotion and discipline of persons to offices (other than the office of the Inspector-General of Police) in the Nigeria Police Force. The Commission is an important element in the reform and modernization of the Nigeria Police Force, and the inauguration of the Commission on November 28, 2001 by President Olusegun Obasanjo is the product of the yearnings of Nigerians who sought a constitutional and civilian oversight institution for the police. The representative nature of the Commission is demonstrated by the way in which its members are drawn from each of the six geo-political zones in the country in compliance with the federal character provisions of the Constitution. Its composition also accommodates representatives of the judiciary, the police, women, Nigerian press, non-governmental human rights organization in Nigeria, the organized private sector and the civil service of the federation.

The stakeholders in the management of the Nigeria Police at this workshop on Civilian-Police Public Access Procedure are expected to address the goal of good policing. It is worth noting that obstacles to good policing have resulted from poor communication links with the public, the breakdown of trust between the police and civil society, and the fact that the police were poorly remunerated, trained, managed and badly equipped. Often one hears the statement, 'We can't trust the police with information'. Only recently a national newspaper reported that residents of an area in Lagos are considering the establishment of a joint committee to entertain complaints from public in order to ensure that genuine complaints are not ignored by law enforcement officers. Policing, whether modern or mundane, works on information. Reliable information hardly comes in an atmosphere of fear and mistrust. Many people believe that intelligence or information passed to the Police is mismanaged – that it is not treated with the high level of secrecy and confidentiality needed. The general belief is that the informant may even end up
either being exposed to danger or himself being made the accused! The institution of a procedure by which the public can have access to the Commission serves as a mechanism for achieving the consent and support of the governed. Complaints and the disciplinary procedure which may follow are integral parts of accountability on the part of law enforcement officers. They are essential to good policing, as they prevent police malpractice and abuse of authority. The mechanism which we hope to establish will also serve to define standards of performance by the police themselves in the execution of their public duties. It is hoped that by the end of this workshop, a real and effective blueprint for public access will be established.

I am glad that the array of experts assembled from various quarters to give meaning to an effective public access procedure are well equipped to proffer concrete recommendations that will enhance good policing in Nigeria, and also engender the confidence of the citizens in the Nigeria Police Force.

May I seize this opportunity once more to thank Your Excellencies and our distinguished guests and speakers for finding the time to be part of this epoch agenda. I also want to thank the Vera Institute, the Open Society Justice Initiative (OSJI) and the Centre for Law Enforcement Education (CLEEN) for providing the necessary logistics for this Workshop.

I thank you all for your attention.
WELCOME REMARKS

Innocent Chukwuma  
Executive Director,
Centre for Law Enforcement Education (CLEEN), Lagos, Nigeria.

On behalf of the Centre for Law Enforcement Education (CLEEN), I warmly welcome you all to the opening ceremony of this important workshop on civilian-police public access procedure, being organized by the Police Service Commission (PSC) in collaboration with CLEEN, Vera Institute of Justice, New York and supported by the Open Society Justice Initiative and Macarthur Foundation.

This workshop is the first phase of a three-phase project aimed at strengthening the institutional capacity of the Police Service Commission as a civilian oversight body on the police in Nigeria. The other phases, which would follow after the workshop are the development of an action plan for the work of the PSC, especially in the area of the establishment of a mechanism for processing public complaints and running a pilot independent investigation initiative on the complaints that the PSC receives.

The importance of having civilian oversight bodies and public access procedures on the police such as the Ministry of Police Affairs, Police Service Commission, National Assembly committees on Police Affairs, National Human Rights Commission etc. are well documented in the literature and would be heard over the next two days of this workshop that I really need not bore you here with such details. But suffice it to say that civilian oversight bodies on the police have come to stay because of widespread citizens concerns about police exercise of the enormous and often intrusive powers they enjoy under the law. Additional reasons given for their establishments include the vulnerability of the police to abuse of discretionary powers and partisan control by political authorities (Miller, 2002; Goldsmith and Lewis 2000; Lewis and Prenzler, 1999).

However, what I have also found very interesting in the literature on the subject and hearing the countless accounts of practitioners in the field, some of whom are here with us today, is that civilian oversight bodies appear to have worked well in societies where there are synergy of efforts between them and the police internal disciplinary systems. In order words, the work of the external has to mesh with that of the internal for the two to be effective. David Bayley, a leading authority on policing and the police clearly articulated this when he argued that:

The act of achieving accountability (in the police)... is to enlist the support of the police in disciplinary activities ... for processes of external regulation ... to be more than a highly publicized morality play, the police must become convinced that they will be trusted to bear ... the active responsibility for ensuring correct performance (1983: 158).
You need not agree in totality with this view but it at least underscores the importance of having external oversight bodies’ work in partnership with the police forces to achieve desired public goals for their establishments.

To assist us in having that kind of collaborative environment between the police and its oversight bodies in Nigeria, the PSC and its partners in this workshop ensured that we not only have adequate police representation but also consulted widely with the police leadership in drawing up the resource persons so that the views of both sides and indeed all sides are reflected in the lead presentations and the discussion sessions that would ensue after the presentations.

We have also invited resource persons that would give us global overview of developments in this field in terms of best practices but also country specific experiences and thematic perspectives. In this regard, I would like to welcome Chitra Bhanu and Joel Miller from the Vera Institute of Justice in New York, which is collaborating with us in this project and would be making a presentation. Karen Mackenzie and Innocent Khuba are here from the South African Independent Complaints Directorate (ICD), the counterpart of PSC in South Africa, to share their experiences in this challenging field with us.

We welcome Okey Ibeanu of Macarthur Foundation, which provided part sponsorship of this workshop; Joseph Gitari, Programme Officer for Human Rights at the Ford Foundation is here with us; Martin Schönteich, Senior Legal Officer, National Criminal Justice Reform, at the Open Society Justice Initiative joined us from New York. Finally and by no means the least, we welcome the representatives of the diplomatic corps, government agencies, donor bodies and civil society groups here with us.

Once again, thanks for coming.
I wish to thank you for inviting me to be the chairman of the Opening Ceremony of this all important workshop organized by the Police Service Commission in collaboration with the Centre for Law Enforcement Education (CLEEN, Open Society Justice Initiative (OSJI) and Vera Institute of New York.

This forum, I believe, has created an opportunity for us to interact with one another, at different levels of governance and interests, to express our collective determination at improving the performance and efficiency of the Nigeria Police Force.

Indeed, in a democratic dispensation, political freedom and human rights have to be promoted, but at the same time, a secure and stable environment is essential for progress and national development. A balance has to be maintained between these two pressing demands. At the beginning of the present civilian administration, the repressive policies of past regimes led to popular demands to curb the excesses of over-zealous security operatives. And indeed, repressive and hostile attitudes on the part of the security agencies toward the ordinary citizens should not be allowed in a democratic setting.

There are several agencies which have responsibility for law and order in Nigeria. The first is the Nigeria Police Force. Others include the National Drug Law Enforcement Agency (NDLEA), the Immigration, Customs, and Prisons services, and when occasion demands, the Armed Forces.

Out concerns here today is with the Nigeria Police Force. It is a civil agency and is responsible to civil authority through a well-defined chain of command. It is therefore necessary for them to be trained and equipped as a civil force fit to operate within a democratic framework.

The present strength of the Nigeria Police Force makes it difficult to reduce the crime rate and maintain law and order. While the trend in the Armed Forces is towards reduction, this is not applicable to the police force where we are yet to reach the desired or necessary level of manpower. Therefore, I commend the Police Service Commission for the ongoing expansion of the force. Without compromising the quality of training given to new recruits, I would urge that the programme be sped up to enlist more men and women into the Force to cope with the increasing demands for police services.

Equipping and expanding the force, however is not enough. Just as the National Assembly exercises oversight responsibilities as regards the Executive, there must be civilian oversight on the police. Therefore, the subject of this workshop - Public Access to the Police Service Commission which represents Civilian Oversight is not only imperative but expedient on all stakeholders and apparatus of governance.
In a democracy, conflicts are inevitable. But the ability of the police force to manage such conflicts, without bias, is most critical. It is important to note that maintaining law and order and protecting lives and properties are core functions of the state. A state that lacks the capacity for this is already displaying one of the attributes of a failed state. We cannot afford to fail.

In view of this, I should hope that in the course of your deliberations, which I am told is expected to draw eminent resource persons from other parts of the world; the pertinent issues will be thoroughly addressed.

As a one time Chairman of the Senate Committee on Police Affairs, and in my current responsibility, you can count on a sympathetic ear in the National Assembly. We will support any legitimate needs of the police as we all have a stake in a secure and safe nation which a virile and gallant police force can provide.

Thank you and God bless.
KEYNOTE ADDRESS

Chief Akin Olujimi SAN
Attorney-General of the Federation and Minister of Justice,
Federal Republic of Nigeria, Abuja – Nigeria

Introduction
The Nigerian Police Force is established under section 214 of the 1999 Constitution, which provides in sub-section (1) that ‘there shall be a Police Force for Nigeria, which shall be known as the Nigeria Police force, and subject to the provisions of this section no other police force shall be established for the Federation or any part thereof.’ The section further provides that-

‘The Nigeria Police Force shall be organized and administered in accordance with such provisions as may be prescribed by an Act of the National Assembly.’

Accordingly, the powers and responsibilities of the Police are set out under the Police Act (Cap 359) Laws of the Federation of Nigeria. In section 4 thereof, the following duties are assigned to the Nigeria Police Force:

(a) Prevention and detection of crime;
(b) The preservation of law and order;
(c) Apprehensive and prosecution of offenders;
(d) Due enforcement of all laws and regulations with which they are directly charged and
(e) To perform such military duties within or without Nigeria as may be required by them by, or under the authority of this or any other Act.
(f) Protection of life and property

These are enormous responsibilities that have direct impact on the quality of life of individuals as well as of society as a whole. Under normal circumstances, these functions ought to endear the police to at least the law-abiding members of the public. But the reverse is the case. The public generally regards the police as a necessary evil rather a source of confidence and protection. Thus, instead of receiving respect and cooperation from the public, the Police are avoided by the public as much as possible. Yet, the tasks of the Police require the full cooperation of the public in order to be successful.

Some Relevant International Standards
It has been realized all over the world that, because of the potential for abuse, the regulation of the work of the police and other law-enforcement agencies can no longer be left exclusively within the ambit of domestic law. Thus international standards have been evolved to guide their operations. For example, the General Assembly of the United Nations has developed several instruments, which provide guidance for the police and other authorities. These include:

* The Universal Declaration of Human Rights
* The international Covenant on Human Rights
The Covenant Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.

I believe these and other international instruments will come into sharper focus during the three days of this workshop. It suffices for now to say that the responsibilities of the Police must be performed diligently and with dignity in compliance with the principles of human rights enunciated not only in our Constitution (Chapter 4 therefore) but also with deference to international standards of human rights. Thus, a diligent performance of law enforcement duties in line with human rights standards is a condition precedent to the existence of a mutually beneficial relationship between the public and the Police.

It is important to draw attention to the code of Conduct for Law Enforcement officials, which is a direct instrument on the subject of this address. Adopted at the 106th Plenary Meeting of the United Nations General Assembly in 1979, the Code enunciates important principles and prerequisites for the humane performance of law enforcement functions. In particular, it provides:

“(a) That, like all agencies of the criminal justice system, every law enforcement agency should be representative of and responsive and accountable to the community as a whole;

(b) That the effective maintenance of ethical standards among law enforcement officials depends on the existence of a well-conceived, popularly accepted and humane system of law;

(c) That every law enforcement official is part of the criminal justice system, the aim of which is to prevent and control crime, and that the conduct of every functionary within the system has an impact on the entire system;

(d) That every law enforcement agency, in fulfilment of the first premise of every profession, should be held to the duty of disciplining itself in complete conformity with the principles and standards herein provided and that the actions of law enforcement officials should be responsive to public scrutiny, whether exercised by a review board, a ministry, a procuracy, the judiciary, an ombudsman, a citizens’ committee or any combination thereof, or any reviewing agency.

(e) That standards as such lack practical value unless their content and meaning, through education and training and through monitoring become part of the creed of every law enforcement official;"

The General Assembly adopted the Code of Conduct for Law Enforcement Officials and recommended that member States should incorporate its provisions within the framework of national legislation or practice as a body of principles for observance by law enforcement officials.
The Code contains various provisions which may be paraphrased as follows:

Article 1 of the Code provides that, Law enforcement officials shall at all times fulfil the duty imposed upon them by law, by serving the community and by protecting all persons against illegal acts, consistent with the high degree of responsibility required by their profession.

In performing their duties, the law enforcement officials shall respect and protect human dignity and maintain and uphold the human rights of all persons (Article 2).

Law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty (Article 3).

Matters of confidential nature in the possession of law enforcement officials shall be kept confidential, unless the performance of duty or the needs of justice strictly requires otherwise (Article 4). This is of particular relevance to the Nigerian situation where the members of the public usually do not volunteer information about crimes to the police because of the unfortunate practice whereby the police disclose their names to the suspects thus exposing them to reprisal.

The Code further provides in Article 5 that no law enforcement official may inflict, instigate or tolerate any act of torture or other cruel, inhuman or degrading treatment or punishment, nor may any law enforcement official invoke superior orders or exceptional circumstances such as a state of war or a threat to national security, internal political instability or an other public emergency as a justification of torture or other cruel, inhuman or degrading treatment or punishment.

Further, law enforcement officials shall ensure the full protection of the health of persons in their custody and, in particular, shall take immediate action to secure medical attention whenever required. (Article 6).

Finally, the Code provides in Article 7 that law enforcement officials shall not commit any act of corruption. They shall also rigorously oppose and combat all such acts.

Factors Responsible for the Poor Public Image of the Nigeria Police Force

We may identify the following as some of the factors responsible for the poor public image of the Police thus robbing them of the cooperation-and respect of the community.

* Poor conditions of service and living of the police. By the way, police barracks are usually poorly maintained and often hazardous to human living;
* The inclusion of the word ‘force’ as part of their name.
* Unfriendly investigation techniques;
* Police extra-judicial killings such as the execution of armed robbery suspects, some or whom may not be armed robbers at all;
* Police revenge killings or resort to 'jungle justice' such as when one of them is attacked or killed;
* Involvement of some unscrupulous policemen in armed robbery and hired assassination. Recall the case of DSP Iyamu’s conspiracy with the notorious Anini armed robbery gang that maimed and robbed Benin residents some years ago;
* Checkpoint killings;
* Excessive use of force in crowd control situations;
* Monetisation of police bail (Underlining for emphasis);
* Poor investigation of cases and the indiscriminate 'holding charge' to clamp suspects into detention.
* Lack of diligence in the prosecution of criminal cases at the lower courts resulting in missing case files, poor handling of exhibits, frustration of witnesses, etc.
* Abuse of powers such as the use of arrest power to punish 'enemies' or for settling personal scores.
* Arraignment of suspects for non-existent-offences such as the offence of 'having no means or livelihood!' etc.

But by far the most damaging factor responsible for the poor public image of the police is the apparent lack of a transparent and effective means of maintaining police accountability to the public. The public does not feel any sense of ownership of the Police. They often see the Police as an instrument of oppression. The need to reverse this feeling of police-public alienation underscores the importance of this workshop. In a democracy, it is necessary to make the Police accountable to the public. They must be responsive to scrutiny, This is the major challenge before this workshop.

Consequences of the Poor Relationship Between the Police and the Public
The poor perception of the police by the public has the following consequences amongst others:

* Lack of public support for the work of the Police. Those who have useful information that could assist the police often do not volunteer such information.
* Little public support for the demand by the police for improved welfare and working facilities.
* Inability of the police to discharge their functions effectively and efficiently.
* Mounting litigation against the authorities of the police for human rights violations by policemen.

Suggestions for an Improved Civilian-Police Access and Relationship
Let me outline some issues, which should engage our attention in finding realistic solutions to the problems identified above.

There is need to provide adequate facilities for the police for the performance of their constitutional functions. The deprivation suffered by the police during the military regime which probably perceived them as threat to the military, should be redressed. It seems that, the recent efforts of the Obasanjo Administration to re-equip the police are aimed at achieving this goal.

Opportunities must be created at all levels for the public to register their grievances with the confidence that their complaints will be looked into and appropriate disciplinary measures meted out to the erring officers. The whole idea of Police-community Relations Committees should be encouraged and made more effective. The public should be enlightened about the existence and functions of these committees. And the channels of communication between the public and the committees should be well defined.
Furthermore, there must be intensive enlightenment campaigns and trainings aimed at reorienting the officers and men of the police force such that they will see themselves as servants of law for the protection of the public rather agents of victimization or as an occupation force. The various guidelines regulating police operations should be updated and brought in line with the provisions of human rights educations.

In conclusion, I believe that the majority of our police officers are capable and willing to do a good job if the right atmosphere is provided and necessary facilities are made available. But on their part, the police must regain public confidence and support without which their appeals for improved conditions and facilities may not yield much returns.
I am delighted to be with you this morning on the occasion of the opening ceremony of the three-day workshop on Civilian - Police Public Access Procedure. This workshop symbolises the commitment of the Police Service Commission to establishing a solid foundation for the effective discharge of its statutory duties.

This Administration is totally committed to building a virile, disciplined, well trained, properly equipped, community and people-friendly Police Force. It is in realization of this that the officers and men of the Nigeria Police need to be highly motivated in order to discharge the enormous responsibility placed on them. The Police Service Commission is by Law charged with the responsibility for the appointment and promotion within the Nigeria Police (other than the office of the Inspector-General of Police). It also exercises disciplinary control over officers and men of the Nigeria Police. It may also delegate, and has indeed delegated, some of its functions to the Inspector-General of Police.

The task before the Commission in discharging the functions of appointment, promotion and discipline is indeed enormous. Given the record of past neglect, it is gratifying to note that the Commission has vigorously started to address the problems of stagnation and indiscipline which had seriously affected the morale of serving officers and consequently the effectiveness of the men of the Nigeria Police Force. Although a lot has been achieved in this direction, the Commission should not rest on its oars. Within the limit of its statutory functions, the Commission should set for itself a target and time frame within which to address the huge backlog of cases of promotion and discipline. The Commission should put in place measures that would continue to motivate and the men of the Nigeria Police Force to greater heights.

This Administration is proud to observe that since its inception, the issue of improving the morale of the men of the Nigeria Police Force has been a cardinal policy which has continuously been implemented through deliberate measures such as improved welfare packages, logistic support, especially in the area of transportation, communication and procurement of arms and ammunitions to address the challenges posed by miscreants and armed bandits whose activities constitute a serious danger to the lives and properties of innocent citizens.

It was in consideration of the urgent need to improve on the security situation and provide an atmosphere conducive to rapid economic development and a stable democracy that I approved and directed that forty thousand (40,000) personnel should be recruited every year to boost the strength of the Nigeria Police. It is my hope that in the not too distant future, we should achieve the standard that is suggested by the United Nations - of one policeman to four hundred Nigerians. This directive, I am aware, is being implemented. However, in the recruitment exercise, care must be taken to ensure that only the best candidates who are educationally, morally, physically and mentally qualified are recruited.
I have been informed that this workshop is organised in collaboration with Non-Governmental Organizations such as The Open Society Justice Initiative (OSJI), Vera Institute and the Centre for Law Enforcement Education (CLEEN). I hope, in the course of this workshop, you will be inspired by its laudable objectives and the support given by the donor agencies. I look forward to more of such cooperative support and implementable initiatives from other organizations in the development of our human resources.

Distinguished ladies and gentlemen, I implore all the stakeholders here present to work carefully to enhance the quality of recommendations that would emanate from this workshop. While wishing you successful deliberations, I am pleased to formally declare the workshop open.

Thank you and God bless you all.
VOTE OF THANKS

Alhaji Ahijo Bamanga
Secretary, Police Service Commission, Abuja Nigeria

It is indeed an honour and privilege for me to deliver the vote of thanks at this distinguished occasion. We have come to the conclusion of the opening ceremony for this workshop and all will agree with me that it has been an honourable event. We give thanks to the Almighty for giving the stakeholders the foresight, the determination and the resources which they applied in the actualization of the opening ceremony and the Workshop proper.

The Commission wishes to thank His Excellency the President, Commander-in-Chief for the guidance and the good policies and directives handed down in his speech. We hereby request the Honourable Minister of Police Affairs, to convey the Commission's profound appreciation and gratitude for the honour done us by the President.

May I, humbly express the profound thanks of the Commission to the Senate President for responding to our invitation and for personally gracing this ceremony despite his busy schedules and most importantly for accepting to chair the occasion. Our special thanks go to the distinguished Senators and Honourable Members of House of Representatives who honoured our invitation.

Our gratitude also go to the Secretary to Government of the Federation and the Head of the Civil Service of the Federation for honouring our invitation and for giving the Commission support on a continuous basis since the inauguration of the Commission in November, 2001. To the Honourable Ministers and members of the Executive Council, we express our profound gratitude for coming to this occasion.

Our thanks also go to the Chairmen and Members of the Independent Corrupt Practices Commission, the Human Rights Commission and the Public Complaints Commission for their presence and for working in partnership with the Police Service Commission. I also sincerely express our gratitude to members of the diplomatic corps for honouring our invitation and for availing us of their company and experience at this workshop.

Our special thanks go to the Permanent Secretaries who have assisted in making this workshop a success. My particular thanks go to the Permanent Secretary Foreign Affairs and the Permanent Secretary National Planning Commission who had substantial inputs into the programme. The Commission extends its gratitude to the Inspector General of Police, for his co-operation in this and in many other programmes. Most of the Commission's programmes would not be achieved without the participation of members of the Nigeria Police Force.

I wish to register appreciation and gratitude to the Open Society Justice Initiative (OSJI), MacArthur Foundation who are sponsoring the workshop. We thank, Vera Institute and Centre for Law Enforcement Education (CLEEN), for the enormous support in facilitating the organization of this workshop. In the same vein, I wish to thank members of the various Non-
governmental organizations that have indicated interest in our programmes and or are present here today.

My sincere appreciation also goes to the Press, both print and electronic, for the coverage of this event. Your coverage of the activities of the Police Service Commission has helped to sensitize the general public, and has created the much needed awareness and understanding of the responsibilities of the Commission.

Special thanks and welcome to the Resource Persons who actively enlightened us. I also extend the same appreciation to the Hon. Chairman and Commissioners of the Police Service Commission for working tirelessly to actualize this workshop. My special thanks go to Commissioner Ayo Obe who conceptualized the workshop and worked day and night with the staff of the Police Service Commission to see to its success.

Finally, the Chairman and members of the steering Committee of this workshop deserve special commendation for their commitment in the organization of this event. Once more I wish to thank you all for honouring our invitation and for contributing to the success of this Workshop.
PAPERS PRESENTED
CIVILIAN OVERSIGHT OF POLICING: LESSONS FROM THE LITERATURE

By Joel Miller

Abstract
This paper reviews the English language literature on the civilian oversight of police. Key findings are as follows:

Arguments for oversight have often focused on the effectiveness of oversight in addressing complaints, misconduct or broader police policy. However, the appearance to the community that complaints, misconduct or police policy are addressed in a transparent and fair way is also important argument for oversight. Civilian oversight of policing can also be seen as consistent with democracy, particularly given the significant power the police hold over citizens.

Most civilian oversight mechanisms have been concerned with complaints against the police. At one end of a spectrum are those organizations that take primary responsibility for receiving and investigating complaints. At the other end of the spectrum are those bodies that do not investigate complaints but are involved in the review, monitoring, and auditing of investigations.

Approaches to police misconduct by oversight agencies also include a proactive focus on identifying and addressing underlying systemic problems within police organizations. However, a proactive approach to police misconduct is often neglected in the activities of civilian oversight mechanisms, though there are some good examples where this approach has been embraced.

There are a range of other types of civilian oversight which are not exclusively concerned with misconduct issues. These involve civilian influence and control over broader areas of police policies, for example by controlling appointments, or by helping establish policing priorities.

Establishing and sustaining mechanisms for civilian oversight is often a difficult process. There are certain factors that can help or hinder the development of civilian oversight of policing. These include:
- Political support;
- Police cooperation;

With the assistance of Cybele Merrick, Vera Institute of Justice, New York
- Activist support;
- Resources;
- Management and leadership;
- Public attitudes.

There are a number of criteria that can be used for assessing the success of oversight agencies which can be measured using methods such as audits, reviews and surveys. These include:
- Integrity (whether the complaints process is fair, thorough, and objective);
- Legitimacy (how the complaints processes are perceived);
- Learning (feedback from the process contributes to improvements).

The report identifies some lessons for those wishing to promote oversight, including:
- Winning the argument for oversight;
- Identifying opportunities for creating oversight mechanisms;
- Influencing key actors;
- Effectively targeting oversight efforts;
- Implementing professional leadership and management;
- Monitoring and improving on success.

**Introduction**

“Civilian oversight” involves people from outside the police taking a role in calling the police to account for their actions, policies and organization. Most civilian oversight mechanisms have been particularly concerned with complaints against the police. However, civilians can, and do, hold the police accountable in ways that extend far beyond individual complaints, potentially covering broad areas of police practice and policy.

This paper looks at the English language research on civilian oversight. Inevitably, this literature is focused primarily on English speaking countries, notably the United States, Canada, Australia, and the United Kingdom, in which the development of civilian oversight is a somewhat recent phenomenon. In the United States, early attempts at civilian oversight bodies emerged in various forms as early as the 1940s, but it was only in the 1970s and onwards that these successfully started to take hold. In Australia, the United Kingdom, and Canada, civilian oversight mechanisms emerged in the 1970s and 1980s. And in the 1990s, the literature reveals that other countries such as India, South Africa, and Brazil also began to incorporate civilian oversight processes as part of police reforms.

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4 *Police Accountability: The Role of Citizen Oversight; Civilian Oversight of Policing: Governance, Democracy and Human Rights.*

5 *Complaints Against the Police: The Politics of Reform.*

6 *Civilian Oversight of Policing: Governance, Democracy and Human Rights.*
The literature on oversight consists largely of descriptions of the development, functions, and achievements of oversight agencies. Formal evaluations of oversight mechanisms or developed theories of oversight are less common. This no doubt reflects the fact that the empirical development of oversight is a relatively recent phenomenon. Inevitably, these limitations affect this review.

In exploring the English language literature, this paper aims to:
- Consider the value of civilian oversight;
- Describe different types of oversight;
- Highlight obstacles and opportunities in establishing oversight;
- Identify the characteristics of successful oversight.

Is civilian oversight important?
Where oversight mechanisms have been established they have rarely emerged because of a consensus among police, government, and advocates about their value. More often, they are the product of struggles and compromises made between those who support oversight and those who resist it, and between those with competing visions of what oversight should look like. Indeed, the police themselves have variously supported or opposed oversight mechanisms in different times and locations. In this context, it is useful to consider some of the arguments that might be made for civilian oversight. Three types of arguments are discussed below.

The effectiveness of oversight
One set of arguments claims that complaints and misconduct, or other areas of policy, are addressed more effectively when civilians are involved in the process than when police deal with such issues on their own. This issue has dominated much of the discussion about the merits of oversight. Focusing on complaint review, Walker highlights a number of arguments of this kind. For example, there are claims that oversight ensures more thorough and fair investigations, that more complaints are sustained, or that they result in more disciplinary actions and, as a result, more police misconduct is deterred. Similar types of arguments could be constructed for other areas of police policy. For example, it could be argued that police policies and priorities are more effective and more responsive to the community when civilians are involved than when the police make decisions without civilian input.

Arguments about effectiveness are probably most compelling in contexts where internal systems of review are conspicuously poor or absent, where there are clear and widespread abuses by police, or where police organizations are very poorly managed and organized. This may be the case, for example, in countries undergoing transitions to democracy, which have historically lacked accountability.

However, as Walker points out for the United States, arguments for and against oversight that rely on questions of effectiveness draw on assumptions that are largely untested and unproven. Furthermore, these assumptions can be very difficult to test empirically. For example, it is extremely difficult to judge whether the sustain rate of complaints is different with or without oversight, because oversight may impact on the kinds of complaints received. No doubt the
difficulty of resolving such issues is likely to be a feature of other countries besides the United States.

**Public confidence through oversight**
Beyond questions about the effectiveness of oversight is the broader issue of police legitimacy. Perez argues that it is important for a community to have faith in its public institutions, particularly the police. Significantly, the *appearance* to the community that complaints are dealt with in a transparent and fair way can be seen as a goal in its own right. Based on research within the United States, Perez argues that some form of civilian oversight is probably the best way to achieve legitimacy with the community, regardless of whether internal systems for dealing with police complaints might also be effective. Similar arguments can also be made for transparency in relation to misconduct or police policy more generally.

Civilian oversight does not guarantee legitimacy, and certainly there are examples where oversight agencies have not enhanced confidence in the police—for example, when oversight is not seen as independent or when it is perceived as ineffectual. However, the question of legitimacy is an important one to consider, over and above the question of effectiveness.

**The democratic significance of oversight**
Finally, a case for civilian oversight can also be made by a direct appeal to the democratic idea that citizens should have influence over their governance. Arguably, this is particularly important in relation to the police, given their significant power over the daily lives of citizens. Jones et al. have argued, for example, that the police are the most central public service in a modern state. While (in democracies at least) they exist to protect the fundamental freedoms of citizens, their powers also provide the potential for severe abuse of these freedoms. These powers include, for example, the power to detain and to use force against citizens. Oversight mechanisms may provide an important way in which policing can become more directly responsive to citizens. Again, this consideration is an important one to consider in addition to concerns simply about the effectiveness of oversight.

**Types of civilian oversight**
There are a variety of different roles that civilians can play in overseeing the police. As already noted, these are very often concerned with complaints. However, issues of police misconduct more generally and broader areas of police policy also feature.

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8 Common Sense about Police Review.
Oversight of complaints
The nature of civilian involvement in the complaints process varies substantially between oversight agencies. While some organizations take primary responsibility for receiving and investigating complaints, it is more common to find that civilian oversight bodies do not carry out full investigations of all complaints. Rather, they have some involvement in overseeing or reviewing complaint investigations, and may carry out some investigations. In other cases, bodies have no investigative mechanisms of their own, and are simply involved in the review, monitoring, and auditing of complaints and their investigation. Box 1 highlights this range of possibilities, using the examples of the Police Ombudsman for Northern Ireland, the South African Independent Complaints Directorate, and the San Jose Auditor in the United States.

<table>
<thead>
<tr>
<th>Box 1: Involvement in complaints by three different oversight agencies</th>
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<tbody>
<tr>
<td><strong>Full investigation by the Police Ombudsman for Northern Ireland</strong></td>
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</table>
| The Police Ombudsman for Northern Ireland, an office formed in 2000, takes full responsibility for receiving and investigating complaints against the police, and Ombudsman investigators have the same legal powers as police officers. If the Ombudsman feels there is sufficient evidence against an officer, she will recommend that the Director of Public Prosecutions prosecute the officer, or will recommend to the police that the officer receive disciplinary action.  

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| **Selective investigation by the South African Independent Complaints Directorate** |
| The Independent Complaints Directorate will investigate more serious offences—notably deaths in custody or by police action—as well as some complaints involving serious criminal offences by police officers. However, the remaining complaints are referred to the police for investigation. Where this occurs they are subject to monitoring by the Directorate. |

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| **Review and audit of complaints by San Jose Auditor (California, United States)** |
| Complaints may be received by the San Jose Auditor, but they are always investigated by the San Jose Police Department. However, the Auditor reviews details of the investigations during the case and after it has been closed and will make a determination as to whether it agrees with the finding or not. Additionally, the Auditor conducts audits of the Police Department’s investigation of citizen complaints and deaths related to police actions. |

Proactive approaches to police misconduct
The particular focus on complaints among civilian oversight bodies probably in part reflects a faith in “deterrence” - based approach to police misconduct. In this view, the punishment of officers identified for their unethical behaviour will have the broader effect of reducing misconduct and improving police organizations. This has obvious parallels with the view that crime in general can be reduced by the effective operation of the criminal justice system in bringing individual offenders to justice.

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12 Police Accountability: The Role of Citizen Oversight.
However, as is true for crime generally, deterrence is only one of a number of ways to deal with misconduct. Other approaches include a more proactive focus on identifying and resolving underlying systemic problems within police organizations. These problems might include, for example, deficiencies in police policies, management, supervision, or training. As Walker has noted, this can involve a “problem-oriented” approach, in which complaints and other kinds of data are analyzed with a view to identifying the underlying causes of misconduct, and to addressing these causes directly. This approach potentially draws on the principles of problem-oriented policing, which are more typically applied to problems of crime and disorder, as expounded by Goldstein.

Table 1 highlights the contrasting themes of reactive and proactive approaches to dealing with police misconduct.

<table>
<thead>
<tr>
<th>Reactive approach</th>
<th>Proactive approach</th>
</tr>
</thead>
<tbody>
<tr>
<td>Responds to individual complaints</td>
<td>Explores problems proactively (e.g. investigations, collection and analysis of data)</td>
</tr>
<tr>
<td>Emphasis on legalistic rules</td>
<td>Identifies underlying problems and causes</td>
</tr>
<tr>
<td>Use of adversarial, administrative process</td>
<td>Focus on organization as a whole</td>
</tr>
<tr>
<td>Imposes sanctions on individual officers</td>
<td>Concern with reduction and prevention of misconduct</td>
</tr>
<tr>
<td>Reliance on deterrence</td>
<td>Develops recommendations for organizational change</td>
</tr>
</tbody>
</table>

Some authors have argued that in both practice and research, proactive approaches to police misconduct have been neglected. However, there are some good examples of civilian oversight that have embraced this role. For example, Walker highlights the role of Merrick Bobb as a “special counsel” to Los Angeles County Sheriff’s Department. Bobb was appointed voluntarily by the department to investigate and monitor the performance of the department in managing the risk of misconduct. Box 2, below, describes his contribution to policy changes addressing a high number of police shootings in one part of the department.

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13 Ibid.
16 Police Accountability: The Role of Citizen Oversight, Complaints Against the Police: The Politics of Reform.
A significant contribution to police department policy made by the Special Counsel monitor was an investigation into high numbers of shootings by officers assigned to the department’s Century Station. This involved a review of documentation, interviews with staff, and observations. He found that there was a mismatch between the experience of officers, their levels of supervision, and the demands placed on them. He noted that shootings often occurred during foot and automobile pursuits. And he noted that a third of the shootings involved trainees. This led to recommendations for tightening standards for pursuits and changes in the organization of training for new officers so that they were spread more evenly across the department.\(^1^7\)

In a different context, the Police Auditor of São Paulo, Brazil, made a number of recommendations based on his oversight of police complaints investigations, which were accepted by the police. These included a change in policy from “shoot to kill” to “shoot to disable,” which may have contributed to a substantial drop in police killings which occurred over the period.\(^1^8\) In Queensland, Australia, the former Criminal Justice Commission, as well as dealing with complaints, has a Research and Prevention Division (RPD) which uses data generated by complaints, as well as carrying out other forms of data collection. In this capacity, RPD has identified patterns and problems underlying complaints and has been directly involved in training police officers.\(^1^9\)

In a slightly different example, within the United States some monitors have been judicially appointed for a limited period to oversee specific, legally binding reforms within police departments, such as when “consent decrees” are agreed between the police department and state or federal government. These typically originate from specific allegations about misconduct. For example, in Pittsburgh a monitor was appointed to oversee compliance with a consent decree specifying measures to monitor potentially problematic officer behaviour and the re-organization of the police complaints process.\(^2^0\)

**Oversight of broader police policy**

In addition to the issue of police misconduct, which dominates civilian oversight mechanisms, there are a range of other types of civilian oversight which are not exclusively concerned with misconduct issues. In practice, these have often received less attention in the civilian oversight literature.

One model is the example of Police Authorities in England and Wales, which exert control across a range of areas (see Box 3 below). Another is the Los Angeles Board of Police

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\(^1^7\) *Police Accountability: The Role of Citizen Oversight.*


\(^1^9\) *Complaints Against the Police: The Politics of Reform.*

Commissioners, which has the role of setting the overall policy for the department and participating in appointing the police chief.\textsuperscript{21}

\begin{table}[h]
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\begin{tabular}{|l|}
\hline
\textbf{Box 3 Oversight of police policy by Police Authorities in England and Wales} \\
\hline
Each police force in England and Wales is directly accountable to a parallel Police Authority. These agencies have a range of powers. Notably, they appoint the Chief Constable of the force and approve annual plans setting out policing priorities and the police budget. They are also obliged to consult with the community about local policing priorities, which inform these plans. While they take some role in overseeing complaints, this role is primarily carried out by a separate body. Members of the police authority include local politicians, magistrates, and independent figures.\textsuperscript{22} \\
\hline
\end{tabular}
\end{table}

Another example of accountability to civilians which is concerned with broader police policy is embodied in “community policing.” One of the best documented examples of community policing is in Chicago in the United States, though variations on community policing can be found in countries and jurisdictions across the world, including countries in North America, Latin America, Europe, Africa, and Asia.\textsuperscript{23} Within some models of community policing accountability to civilians may be embodied in mechanisms of consultation between local police and communities about police priorities. This takes place, for example, in the beat meetings police officers regularly hold with local community residents. However, the extent to which members of the public may genuinely hold power of the police through such meetings is likely to vary. For example, Bull and Stratta note that in case studies of police-community consultation committees within Australia and England, community influence on policing can be restricted, for example by limiting the agendas to issues that do not provide significant opportunities for the public to challenge or influence police policies.\textsuperscript{24}

\textbf{Models of civilian oversight mechanisms}

We have seen that there are a range of ways in which civilians can oversee policing. It is possible to classify, at least crudely, this variety in terms of certain models of oversight agencies. Walker offers a range of categories, based primarily on the U.S. experience of dealing with complaints and misconduct issues.\textsuperscript{25} In his first category, responsibility for investigating individual complaints is given to an agency external to the police department, and civilians carry out the initial fact-finding investigations. In a second category, citizen complaints are investigated by the police department, and civilians are involved in reviewing investigative complaints. In a third category, citizen complaints are received, investigated, and disposed of by the police department. However, if complainants are not satisfied with their treatment, they can appeal to the oversight agency. Finally, a fourth category is reserved for arrangements where police departments

\begin{itemize}
\item \textsuperscript{21} Office of the Inspector General LAPD website (\url{www.ci.la.ca.us/oig}).
\item \textsuperscript{22} Association of Police Authorities web site (\url{www.apa.police.uk}).
\item \textsuperscript{23} Wesley G. Skogan and Susan H. Hartnett, \textit{Community Policing, Chicago Style} (New York: Oxford University Press, 1997), 258.
\item \textsuperscript{24} David Bull and Erica Stratta, “Police Community Consultation: An Examination of its Practice in Selected Constabularies in England and New South Wales, Australia.” \textit{The Australian and New Zealand Journal of Criminology} 27, no. 3 (1994): 237-249.
\item \textsuperscript{25} \textit{Police Accountability: The Role of Citizen Oversight}. 
\end{itemize}
investigate complaints, but an auditor is authorized to review, monitor, or audit the department’s complaints process.

These categories probably work reasonably well for international purposes, too. As with the United States, though, there will clearly be examples of bodies that do not fit neatly into one category or another. Importantly, however, Walker’s categories exclude examples of oversight agencies already discussed that are not primarily concerned with complaints or misconduct, but take responsibility for broader areas of police policy, an area of oversight that should not be neglected. Table 2 provides a brief outline of some examples and characteristics of this range of civilian oversight mechanisms, covering the wide range of oversight.

<table>
<thead>
<tr>
<th>Oversight mechanism</th>
<th>Examples</th>
<th>Features</th>
</tr>
</thead>
<tbody>
<tr>
<td>Police investigation, with citizen review or appeal to civilian authority</td>
<td>England/Wales—Police Complaints Authority South Africa—Independent Complaints Directorate Victoria, Australia—Deputy Ombudsman Ontario, Canada—Commission for Public Complaints against the Royal Canadian Mounted Police San Diego, U.S.—Citizens’ Review Board on Police-Community Relations</td>
<td>Civilian authority or police receives complaints Police conduct investigation Civilian authority reviews investigative reports Civilian authority may call for further investigation if it does not agree with police report</td>
</tr>
<tr>
<td>Inspectors general, auditors and human rights commissions</td>
<td>India—Human Rights Commission San Jose, U.S.—Independent Police Auditor Los Angeles County Sheriffs, U.S.—Special Counsel São Paulo, Brazil—Auditor</td>
<td>Broad mandate to investigate and make recommendations on the complaints process and on underlying conditions leading to police abuses May investigate individual cases of alleged abuse</td>
</tr>
<tr>
<td>Other kinds of civilian oversight</td>
<td>Chicago, U.S.—Beat meetings with residents England/Wales—Police Authorities Los Angeles—Board of Police Commissioners</td>
<td>Consultation and control over broader policing policy and objectives</td>
</tr>
</tbody>
</table>

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Establishing and sustaining civilian oversight

History tells us that establishing and sustaining mechanisms for civilian oversight is often a difficult process. It is one that faces significant challenges from the very beginning and can be continuously threatened by organizational and political developments. The case of Washington, D.C. provides an example of how a number of challenges and setbacks can obstruct the development of civilian oversight repeatedly over many years (Box 4).

It is important to understand the factors that can help or hinder the development of civilian oversight of policing. This is particularly important for those looking to establish or develop oversight mechanisms. In practice, across countries and police departments, the kinds of obstacles and opportunities that influence the success of civilian oversight efforts are surprisingly similar.

Box 4: Setbacks for civilian oversight in Washington DC

Washington formed its first Complaint Review Board in 1948, following lobbying by the Urban League and National Conference of Christians and Jews in response to concerns about police brutality. However, the board had little visibility, handled few cases, and was criticized for its ineffectiveness. In 1965 it expanded its membership from three to five people and adopted more formal legal procedures. However, criticisms continued, and it was ultimately disbanded in 1973 when its members resigned.

In 1979, the mayor and the police department’s first African-American police chief responded to criticisms about complaint investigation by proposing a new Civilian Complaint Review Board. Despite the objections of many members of the police department, it was established in 1980 with exclusive jurisdiction over complaints of excessive force, harassment, and demeaning language. In practice, however, fiscal problems delayed the opening of the board until 1982.

In 1987, it emerged that there was a backlog of nearly one thousand cases. After a succession of high profile incidents of alleged police abuse, and riots, emergency legislation was passed in 1992 to expand the panel from seven to 21. However, a substantial backlog remained. Facing a severe financial crisis, the city abolished the Civilian Complaint Review Board in 1995, citing its ineffectiveness as a key reason.

Legislation passed in 1998 created a new board, the Office of Citizen Complaint Review, with power to resolve complaints more informally. This finally opened in 2001.27

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27 Ibid.
Political support
Ongoing political support is crucial for establishing and sustaining effective civilian oversight. This issue is relevant to the wide range of examples where attempts at oversight have been both successful and unsuccessful. For example, in Columbia, the role of the Commissionado Nacional para la Policia established by legislation in 1993, under President Gaviria, was dismantled in 1997 by his successor, President Samper, who was less sympathetic to the office of Commissionado.\textsuperscript{28} In the United States, civilian oversight agencies were often established by incoming mayors looking to improve police accountability (for example in New York and Philadelphia). In other cases, such as in Britain and Australia, commissions and inquiries instigated by politicians have led to the establishment of enhanced civilian oversight mechanisms.\textsuperscript{29}

There are also some important examples where fundamental political shifts have created conditions favourable for the development of civilian oversight. This is true, for example, for Northern Ireland, where the Ombudsman was established as part of wide-ranging police reforms that were central to the peace process over the last decade. It is also true in South Africa, where peace accords, and a changed political structure, led to police reforms involving establishment of the Independent Complaints Directorate.\textsuperscript{30} Similarly, in El Salvador, peace accords in 1992 provided a blueprint for police reform, leading to the creation of a Human Rights Ombudsman.\textsuperscript{31}

Police cooperation
Hostility by police departments and police officers to civilian oversight is probably one of the most significant factors that helps explain the failures and underperformance that have afflicted civilian oversight agencies. For example, police unions in North America have often battled against the introduction of police oversight.\textsuperscript{32} In some instances, campaigns by police unions have led directly to the demise of existing oversight agencies, such as in Philadelphia in the 1960s when two successive lawsuits by police unions significantly weakened the formal powers of the Police Advisory Board and then suspended its activities, after which it was not reactivated. In other contexts, police leadership has an important role in weakening the power of civilian oversight. For example, in Ontario in 1997, legislation to abolish the Office of Public Complaints Commissioner, and to replace it with weaker mechanisms of police accountability, was a product of close consultation between a conservative government and police leaders.\textsuperscript{33} In some cases, a lack of cooperation with a civilian oversight agency by police leaders can undermine its effectiveness and challenge its legitimacy. The Human Rights Ombudsman in El Salvador, for example, cited lack of police cooperation as a factor limiting her ability to investigate complaints.\textsuperscript{34}


\textsuperscript{29} \textit{Complaints Against the Police: The Politics of Reform}.

\textsuperscript{30} “External Governmental Mechanisms of Police Accountability: Three Investigative Structures.”

\textsuperscript{31} “Confronting a Culture of Impunity: The Promise and Pitfalls of Civilian Review of Police in Latin America”

\textsuperscript{32} \textit{Police Accountability: The Role of Citizen Oversight; Complaints Against the Police: The Politics of Reform}.


\textsuperscript{34} “Confronting a Culture of Impunity: The Promise and Pitfalls of Civilian Review of Police in Latin America.”
Conversely, in some contexts the engagement of police departments with the process of oversight has been an important basis for their success. It is notable, for example, that police union opposition to oversight has not been a feature in the South African context. And the voluntary appointment of Special Counsel by Los Angeles Sheriff’s Department, and the wide access given to this figure, is a key factor explaining the detailed and extensive analysis, recommendations, and reforms that have occurred within the department. Ultimately, effective oversight inevitably requires a reasonable working relationship with police departments, given that receiving, investigating, and overseeing complaints, disciplining officers, and changing policy cannot be carried out by oversight agencies without police cooperation.

**Activist support**
Community activist organizations, such as those campaigning for human and civil rights, can play an important role in the development of civilian oversight. This is true, for example, in the United States, where the American Civil Liberties Union has often been in the forefront of campaigns to establish civilian review boards. Campaigning by human rights groups was also important to police reform and civilian oversight in Sao Paulo, Brazil (see Box 5 below).

Conversely, a lack of support by such groups has been implicated in the failure of police complaints mechanisms. Goldsmith suggests, for example, that a lack of understanding of the role of Commissionado among human rights groups in Colombia may have been a factor contributing to the ultimate demise of the office. In a similar vein, Neild argues that in Argentina, human rights organizations, which have remained focused on demanding accountability for past military crimes, have not monitored or advocated for institutional police reforms.

**Resources**
Civilian oversight bodies obviously need sufficient resources to meet their mandate. However, it is common to find that such resources are not forthcoming. This may happen for political reasons, as a way of limiting the powers of oversight agencies, or it may simply occur because resources are scarce in jurisdictions facing fiscal difficulties and crises. Where agencies are under-resourced, this inevitably undermines their effectiveness, and can ultimately harm their support and legitimacy. For example, the failure of the Police Complaints Tribunal that existed in Queensland, Australia, in the 1980s is attributed by Lewis to, among other things, a lack of resources. While the tribunal technically had the power to conduct its own investigations, in practical terms it did not have the resources to do so, and had little choice but to resolve that matters brought to its attention would be referred to the police commissioner for investigation. Ultimately, the tribunal failed to detect and address the widespread corruption revealed ultimately by the Fitzgerald Inquiry.

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35 “The South African Independent Complaints Directorate”
36 “Police Accountability Reform in Colombia: The Civilian Oversight Experiment”
37 “Confronting a Culture of Impunity: The Promise and Pitfalls of Civilian Review of Police in Latin America.”
38 “Complaints Against the Police: The Politics of Reform

Conversely, there are examples of well-resourced civilian oversight agencies. Although it is still too early to judge the success of the Northern Ireland Police Ombudsman, it is clear that the agency has been invested with substantial resources, including a staff of 78 (as of March, 2000) for a police service of eight and half thousand officers serving less than 2 million citizens.  

**Management and leadership**

Effective management and leadership of civilian oversight agencies are also critical to the success of oversight agencies. The continued backlog of complaints that characterized the ill-fated Civilian Complaint Review Board in Washington DC was, at least in part, a product of management failures. Effective leadership is also important to securing the confidence of politicians, agencies, and the public in the work of civilian oversight agencies. In Colombia, a long search for an initial candidate for the role of Commissionado and the resignation of that candidate within a few months (citing budget constraints and lack of police co-operation) contributed no doubt to its failure to achieve a high profile and political and public support. As noted, the Commissionado role was subsequently dismantled.

**Public attitudes**

Public concerns, often fanned by the media, play an important role in prompting both positive and negative developments in civilian oversight. Notably, civilian oversight typically emerges in the context of public reaction to high-profile examples or allegations of police misconduct, often accompanied by a perception that justice against the police officers concerned is not achieved. This was true, for example, in the emergence of the first Civilian Complaint Review board in New York City in 1953, following a Department of Justice investigation highlighting a range of allegations of police brutality, and the failure of the New York City Police Department to discipline officers guilty of misconduct. In Britain, the establishment of a new Independent Complaints Commission follows an inquiry into a bungled police investigation into the racist murder of a black teenager. This inquiry was the outcome of a long campaign by the victim’s family.

However, public attitudes can also play a role in undermining civilian oversight. It is notable, for example, that public fear of crime often goes hand in hand with support for a more aggressive style of policing, and perhaps some sympathy with police brutality against suspects. In New York, for example, it was the public who voted to dismantle the Civilian Complaint Review Board in 1966 following a strong campaign by the police union, playing on fear of crime. This may be a significant issue in countries where public fear of crime is high. Manby suggests that the public sympathies for aggressive policing that exist in South Africa, with its extremely high levels of violent crime, have been an obstacle for the Independent Complaints Commission.

There can also be problems when an oversight agency is not seen as independent. For example, Manby notes that the media often refers to the Independent Complaints Directorate in South

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40 Police Ombudsman for Northern Ireland website.  
41 Police Accountability: The Role of Citizen Oversight.  
42 “Police Accountability Reform in Colombia: The Civilian Oversight Experiment”  
43 Police Accountability: The Role of Citizen Oversight.  
45 “The South African Independent Complaints Directorate.”
Africa as part of the police service. This may reflect, in part, the fact that it has been dependent on the police service for some of its resources.

<table>
<thead>
<tr>
<th>Table 3 Factors which can help and hinder the development of civilian oversight</th>
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<td><strong>Obstacles</strong></td>
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| Political support | Politicians may have “law and order” agenda not conducive to oversight.  
Politicians may limit oversight powers through legislation or budgets. |
|                | Political shifts (e.g. newly elected officials, peace accords, transitions to democracy) can produce favourable conditions for oversight. |
| Police co-operation | Campaigning by police unions can challenge oversight agencies.  
Lack of cooperation by police departments can undermine effectiveness of oversight. |
|                | Police support and access to facilitate effective investigation and audits.  
Responsive police departments will implement recommendations for reform. |
| Activist support | Deep mistrust of the police (e.g. where they have history of systematic human rights abuses) may deter activists from constructive engagement with police reform. |
|                | Lobbying by community groups can help drive police reforms. |
| Resources | Limited resources for oversight agencies can result in ineffectiveness and failure. |
|                | Well resourced oversight agencies have a greater chance of meeting their objectives. |
| Management and leadership | Poor management and leadership can lead to ineffective oversight agencies and unmet public expectations. |
|                | Effective management creates conditions for efficient and effective investigations.  
Strong leadership can raise the profile and create political and public support. |
| Public attitudes | Fear of crime can offset support for police accountability.  
Where oversight agencies do not appear independent, they may lose public support. |
|                | Outrage at police abuses can prompt action to improve oversight. |

One example where the various factors discussed above were largely favourable to the development of a civilian oversight mechanism was the case of São Paulo in the late 1990s, as described in Box 5 below.

<table>
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<tr>
<th>Box 5 Establishing civilian oversight in São Paulo, Brazil</th>
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<tr>
<td>São Paulo, Brazil’s largest city has a strong human rights movement, with over forty active organizations often campaigning against police abuses. This movement demanded and won the</td>
</tr>
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</table>

Ibid.
creation of a council for the protection of the human person (CONDEP), which recommended greater controls on police behaviour. Following the election of a new state governor in 1995, a Police Auditor was created to oversee police investigations. As of 1997, the Auditor had a staff of 25, powers to see any police documents, and the power to make proposals for changes in police policy.

The first auditor, Benedito Domingos Mariano, was a human rights activist who prioritized police killings, torture, abuse of authority, and threats. In practice, it appeared that the police treated seriously the cases he followed. The Auditor received strong political backing from the state governor and legislature, had offices in the Ministry of Public Security, and received favourable media coverage.

Over the first three months of the auditor’s office, complaints were received by the auditor in only one in ten cases where police used lethal violence. However, by 1998, almost every case was registered as a complaint with his office. In two and a half years, the office received sixteen thousand complaints, and followed half of these. The auditor also made a number of recommendations, some of which were acted upon by the police.47

Evaluating the success of civilian oversight agencies
There is little research that has properly evaluated the success of oversight agencies. Furthermore, as in any comparison of policing, given the many forms and contexts of different oversight agencies, it is not clear how much successes in one context would translate into another. However, it is useful to consider the criteria that might be used to assess the success of individual oversight agencies.

Based on Perez, there are three important criteria for assessing the success of civilian oversight mechanisms in relation to complaints and misconduct, though they can be extended to oversight of broader policy areas.48 These are integrity, legitimacy, and learning. Walker has identified a number of strategies for assess whether police and oversight practices meet these standards.49 Table 4 summarizes some of the main themes highlighted by Perez and Walker.

<table>
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<tr>
<th>Table 4 Judging the success of civilian oversight mechanisms</th>
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<tr>
<td><strong>Criteria for success</strong></td>
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<tr>
<td>Integrity</td>
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<tr>
<td>This refers to whether the complaints process is fair, thorough, and objective. This includes fairness to both complainants and police officers. It relates to whether decision-making is objective in evaluations of facts and statements.</td>
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<td>Legitimacy</td>
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47 “Confronting a Culture of Impunity: The Promise and Pitfalls of Civilian Review of Police in Latin America.”
48 Common Sense about Police Review.
49 Police Accountability: The Role of Citizen Oversight.
Describes how the complaints processes are perceived, notably by the public, complainants, and the police. The idea of legitimacy can be extended to broader areas of police policy.

| Learning | 
|------------------|------------------|
| Refers to the extent to which the complaints process provides meaningful feedback which contributes to the improvement of the process and the police department generally. This criterion can be extended to organizational responses to other issues besides complaints. | Policy reviews. 
Surveys of public confidence. 
Interviews with complainants, police officers, and the public. 
Interviews with police officials. 
Analysis of data on police activity (e.g. arrests, stops, searches, complaints). 
Observations of police practice. 
Examining uptake of recommendations for police reforms. |

The ideals and methods presented in Table 4 could be useful for those directly engaged in civilian oversight. They provide an important basis for monitoring and evaluating the efforts of agencies. In doing so, they allow agencies to identify their problems and weaknesses, and to identify ways of improving on the success of their efforts.

As a final thought, it is important to realize that civilian oversight is ultimately just one form of accountability among several that contribute to the ideal for democratic policing. As Stone and Ward observe, there exist in practice a number of complementary forms of police accountability, including those to the public, the state and to the police themselves. Accountability is probably best achieved when these processes work together and reinforce one another. It is therefore important not to view civilian oversight as providing all the answers to the problem of producing an accountable police service, but as an important element.

**Conclusions**

This paper has looked at the arguments for oversight, examined the different forms it can take, and explored the factors that contribute to its success. It has shown that arguments for civilian oversight do not always go unchallenged, and that establishment of oversight does not always emerge from agreement across groups. It has shown how oversight has often been preoccupied with reacting to complaints and misconduct issues, and in some cases has neglected more proactive approaches to reforming or influencing police departments. And it has illustrated how establishing and sustaining oversight mechanisms can be a difficult process in which politicians, the police, activists, and the broader community play a critical role.

**Key lessons for promoting oversight**

Against this backdrop, there are a number of important lessons that can be learned for those engaged in developing oversight mechanisms.

Winning the argument for oversight—The most persuasive case for oversight does not come only from arguments about the effectiveness of oversight at responding to police misconduct or broader areas of police policy. The potential for oversight to enhance the legitimacy of the

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police in the eyes of the public and its consistency with democratic principles are also
important.

Identifying opportunities for creating oversight mechanisms—Important opportunities for
promoting oversight may emerge from wider political changes, including the election of new
political leaders, transitions to democracy, or other kinds of change or reform.

Influencing key actors—Campaigns for oversight are likely to benefit from actively
promoting oversight to actors who have the power to influence the success or failure of
civilian oversight efforts. These include politicians and governments, the police, activists,
and the public.

Effective targeting of oversight efforts—Different contexts may demand and present
opportunities for different kinds of oversight. However, in developing the role of oversight, it
is important to look beyond simply reactive approaches to complaints. Successful oversight
also involves proactivity. This includes analysis of problems, identifying the causes of
problems, and proposing solutions. Oversight can also extend beyond misconduct issues into
broader areas of police policy.

Professional leadership and management—The development of successful oversight agencies
relies on strong leadership and management. This is important for creating a positive profile
for an agency and winning support. It is also important if agencies are to properly fulfil their
mandate and provide an effective service.

Monitoring and improving on success—In order to measure and improve on the success of
oversight agencies, it is important to evaluate their performance. This paper has described a
number of approaches to performance evaluation using methods such as audits, reviews, and
surveys.
Police Accountability in Nigeria: Framework and Limitations

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Introduction
Accountability has become an important element in the discourse of the ground rules for the governance of nations and corporate entities. What is accountability? What is its relevance for the organization, command and control of the Nigeria Police Force? What are the existing frameworks for police accountability in the country? How adequate are the various elements of the framework for the accountability of the nation’s police? How can the accountability of the Nigeria Police Force be enhanced and to who and through what mechanisms? This paper engages these questions and proffers recommendations for the strengthening of the police accountability in the country without undermining the capability of the force to promote safety and security.

Concept and Dimensions of Accountability
The concept of accountability is most often used without proper or adequate definition resulting in confusion as to what is implied. In Nigeria, the concept of accountability has not received adequate clarifications from both the academia and legal system. Therefore, there is need for a relatively extensive consideration of the term in order to appreciate its scope and utility. There are several dimensions of and frameworks for accountability. For example democracy and rule of law embody frameworks for accountability. One of the most rigorous, yet broad, definitions of accountability, that this paper leans on has been provided by Andreas Schedler (1999). According to Schedler the “term accountability … expresses the continuing concern for checks and oversight, for surveillance and institutional constraint on the exercise of power” (p.13). Furthermore, Schedler argues that:

[T]he notion of political accountability carries two basic connotations: answerability, the obligation of public officials to inform about and to explain what they are doing; and enforcement, the capacity of accounting agencies to impose sanctions on powerholders who have violated their public duties. This two-dimensional structure of meaning makes the concept a broad and inclusive one that, within its wide and loose boundaries, embraces (or at least overlaps with) lots of other terms – surveillance, monitoring, oversight, control, checks, restraint, public exposure, punishment – that we may employ to describe efforts to ensure that the exercise of power is a ruled-guided enterprise (p.14; italic mine).
Accountability, according to Schedler “embraces three different ways of preventing and redressing abuse of political power. It implies subjecting power to the threat of sanctions; obliging it to be exercised in transparent ways; and forcing it to justify its acts” (p.14).

The popularity of demand for accountability in public and corporate governance continues to grow. Diamond et al (1999) attributes this to the realization in both old and new democracies that elections, cannot always restrain power. According to them:

[...]

Accountability is not intended to eliminate or undermine power but rather to control it from becoming an instrument of repression and exploitation and to ensure that power is exercised in a transparent manner, and according to rules.

There are various types of political accountability. They include the following varieties appropriately identified by Schedler (1999:22):

... political accountability (in its narrow senses) assesses the appropriateness of both substantive policies and policymaking processes, but it also brings judgment on the personal qualities of political actors; administrative accountability reviews the expediency and procedural correctness of bureaucratic acts; professional accountability watches over ethical standards of professionalism, such as medical, academic, and judicial professionalism; financial accountability subjects the use of public money by state officials to norms of austerity, efficiency, and propriety; moral accountability evaluates political acts on the basis of prevailing normative standards (independent of formal rules and regulations); legal accountability monitors the observance of legal rules; and constitutional accountability evaluates whether legislative acts are in accordance with constitutional rules (italics mine).

Many of these varieties are applicable to discussion on police accountability.

The literature on accountability has identified and proposed two types or levels of accountability – vertical and horizontal systems of accountability. Vertical accountability ‘describes a relationship between unequals: it refers to some powerful “superior” actor holding some less powerful “inferior” accountable (Schedler 1999: 23). Example of this is “electoral accountability, in which citizens hold judgment over their representatives through periodic elections” (Schedler 1999: 23). This is different from horizontal accountability that ‘describes a relationship between equals: it refers to somebody holding someone of roughly equal power accountable. In democratic theory, the division of power – executive, legislative, and judiciary constraining each other through the classic “check and balances” – represents its prototypical
expression” (Schedler 1999: 23). Series of example and domain of application of vertical and horizontal form of accountability have been proposed:

... vertical accountability may take place within the state as well as within the civil society and across the boundaries of the two spheres. Tax officials who stage sit-ins in front of the finance minister’s office are an example of vertical accountability within the state; union members who accuse their long-standing leaders of corrupt behavior are also an example of vertical accountability within civil society; and citizens who vote incumbent parties out of office are an example of vertical accountability running from civil society to state (Schedler 1999: 24).

Similarly, it has been observed that:

... horizontal accountability too may take place both within and across state and civil society. A judge compelling a military officer to testify in court is an example of horizontal accountability within the state; a journalist denouncing nepotism within the bar association represents an example of horizontal accountability within the civil society; and the chamber of commerce questioning the constitutionality of selective price subsidies may count as an example of horizontal accountability from civil society to state (Schedler 1999: 24-25).

**Police accountability mechanisms**

Police exist to guarantee order, safety and security. In securing these, police exercise enormous power. According to Goldstein (1977: 1):

The police, by the very nature of their function, are an anomaly in a free society. They are invested with a great deal of authority under a system of government in which authority is reluctantly granted, and when granted, sharply curtailed. The specific form of their authority – to arrest, to search, to detain, and to use force – is awesome in the degree to which it can be disruptive of freedom, invasive of privacy, and sudden and direct in its impact upon individual. And this awesome authority, of necessity, is delegated to individuals at the lowest level of the bureaucracy, to be exercised, in most instances without prior review and control.

If the powers of the police are not controlled and subjected to mechanisms of accountability, the rights and freedom of citizens can be jeopardized. Democratic societies have devised mechanisms to hold agencies of government, including the police, accountable for their performance, action, and management of resources. Different countries have evolved pro-active and reactive mechanisms for police accountability. Among such are the following:

1. Constitutional guarantee of fundamental rights, which serves as limitation on exercise of police power. Such provisions may be construed as pro-active or preventive measures to the effect that they are intended to control the abusive exercise of power by the police and other organs of the state.

2. Statutory provisions on procedures for policing and law enforcement. One of such potent provisions is the exclusionary rules in respect of evidence obtained from suspects through torture and deception. These provisions may also be construed as both
proactive and reactive as they seek to create disincentive for police abuse of their powers.

3. Internal administrative review that focuses on the intake, investigation and review of complaints against the police by members of the public or by a police officer against another. This mechanism is reactive because it focuses on investigating complaints rather than preventing police conducts that are abusive before they occur.

4. Judicial mechanism – criminal and civil liability of police for abuse of power.

5. Special Investigation Commissions

6. Civilian complaints review board.

Discussions of police accountability tend to be dominated by the controversy over whether mechanisms should be internal or external. There are several advantages and disadvantages for either internal or external complaint review systems. The police generally resist external complaint review board for several reasons including the following:

(a) Police commandants argue that external review board undermines their authority and the confidence of their subordinate.

(b) Police fear that external review board can be used by citizens as a platform for vendetta, revenge for arrest and prosecution, and for frustrating prosecution.

(c) Police fear that non-police citizens who do not understand the peculiarities of police work, especially the ubiquity of danger, will sit in judgment over their conduct and actions.

As a result of these and other considerations, police officials are usually hostile to an external review board. The fears of the police are not unwarranted. In any case most professions are allowed wide powers of self-audit and self-discipline.

However, citizens do not usually have trust in internal administrative review procedures maintained by the police. The following arguments are often canvassed against the mechanism:

(a) Police commandants are not enthusiastic about uncovering and punishing misconduct among their officers and are therefore likely to dismiss complaints without adequate investigation.

(b) There is a great deal of solidarity between officers, and rank and file that inhibits effective investigation leading to substantiation of complaints;

(c) Code of secrecy and silence in police departments inhibit effective investigation

(d) Administrative review mechanisms within the police are opaque and lack transparency.

(e) Standard of proof used by the police authority is subjective and favours police officers accused of wrongdoing.

(f) Intimidation of and threat against civilian complainants by police officers.

(g) Complainants are not adequately informed about how their complaints are being processed, and of the final decisions.

In contrast, external civilian review boards are associated with several advantages including the following:

Citizens have greater access to complaint review board.
Procedure for the intake and investigation of complaints are more widely publicized and transparent;
Chances of intimidation are minimized.
Overcomes or minimizes the impact of code of secrecy among officers and within police department.
Legitimizes the police, because the process portrays the police department as unobtrusive of investigation, and the attribution of misconducts to “rotten apples” rather than “rotten police agency” is sustained.

One of the major weaknesses of discussions and policies on police accountability is the tendency to limit the exercise to holding police accountable for the way they exercise their powers of arrest, search, detention, use of force and especially firearms. Police corruption is conceived as scandal and also a matter that influence how and why the police exercise their powers. What is absent in the discourse on police accountability is a comprehensive view of accountability running through the entire gamut of organizational and policing policies, resource allocation and management, conduct, integrity and performance.

**Functions, Powers, Organisation and Command of the Nigeria Police Force**
State organized police forces were established in Nigeria by the British colonizers in 1861 immediately after it occupied Lagos and declared it a Colony citing a Treaty obtained under duress and through manipulation of parties in a dynastic dispute as its authority for the occupation. To complement the activities of the police, the English common law system was introduced in 1863 and prisons in 1872 (Tamuno 1970; Alemika 1983, 1993). During the colonial era, several police forces and constabularies were established in different societies and territories that were subsequently amalgamated as Nigeria (Tamuno 1970; Alemika 1988, 1993; Ahire 1993; Rotimi 1993). The 1979 and 1999 Constitutions provided that there shall be no other police force in the nation except the Nigeria Police Force. Specifically section 214(1) of the 1999 Constitution provided that:

*There shall be a Police Force for Nigeria, which shall be known as the Nigeria Police Force, and subject to the provisions of this section, no other police force shall be established for the Federation or any part thereof.*

**Functions of the Nigeria Police Force**
The functions of the Nigeria Police Force were specified in section 4 of the Police Act (*Laws of the Federation* 1990) as:

- Prevention and detection of crime.
- Apprehension of offenders.

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51 The police forces were “McCorsky police” or Consular Guard (1861); Armed Police Force (Armed Hausa Police Force - 1863); Gold Coast Constabulary (1876); Lagos Constabulary (1886); The Lagos Police (1895, 1897); ‘Annesley police’ (1889); Oil Rivers Irregular (1892); Court Messengers (1892); Niger Coast Protectorate Constabulary (1894); Niger District Police (1900 - 1905); Southern Nigeria Police Force (1902); Southern Nigeria Police (1906); Southern Police Force (1917); Royal Niger Company Constabulary (1888); Civil Police and Prisons (1900); Northern Nigeria Constabulary (1903); Northern Nigeria Police (1910); Northern Police Force (1917); Nigeria Police Force (1930). Many of these forces resulted from reorganization of older ones to accommodate expansion of colonial rule over various nationalities.

52 The Law was first enacted in 1943 and there had been only very minor modifications.
Preservation of law and order.
Protection of life and property.
Enforcement of all laws and regulations with which they are charged.
Military duties within or without Nigeria as may be required of them.

Although the Constitution granted the Attorneys-General the power of prosecution, most of the criminal cases in the country handled by the lower courts, especially the magistrate courts, are prosecuted by the police.

**Powers of the Nigeria Police Force**

Several laws in the country, especially the *Police Act; Criminal Procedure Act (CPA)* and the *Criminal Procedure Code (CPC)* granted the police wide powers. For example, Nigeria police have powers:

- To take measures to prevent crime
- To investigate crime
- To interrogate suspects
- To prosecute suspects
- To search properties and persons in order to prevent crimes, detect or investigate crimes, detect and apprehend offenders, and collect evidence for prosecution.
- To grant bail to suspects pending investigation or arraignment in court
- To serve summons
- To regulate processions and assemblies
- To disperse ‘illegal’ or ‘unlawful’ procession and assembly.

**Command of the Nigeria Police Force**

Section 215 of the 1999 Constitution provided that:

1. There shall be –
   
   (a) an **Inspector-General of Police** who, subject to section 216(2) of this Constitution shall be appointed by the President on the advice of the Nigeria Police Council from among serving members of the Nigeria Police Force;
   
   (b) a **Commissioner of Police for each State of the Federation** who shall be appointed by the Police Service Council.

2. The **Nigeria Police Force shall be under the command of the Inspector-General of the Police**, and any contingents of the Nigeria Police Force stationed in a State shall, subject to the authority of the Inspector-General of the Police, be under the command of the Commissioner of Police;

3. The President or such other Minister of the Government of the Federation as he may authorized in that behalf may give to the Inspector-General of the Nigeria Police such lawful 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.

4. Subject to the provisions of this subsection, the Governor of a State or such Commissioner of the Government of the State as he may authorize in that behalf, may give to the Commissioner of Police of the State such lawful directions with respect to the
maintenance and securing of public safety and public order within the State as he may consider necessary, and the Commissioner of Police shall comply with those directions or caused them to be complied with:

Provided that before carrying out any such directions under the foregoing provisions of this subsection the Commissioner of Police may request that the matter should be referred to the President or such other Minister of the Government of the Federation as may be authorised by in that behalf by the President for his directions.

(4) The question whether any, and if so what, directions have been given under this subsection shall not be inquired into in any court.

This ouster clause is anomalous in a democratic society, as it places executive decision above judicial review.

Organisation of the Nigeria Police Force
The Nigeria Police Force is currently organized into the Force Headquarters, 12 Zonal Commands, 36 State Commands and a Federal Capital Territory (FCT) Command. The overall head of the Force is the Inspector-General, while each of the 12 Zonal Commands into which the 37 State/FCT Commands are grouped is under the command of an Assistant Inspector-General. Each of the 36 State and the FCT Commands are under the leadership of a Commissioner of Police.

Police accountability in Nigeria - framework and limitations
The issue of police accountability is a serious matter in any society and its import has been captured in the phrases ‘who shall guard the guardians’ and ‘who shall police the police’. The two phrases draw attention to the role of the police as guardians while at the same time expressing the fears that guardians are not always benevolent and need to be subject to monitoring. More substantively, the coercive power of the state is routinely exercised by the police. No other public institution has the opportunities as well as temptations to abuse power as the police. First those who seek to abuse public power often require the collaboration or acquiescence of the police. On their own, police are strategically placed within the vector of power such that they may perform three different roles in the exercise and abuse of power – repellant of abuse, instigator of abuse, and executor of abuse. Therefore, police need to be subject to strong mechanisms of accountability to public authorities and civil society. In Nigeria, there is widespread concern about the performance, integrity and conduct of the Nigeria police force. For example, the police are widely criticized for extra-judicial killing, corruption, incivility, brutality and torture, non-response to distress call by citizens. It must be emphasised that no police force can be accountable if the government lacks accountability, as is the case in the country.

The critical issue is where does Nigeria stand in terms of institutions, mechanisms and procedures for holding police accountable? In general, the country has multiple institutions for holding police accountable. However, the institutions are weak, ineffective and uncoordinated. We now turn to consider these institutions and procedures, highlighting their strength and weaknesses. There are external and internal mechanisms of police accountability and discipline in Nigeria.
EXTERNAL MECHANISMS OF POLICE ACCOUNTABILITY

The Constitution of the Federal Republic of Nigeria established two principal organs for the control of the Nigeria Police Force. In essence, the police are directly accountable to the organs. These are the Nigeria Police Council (NPC) and the Police Service Council (PSC). Had the democratic transition been consolidated in the country, the two organs, especially the latter would have constituted effective civilian oversight of the Nigeria police.

The Nigeria Police Council

The 1999 Constitution established the Nigeria Police Council, as was the case in the 1963 Constitution but omitted in the 1979 Constitution. The Third Schedule of the 1999 Constitution created the Nigeria Police Council and the Police Service Commission. The Police Council consists of:

(a) the President who shall be the Chairman;
(b) the Governor of each State of the Federation;
(c) the Chairman of the Police Service Commission; and
(d) the Inspector-General of Police.

The Constitution defined the functions of the Police Council 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.

Section 216(2) requires the President to consult the Nigeria Police Council before making appointment to the office of the Inspector-General of Police and before removing him or her. The state governors constitute an overwhelming majority of the membership of the highest organ of control of the Nigeria Police Force.

The Council as the highest organ of the state responsible for the policy on organization and administration of police in the country can be an important organ of police accountability. It can for example act proactively by closely monitoring the reports on police by the public, mass media and other civil society organizations and in that light undertake annual evaluation of the Force with a view to dealing with structural and organizational factors that engender police abuse of power. More important, the Council can hold the police accountable for the implementation of policies and programmes that it introduced. But as at present, there appears to be no political will to establish strong mechanisms for accountability at this level. It seems that the chairman of the Council treats it only as a ‘fire-brigade’ contraption available to the president for addressing his concern on security and safety and for confirming his nominee for appointment into the office of the Inspector-General. There is need for the Council to establish a strong and effective office for policy development, and implementation. In that case, it can hold the police accountable for the implementation of such roles. The process of policy development should be broad-based including the legislature, executive, judiciary and civil society. There is much to be done in this direction as current police laws and regulations, except for minor amendments, were formulated and enacted during colonial rule and more than five decades ago.
Some of the responsibilities of the Council have been delegated to the Minister of Police Affairs. However, the bureaucratic structure of the Ministry gives the impression that its responsibilities are limited to sourcing funds for the payment of salary and pension for the police and for executing capital projects like building and renovating barracks, purchasing vehicles, etc. The Ministry can potentially serve as an institution for holding police accountable for allocated public funds, if it is on its own part transparent. The Nigeria Police Council should discharge its responsibility of making and supervising policing policies for the country, and holding police accountable for their implementation of policies and programmes and for the use of allocated resources.

**Police Service Commission**

The 1999 Constitution of the Federation also provided for the establishment of the Police Service Commission with the following members:

(a) Chairman; and
(b) such number of other persons, not less than seven but not more than nine, as may be prescribed by an Act of the National Assembly.

The Constitution stipulated that the Commission shall have the power to:

(a) appoint persons to offices (other than the office of the Inspector-General of Police) in the Nigeria Police Force; and
(b) dismiss and exercise disciplinary control over persons holding any office referred to in sub-paragraph (a) of this paragraph.

The Police Service Commission (Establishment) Act, No. 15 of 2001, in Section 6 charged the Commission with the responsibility of:

1. appointing and promoting all officials of the NPF (other than the Inspector-General of Police, IGP);
2. dismissing and exercising disciplinary control over the same persons;
3. formulating policies and guidelines for the appointment, promotion, discipline and dismissal of officers of the NPF;
4. identifying factors inhibiting and undermining discipline in the NPF;
5. formulating and implementing policies aimed at efficiency and discipline within the NPF;
6. performing such other functions as, in the opinion of the Commission are required to ensure optimal efficiency in the NPF; and
7. Carrying out such other functions as the President may from time to time direct.

The membership of the Commission includes representatives of the human rights community, organized private sector, women and the media as well as a retired justice of superior court of record. If strengthened – organizationally, financially, materially and staff-wise – and allowed to function as an independent organization as provided for by the Constitution, the Police Service Commission will be one of the most powerful and autonomous civilian oversight institutions for
the police in the world. However, thus far, the potential of the Commission has not been realized due to several factors. Among them are the following:

(a) Members are yet to grapple with the enormous responsibilities of the Commission arising from constitutional and statutory provisions above. Consequently, appropriate structures, directorates, policies and guidelines are yet to be established;

(b) The Commission has been very poorly funded and this has constituted a serious limitation on its operations, including the establishment of structures and directorates, and formulation of policies and guidelines;

(c) The power of the Commission to appoint, promote and discipline cannot be effectively exercised, if there are no reliable performance assessment guidelines as well as monitoring and investigation personnel. The Commission is not intended to be simply a bureaucratic contraption for merely legitimizing promotion by the police force or pre-emptive actions of the presidency in relations to matters and powers constitutionally assigned to it;

(d) As is the case, in many parts of the world, the relationship between civilian oversight body and the police force is often characterized by tension, suspicion and sometimes open hostility. The Commission has an advantage in that unlike most of its counterparts in other many countries, it has and exercises power of promotion and discipline. In many countries, civilian oversight bodies only makes recommendations to the police commandant for implementation but have no disciplinary power of their own. The Commission and the Nigeria Police Force must find a common ground that enables each to effectively and efficiently discharge its responsibilities, than is currently the case.

**Fundamental Human Rights Provisions**

The Constitution of the Federal Republic of Nigeria that came into effect on May 29, 1999 contained in chapter four a ‘Bill of Rights’. Many of the provisions have bearing on the mechanism and processes of police accountability. The Constitution guaranteed the rights to life and dignity, prohibited torture and unusual punishment; guaranteed rights of accused person to be presumed innocent until adjudged guilty by a competent court, to due process, and to private property, etc. It also guaranteed freedom of movement, religion and association, etc. These provisions, as indicated above, represent pro-active mechanisms for accountability. They set limit on the action of public authorities in their exercise of coercive powers and also provide parameters for complaints against abuse of power by the police. The potential benefits of these provisions have not been realized because of widespread poverty that prevents aggrieved persons from taking civil action against the police and there is yet no complaints review board that is effective and accessible.

**Judicial Mechanism**

Police officers who abuse their powers are liable to civil and/or criminal proceedings, depending on the nature of the abuse. Sections 341 and 374 of the Police Regulations clearly pronounced the liability of individual police for abuse of power. In the case of criminal liability, either the
Nigeria Police Force or the Attorney-General of a state or of the Federation will have to invoke the process. They will do this only in a case they consider serious and in which the power exercised by an officer is considered unjustified. Again as in the constitutional provisions, the prospect of an aggrieved citizens taking recourse to civil action is limited because of grinding poverty among the majority of the citizens.

The President of the Federation and Governors of the State
Section 215(3) (4) make the police responsible to the President and State Governors in matters and directions on ‘maintenance and securing public safety and public order’. This is significant because the President is the Chairman of the Nigeria Police Council and state governors are also members of the Council. Their membership affords them the opportunity to translate their experiences with the police into policy development for policing but which sadly is not being done. The danger of the provision must be realized. It is capable of turning the civil police to political police – that which is an instrument of the President and Governors rather than a public agency pursuing common good.

INTERNAL MECHANISMS OF POLICE DISCIPLINE AND ACCOUNTABILITY

The Police Act and Police Regulations provided for internal disciplinary measures and mechanisms in the Nigeria Police Force.

Code of Police Conduct
The nature of rules of policing established by police forces, adherence to these rules, rewards or punishment for compliance or non-compliance have serious influence on police integrity, performance and image. There are rules in the Police Act and Police Regulation which if enforced should positively impact on police-community relations. Section 339 of Police Act (CAP 359 of the Laws of the Federation of Nigeria, 1990) provides that:

The standards of conduct required of a police officer are that he shall-
(a) offer prompt obedience to lawful orders;
(b) be determined and incorruptible in the exercise of his police duties;
(c) have a strict regard to the correctness of his general behaviour;
(d) take a proper pride in his appearance both in uniform and out of uniform.

Further to this, section 340 of the Act also prescribes the attributes of a police officer, as follows:

A police officer is required to have a thorough understanding and knowledge of the laws, and of police orders and instructions, and to develop the attributes of-
(a) efficiency and thoroughness through meticulous attention to details in the performance of his duties;
(b) courtesy, forbearance and helpfulness in his dealings with members of the public;
(c) tact, patience and tolerance, and the control of his temper in trying situations;
(d) integrity, in refusing to allow religious, racial, political, or personal feelings or other considerations to influence him in the executions of his duties;
(e) impartiality, in the avoidance of feelings of vindictiveness, or the showing of vindictiveness towards offenders;
(f) strict truthfulness in his handling of investigations, and in the giving of evidence.

Section 341 provides that “In the individual exercise of his powers as a police officer, every police officer shall be personally liable for any misuse of his powers, or for any act done in excess of his authority” (emphasis added). The First Schedule of the Police Regulations listed several offences which are referred to as offences against discipline and which are subject to internal disciplinary processes and sanctions (see Appendix 1). From these provisions, it is clear that police misbehaviours are not entirely due to lack of rules but are rather due to inadequate compliance and enforcement.

Administrative Mechanisms

The Police Regulations make elaborate provisions for the handling of misconduct on the part of the police against the citizens and among themselves. Also, in order to ensure that citizens are provided with access to the police authorities to ventilate their grievances, the Nigeria Police Force has at various times established different public complaints mechanisms. They include the PMB A22; advertised telephone hotline numbers, and the establishment of the Public Complaints Bureau within the Police Public Relations Office at the State Command headquarters. The police authorities promise confidentiality in the use of these media of complaints. These media were also expected to increase the willingness of citizens to report police misconducts.

However, in a country in which there is a deep mistrust between the police and the citizens, these internal administrative review mechanisms were frequently not effectively utilized and administered. They were also plagued by the problems of such systems enumerated above. But in addition, lack of resources to sustain the mechanisms contributed to their ineffectiveness. The Inspector-General of Police has ordered the resuscitation of the Public complaint Bureau. However, it remains to be seen the level of financial, human and other resources that the police will commit to the operations of the department, in order to make it an effective mechanism that will cultivate and sustain the confidence of the citizens. The police routinely use the internal mechanism to address problems that are identified by the public. However, the outcomes of the disciplinary procedures resulting in dismissals of hundreds of officers for corruption and other forms of abuse of power are not made available to the public, thereby inadvertently creating the impression of a police force that is complacent towards public complaints against abusive exercise of power.

Conclusion

From the large number and powers of the agencies and mechanisms above, which directly or indirectly, have some responsibilities for ensuring police accountability, it is clear that the nation’s problem is that of lack of political will which is reflected in failure to provide assistance to poor citizens to vindicate their grievances through the judiciary or other but effective and accessible organizations and mechanisms. Another problem is lack of coherent policy on policing and police accountability. The weaknesses identified above should guide in designing accessible, effective, and efficient system of police accountability for the country. Such system must go beyond reviewing complaints but must set standards of performance, conduct and integrity; ensure adequate funding, facilities and incentives for both the police and for ensuring police accountability. The strengthening and proper coordination of the activities of the Nigeria
Police Council; the Police Service Commission; and the Public Complaint Bureau and the internal administrative review systems of the police should be given or accorded priority.

Civil society organizations must be brought into partnership in ensuring that the country has a police force that is strong and effective in ensuring safety and security without oppressing and repressing the citizens. Furthermore, the civil society must ensure that the integrity of police is secured against parochial political and other interests that the rulers may seek to pursue through the manipulation and control of the Nigeria Police Force. To this end the media and human rights organization should be vigilant. An effective participatory and inclusive mechanism of civilian oversight is to introduce an annual performance audit of the police by the National Assembly which will be subject to public hearing conducted in conjunction with the Police Service Commission with a view to ascertaining the safety and security concerns of the citizens and how well the government has equipped the police to meet the challenges and how well the police have performed in addressing the concerns. If this is done, the country will have established a framework for developing a people’s police.
References


Internal Disciplinary Systems as Important Complement To External Oversight of Police in Nigeria

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The extent of police deviance at any time is an unknown ‘dark figure’. Increasing concern is as likely to be due to changing public sensitivity and values as to a growth of police misconduct (Reiner 2000: 175).

Introduction
Debates around the control of and accountability of the police have become one of the growth areas of scholarly interest in policing and the police over the past three decades (Steer, 1980; Bayley, 1983; Reiner, 1989; Reiner and Leigh, 1992; Chukwuma, 1994; Chukwuma and Ibídapo-Obe, 1995; Dixon, 1997; Reiner 2000; Alemika and Chukwuma, 2000; Chukwuma, 2001). At the centre of the debates has been citizens concerns about police exercise of the enormous and often intrusive powers they enjoy under the law in the face of such scandals as the policing of the civil rights and anti-war demonstrations in United States in the 60s and 70s; the miners’ strike of 1984-85 in the United Kingdom; and nearer home in Nigeria, the brutal style of police handling of students protests which led to the killings at Ahmadu Bello University, Zaria in 1986 (Nwankwo et al. 1993) and of course the police killing of community members in Umuechem, Oko Oba and Patani in the 90s (Chukwuma et al 1992).

The police handling of all of these cases were disapproved by citizens and led to wider questions about whether the police as an institution should be trusted to keep its house in order and bring its erring members to justice. Expectedly, opinions are divided on whom or which institution should be responsible for dealing with police abuse of powers and other forms of misconduct. Some scholars have argued in preference for internal disciplinary procedures as more effective. According to David Bayley (1985: 177-178):

In principle, internal processes are to be preferred, for at least three reasons. First, internal regulation can be better informed than external. A determined police can hide almost anything it wants from outside inspection, certainly sufficiently so as to make outside supervision haphazard. Second, internal regulation can be more thorough and extensive. It can focus on the whole gamut of police activities, not simply on the more dramatic and visible aberrations. Third, internal regulation can be more varied, subtle and discriminating than external. It can use informal as well as formal mechanisms that are omnipresent in the professional lives of police personnel.

Proponents of external disciplinary control fault police internal procedures for lax and incomplete investigations, low rate of substantiation of complaints, complicity, corruption and
widespread citizens’ dissatisfactions with their outcomes. (Chevigny 1995; Lewis and Prenzler 1999).

The argument of this paper, which is could be described as a compromise perspective, is that both the internal and external disciplinary mechanisms on the police are not only necessary but complementary to each other. In fact the two must mesh in other to be effective. Bayley (1983: 158) underscored this point when he argues:

The act of achieving accountability … is to enlist the support of the police in disciplinary activities … for processes of external regulation … to be more than a highly publicized morality play, the police must become convinced that they will be trusted to bear … the active responsibility for ensuring correct performance.

Similarly, Reiner (2000: 174) states:

Accountability institutions will only be truly efficacious in affecting police practices if they win over and work in conjunction with internal disciplinary and self-controlling processes.

However, for the internal disciplinary systems of the police to play the expected complementary role, they need to be effective, rigorously enforced through both formal and informal means and more importantly internalized by the officers in such away that it would influence their attitudes and organizational culture. This paper, therefore, seeks to explore and critically discuss the functioning of the internal disciplinary system of the Nigeria Police Force as a critical component of the work of police oversight bodies such as the Police Service Commission. The paper is divided into four sections. The first section provides a historical overview of the issue of discipline in the Nigeria Police Force. This section will also provide reasons for the perceived decline in police discipline over the years. The second section presents a critique of NPFs policy in relation to the disciplinary system. This critique will focus on two issues, namely, the relative lack of prioritization of the issue of discipline as part of NPFs policy objectives, and shortcomings in the implementation of the system. The third section discusses CLEEN’s pilot project with some police states command to revive their Public Complaints Bureau (PCB) and lessons learned from that effort. Finally, section four offers brief recommendations that could lead to significant improvements in the functioning of the internal disciplinary system in the Nigeria Police Force as an important complement to the work of the Police Service Commission.

**Historical Overview of Discipline in the NPF**

To appreciate the notion of discipline within the Nigeria Police Force, it is necessary to locate it within a broader framework of police culture, which was developed during the colonial and military eras in Nigeria’s political history. Police culture can be defined as a complex collection of values, attitudes, symbols, rules, and practices, which emerge as the police react to the exigencies and situations they confront in their work (Reiner, 2000). Although police culture (like any other culture) is not monolithic or stagnant, it has certain core features, which are more or less present in all police forces. These include sense of danger, authority, mission, solidarity, suspicion, stereotyping, conservatism, sexism, pragmatism and if you like racial or ethnic prejudice (Reiner, 2000). However, three characteristics of police culture relevant to our analysis
here are conservatism, authority and solidarity. According to Reiner (2000: 88) ‘Police culture both reflects and perpetuates the power differences within the social structure it polices.” This means that the police not only conserves the status quo in any society but also reproduces it within in its structure and work. Consequently, any person or group of persons that challenges or are marginal to the prevailing social order which the police enforces, invariably challenges police authority and are often at the receiving end of police abuse, with little or no internal sanctions or disciplinary proceedings against the police culprits (Skolnick 1966; Muir 1977; Powis 1977; Reiner 2000). To ensure that disciplinary proceedings are not always unleashed on any member of the force who steps out of line, a pervading sense of solidarity and protection of one another exist among the officers, especially the junior ranks, Explaining this, Reiner (2000: 92) argues, “internal solidarity is product not only of isolation, but also of the need to be able to rely on colleagues in a tight spot, and a protective armour shielding the force as a whole from public knowledge of infractions.”

With the foregoing police culture theory as our analytical framework, it becomes clearer why under colonial rule, with its philosophy of racial supremacy and exploitation of the economic resources of the natives, the dominant feature of police work was the maintenance of colonial law and order over those considered to be of inferior race, without any regard for their human rights. Writing about the colonial police in Nigeria, Odu (1986) noted:

The police was conceived, not as a service organisation for the natives but as an instrument of correction or oppression of the natives … because of the use to which the colonial masters put the police i.e. harassing and arresting tax defaulters, brutalizing trade unionists and other nationalists, and torturing persons accused of criminal offences (quoted in Asemota 1993: 395).

Between 1861 and 1904 the British colonialists subjected the estimated three hundred nationalities that make up Nigeria to their domination. With the subjugation of each of the nationalities came the establishment of police forces and constabularies to protect colonial economic and political interest (Alemika and Chukwuma, 2000). These forces were organized as quasi-military squads and comprised of people who were strangers in communities they were deployed to. The main aim of this divide and rule tactics of alienating the police from the community they serve was to “ensure that such officials, when deployed to execute punitive expedition would act as an army of occupation and deploy maximum violence on the community” (Alemika and Chukwuma, 2000: 30). The colonial legacy of police brutality and vigilantism against the natives with no disciplinary mechanism against police officials involved was further captured by Alemika (1988: 165):

…. Historical evidence demonstrates that the colonial police forces were organised and oriented to behave as occupation forces – ruthless, brutal, corrupt, dishonest and prone to brutalising the colonised peoples and vandalising their properties… The preoccupation of colonial and post-colonial Nigeria police were not the promotion and enforcement of just laws, rule of law, natural justice and equity and security of the vast majority of Nigerians, as colonial surrogates often claimed… the greatest part of the police energies and resources were committed to, and dissipated on, the suppression of struggles and protests
against oppression and exploitation, the large scale theft and mismanagement of the public wealth by those who controlled the economy and state apparatus.

In all the reported cases of police abuse of power and brutality against trade unionists, nationalists and students during the colonial era, there was no documented evidence that any of the police officers involved in such abuses were disciplined or reprimanded for their infractions by the colonial police authorities. Consequently, the police culture of impunity in the violation of the rights of those who were involved in challenging colonial authority began to take root. With the full entrenchment of colonial rule in Nigeria, which was marked by the amalgamation of the northern and southern protectorates in 1914, police brutality and other forms of abuse of power became pervasive against those in opposition to colonialism and form an integral part of the culture of police bequeathed to the country since colonial rule (Alemika, 1999).

Under military rule, with its proverbial contempt for the rule of law and due process, the situation became worse. Consideration of discipline and internal disciplinary systems in the Nigeria Police Force were more or less restricted to police relationship with one another and not extended to police treatment of members of the public whom they come in contact with. A pointer to this was an analysis of the content of the police Code of Conduct contained in the Police Regulations of 1968. The rather lengthy Code was very detailed in providing steps to be invoked in dealing with police insubordination or misconduct against fellow officers. There is however, no mention of the requirements of observing the rights of all persons they come in contact with, provision of guidelines on the use of force, maintenance of the confidentiality of the of certain information in their possession, the prohibition of the use of torture in their work and the full protection of the health of persons in their custody as provided in the United Nations Code of Conduct for Law Enforcement Officials (Chukwuma, 1995).

Furthermore, police participation in military government made them perform legislative, executive and judicial functions, which in the final analysis not only made them ineffective in their work but also eroded internal discipline. Under military rule, the Inspector-General of Police, was made a member of successive armed forces ruling council, which combined the highest executive and legislative powers in the land; police commissioners were also made state administrators and members of state executive councils. Not left out were middle cadre police officers who were appointed into various military taskforces and tribunals, were they exercised judicial functions. Commenting on the implication of this development to police work, Asemota (1993: 397-398) observed:

The effect of the involvement of the police in the Legislative, Executive and Judicial functions of government reduced its policing efficiency. The end result was, rather than provide adequate man-power and all necessary equipment to enhance police efficiency, ‘shortcut’ measures were employed, standard lowered, and convictions were gained with little or no effect. This became the pattern of military rule and the longer military rule lasted, so were similar laws regularly enacted and police efficiency deteriorated further.

53 Police Act, s. 352.
55 Op. cit. art. 3.
56 Op. Cit. art. 4.
Similarly, Alhaji Aliyu Attah, a former Inspector General of Police (IGP) added:

> The Inspector General of Police being one of the service chiefs that formed the (military) ruling body is elevated to number 7 in the hierarchy, following the head of state. By this arrangement, the IGP is placed above ministers and the Chief Justice of the Federal Republic of Nigeria in order of precedence/protocol. The police became favoured by Decree 2, which made the police the accuser, the prosecutor and the judge (Attah, 1999: 65).

The impact of military rule on police discipline, abuse of power and respect of human rights has been well documented in the publications of human rights groups in Nigeria that they need not be repeated here, but sufficed it to say that they disobeyed court orders (Asemota, 19993; Chukwuma, 1995); kept people in jail for long period without trial (Nwankwo, 1993; Ajomo and Okagbue, 1991), tortured suspects (Ubani, 1990; Nwankwo, 1993; Chukwuma, 1994) killed extra-judicially (Ubani 1990; Chukwuma, 1994) became very corrupt (Gambo 1989; Ajomo and Okagbue 1991) and enjoyed a pervading impunity in all of these(Nowrojee 1992).

However, the biggest casualty of police participation in military government in terms of discipline became the police itself. All the officers who were appointed to political position under military found it difficult to subordinate themselves to their superiors when they came back to the service, as they had become richer and developed more influential contact within the military and the political class. Similarly, as the military became more vicious in its treatment of the civil populace, a distinct class of police officials noted for their bestiality were needed to work with their military colleagues in prosecuting vigilante operations against opponents of the regime whether perceived or real. All the officers specially recruited for these assignments, mostly from the middle ranks became authorities unto to themselves and that nobody could touch within the force. The identities of some of them where, however, revealed by the Oputa Commission.

At the time the military were retreating in 1999 the situation in the police force, just like in the military, had gotten so bad with regard to discipline, accountability, respect for human rights and observance of the famed police ‘civil tradition’ that the former Inspector General of Police, Alhaji Ibrahim Coomassie was to lament:

> The force (Nigeria Police Force) has been torn between the civil populace and the military, so much so that its civil traditions are almost lost to military authoritarianism.

The next section reviews the police internal disciplinary systems.

**Review of police internal disciplinary systems**

The Nigeria Police Force has a multi-layered internal disciplinary system that can theoretically be invoked by members of the public that are aggrieved by acts of police misconduct. These mechanisms include verbal or written complaints to any superior police officer about acts of misconduct involving his or her subordinates and if the complainant is dissatisfied with the
action of the superior officer could complain to higher officers including the office of the Inspector General of Police. Such complaints could also be sent to the police Public Complaints Bureau (PCB) located in the police public relations department of every state police command or to the police Provost Department at the Force headquarters, which are responsible for investigating acts that negate police ethics and profession with a view to finding out the genuineness of such complaints or otherwise (Ogbonna, 2001). The police provost department is also responsible for conducting orderly room trial against erring police officers (Ogbonna, 2001).

Within the offices of the Force Criminal investigation Department (FCID), there is also the X-Squad made up of plain clothes police personnel who occasionally conduct surveillance on the activities of patrol officers and those on checkpoint or stop and search duties. Successive Inspectors General of Police also established ad hoc monitoring units that reported directly to them and are usually called IGP’s Monitoring Unit (MU). A review of these internal disciplinary mechanisms within the Nigeria Police Force reveals that they are highly discriminatory against the poor, reactive in nature instead of proactive, accorded less attention in the police priority issues and are unwieldy or haphazard in coordination.

**Discriminatory and reactive nature of internal review system**

It is usually only when the police are being vilified by the press for egregious violations of human rights such as extra-judicial killing or when the victim is a prominent person that you mostly hear about their internal disciplinary systems. On those occasions the police would either dismiss such erring officers from service or quickly convocate orderly room trials ostensibly to douse public anger against the activities of its officers. In one of such incident involving policing killing of a senior military officer in 1992, the Civil Liberties Organisation (CLO) observed:

> Perhaps due to the status of the victim (Colonel Ezra Rindam), the Inspector General of Police ordered the immediate withdrawal of all policemen from checkpoints nationwide. A high powered investigation panel … was quickly set up to investigate the incident. Three policemen were five days later arraigned on murder charges (Ifowodo, 1993: 2).

Similarly, a study conducted by the Constitutional Rights Project (CRP) on Human Rights Practices in the Nigeria Police Force also concluded that only cases of police abuse involving prominent individuals or that are shockingly outrageous ever get investigated by the police and as a result:

> The public have not been encouraged by the attitude of the police authorities to complaints of human rights abuse against its officials and do not therefore find an incentive or have any hope that erring officials will be brought to account for their misdeeds (Nwankwo et al, 1993: 63).

While it could be argued that the number of police officers investigated or disciplined for acts of misconduct has greatly increased since the inauguration of an elected government in 1999, information or statistics on culprits, their offences and the processes through which they were disciplined are hardly available in the public domain. The list of the individuals is only provided reactively and on an ad hoc basis when the police come under severe public criticisms for not doing much to bring its erring members to book. On such occasions they would usually publish
long list of their men and women that have been dismissed, demoted or reprimanded. Such lists, which are often hastily put together, would usually not contain the offences of the officers and a discussion of the administrative processes through which they were sanctioned in order to enable an analysis of whether they were fair or not. Furthermore, you cannot simply work into a police station and get statistics on complaints or even commendations that officers have received in the course of their work within a given period. You usually have to apply and go several times before they would be made available to you, if at all they do. This gives the impression that such statistics are prepared to suit the occasion in question and not a routine or regular feature of police work and administration, which would have assisted them in tracking officers that are subjects of unusually high number of complaints and disciplinary sanctions.

**Discipline as a less priority**

Successive chiefs of police at federal and state level in Nigeria have failed to recognize discipline and disciplinary mechanism as tools that could be used in a fair and consistent manner to remove those police officials who are undermining police effective and improved public relations in the country. This could be gleaned from the priority areas of concern, resource allocation to disciplinary mechanisms and more importantly absence of periodic review of the disciplinary system.

Police authorities in Nigeria hardly publish priority areas of concern of their administration. And when they do, such articulation rarely goes beyond identification of armed robbery and establishment of ad hoc taskforces to tackle it, which hardly provides more that momentary succour. An exception to this rule was the eight-point agenda drawn up by the current Inspector General of Police, Mr. Tafa Balogun, on assumption of office in March 2002, in which he outlined the following strategy for transforming the force:

- Massive onslaught against armed robbery/gruesome murder/assassination and other crimes of violence;
- Fast and decisive Crises/conflict management
- Comprehensive training programme
- Serious anti-corruption crusade
- Robust public relations
- Community partnership
- Inter-service/agency collaboration at all levels
- Improved conditions of service and enhanced welfare package for all officers.

The priority agenda is commendable given the fact that it was the first time a police chief would draw up priority areas of attention in the country’s contemporary history. However, there is no recognition of discipline or disciplinary mechanism as important in realizing the agenda. There is also absence of neither a plan for their implementation nor measurable benchmarks for evaluating them. In the final analysis, the eight-point agenda becomes a mere shopping list rather than a well articulated strategy for the transformation of the police.

A further proof that discipline has low placement in the Nigeria Police Force, can be seen from the fact that none of the disciplinary mechanisms in the Nigeria Police has an annual budget for
its operations. The personnel are equally not provided with the logistics to investigate citizens’ complaint against the police. Almost all of these mechanisms, especially those at the state level such as the police Public Complaints Bureaus (PCB) have no writing materials for recording complaints, working telephone lines, fax machine and computer sets for keeping tracks of the complaints. They depend on rare handouts from the police authorities to carry out their functions, which enables them to achieve anything but contempt from the citizens. As a result citizens lack confidence in them and rarely bother to send their complaints to them.

A fall out of the resource constraints facing them and the low status they enjoy in police hierarchy of issues of importance is that the internal disciplinary mechanisms are hardly evaluated to find out how they are performing by the police authorities and what are required to make them perform optimally.

Lack of coordination
Lack of coordination is another major problem facing the various internal disciplinary mechanisms in the Nigeria Police Force. This is caused by the fact that there are too many of such mechanisms; lack of interaction by both the personnel in charge of the mechanisms and the information or statistics they generate; the casual manner with which most complaints against the police are received and treated; and the fact that there is an absence of standardized method in the recording and processing of data generated by the mechanisms.

To present a complaint against police misconduct or abuse of power in Nigeria, an aggrieved person can take one of the following measures:

- Verbal complaints to superior officers;
- Writing of petition to a divisional police Officer
- Writing of Petition to an Area Commander
- Writing of petition to a Commissioner of Police
- Writing of Petition to an Assistant Inspector General of Police
- Writing of Petition to the Inspector General of Police
- Sending a written complaints to the police public complaints Bureau
- Writing to the Force Secretary.

Other internal disciplinary mechanisms include the IG’s Monitoring Unit (MU) and the X-squad, which are under-cover disciplinary initiatives. The large number of these mechanisms creates confusion among the citizens as to which of them to send their petitions to, which is further compounded by the fact that there is no regulation guiding the invocation of the mechanisms. Such a regulation would have provided information as to which of the mechanisms could be complained to for particular offences, in particular areas and at which stage. This has led to a situation where a citizen could wake up and write petition to the Inspector General of Police in faraway Abuja, the Federal Capital Territory, for allegations of police misconduct that could have been handled by the divisional police officer in his local community. And when he or she doesn’t get either a reply or redress on time, the conclusion would be as we found in the literature that the police do not take complaints against it personnel seriously.
Finally, another coordination problem observable in the police disciplinary mechanisms, which makes their work haphazard, is that there are hardly records of the complaints handled by some of the mechanisms, especially the complaints that are lodged verbally to superior police officers. And when they are written, the data collation process in all the mechanisms are not standardized in such away that they could interact with one another. The implication is that police officials who are subject of many complaints are hardly tracked by the disciplinary mechanisms. Consequently, painstakingly processed disciplinary records of police personnel are hardly available or used in the punishment and reward mechanisms in the force. What then fills the gap is often media hysteria in the case of punishment and extraneous considerations including the whims and caprices of superior police officials in the case of rewards in the force.

The next section presents an evaluation of the work of the Centre for Law Enforcement Education (CLEEN) in the area of reviving police internal disciplinary procedures such as the police public complaints bureau.

Evaluation of CLEEN’s Project on the Police Public Complaints Bureau
The perception of civil society in Nigeria as could be seen from the foregoing sections is that the police do not usually discipline its officials involved in human rights violations and other acts of misconduct. On its part, the police in an effort to dispel the public’s believe, periodically publish the list of its personnel who were disciplined internally for various acts of misconduct and boasts that it remains the only law enforcement agency that disciplines its officials involved in abuse of powers in Nigeria. In response to this situation, the Centre for Law Enforcement Education, with support from Macarthur Foundation, developed a project to strengthen existing internal processes and mechanisms through which the police in Nigeria can be made to work more closely with the community and answerable to their concerns. The two mechanisms identified for focus in the project were the Police Community Relations Committee (PCRC) and the police Public Complaints Bureau (PCB). For the sake of this paper, we shall dwell on an evaluation of what we have done with the PCBs. The objectives of the project as it concerns the PCB were to revive and build the capacity of the personnel to effectively deal with citizens complaints against police misconduct and to create awareness in civil society about the existence of the body.

The project has a three-year life span beginning from January 2002 and its being implemented in six states drawn from the six geographical zones in Nigeria in partnership with the states police commands and the PCRC. At moment it is up and running in Rivers, Lagos and Kano states. It basically involves organizing a partnership workshop between the police and the communities they serve, participants’ awareness of the PCBs were raised and discussions about reviving the mechanism held. After the workshop, the state police commands would donate an office space for the hosting of the PCBs office within its public relations department. CLEEN on its part with support from Macarthur would donate office equipment such as a desktop computer, LaserJet printer, fax machine, photocopier, telephone line, as well as mount billboards advertising the PCB and place a-month long jingles on local radio station to enhance public awareness about the existence of the body and urge them to send complaints against police misconduct to it for investigation. However, the most significant donation which CLEEN makes to the PCB is the development of customized software for tracking citizens’ complaints.
After the first year of implementation, the project was evaluated in Rivers and Lagos State, using process and impact evaluation methods. Below are findings of the exercise in Rivers State in relation to the impact and the problems faced. That of Lagos State is yet to be concluded.

**Training of PCB Personnel**

There was a practical assessment of PCB personnel trained during the implementation of the project to ascertain their level of competence and readiness to take over the facilities donated to the PCB by CLEEN. A total of nine PCB personnel are currently undergoing training. It was discovered that only 4 out of the nine are proficient in using the PCB software and other computer packages such as micro software, Excel and Dbase. It was also discovered that seven of the trainees are good in working with other packages but are not yet perfect in handling the PCB software. The trainer however explained that the reason for this is that most of them were involved in the investigation of cases and as such, have limited time for the training exercise. Also, there is only one computer in each of the states, which limits the access of trainees to the practical use of the computer.

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</table>

Table 1: Awareness of the Existence of PCB

The above table indicates the level of awareness about the existence of the PCB. From the result of our data analysis, a large majority of the respondents (76.0%) were aware of the existence of PCB. The level of awareness shown by the result of our data analysis was possible as a result of the publicity that was created about the existence of the PCB through printing of posters, radio jingles, mounting of bill boards, printing stickers and hand bills by The Centre for Law Enforcement Education (CLEEN).

The respondents were asked how they thought the awareness about the PCB activities in the state could be improved. Most of them maintained that the awareness about the activities of the PCB is only high within Port Harcourt. The awareness about the PCB in the rural communities in Rivers State is still low. So, effort should be made to use grassroots communication strategy such as road side dance show, promotion in radio campaign in market place, distribution of leaflets, hand bills and stickers that contain information about the PCB to the people at the grassroots level in Rivers state.

Table 2: Number of times sent complaints to the PCB?
The above table shows that three-fifths of the respondents sent complaints about police misconducts through the PCB once. Further analysis revealed that 33.3% of the total numbers of the respondents have not channelled their complaints against Police misconducts through the PCB. The most common reason given by respondents for not using the PCB is that they don't have confidence that the police would dispassionately investigate and bring to book their fellow police officers because most of them were also guilty of the same offence. Many respondents said that the police were not sincere in their campaign against police misconducts especially bribery and corruption, brutality and other forms of human rights violation usually committed by their men and women.

Table 3: Were your complaints promptly attended?

<table>
<thead>
<tr>
<th>Response</th>
<th>Frequency</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>9</td>
<td>69.2</td>
</tr>
<tr>
<td>No</td>
<td>2</td>
<td>15.4</td>
</tr>
<tr>
<td>No response</td>
<td>1</td>
<td>7.7</td>
</tr>
<tr>
<td>Don’t know</td>
<td>1</td>
<td>7.7</td>
</tr>
<tr>
<td>Total</td>
<td>13</td>
<td>100.0</td>
</tr>
</tbody>
</table>

The result of the data analysis presented in the above table revealed the level of investigation of cases brought to the notice of the PCB. 69.2% of the total numbers of respondents that sent complaints through the PCB said their cases were promptly attended to their satisfaction.
<table>
<thead>
<tr>
<th>Response</th>
<th>Frequency</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>8</td>
<td>88.9</td>
</tr>
<tr>
<td>No</td>
<td>1</td>
<td>11.1</td>
</tr>
<tr>
<td>Total</td>
<td>9</td>
<td>100.0</td>
</tr>
</tbody>
</table>

The above table revealed the level of satisfaction by the respondents in the investigation of the cases they reported to the police authority through the PCB. 88.9% of the respondents said they were satisfied with the outcome, while 11.1% were not satisfied.

### Table 5: Would you send your complaints to the PCB again?

<table>
<thead>
<tr>
<th>Response</th>
<th>Frequency</th>
<th>Percent</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>19</td>
<td>70.4</td>
<td>90.5</td>
</tr>
<tr>
<td>No</td>
<td>1</td>
<td>3.7</td>
<td>4.8</td>
</tr>
<tr>
<td>No Response</td>
<td>1</td>
<td>3.7</td>
<td>4.8</td>
</tr>
</tbody>
</table>

The data in table 5 show that 90.5% of the total number of our respondents said they would use the PCB to address their grievances against police misconducts in future.

### Table 6: How can the activities of the PCB in Rivers can be improved?

<table>
<thead>
<tr>
<th>Suggestions</th>
<th>Frequency</th>
<th>Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Creating awareness</td>
<td>6</td>
<td>27.3</td>
<td>27.3</td>
</tr>
<tr>
<td>The Police should be more</td>
<td>7</td>
<td>31.8</td>
<td>59.1</td>
</tr>
<tr>
<td>transparent in their investigation</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>More sponsorship of PCB activities</td>
<td>5</td>
<td>22.7</td>
<td>81.8</td>
</tr>
<tr>
<td>Training for PCB personnel</td>
<td>3</td>
<td>13.6</td>
<td>95.5</td>
</tr>
<tr>
<td>Efficiency in discharging their duties</td>
<td>1</td>
<td>4.5</td>
<td>100.0</td>
</tr>
</tbody>
</table>

It is obvious from the above table that, 27.3% of the total numbers of our respondents believed that the best way to improve the awareness of the PCB in Rivers state is to carry out massive awareness campaign in rural communities in Rivers state using the radio, street dance, market campaign, hand bills and stickers. However, most of the respondents 31.8% argued that, the best way to improve the awareness about the activities of the PCB in the state is for the police to improve their level of transparency in the investigation of cases brought to the notice of the police authority through the PCB. This, according to this group, would help to build public confidence on the police. Once there is confidence that police authority would investigate and
sanction its officers for misconduct while discharging their duties, this would encourage others with similar complaints to address such complaints through the PCB. Further analysis revealed that 22.7% of the respondents maintained that providing more sponsorship for the activities of the PCB would help to improve the awareness about the PCB while 13.6% of the respondents believed that providing more training for the PCB personnel would go a long way to improve the awareness about the PCB. Also, 4.5% argued that the best way to improve awareness about the PCB in Rivers State is for personnel to improve their efficiency in discharging their duties.

Recommendations
Improving the standards, values, effectiveness and above all discipline in the Nigeria Police Force as a whole is vital if Nigeria is to one day have a police service that is trusted and respected by all communities. Given the history of the police in Nigeria as in other former colonies in Africa, it should not be expected that such an organisation could quickly and easily be transformed from a police 'force' to a human rights orientated police 'service' over night (Newman 2000). However, it must be recognised that any organisational transformation is multi-faceted and complex and that for the police, "there is no such thing as a solution." (Newburn 1999: 48). What there needs to be, however, is an admission that there is a problem and that it probably requires a multi-dimensional and coordinated response (involving both internal and external bodies), starting from the top and running through the ranks right down to each level of the organisation. The following recommendations are offered to assist in that regards.

Placement of Priority on Discipline
The Leadership of the police in Nigeria needs to make police discipline a national functional policing priority and it needs to start from the top. The importance of leadership as a driving force for culture change in policing institutions has long been identified in the literature (Whisen and Ferguson 1989, Newman 2000). In this regard, the police hierarchy should see disciplinary system as a tool for achieving their values, mission and vision. Disciplinary system can be used proactively to promote a new culture and establish minimum standards for the police as a whole. The system could then be used not only to set clear standards for the institution but could also be used in a fair and consistent manner to remove those police members who are undermining the transformation and effectiveness of the NPF.

Review of the Code of Conduct
There is an urgent for a review of the police code of conduct contained in the Police Act. This review should seek to reduce the rather lengthy to code to size that could easily be memorized and internalized by police officials in Nigeria. It should emphasize the service nature of police and incorporate standards contained the United Nations Code of Conduct for Law Enforcement Officials as well as drawn inference from the more recent guidelines on the conduct of police officers on electoral duty in Nigeria. Towards this end, a committee should be set up with members from the Police Service Commission (PSC) and the Nigeria Police Force to review the code. They should also solicit the inputs of civil society groups working on police reform in Nigeria.

Information Management and Analysis
The issue of information management in the Nigeria Police Force 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. This is because the area commands are decentralised enough to process a particular number of divisional police stations. Thus, the area commanders should be tasked with monitoring and assessing the disciplinary system at each station. Assessments for each station could be based on the extent to which the different categories of misconduct are occurring and whether or not appropriate disciplinary steps are indeed being taken. If Area commands are tasked with such a responsibility, it would go a long way towards helping the state commands and the Force headquarters to monitor the issue of discipline accurately.

Streamlining of Disciplinary Mechanisms
The police leadership needs to streamline the unusually high number of disciplinary mechanisms that presently exist in the force, as they make their work not only ineffective through unnecessary duplications but also create problems in tracking police personnel that are processed through them. For instance there is nothing wrong with merging the work of the police X-squad and Human Rights Units with the police public complaints Bureau (PCB) since the three bodies are involved in processing cases of police misconduct and abuse of human rights. Similarly, the tendency of successive IGP's to establish their own ad hoc mechanism for dealing with police abuse such as corruption and human rights violation should be stopped as they create coordination problems and tend to undermine existing mechanisms. Rather such extant mechanisms should be assisted with resources and personnel to make them more effective.

Establishment of PCB at Divisional Police Station level
The police Public Complaints Bureau (PCB) should be established at divisional police station level to bring their activities closer to the grassroots communities where complaints against police misconduct is likely to be higher given the low visibility of the actions of police personnel at the level of local and rural communities. Such local branches of PCB should send weekly or monthly reports of their activities to the state headquarters of the body to enable harmonization, analysis and evaluation of their work with a view to identifying and dealing with officers that are subjects of unusually high number of complaints.

Appointment of Disciplinary Officials
Similarly, every divisional police station should have a disciplinary official, who should be in charge of the PCB in their stations. Such officials should be responsible for conducting investigations pertaining to disciplinary charges or inquiries. He or she should also be responsible for conducting Identification parades, questioning witnesses, gathering evidence and compiling reports.

Police Management Performance
Finally, an issue directly linked to bolstering the effectiveness of the NPF's disciplinary system is managerial expertise. Internationally, it is recognised that managerial capacity is directly related to a police organisation's ability to implement its policies and strategies. In the words of noted management academic, Milton J. Esman (1991: 20), "What most distinguishes advanced societies and their governments is not their culture, nor their natural endowments, nor their availability of capital, nor the rationality of public policies, but precisely the capacities of their institutions and the skills of individuals, including those of management"
References


Civilian/Policing Oversight: the South African Experience

Adv. Karen McKenzie
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Independent Complaint Directorate
South Africa

Background
Since the establishment of the Independent Complaint Directorate (ICD) in 1997, we have been invited to many countries to present papers on the South African model of policing oversight. Most of these invitations came from the Americas, and Europe. This is my second presentation on the continent, the first I did in Mauritius. However, since 2002, we have been receiving more requests for assistance from the continent and we are particularly pleased by this because I am passionate about our continent and doing work within the NEPAD framework.

In my paper I aim to share with you on the following issues:
- Reason why we have civilian oversight in South Africa;
- Establishment of the ICD;
- Mandate of the ICD and our operations;
- Challenges facing civilian oversight in South Africa;

Reasons for policing oversight in South Africa
No one knows and understands the rationale for the establishment of the ICD better than the people of this continent. We are one of the very last countries in the continent to establish democratic rule. It was during those dark years of apartheid that policing was not synonymous with public safety. The South African Police Force, as it was then known, were the enforcers of the then government’s oppressive policies, through torture, brutality and killings. The true extent of these atrocities was highlighted by the Truth and Reconciliation Commission, and the world now knows what happened during those very dark and painful years.

The ICD was therefore established as part of the constitutional structures of our new democracy, barely three years into democratic rule. We were established to ensure that never again will the police service abuse their authority and powers as they did prior to 1994. As we prepare for the celebrations of a decade under democratic rule, which culminates with an election in April 2004, the ICD is acknowledged as a product of our ten years of freedom. We were established under chapter 10 of the South African Police Service Act, 68 of 1995, as a statutory body tasked with investigating and overseeing the investigation of public complaints against members of the police service.

Establishment
We were established in April 1997 and we are totally independent of the police. We started operating from a suite of 2 small offices on loan from the Ministry of Safety and Security, but we
now occupy an entire building, which, is our national office in Pretoria and an office in each of our nine provinces. We have a staff complement of 171 people and an annual budget of R40 million (as at the beginning of the financial year 2003/2004).

Our mission is to promote proper police conduct and our vision is a transformed South African Police Service, which is consistent with the spirit and purpose of the Constitution. Our investigators have full policing powers – this implies that they have the same powers given to the members of the police, such as the power to conduct independent investigations until finalization in a court of law. They have the power to conduct a search and seize evidential material, with or without a warrant, as well as the power to arrest a police official.

The mandates of the ICD and our operations
We are obliged to investigate all deaths in police custody and deaths as a result of police action. Further, we have the discretion to investigate any other matters. We also investigate police criminal activities such as theft, corruption, and assault, to name a few examples. We also investigate complaints of police conduct and behaviour, which is prohibited by the police regulations, such as the neglect of duties or failure to comply with the police code of conduct. Complaints may be lodged by any member of the public in person, via fax, via e-mail or mail. We further have the unique power to conduct investigations *mero motu*, especially those gleaned from media reports on police misconduct or criminality. In terms of Police National Instructions issued by the National Commissioner, the Station Commander in whose area a death was allegedly caused by or occurred in police custody must immediately notify the ICD. We thus have an investigator on standby in each province to respond to a call to attend a scene of death at any time of the day or night. The Minister and the Member of the Executive Council responsible for safety and security in each province may also refer matters to the ICD for investigation. We have now also been given an added mandate in terms of the Domestic Violence Act – all allegations that police officers have failed to comply with the provisions of this Act, must be investigated by the ICD. The establishment of the Municipal Police Services (MPS) in major city centres also added a further oversight function.

The challenges facing civilian oversight in South Africa
One of the major challenges at establishment phase was to gain acceptance from the general public. The increases in our case intake in general over the years since establishment, attest to the acceptance and confidence the ICD enjoys from the communities we serve.

Another challenge facing us is to do more with less. We have to remember that there are other compelling and competing needs that require government intervention hence a scramble for a budget that has to be shared by all Departments. Two mandates were added to our original mandate without a corresponding budget to meet the new obligations. The previous financial year, 2002/2003, saw our first real increase, which was then replicated in the current financial year 2003/2004. It was these real increases in our budgets, which saw us boldly announcing a move away from a hybrid model of policing oversight to becoming a fully-fledged investigative body. Our new strategy implies that monitoring will only be confined to monitoring the implementation of the Domestic Violence Act by the SAPS and the Municipal Police Services (MPS).
We have experienced a consistent decline of deaths in police custody and as a result of police action. The improved cooperation between the ICD and police management and our investigations, which led to criminal convictions and lengthy terms of imprisonment, has ensured this rapid decline from the figure of 756 at the start of our operations in 1997 to 528 during the 2002/2003 financial year. In the same vein, it must be noted that many of these deaths have been found to be lawful, e.g. shootings of suspects during the course of a crime or during arrest, but we would like to see less of these deaths and thus our advocacy for alternative arrest methodologies and procedures. Deaths in police custody are sometimes as a result of suicides through hanging, natural causes or injuries prior to custody. Here too we believe that many of these deaths are avoidable and thus we have finalized our recommendation report on a strategy to reduce the risk of deaths in custody and as a result of police action.

**What makes civilian oversight effective?**

The relationship between civilian oversight and the police will always be a love/hate one. There are tensions and there will always be. These tensions should be managed proactively. Although the previous Ministers of Safety and Security have not interfered with our work nor gagged us in responding to media enquiries about cases investigated against the police, it is important for us to act responsibly as well. A biased reflection of untested allegations may be damaging not only to the police’s morale but also to the government, which may raise questions about the type of police service we have. We have endeavoured to give an accurate reflection of statistics relating to deaths and other criminality.

Our intervention is aimed at establishing the truth. Where there is wrong doing, we must come out and be vocal about it, but where the police have been vindicated from the allegations, we must also be vocal and say so. We have received frivolous accusations against police officials and made our findings known – that way we gain respect not only from the police but the communities as well. Policing is not only a responsibility of SAPS management alone, but we also have a role to play, and in fact, we have to ensure that the SAPS execute its constitutional mandate and assist them foster good working partnerships with the communities they police.

The increased levels of cooperation we currently have, with the police and the respect we have engendered has not come easy, but has been earned. It took much lobbying and advocating. It took rallying for support both politically and officially. It also took banging on doors until they were opened and making noise until we were heard. It calls for understanding the cultures and subcultures of policing. It calls for making certain compromises sometimes, not at the expense of the integrity of our work, but for the sake of the “bigger war” we are trying to win. It also needs the channels of communication between ICD and the police management to be opened and work done to ensure that they remain open.

In conclusion, a valuable lesson we have learnt is that we have to conduct our investigations without fear or favour, but that we also have to work with the police in order to foster change in policing ethic.
The Role of the Media in Ensuring Police Accountability in Nigeria

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Executive Director
Media Rights Agenda, Lagos

Introduction
Principles of accountability derive from the belief that citizens can improve the fairness of the decisions of those who exercise political or other forms of power by installing a process, which imposes an obligation on them to answer to members of the public for their actions.

The rationale for this is that since the decisions and actions of such people exercising authority or power affect members of the public in many important ways, it is natural that they routinely tell those over whom or on behalf of whom they exercise power what actions they plan to take or what actions they have taken and explain their reasoning. In cases where there are allegations of abuse of power, misconduct, or corruption, they will also be required to explain or justify their actions.

In general, principles of accountability apply to both elected public officers and appointed officials. But many public officers and officials are often instinctively resistant to the notion of accountability without appreciating its direct benefit to them as well as to the larger society and the system of governance. They often do not appreciate that the concept of accountability is supposed to be politically neutral and that holding decision makers or those exercising authority to account does not necessarily mean telling them what to decide. Holding them to account simply requires them to disclose what they plan to do or to justify their actions, which helps to raise public trust and confidence in public institutions.

Legal Framework for Police Accountability in Nigeria
The Nigeria Police Force is established by Section 214 of the 1999 Constitution, while its functions, powers, administrative structure, and other operational matters are outlined in the Police Act, Cap 359, Laws of the Federation of Nigeria 1990. The functions of the police straddle a wide area of societal activities. According to the former Inspector-General of Police, Alhaji Ibrahim Coomassie, the Nigerian Police Force is the only civil force in the Federal Republic of Nigeria. It is responsible for the protection of life and property and the enforcement of all laws and regulations made by the Federal and State government authorities. In addition, the Force is charged with the responsibility for the control and direction of road traffic, inspection and licensing of personal and prohibited firearms, the protection and security of all commercially-owned firearms and explosives and the internal security of the nation generally. This could involve crisis management in the form of response to natural disasters, communal clashes, railway derailment or plane crash, etc. The Force is also liable to perform such
military duties within and outside Nigeria as may be required of it by the Federal Government.\textsuperscript{57}

In the exercise of these functions, the police have powers to stop, search, arrest, detain and prosecute any person suspected of having committed an offence or about to commit a felony. These are wide powers and there are ample opportunities for abuse. In fact, in our experience in Nigeria, the abuse of these powers has been the norm and instances of such abuse are legion.

The 1999 Constitution, the Police Act and the Police Service Commission (Establishment) Act No. 1 of 2001 create different levels of institutional and political oversight for the Police. The Constitution vests primary control of the Police on the President or a Minister authorised by him. In addition to this, sections 27 to 30 of Part 1 of the Third Schedule to the Constitution also vest the Nigeria Police Council and the Police Service Commission with general supervision of the Police, including in decision-making on matters relating to administration, appointments, dismissals, discipline, etc.

In theory, the Nigeria Police Council is an independent Federal executive body. However, the 39 members of the Council are almost entirely political office holders. The Council has the President as Chairman, while the other members are the 36 State governors, the Chairman of the Police Service Commission and the Inspector-General of Police. The two who are not political office holders owe their appointments to the President. In every sense, therefore, the Nigeria Police Council is a political institution whose actions and decisions will in all likelihood be highly political.

The functions of the Council are the organisation and administration of the Police and all such matters, except those relating to the use and operational control of the Force or the appointment, disciplinary control and dismissal of members of the Force. It also has responsibility for the general supervision of the Police and advising the President on the appointment of the Inspector-General of Police.\textsuperscript{58}

The main responsibility for accountability of the Police rests with the Police Service Commission and it is here that there is an attempt to have a broad representation in membership, including an attempt to have some civil society representation. Its membership consists of a chairman, who is the chief executive of the Commission; a retired Justice of the Supreme Court or of the Court of Appeal; a retired police officer not below the rank of a Commissioner of Police; and one representative each of women interest, the Nigerian press, non-governmental human rights organisations in Nigeria and the organized private sector.\textsuperscript{59} Since there is no stipulation in the Act as to how the representatives of these interest groups are to be selected, the nomination is left to the discretion of the President, although subject to confirmation by the Senate.

\textsuperscript{58} See Section 28 of Part 1 to the Third Schedule of the 1999 Constitution.
\textsuperscript{59} See Section 2(1) of the Police Service Commission (Establishment) Act No. 1 of 2001.
The Police Service Commission is responsible for the appointment and promotion of police officers, except the Inspector-General; the dismissal and exercise of disciplinary control over police officers, except the Inspector-General; the formulation of polices and guidelines for the appointment, promotion, discipline and dismissal of officers in the Police; identifying factors inhibiting or undermining discipline in the Police; formulating and implementing policies aimed at efficiency and discipline; and performing such other functions which in the opinion of the Commission are required to ensure the optimal efficiency of the Police.\(^{60}\)

Although the Police Service Commission is apparently more immune from political interests than the Nigeria Police Council, its independence is undermined by the broad discretionary powers given to the President by the Police Service Commission Act which provides that: “A member of the Commission may be removed by the President if he is satisfied that it is not in the interest of the Commission or the interest of the public that the member should continue in office.”\(^{61}\)

In addition to this, despite the disclaimer contained in section 6(2) of the Act that “the Commission shall not be subject to the direction, control or supervision of any other authority or person in the performance of its functions other than as is prescribed in this Act”, the law goes on to provide that the Commission shall “carry out such other functions as the President may, from time to time, direct.”\(^{62}\)

It also provides further that: “Subject to the provisions of this Act, the President may give to the Commission directives of a general nature or relating generally to matters of policy with regard to the performance by the Commission of its functions and it shall be the duty of the Commission to comply with the directives.”\(^{63}\)

Unlike the 1999 Constitution and the Police Act which were made before it assumed office and over which it had no control, the Police Service Commission Act was proposed to the National Assembly by the Obasanjo Administration and enacted into law in 2001 – two years after it came to power. The only conclusion one can reach, therefore, is that by including these provisions in the law, the President intended to have control over the Police Service Commission, despite the intention in the Constitution that it should be an independent Federal Executive body.

On a practical level, there is also the question of the willingness of Police authorities to accept, and subjugate themselves to, the oversight of the Police Service Commission and the ability of the Commission to impose its will on the Force given that it has no powers of its own to implement its decisions and requires the President to take action. Since the Inspector-General of Police, who has command of the Force, takes instructions directly from the President, the Commission may find itself unable to perform its oversight functions effectively. I think we have already had several instances where the Inspector-General of Police or other Police authorities, in complete disregard of the Commission, have gone ahead to promote, appoint or dismiss police officers.

\(^{60}\) See section 6 of the Police Service Commission Act.

\(^{61}\) See section 4(2) of the Police Service Commission Act.

\(^{62}\) See section 6(1) (g) of the Police Service Commission Act.

\(^{63}\) See section 19
There are also internal control mechanisms in the Police Force. These internal control mechanisms are founded on the provisions of Section 215(2) of the Constitution which give command of the Police to the Inspector-General of Police and the Commissioners of Police at the State level as well as various provisions of the Police Act relating its internal operations and administration. Operated by police personnel themselves, these mechanisms include administrative procedures to ensure compliance with regulations, internal disciplinary processes such as orderly room trials, etc.

However, police internal control mechanisms are so opaque that they not only make accountability difficult, they in fact actively inhibit the possibility of accountability in many cases and provide opportunity for the Police to repress those in its ranks who seek to enthrone accountability. A recent example of this is the arrest and detention of Police Sergeant Musa Usman by Police authorities following his revelations on the corruption and rot in the Force.

Sergeant Usman, a policeman in the Mobile Police Unit serving in Lagos State, had on August 21, 2003, at the Onikan Stadium in Lagos, during a public forum with the Minister for Police Affairs, Chief Broderick Bozimo, revealed that the corruption in the Police was engendered by the abysmally low wages of junior officers of the Police Force and the activities of their superiors who encourage them to collect bribes from motorists at roadblocks. He also revealed that the system was in many ways unfair to junior officers while being over protective of senior officers.

Sergeant Usman and some of his colleagues spoke at that meeting with the encouragement of the Minister for Police Affairs who asked them to talk freely and honestly about the problems of the force as the government was genuinely interested in solving these problems. Indeed, an attempt by the Lagos State Police Commissioner, Mr. Young Arabamen, to cut off Sergeant Usman at the occasion was prevented by the Minister who asked the Commissioner to return the microphone to the Sergeant to continue with his comments.

Regrettably, less than one week after Sergeant Usman’s revelations, the media reported that the state police authorities had arrested and detained him. It would appear that the fact that Sergeant Usman spoke at the instance of the Minister of Police Affairs was not sufficient protection for him, although it is curious that the Minister would encourage junior officers to speak freely about the problems in the Police Force and expose them to reprisal actions from their superiors knowing that he is either incapable of or unwilling to protect them. Because of the opacity of the internal control mechanisms alluded to earlier, it is impossible to determine the official charges against Sergeant Usman or what has become of him.

The legal situation outlined above shows that the Police is basically accountable to itself or to political authorities. There is really no framework for Police accountability to the people, except in so far as political authorities are seen as representatives of the people.

**Basis for a Role for the Media**

Given the provisions of the Constitution, the Police Act and the Police Service Commission Act, the question which many police officers who regard these instruments as their holy grail might
be tempted to ask is whether the media has any role in ensuring police accountability. My answer to them is an emphatic “yes”.

Clearly, the media does not and cannot have any direct or formal oversight over the conduct of the Police as do the agencies or institutions stipulated above since the media cannot tell the Police what to do and cannot sanction police officers for refusing to conduct themselves in a particular way. The role of the media derives from three major areas. The first is the broad provisions of section 22 of the 1999 Constitution which provides that: “The press, radio, television and other agencies of the mass media shall at all times be free to uphold the fundamental objectives contained in this Chapter (Chapter Two) and uphold the responsibility and accountability of the Government to the people.”

The Police Force is obviously an institution of government and police officers are government officials who carry out law enforcement functions. The Police is its “most visible symbol of governmental authority and the enforcer of its laws.” That being the case, the obligation imposed on the media by Section 22 of the 1999 Constitution to “uphold the responsibility and accountability of the Government to the people” also applies to the Police.

The second is derives from a principle which, in my view, is aptly captured by Jeremy Bentham when he said: “Without publicity, all other checks are fruitless: in comparison of publicity, all other checks are of small account. It is to publicity, more than to everything else put together, that the English system of procedure owes its being the least bad system as yet extant, instead of being the worst.”

In most, if not all, countries and societies, political authorities, whether democratic or otherwise, control the police force. In many of these countries, including Nigeria, there is a real possibility of collusion between the police and political authorities as the Police generally serves the interest of political authorities. Former Inspector-General of Police, Alhaji Aliyu Atta, shares this view when he states that “the Police are expected to defend their paymaster (government in power), and they are even co-opted into the government.”

In fact, the 1999 Constitution unwittingly creates a situation which makes collusion between the Police and political authorities likely. For instance, under Section 215 of the Constitution, the President or a Minister authorised by him “may give 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 directions or cause them to be complied with.” At the state level, the Governor or any Commissioner authorised by him are similarly empowered to give directives to the Commissioner of Police, subject to the requirement that the Police Commissioner refers the matter to the President or his authorised Minister before carrying out the instructions.

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64 Coomassie, 1998, p. 6; op cit
Curiously, however, the necessity for any form of accountability is obviated by the provisions of Section 215(5), which provides that: “The question whether any, and if so what, directions have been given under this section shall not be inquired into in any court.”

Thirdly, there is a need to create different levels of accountability for the Police, particularly in order to ensure counter-checks on the formal institutions of accountability and in order to also accommodate non-formal channels for accountability through which members of the public can directly input into the process. The Police is the most visible law enforcement agency of government and while most members of the society may never have any contact with other law enforcement agencies in their life time, very many of them are likely to have contact with the Police at one point or the other. The Police affect people in many ways in their daily lives and frequently exercise a lot of power over the lives of the people under the law. It is therefore important that people in a democratic society have an input into how that power is used and checked. The basic principle of accountability requires that the Police should be responsive to the needs and expectations of citizens. This principle cannot be given effect when and where the formal processes of accountability do not have any scope for public inputs.

As Professor Etannibi Alemika argues,

Police brutality is pervasive and an integral part of the culture of police bequeathed to the country since colonial rule. Therefore, there will be need for diversity of control mechanisms to uproot it within the force. Because of the endemic and pervasive nature of police brutality and corruption in Nigeria, reliance on internal police mechanisms for their control will not produce satisfactory results.67

As stated earlier, besides the internal control mechanisms, the other oversight mechanisms are rooted in political institutions and because of the possibility of collusion between political authorities and the Police, it is important that the media plays an active role in ensuring police accountability.

The role of the media has also been heightened by the fact that the internal control mechanisms of the Police do not provide effective processes of remedy for aggrieved members of the public. Most people who suffer police abuses are reluctant to go to the police to complain because of a perception, evidently justified, that they would not get an independent and fair evaluation of their grievances from internal mechanisms which are staffed by the police themselves. Any such complaint would be investigated by other police officers and many people do not feel confident that such investigating police officers would readily indict their colleagues. Such aggrieved persons have the option of initiating legal proceedings against the Police. But in many cases, because the legal option is also inherently unpredictable, expensive, and may be unduly prolonged, they head for the media. The media thus becomes, for such people, a vehicle for having their grievances heard and, possibly, redressed.

In our experience, most cases of disciplinary measures taken against police officers for abuse of power or violation of human rights have been in response to public outcry, echoed in the media. Otherwise, the general tendency of the Force is to take no action against its officers and men and in some cases, even the public outcry continues to be ignored. A recent example of this is the

complaint made by the Nigerian Labour Congress (NLC), and repeated by other bodies and individuals, that the Police wilfully shot, killed and wounded several people, many of them innocent bystanders, in the course of the nationwide protest over the increase in the prices of petroleum products in June and July 2003. After repeated denials that it used live bullets or that anyone was killed during the incident and after the NLC produced witnesses and victims, the Police finally admitted that a few people were killed. Yet, to date, no action has been taken against any member of the Force for these killings.

Issues of Police Accountability
Discussing police accountability, whether in the context of the role of the media or of other institutions or political authorities, presupposes that there are clear or established standards which should guide the conduct and operations of the police. It is imperative that there should be transparency in various aspects of policing and police activities, including the administration of the police, police procedures in operational matters, Police Regulations, the powers of the police, as well as in the conditions of service and the conditions of policemen and police officers.

I do not think that anyone can seriously dispute the proposition that when there is excessive secrecy in a system, there is a tendency for corruption to take root and thrive. Besides, a closed system inhibits public participation in policing matters. It is now clearly anachronistic for anyone to argue that citizens should not have any input into the decisions about the way their country or society is policed.

Public participation and input into the process of formulating policing policies are critical in any democratic process and this can only be possible if people have the necessary information about how the police institution is organized and how it operates. But besides the issue of policing policy, it is also important that the actions and activities of the police comply with the law and regulations and that policemen or police officers are sanctioned when they operate contrary to the law. The Police should be held to account for their conduct or actions where they abuse their powers, or engage in unlawful, criminal or corrupt acts. The issue of police accountability is aptly summed up by Melissa Ziegler and Rachel Neild who observe that:

accountability in a police force requires the operation of both internal and external control mechanisms that ensure that the police force is performing its job in a manner that respects the rule of law and the civil rights of the people it is to protect. Accountable police forces provide transparency with regard to procedures and their operations. Accountability is ensured when the police are transparent, abide by the rule of law and respect civil rights.68

Thus, in addition to the Police Act, various police regulations and codes of conduct, the Police are also obliged to comply with the human rights guarantees contained in the Constitution and a host of international human rights instruments. These norms are also standards to which the Police can be held accountable by the formal accountability structures as well as the non-formal processes of the media.

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The Role of the Media
As I said earlier, the media have no and can have no formal oversight relationship with the police. It cannot sanction police officers for misconduct or abuse of power or corruption. The power of the media lies in its ability to place the issue in the public domain and provide a platform for public debates and discussions. In so doing, the media puts the police authorities under pressure to take action against its own men or “forces” institutions with formal oversight responsibilities to take action against errant police officers. In cases where policy reform is required, political authorities may also come under pressure to initiate the necessary reform.

One major way in which the media performs the role of ensuring police accountability is in reporting police abuses. The media has been a constant source of information about all forms of human rights abuses – illegal arrests and detention, extra-judicial killings, torture, extortion of money from motorists by policemen at roadblocks and checkpoints, improper or excessive use of force, etc.

The media have also provided an avenue for whistleblowers within the police force to reveal malpractices, corruption, injustices and other vices within the force. In a recent case, a group of junior police officers in Osun State went to The Guardian newspaper and detailed acts of corruption, misconduct and abuse of office against their boss, the Divisional Police Officer (DPO), which the newspaper reported extensively. The report put the Police under pressure, forcing it to admit that there have been other complaints against the particular officer and that it was investigating the complaints. Regrettably, the accountability process was being undertaken with the internal police mechanism and because of the opaque nature of that process, it is not known what the outcome of that investigation was and what action has been taken.

Human rights organisations and activists in Nigeria have also found the media to be an invaluable tool in their work as it has given them a platform to express their grievances about police practices and activities, abuses of human rights and to propose reform. But the media can do more in ensuring police accountability. It can carry out investigative journalism to expose police misconduct, malpractices, abuse of power, and corruption. This is of particular importance given that the police, realizing the power of the media to hold it to account, albeit indirectly, have become proactive in using the media to publicize the activities and project a positive image of the Force. Both at the national level and in its different state formations, the police force has set up police public relations offices, manned in many cases by media-savvy police officers, constantly feeding the media with information about different aspects of police activities and responding to enquiries by journalists.

While there is nothing wrong with the police force using the media to publicise its crime control efforts, the media must go beyond information, which has been carefully processed and sanitized for media consumption, to make sure that the information that it is being fed represents the true picture and that it is getting the whole story and not just half-truths. It must carry out its own independent investigation on issues relating to police accountability.

Factors Inhibiting Media’s Performance
A number of factors inhibit the ability of the media to play its role of ensuring police accountability effectively. One such factor is the application of the nebulous concepts of public
order and national security whereby information which ought to be publicly available is shielded from the media and from the public on the grounds that it would undermine public order or national security. I do not discountenance the fact that there might be some sensitive operational information which, if made public, might undermine the ability of the police to provide adequate security. However, it is important that there should be an appropriate balancing of the need for public information and the need to withhold information in the interest of public order or national security.

Whilst there is a general recognition that disclosure of information about certain sensitive police or military operational matters has national security implications, there has been growing international concern, especially within civil society, about the frequency and arbitrariness with which governments and law enforcement authorities invoke national security to deny their citizens essential information. As a result, there have been efforts to define the parameters which should guide state practices in restricting information on grounds of national security. What is now known as the Johannesburg Principles on National Security, Freedom of Expression and Access to Information arose from such efforts.

The Johannesburg Principles were adopted on October 1, 1995 by a group of experts in international law, national security and human rights. The Principles are based on international and regional laws and standards relating to the protection of human rights, evolving state practice (as reflected, for instance, in the judgments of national courts), and the general principles of law recognized by the community of nations. The Principles are fairly detailed and run into about 10 pages. I will not attempt to reproduce them because of constraints of space. However, because I think they are important, I will mention some of the essential elements that are relevant to this discussion.

Although there is a recognition under the Principles that the right of members of the public to freedom of expression and information may be restricted on grounds of national security, it is a requirement that any such restriction may not be imposed unless it can be demonstrated that the restriction is prescribed by law and is necessary in a democratic society to protect a legitimate national security interest. A restriction on the ground of national security is not legitimate unless its genuine purpose and demonstrable effect is to protect a country’s existence or its territorial integrity against the use or threat of force, or its capacity to respond to the use or threat of force, whether from an external source or an internal source.

In particular, a restriction on the ground of national security is not legitimate if its purpose or effect is to protect interests unrelated to national security, including, for example, to protect a government from embarrassment or exposure of wrongdoing, or to conceal information about the functioning of its public institutions, or to entrench a particular ideology or to suppress industrial unrest.

It is also a requirement under the Principles that a State cannot categorically deny access to all information related to national security, but must designate in law only those specific and narrow categories of information that it is necessary to withhold in order to protect a legitimate national

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69 The Principles were subsequently endorsed by the United Nations Commission on Human Rights at its 53rd Session in 1997 by resolution 1997/27/
security interest. Applying these principles, it is apparent that much of the excessive secrecy which we observe in police operations cannot be justified.

Another factor which has inhibited the media in its ability to ensure police accountability has been the hostility and brutality of the police towards the media and journalists. Newspapers and reports by various human rights organisations are full of cases of police brutality toward journalists who have written ‘negative’ reports about police or are investigating cases of police misconduct or corruption.

The government appears to condone such attacks on journalists as it has persistently failed to investigate or sanction policemen involved in such conduct. In recent months, there has been an upsurge in the spate of attacks on the media, particularly by policemen. Attacks on journalists, whether committed by government agents or non-governmental entities, are a major form of censorship. Although there is a general responsibility on the government to safeguard the physical security of all people within its territory, various United Nations human rights documents recognize a heightened obligation of governments to protect journalists from physical attack and such obligation assumes an urgency when the attacks are carried out by law enforcement agents.

This recognition led the UN Commission on Human Rights at its 1993 session to request the appointment of a UN Special Rapporteur on freedom of opinion and expression to promote the right to freedom of expression and to protect "professionals in the field of information", including "journalists, editors, writers and authors, publishers and printers". The Commission then expressed "concern at the excessive occurrence", among other things, of "violence or threats of violence and ... harassment" against media professionals and urged states to "take the appropriate steps to ensure the immediate cessation of these acts and to create the conditions under which these acts may be less liable to occur". In justifying the appointment of a Special Rapporteur, the Commission said "the effective promotion of human rights of persons who exercise the right to freedom of opinion and expression is of fundamental importance to the safeguarding of human dignity" and that "the right to freedom of opinion and expression is interrelated with and enhances the exercise of all other human rights".

If Nigerian journalists do not feel safe to investigate and report cases of police misconduct, abuse of human rights and corruption, the ability of the media to ensure police accountability will be severely limited.

**Conclusion**
The media has a critical role to play in ensuring police accountability. It must take the responsibility for playing this role seriously. However, for it to be effective in playing this role, certain conditions need to exist. There needs to exist a framework which allows journalists to seek and obtain information from official sources about police activities and well as other matters of interest to them, subject only to legitimate restrictions. The existence of a Freedom of Information Act would greatly enhance this process. The government also needs to take more seriously its responsibility to protect journalists and the media generally from attacks, especially those carried out by its agents. It can demonstrate a commitment to this process by imposing sanctions on those who carry out such attacks.
Reforming the Police in Nigeria

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**Introduction**

Policing is the most far reaching of the powers of the State anywhere. Human security is a basic human right, the protection of which is the responsibility of government. Government is never called upon to exercise a responsibility more basic, extensive or serious than to protect its people in their persons, possessions and wellbeing.

The institution of the Police exists for this purpose. Although it is the most important institution for the protection of the people, it is not the only such institution. Many other bodies in Nigeria have substantial or adjunct law enforcement roles. These include the National Drug Law Enforcement Agency (NDLEA), the Economic and Financial Crimes Commission (EFCC), and the Customs Service, among others. Both the judiciary and the prosecutorial service (through the Directors of Public Prosecutions at both federal and state levels) are also essential to law enforcement and to protecting the people. But if the Police do not work as an institution, the business of these institutions and of protecting the people or enabling the people to protect themselves is much more difficult to accomplish.

**Security and Policing in Nigeria**

In Nigeria today, human security is the scarcest commodity and, therefore, arguably the most essential need. The threats to our individual and collective safety and security come from the greed of unaccountable public officials and from the desperation of an ever-widening circle of unaddressed need, both of which have combined to democratize despotism and inoculate our collective sensitivities against impunity.

To address these problems, we need a new attitude to policing that is rooted in popular legitimacy and has credibility with the people. But, in Nigeria, the history of and skills in policing under a civilian government with electoral legitimacy are very limited. First established by the colonial government, the essential laws, traditions, and methods of the Police that we inherited have been shaped under unaccountable colonial and post-colonial regimes whose very existence could only be guaranteed by adversarial policing methods. Such methods alone could guarantee the egregious violations of political expression and associated entitlements that enabled such dictatorships to thrive. In this context, the mind-sets, laws, and structures needed for policing under a legitimate government never had the opportunity to take root. Effectively, the current dispensation offers us a first opportunity to pioneer new ideas in this direction.

**Police credibility and accountability**
Credibility of policing and the police requires at least four things. First it requires the participation of the people and local communities in policing. The peculiarly oppressive origins and history our Police Force sustain popular distrust of the police as an institution. This reflects equally pervasive distrust of government. People cannot co-operate with the police if they are unable to trust it or see the Police as their own. Rooting policing in local communities will require a change from Command policing to Community policing in which Police operatives are seen as accountable not just to the internal command and control structures of the police but also to the people of the communities in which they work and live at any point in time.

Second, credible policing requires a re-direction of policing priorities from incident-based and forensic policing, for which resources and skills are very limited, to community- and intelligence-based policing which is comparatively more resource-efficient. Presently, there is only one functional crime laboratory in Nigeria. The skills for competitive forensic policing are in very short supply. Investigations requiring forensic evidence languish as exhibits wait in the queue interminably. In the absence of adequate forensic skills and materials, third-degree policing, arrest-led interrogation, and the holding charge replace lawful police methods. Crime and policing information is poorly organized, inaccessible, badly managed and hardly analysed for guidance in targeting scarce policing resources. These unwholesome practices adversely constrain downstream justice sector mechanisms, leading to interminable wait for prosecutorial opinions, an unacceptably high incidence of pre-trial detention, unsafe convictions and an entirely unserviceable criminal justice system.

Thirdly, we require effective civilian oversight. Oversight of policing goes to the heart of the credibility of the Police as an institution. If we were to see the Police as a service provider and as deriving its authority ultimately from the people, the rationale for civilian oversight is easily appreciated. Simply put, civilian oversight ought to enable the Police to provide its staff with incentives for good behaviour, reduce the number of bad eggs in its ranks, build good faith and credibility with the people, and reinforce the source and legitimacy of its operational authority. Such credibility ought to make policing much safer and effective, enabling the public to co-operate habitually with the Police. Without credibility that is popularly rooted, we are more likely to see greater resort to diverse forms of unlawful self-help policing, leading inexorably to an increase in third-degree policing methods.

Within the Police, internal oversight normally happens through the command and control structure of the Police. Complementary institutions of civilian oversight include the Courts, the federal legislature, the National Human Rights Commission, the Anti-Corruption Commission, the Chambers of the Attorney-General, and the Police Affairs Ministry. In Nigeria, the Police Service Commission (PSC) Act, No. 1 of 2001 confers specific and special powers of civilian oversight on the Police Service Commission. The structure and functional scope of the Nigerian Police Service Commission is unique in the world in combining powers of appointment, promotion, investigation and discipline over all staff of the Police besides the Inspector-General.

Some within the Police have argued that the Police enjoys a constitutional monopoly of investigative powers and, consequently, that the PSC lacks the powers to investigate and discipline Police officers. Clearly, this is misconceived. No such constitutional monopoly of investigation exists. Powers of investigation exist in different departments and agencies of
government. The investigative powers of the PSC in the service of its disciplinary functions are secured and conferred by the PSC Act. Where an errant Police officer is also involved in criminal conduct, complementary criminal recourse responsibilities against such officer reside also with the Police and the office of the Attorney-General. It is in the self interest of the government, the Police as an institution and the people of Nigeria that the Police Service Commission should be made and be seen to work.

Fourthly, it is necessary to address the policing needs of vulnerable communities. These are understood to mean communities and settlements whose safety and security needs are defined by their physical remoteness, or inaccessibility from points of power and policing authority. They include riverine, rural, nomadic, and border settlements. They also include groups historically excluded from policing or traditionally the target of policing flashpoints. An example of the excluded would be women. Flashpoint communities would include students, organized labour, and, increasingly, resource bearing communities exemplified by the restive communities of the Niger Delta.

Conclusion
Reform, especially of policing and its oversight, is an imperative of flawed habits and of institutional anomie. To achieve it, we need joined-up government and more discerning engagement between government, the (for profit) private sector, the (not-for-profit) conscience sector or civil society, and those in the international community who genuinely want to see a viable Nigeria. For civil society, it is no longer enough to criticize government and its institutions without offering concrete ideas and partnerships as to how we can make things better; for the private sector, it is no longer enough to compute profit without concern for social capital and costs; for government, it is no longer enough to see civil society as busy-body fault-finders out of kilter with the rough and tumble of planet reality; for our international partners, it is no longer enough to see Nigeria as God’s experiment in the impossible. All of us have a stake in making the Police work. None has a greater stake in making us work with the Police than the Police itself. For this purpose, it also has a stake in making the agenda of Police reform work.
Investigation and Discipline of Police Personnel by the Nigeria Police Force

Sunday Ehindero,
Deputy Inspector-General of Police

Introduction
It is easy to assume we all know the meaning of investigation. Let me confess that it was in the case of Gani Fawehinmi v IGP & ors where I had the fortune to futilely argue at the Superior Courts that a Governor had immunity against investigation that I had to look for the meaning of investigation. Blacks Law Dictionary defines investigation as:

"the process of inquiring into or tracking down through inquiring". To investigate means, "to follow up step by step by patient inquiring or observation; To trace or track; to search into; to examine and inquire into with care and accuracy; to find out by careful inquisition; examination; the taking of evidence; a legal inquiry".

In Gani's case, the Supreme Court confirmed that section 214(1) of the 1999 constitution recognizes one Police Force for Nigeria and the said Police are given the duty under section 4 of the Police Act, cap 359, Laws of the Federation of Nigeria, 1990 to investigate allegation of crime against any person. In the performance of such duties the police have discretion whether or not to conduct investigation into any allegation of crime made to them. Earlier on, in the case of Attorney-General of Anambra State v Bishop Eyitene and ors of-(-1985)-6 -NELR-753, the court had already held:

(a) That the Attorney General of a state has not been given any power to investigate any offence.
(b) That the power to investigate offences in this country belongs to the Police under section 4 Police Act. In that section, the police are given the power to detect crime, which is the same as the power to investigate offences. In other words, the power to investigate crime belongs exclusively to the Police and to no other person or body.
(c) No official of the Ministry of Justice has any greater right to investigate any criminal or arrest anyone besides the general power, which every citizen has under section 12 Criminal Procedure Act (CPA) or 26 Criminal Procedure Code (CPC). For the facts see Ehindero S.G., The Constitutional Development of Nigeria 1849-19891 (JOS: Ehindero Press, 1990) P .57.

The ratio in the above cases extends to the complaints investigation against the police.

The law empowers the Police Service Commission to appoint persons to offices in the Nigeria Police Force other than the office of the Inspector-General of Police (IGP) and dismiss and exercise disciplinary control over persons holding any office in the Force other than the office of the Inspector-General of Police (IGP). It does not empower the Commission to investigate. The commission can only act after police investigation because the expertise needed for complaints investigation makes it desirable for them to be carried out by police officers. The training and
experience of policemen best fit them for this task. All that is required is that the investigation conducted by the police must be carried out efficiently, effectively, thoroughly and fairly. The potential range of police misconduct is as wide as the criminal law and police disciplinary code combined, and therefore any force of independent investigators must number amongst its members, individuals possessing a unique range of skills and experience peculiar to the police.

To enable Police Service Commission investigate police officer might initially increase public confidence in the way the complaints are investigated but ultimately it would lead to a reduction in the efficiency and thoroughness of complaint investigations and eventually irreversible loss of public confidence. It may also create hostility between itself and the generality of police officers.

It is agreed that we are in an age of globalisation and liberalisation in which the world are borderless and has become a global village. Therefore, there is the temptation to import into this country what happens elsewhere in developed countries. But such an importation is at a risk. It may not bloom in foreign soil. Just as globalisation has strident consequences of marginalization and stagnation or portend grave uncertainties or even risks for us in Nigeria because of our inadequate infrastructure and fragile economics so may the idea of Police Service Commission investigating erring police men create hostility of unimaginative dimension between itself and the generality of police officers.

Complaints Mechanisms
Besides legal proceedings of the criminal or civil nature, there are other ways for individuals to attempt to obtain an effective remedy for their complaints. There is the Ombudsman whose primary function is to protect the rights of individuals who believe they are the victims of unjust acts on the part of the public administration. The Ombudsman will often act as an impartial mediator between an aggrieved individual and the police.

National Human Rights Commission
This commission was established in Nigeria to ensure that the laws and regulations concerning the protection of human rights are effectively applied. Complaints against police actions are looked into by this body who work in close partnership with the police. One of the important functions vested in this Commission is to receive and investigate complaints from individuals alleging human rights abuses committed in violation of existing law.

Code of Conduct Bureau
This Bureau has power to ensure compliance with and enforce the provisions of the code of conduct legislation. It has power to receive complaints about non-compliance with or breach of the provisions of the Code of Conduct, investigate the complaint and where appropriate refer such complaint to the Code of Conduct Tribunal.

The Independent Corrupt Practices and Other Related Offences Commission
The ICPC Act established the Commission to receive and investigate any report of conspiracy to commit, attempt to commit, or the commission of the offences of corruption and in appropriate cases to prosecute the offenders. The commission consists of the chairman and twelve other members one of which is a retired police officer not below the rank of Commissioner of Police perhaps to assist in the investigation of cases.
**Police Accountability**

At the heart of investigation and discipline of erring police officers is the need for accountability—a system of elaborate checks and counterchecks with the minimum of direction and command. Those to whom power is delegated should account for the way in which they have used such powers. To ensure accountability, the Nigeria police have Code of Conduct in the Police Regulations concerning the exercise of police powers and a machinery or procedure in connection with the investigation of complaints against the police and the discipline of the members.

**Disciplinary Procedure in the Force**

Where a Superior Police Officer commits an act in breach of the Code of Conduct he is queried by his Commander. If the offence is of a serious nature, a copy of the query is forwarded to the Force Secretary. In line with the principles of fair hearing, his representation is called for by the command, usually within seventy-two hours. The query, his representation and comments by the Commissioner of Police (CP) are sent to the Force Secretary. In this regard, the zonal Assistant Inspector-General of Police (AIG) plays an intermediary role.

On receipt of the query and representation, the Force Secretary prepares a memorandum to the Force Disciplinary Committee setting out the facts of the case. The committee is made up of all the Deputy Inspector-General of Police (DIGs) with the Deputy Inspector General of Police, in charge of ‘A’ Department (DIG ‘A’), as the chairman. A date is fixed for hearing and the defaulter notified to attend. At the end of the sitting the committee recommends to the Inspector-General of Police (IGP) whether to dismiss, retire, reduce, reprimand or exonerate the defaulter.

Where a defaulter is indicted, a memorandum is prepared by the Force Secretary on the instruction of the Inspector-General of Police (IGP) to the Police Service Commission for appropriate award of punishment. However, under the instrument of delegation by the Police Service Commission, the Inspector-General of Police (IGP) is empowered to deal with disciplinary matters affecting police officers up to the rank of Superintendent of Police (SP). Where an inspector, non-commissioned officer or constable is guilty of a disciplinary offence, he is tried in what is called an Orderly Room. Such offences range from:

(a) Absence from duty or being late for duty without leave or reasonable excuse.
(b) Breach of confidence in divulging any matter, which is his duty to keep secret.
(c) Corrupt practices.
(d) Discreditable conduct by acting in a disorderly manner or acting in any manner prejudicial to discipline or unbecoming of a member of the Force.
(e) Disobedience to lawful orders.
(f) Drunkenness or drinking on duty.
(g) Falsehood or prevarication.
(h) Insubordination.
(i) Neglect of duty
(j) Improper Conduct
(k) Uncleaness
(l) Unlawful or unnecessary exercise of authority.
The punishments that can be awarded range from dismissal, reduction in rank, withholding or deferment of increment, severe reprimand, fine, reprimand, confinement to barracks for up to 14 days, and fatigue. The range of officers delegated to award punishments and the appropriate authority are contained in 2nd Schedule, Police Act, cap 359 Laws of the Federation of Nigeria, 1990.

The disciplinary procedure in the Police Act and Regulations does not diminish or affect the liability of any member of the Force to prosecution before any Court of Justice for any crime. In fact, such officers are tried and dealt with departmentally before being arraigned in court.

From the above it could be seen that the range of police misconduct is too wide for the Police Service Commission to have capacity to investigate. All that is needed is improvement of police conduct by training, the prohibition of extra-judicial killings, the need to keep complainants informed of the progress of investigation and disciplinary action taken against defaulters. Investigation by the Police Service Commission is unlikely to solve these problems.
Improved Training on Disciplinary Investigations

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Introduction
The society is said to be dynamic and like the human being, it lives. Its health therefore depends on the proper functioning of its established institutions. However, some institutions are not only more important but indispensable to its existence. The Police Force in Nigeria happens to be one of them. This is because of its primary responsibility of maintaining peace, law and order in the society. Since all other human activities depend on security, the approach by the police towards its statutory duties vis-à-vis attitude towards members of the public should therefore be of concern to all and sundry. Thus, all apprehensions by the citizens and governments on the functions of the police in pursuance of the attainment of a secured environment are normal expectations in every society.

The Nigeria Police Force is responsible for the enforcement of laws and regulations as well as maintenance of order in the society. The monitoring of the process of implementation of this legal obligation is to ensure the protection of individuals from arbitrariness by the police and holding them accountable for their misdeed. This is a healthy balance between crime control and due process. It is important to for the body charged with the responsibility of maintenance of discipline in the Force to understand and follow the procedures and skills required to maintain an objective balance in the resolution or handling of complains against members of the Force.

The aim of this paper is to educate participants on the options opened for the training of personnel involved in investigation of disciplinary matters. This paper will discuss training in the Force, the role of the Police Service Commission, investigation of disciplinary matters, and training in basic principles of investigation.

Training
Training produces efficient hands in an organization and it remains its best asset for solutions to its productivity problems. It is a sine qua non for achieving the overall success of organizational goals or targets. Organizations should not embark on training for just the sake of it. The organisational training should be geared towards the discharge of the functions of the Nigeria Police Force. The functions of the Force contained in section 4 of the Police Act Cap 359 Laws of the Federation of Nigeria, 1990, are:

Prevention and detection of crime,
Apprehension of offenders,
Preservation of law and order,
Protection of life and property,
Due enforcement of all laws and regulations with which they are directly charged,
Performance of military duties within or without Nigeria as may be required of them by, or under the authority of any Act.

By the nature of the above assigned duties, members of the Force are bound to have contact with the society on day-to-day basis. For this reason, their activities and conduct are strictly regulated by laws and regulations to avoid excesses in the enforcement of laws. Thus, the policeman has to be abreast with the laws and know the limitations of his statutory powers at all times in order to maintain his balance. This accounts for the need to give all serving officers and men adequate training in laws and regulations as well as Human Rights Principles. Non-compliance with these laws by serving members will necessitate disciplinary actions against them.

**Disciplinary actions**

Specific breaches of certain rules or regulations of an organization may amount to disciplinary offences for which the person involved may be proceeded against departmentally. These rules and regulations may be statutory as in the case of the Police Regulations or mere written procedures that state clearly the *dos and don'ts* of the organization. In either case, procedures for dealing with breaches are written and thus, must not be violated. For example, the First Schedule to Police Regulation 370, Cap 359, *Laws of the Federation of Nigeria* 1990 lists out all the actions that may amount to offence by a serving member. Disciplinary procedures for the officer cadre of the Force are spelt out under the Public Service Rules (Revised to 1st January, 2000.) paragraphs 04101 to 04601 and the Code of Conduct under Part XV of the Police Regulations.

**Functions of the Police Service Commission**

The Police Service Commission (PSC), like the Nigeria Police Force is a creation of the 1999 Constitution of the Federal Republic of Nigeria. Section 153 of the Constitution established the Commission and the functions are as stated under section 30 of Part I to the Third Schedule. The functions are:

- Power to appoint persons to offices (other than the office of the Inspector-General of Police); and
- Dismiss and exercise disciplinary control over persons holding any office referred to in sub-paragraph (a) above.

From the functions above, it is clear that the Police Service Commission has disciplinary control of the Force and may exercise it accordingly. However, the implementation of this needs clarification especially on matters of original jurisdiction and those that may come to the Commission in form of appeal. In order to explore the possibilities of training for members of the Police Service Commission to be able to carry out investigations into disciplinary offences, a brief description of the disciplinary processes in the Force will be necessary. This will give an insight into areas considered important and appropriate to extend such trainings.

*Original Jurisdiction:* The Nigeria Police Force is a very large organization, which is structured into Force Headquarters Formations, Zonal, State, Area and Divisional Commands. Currently, the day-to-day handling of disciplinary matters in all the Formations and Commands lies with the officer in charge of the Command. This is because the Commission may not be at these places on daily basis to exercise direct disciplinary control. The control is done through the police structure on the ground as provided for under the Police Regulations. Thus, the immediate superior in rank under whom this officer serves has original jurisdiction on disciplinary matters.
in line with the procedures laid down under the Regulations. It is instructive to note that hundreds of disciplinary offences are committed on daily basis from one division to another across the country and it is only by going through the statutory provisions of the Police Regulations that these disciplinary matters are dispensed with. For example, the average policeman knows and is used to the provisions of the Police Regulations that only a police officer assigned by the appropriate police authority may try him in an Orderly Room and award the appropriate punishment.

Appellate Jurisdiction: The disciplinary action taken by the police against its erring officers is subject to review by the Police Service Commission upon appeal by such erring officer to the Commission. Since the procedures for disciplinary actions against serving members are provided for statutorily, no one is left in doubt as to his or her rights in respect of departmental actions. When due process is followed and punishment is awarded, affected officers may accept the verdict or reject it. It is only when it is rejected that appeal will of necessity go to the Police Service Commission for review.

Complaints from members of the public: Complaints against police actions and decisions may as of right be made to the Police Service Commission. Such complaints may be either criminal or disciplinary in nature. When they are criminal, the Commission should be able to direct such matters to the Inspector-General of Police for investigation since it has no jurisdiction in criminal matters. In view of the position earlier explained in (i) above, when complaints on disciplinary matters are received, it may also be advisable to refer such to the Inspector-General of Police through whom the statutory process of disciplinary actions must be commenced.

In order for the Commission to discharge its responsibilities as provided for under the Constitution, it will be necessary that its personnel become familiar with the instruments establishing such offences as well as the procedures for handing down punishment to erring officers. The review of cases that will come via appeal to the Commission need adequate knowledge of all disciplinary offences applicable to the Force as contained in the Police Regulations and the Public Service Rules. Knowledge of the Force Orders and Administrative Instructions in certain relevant areas will be of added advantage.

Investigation of disciplinary matters
Maintaining discipline among the personnel of the Force through the enforcement of laws, orders, and regulations is a major responsibility of the hierarchy of the Nigeria Police Force working in liaison with the Police Service Commission. This is done- through the prompt investigation of all complaints made against serving members. No matter the nature of offence, the method of investigation is generally the same albeit with little modifications in terms of depth and scope. However, it must be borne in mind that the investigator's responsibility is to provide evidence that will prove or disprove the matter in contention and thus, must avoid being biased in the process. In addition, the conduct of disciplinary action against a serving member of the Force may be subjected to court litigation where the affected officer feels not satisfied with the decision either during the Orderly Room Trial or by the Police Service Commission. With this in mind, all actions taken against any erring member must be in conformity with the principles and procedures of law.
**Training in basic principles of investigation**

In order to be capable of discharging the disciplinary control through the process described above, personnel of the Police Service Commission may need training in simple but basic principles of investigation as well as procedures for disciplinary actions against serving member of the Force. The Police Detective College Enugu is an institution where this training may be conducted on request. However, candidates in the officer cadre are trained at the Police Staff College Jos. The Force can fashion out training programmes to suit the training needs of the Commission for this purpose.

**Conclusion**

In this paper we briefly discussed the training, disciplinary measures and procedures adopted in the Force. The role of the Police Service Commission in disciplinary process of the Force was also highlighted. Suggestion on effective investigation of disciplinary matters was also briefly discussed. It is hoped that the Police Service Commission will utilise available opportunities within the police force in the discharge of its functions.
INTRODUCTION:
The Nigerian society has been fractured by religious and political intolerance, violent crimes, economic recession, land and border disputes resulting in callous destruction of life and property on a continuing basis. The burden of maintaining law and order rests squarely on the shoulders of the police. The 1999 Constitution of the Federal Republic of Nigeria has unambiguously stated under the Fundamental Objectives and Directive Principles of state policy that "the security and welfare of the people shall be the primary purpose of government (section 14 (2b))." The implication of this provision is that every other purpose of government is secondary. A prioritization of government's responsibilities to the people therefore places security above any other interest whatsoever. The instrument available to government for maintaining internal security, in keeping with its social contract with the people, is the police. In order to ensure that government does not resort to any other means for this purpose, the constitution also makes it mandatory that a police force be established for Nigeria to be styled the Nigeria Police Force with duties and powers prescribed by the National Assembly (section 214). Emphasis on the importance of the Nigeria Police Force to the nation has been further amplified in the additional constitutional provision that no "other police force shall be established for the nation or any part thereof", thus discounting any rival forces or duplicating agencies.

At this stage of the country's political, economic and social development, the effectiveness of the Nigeria Police Force has come seriously into question as its ability to carry out satisfactorily its constitutional responsibilities can no longer be guaranteed. This is evidenced by the general situation of insecurity of life and property all over the country. The present plight of the Nigeria Police is easily attributable to its historical origin and the long years of neglect by past successive military governments which ruled the country for almost three decades. The paucity of books written about the origin and development of the Nigeria Police Force may well be an indicator of the depth of ignorance of successive governments, and the majority of Nigerians about their "own" Police Force which has been rendered manifestly incapable of withstanding adequately "the pressure of law and other in a fast developing and dynamic society such as ours".

Past military rulers, some of the present crop of governors, legislators, local government chairmen, the press and most Nigerians have all along presented a united front in condemning the Police force and amplifying the inefficiency, corruption, brutality and total disregard for the rule of law and human rights abuses by members of the Nigeria Police Force. While some of these charges cannot be faulted, most of us appear to know the problems and not the solutions to these seemingly intractable problems. Some of the remedies being suggested and hastily applied
include the clamour for the establishment of state police forces, the formation of ethnic militias and tribal unions such as OPC, Egbesu, Bakassi boys, MASSOB, Arewa Peoples Congress etc. These in my opinion are wrong remedies to the aliment of the police and maintenance of law and order in Nigeria. This is so because some or all of the problems of the Nigeria Police Force are implicit in a correct analysis and other evaluations, just as given medical remedies are indicated or contra-indicated by a correct diagnosis of a patient's condition and an accurate case history.

It is important that if all that work against effective policing of the country are identified and properly evaluated, the present frightening and alarming law and order situation may yet be reversed for the good of Nigerians, provided that government and all the stakeholders have the determination and political will to develop and sustain a people-orientated and friendly police organization, fulfil their social contract with the people by remedying some or all of the defects identified in the present system. Our Police Force as presently constituted has won popular hatred for itself and yet it is badly needed and sought after because of the increased demand for police services. By the nature of its birth, growth and development up to the present day, the Nigerian police have been faced with many conflicting roles as well as conflict within itself. In very many ways it has been outpaced and left far behind by the dynamics of modernization, the struggle between tradition and modernity. In this paper, I attempt to focus attention on the multiplicity of problems the police are faced with.

**Origin and development of the Nigeria Police Force.**

In 1908, the police in Britain was described thus:

> Police is related to the people who they serve, by ties of intimate personal association, the policeman in London is not merely a guardian of the peace; he is an integral part of its social life. In many a street and slum, he not merely stands for law and order, he is the trusted handyman of our streets, the best friends of a mass of people who have no other counsellor or protector.²

This was and still is the concept of policing in Britain. Unlike the metropolitan police, the Nigeria Police Force was established to protect British trade interest and maintain peace which was frequently disturbed by the incessant quarrels between the native chiefs and imperial merchants. It started as a para-military force bearing arms. According to Tamuno (1988):

> The first batch and even subsequent batches of recruits were from the sweeping of the society in Lagos and other urban centres. They were strangers to the people of the rural communities whose language, dialects and way of life they hardly understood nor cared to learn; the policemen were too few to cover every hamlet or at least the then colonial Nigeria and consequently they were thereafter seen and treated by the majority of the people as mere agents of foreign government and as instrument of its terror or oppression particularly when ordered to break up strikes and demonstrations mounted by the trade unions from the 1940s³

There was no room to establish police confidence. To many on-lookers and most Nigerians it was a foreign force established and manned by the British to protect and sustain British administration and interest in Nigeria. After all, the police had been used against the Binis in the punitive expedition of 1897. From the very first day the police was established it became estranged and alienated from Nigerians. The position was further worsened by the imposition of
a strange criminal justice system and the police had to enforce the laws. Thereafter, a foreign culture determined what was good or bad and what was barbaric in Nigeria. For example, barely one year after the declaration of human rights (1948) a British senior superintendent of police ordered a contingent of policemen to shoot in cold-blood, colliery workers who were picketing non-violently for pay rise in Enugu. This was the type of police Force the British imposed on Nigerians. Since Independence Nigerians have continued to regard the police as agent of any government in power and for as long as there is no good governance and reform of the police, it will remain the number one enemy of most Nigerians.

Control of the Nigeria Police Force
The Inspector-General of Police is in operational command of the force, while the Police Council and the Police Service Commission have external control. Their composition and functions are clearly stated in the 1999 Constitution. The Police Council is made up of:
- The President who is the Chairman;
- The Governor of each of the federating states of Nigeria;
- The Chairman of the Police Service Commission, and
- The Inspector - General of police.

The functions of the Police Council include: the organization 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), and the general supervision of the Nigeria Police Force and; advising the President on the appointment of the Inspector - General of police.

The Police Service Commission
The Police Service Commission is made up of a Chairman and such number of other persons, not less than seven but not more than nine, as prescribed by an Act of the National Assembly. The Police Service Commission deals with staff matters, it has power to appoint persons to offices (other than the office of the Inspector - General of Police) in the Nigeria Police Force and to dismiss and exercise disciplinary control over persons holding office in the Nigeria Police Force other than the Inspector - General of Police. For a very long time these two bodies were not constituted and consequently promotion of qualified officers were kept in abeyance for many years. Discipline was thrown over board. Members of the rank and file went on national strike, an event which had never occurred since the establishment of the Nigeria Police Force. It was after the strike that government woke up from its death like slumber and constituted the Police Service Commission in November 2001. As a face saving action, Mr. M. E. K Smith, the then Inspector - General of Police was used as a scape-goat and forced on premature retirement. The Police Council and the Police Service Commission must stand up to their responsibilities. State governors who constitute the majority of the Police Council should use this forum to correct the inadequacies of the Nigeria Police instead of agitating for state police forces and thus their operational control for political consideration.

The role and function of the Nigeria Police Force
At independence in 1960 and up till now the police role has not been redefined to suit our needs, rather, political leaders and the military rulers have merely been struggling to possess the instrument of control of the police force and use it when necessary against their political opponents. During military regimes, the military governments who had no regard for the rule of
law and human rights used the police to oppress, arbitrarily arrest and incarcerate those who oppose military rule. However, the role and functions of the Nigeria Police Force which were part of the colonial legacy were retained. According to section 4 of the Police Act,

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

This also appears to be the contemplation of the 1999 Constitution which made provision for the duality of Police functions, that is function of policing the country as well as performing military duties (section 214(2) (c). From the forgoing it is evidently obvious that history has left Nigerians with a bewildering maze of contradictory roles, which the Nigeria Police Force is expected to perform. It is concerned with peace keeping and crime fighting. The policemen are the blind enforcers of the law; they arrest and prosecute, "they are social workers with guns and gunmen in social work and above all managers of social conflicts; they are the friends of all those who need their services and yet armed nemesis of some." In spite of the conflicting role the police has been assigned to perform, the same section 214 (2) (c) of the 1999 Nigerian Constitution unequivocally states that the members of the “Nigeria Police Force shall perform such duties as may be conferred on them by law". This implies that at all times they must use the law as guide in the performance of their duties.

Factors of crime in Nigeria
Benjamin Disraeli, a British statesman, novelist and Prime Minister (1868 and 1874-80) once said "I was told that the privileged and the people formed two nations, governed by different laws, influenced by different manners, with no thoughts or sympathies in common". Although this statement was made over a century ago, it seems to me to be a perfect reflection of what obtains in Nigeria today. The administration of our criminal justice system is heavily biased in favour of the privileged and the rich. Our societal structure has been torn apart and everything is in a state of flux. Rampant scandals that hit successive governments in the country have destroyed our core of stability and trust.

Nigeria has a crime problem. A crime problem has been defined by Professor Femi Odekunle as a chronic situation in which the occurrence of crime is systematic rather than random, in which the incidence is high and sectors of the population are participating in its perpetration; in which prevention, control and correctional instrumentalities are rendered virtually ineffective and are consequently driven to unwitting and self defeating measures; and in which the loss and distress caused by actual criminal victimization or the fear, anxiety and helplessness about potential victimization are passive and observable in the population. 

The above scenario has been the position in Nigeria since the military incursion into governance. This has been our painful experience because of the prevailing political, economic, religious and sociological factors, which we shall now briefly examine.
**Political factors in crime**

Before independence in 1960, the country had been divided into three unequal regions along ethnic and language formations with several other ethnic groups within the larger units. With this political arrangement a solid foundation had been laid for ethnic chauvinism, ethnic loyalty and solidarity in Nigeria. At independence the educated elites emerged from their ethnic shells and exploited the ethnic/language divisions in the country to their own advantage, while at the same time they sacrificed the unity and integration of the country. All the three major ethnic groups (namely the Hausas, the Yorubas and the Ibos) reinforced their respective fronts by forming the NPC, the Action Group and the NCNC respectively along tribal lines and compartments. The objective was to control power at the centre and thus the allocation of resources, sharing of sensitive and lucrative federal posts etc. From there on, the ethnic groupings that felt cheated clamoured for further sub-division of the existing regions and states as the surest way of having a share of the national cake. In this setting, the social milieu which has been plagued by abject poverty, disease, over-population, indiscipline, serious crimes, religious intolerance and ethnicity was easily exploited by the contending elites. Within three decades, the original three regions have been sub-divided into 36 states plus the Federal Capital Territory, Abuja even at the expense of economic viability of the new states. This situation is further compounded by the creation of 774 Local Government Areas.

**The Nigerian Economy:**

Osagie and Kayode (1987) have vividly described the predicament of Nigeria and their views are extensively paraphrased as follows. According to them Nigeria was self-sufficient in food and agricultural produce for domestic use and export up till the oil boom era. In 1973/74, the country experienced unprecedented increase in her foreign exchange earnings when world oil price went up due to the Middle-East war. Overnight the pattern of consumption and public outlay experienced dramatic changes. Furthermore, "petroleum replaced agricultural exports as the country's main engine of growth. This sudden leap in oil revenue distorted planning and it was wrongly assumed that savings and foreign exchange earnings from the petroleum sector had ceased to be a major constraint on Nigeria's development. The question was how to spend the petrol dollar earnings through contract award system, over-valued contracts leading to "kickbacks", contracting of Foreign loans to finance white elephant and worthless projects, import licence racketeering. Government began to play a dominant role in the economy and by the second half of 1980s it accounted for 50% of GDP and two third of the modern sector employment.

With the Nigerian Enterprises Promotion Decree of 1972, such key sectors as banking, insurance and industry became more pronounced. For example by 1980, there were about 70 non-commercial and 110 commercial federal parastatals which continued to be bedevilled by brazen corruption, mismanagement, non-profitability and political manipulation resulting in constant drain on increasingly government meagre resources. When in 1981 the world oil market suddenly collapsed, the Nigerian economy could not absorb the shock. Consequently there was a drastic reduction in government revenues and foreign exchange earnings. Government revenue came under severe pressure. There was low capacity utilization and consequent closure of some industries, unemployment, hyper-inflation, social unrest, political instability and increase in crime wave. "Besides, people in the establishment connived with local and in some cases foreign contractors to collect millions of Naira as mobilization for contracts awarded to them by
government. As soon as they collect the fees they abandon the work sites. The younger generation started to regard these corrupt practices as our new ways of life. The perpetrators with their newly found wealth suddenly placed themselves above the law. Nigeria was gradually becoming two nations, one for the rich and the other for the poor, a situation which was in later years to affect the pattern of crime by Nigerians both at home and abroad. As always Government continues to blame the police for its inability to control crime when government itself has failed Nigerians.

Unemployment
Nigeria has a landmass of about 913,037 square kilometres, a population of about 120 million people and over 400 ethnic groups settled or resident in slums, hamlets, villages, towns and cities. The spread, development and expansion of these slums, hamlets, villages, towns and cities are neither planned nor controlled. Right from our northern borders with neighbouring countries to the grassland, the savannah, the impenetrable rain forest, through the mangrove swamps to the Atlantic Ocean, villages, towns and cities dotting these geographical settings have poor infrastructure like roads, pipe borne water, electricity, telephones, etc. Besides, in the West African sub-region, Nigeria being the most 'prosperous' nation has been unduly exposed to predatory and criminal activities by her neighbours due to our porous borders, weak and corrupt security institutions.

Within the country itself, there is uneven development and distribution of wealth, a situation that has been aggravated by graft and brazen corruption among politicians and public office holders. Thousands of primary, secondary and tertiary institutions mill out young men and women annually with little or no job prospects after their education, but however, continue to migrate to the urban centres in search of jobs. These young men and women constitute the alternate army to the Nigerian Army. The latter is highly trained with commanders and defined responsibilities. They are housed and paid regular salaries, while members of the unemployed army, though highly educated, are hungry, jobless and homeless. Our new class of politicians employ these unfortunate young Nigerians as thugs and paid assassins, to rig elections and eliminate their political opponents. These same large-mouthed politicians are loudest in condemning the helpless and ill-equipped policemen for failing to stem the tide of crime and maintain law and order. No one, except those few who are pathologically inclined to do so, wants to commit crime.

If our governments can create jobs for our youths, if our leaders and the political class can abate corruption and stop looting our treasuries, the crime graph will go down and there will not be any need to find a scapegoat in the Inspector-General and his team who have been doing an excellent job with meagre resources and poor logistic support.

Corruption
After the civil war years (1966-1970) it became more and more difficult to enforce the law against corrupt government officials and the people with money in our society. Firstly the offenders used their money and social statues to shield themselves from prosecution and secondly, the law enforcement agency and those other agencies like the judiciary allowed themselves to be influenced by taking bride to compound felonies and pervert the cause of justice. Corruption was institutionalized. It is now our way of life. Today, corruption has a damaging and retarding effect on our national development and international image. The legislators, ministers, public officers, the police, customs and excise, the immigration and prison
services and a large segment of our population have been penetrated by corruption." People are now well organized to cooperate, protect and provide cover for criminals and in return they get protection fees. This is why the police are unable to effectively prevent, detect and contain violent crimes, robberies, drug trafficking, organized economic crimes like tapping of oil pipe lines with the collaboration of communities, stealing of NEPA cables, rampant incidents of assassination in the country and adulteration of kerosene and petrol etc.

**Elite Criminals**

As far back as 1971, "the political, economic, bureaucratic and other elites had been committing all kinds of crimes, as business" a thousand times more than did the elites under the civilian regime of the early sixties" (Odekunle 1988). You will recall that there had been the "suffocating importation of cement; the deliberate importation of impotent and obsolete drugs, outdated and disused machinery; the paper contracts that were paid for and sometimes over paid for; smuggling rings, collusion by Nigerians with multinational corporation and other foreign companies to defraud Nigeria" (Odekunle 1988). The above revelations were made at the hundreds of probes set up by Murtala Mohammed to probe hundreds of fraudulent business deals by public officers. Regrettably most of them were not prosecuted for the criminal offences they committed. However, the sanction imposed on those few who were adjudged corrupt and guilty by government were later set aside and their seized property and money which were illegally and corruptly acquired were returned to them by subsequent governments. Even up to 1999 landed property seized from some of such public officers was returned to them. There is no doubt that elite criminals have had close and powerful connection and relationship with the ruling class. With their ill-gotten wealth, they have become very powerful and constitute negative, corruptive influence and pressure groups on the ruling class to subvert the rule of law. Again, the police are rendered helpless. We still have evidence of this phenomenon in Nigeria today because some or all of our legislators, governors, are known to have been sponsored and financed by these powerful agents in our society to win elections.

**The problems of the Nigeria Police Force**

**Manpower**

The deterioration in the established standards of the Force began to manifest after 1968 when emergency recruitment and training of recruit constables to replace the massive withdrawal of police officers of former Eastern Region at the out break of the Nigerian Civil War began. The full implications of the emergency recruitment and training schemes on standards are implicit in the reduction of the training period at the instance of the military government from six to three months which also meant a reduction in the course content. Because of the pressure on the police due to shortage of manpower, in-service training could not be continued with.

The situation was compounded by the requirement of the civil war which exposed civil policemen to para-military duties in both liberated areas as well as at the rear. There was also the attendant rise in the crime wave, particularly violent crimes associated with extra military activities of deserters which called for stem action. In the process, policemen had to perform joint patrol duties with soldiers whose training and orientation were completely different and
which did not fail to affect the discipline of the men. Shooting of civilians at road blocks started during this period.

There was also the ill-effect of unprecedented massive retirement of trained, seasoned and experienced police officers in all ranks in 1975. The government policy decision to double the police strength from 40,000 to 80,000 in 1976 in preparation for the political programme for returning the country to civilian rule in 1979 watered down the quality of police manpower. Even though there were improvised training institutions at the state command level, the training period lasted for three months only, it must be said also that there was massive injection into the force of hardly literate and demobilized soldiers who were recruited into the Army during the civil war. They too were put through the three months emergency training and absorbed at the instance of government into the police force in spite of the difference in orientation and training.  

Office Building and Accommodation
Prior to the incursion of the military into polities, Nigeria operated a structure of 4 Regions with the basic infrastructure for effective police operation in place. Thereafter the country grew into a 12 state structure, 19 and to the present 36 states, FCT Abuja and 774 Local Government Areas without the Police Force growing along with it in both men and material. The police force of today, due to the backlog of unpardonable neglect by successive military governments, does not have the necessary material for effective police operation. Most zonal police commands, state police commands down to the divisional level operate from rented or make-shift quarters.

In an effort to expand the operational scope of the force, zonal commands were created and Assistant Inspectors-General of Police (AIGs) deployed to man them but with no office accommodation provided for them and their staff. As a result the AIGs took over offices of their police command commissioners and in some cases also took over their official quarters resulting in such Commissioners of Police (CPs) scouting for alternative office and residential accommodation. Similarly the new state commissioners had to take over Divisional Police Headquarters in their capitals and converted them into their Command Headquarters.

As at today many state commands, Divisional Headquarters and police stations nation-wide still lack the required standard police buildings. Most of the so called towns and cities in Nigeria are not better than slums. The streets are not properly numbered; there are no city maps, street lights etc., which aid police response time to calls from people in distress. In police offices, there are no standard furniture, toilet and cell facilities, water, light, armoury, telephone/communication equipment, standby generators, lanterns, handcuffs/leg irons, fingerprint slabs, firearms racks, photographic equipment and police library to name a few. Even police records which are mandatorily kept in police stations are not available.

Transportation
There are many police stations without vehicles for official duties. With high incidence of violent crime at present, the average policeman is unduly exposed to great personal danger when he has to respond to reports of crime outside his station without an official means of transport. One of the reasons for the tarnished image and loss of confidence in the police is their inability to
respond to distress calls due to lack of vehicular transport to get to the area of the incident. This is often the reason given to distress callers as to why they cannot attend to them while in trouble.

Policemen who have to spend their own money to investigate cases or go on foot for several kilometres to do their job, when the condition of their service demands that they be conveyed at government expense, cannot be expected to perform well. Members of the public who have to 'offer' the use of their vehicles to the police to facilitate the chase of those who robbed them or in the alternative give transport money to investigating officers can neither think nor speak well of our Police Force, especially as there is a common belief that government provides the funds. The overall effect is loss of confidence in the ability of the Force to protect life and property.¹²

Communication
Ideally to have an effective policing system, there should be well trained manpower, adequate means of transportation and communication. In all our major towns and cities up to the local government headquarters, there should be control room consoles mounted at the control rooms linked to patrol vehicles that patrol all the black spots in the areas to be policed. The control rooms should in turn be linked to civilians by phone and effective alarm systems. All distressed calls are passed to the control rooms which in turn pass them to the patrol vehicles to attend to the problems of the people. Regrettably these facilities are not in our police system yet.

Cause of loss of public confidence in the police

.. In those good old days the mere sight of the policeman's uniform was enough to reassure the law abiding citizen of his safety and to drive great fear into the heart of the criminally minded. These days the reverse seems to be the case. The seriousness of the present situation is born out by the fact that nearly every Nigerian or a visitor to Nigeria has one unsavoury story or the other to tell about the police. If it is not non-challance in the handling of genuine cases, then it would be for over-zealousness in the pursuit of self serving ends. To say that public confidence in this vital national institution has been severely eroded is not merely to state the obvious, it is to under-state it."¹³

The above quotation truly summarises the general feelings or perception of the police in our society today. Some of the charges which form the basis of its bad image are correct and often corroborated by almost daily evidence of wrong doings and official misconduct by officers and men of the organisation. Yet most of the charges are not only misplaced, they are based on high but unreasonable expectations about what the police should do and can do. For example, in all modern societies, the administration of criminal justice or control is a joint responsibility of such governmental organisations as the police, the justice ministry, the courts, prisons, etc. Yet, the said responsibility and the inadequacies are often blamed on the police alone.

The situation is so bad that some of the critics of the police often hold the Force accountable for the ills of the society, even though some of the remote causes of the upsurge in crime in our society are rapid urbanisation, population explosion, run away inflation, unemployment, changes in basic life-styles, and other consequences of ‘modernisation’ and technological innovations.
It is instructive to note that the multiplicity of problems currently confronting the police is shared, by and large, in common with the entire society. To ignore this fact is to conceal the real crises of the business of policing our great nation. Any viable solution to the problem of poor public image of the police (and other problems bewildering the Force) would have to count on the proper public understanding of the role of the police.

The starting point for the restoration of public confidence in the police should be a more careful and accurate articulation and delineation of the police roles to the extent that it neither misrepresents legality nor distorts reality and reasonable expectations about what the police can and should do for the society.

Causative Factors:
The image problems of the police are caused in varying degrees by the government, the public and the force itself. Generally speaking, however, the present bad image of the Force appears to be a function of the current stage of our development: the pressure of socio-economic change in our society, increase in the degree of public awareness and affluence of individuals in the society where the gap between the various income groups is changing drastically. Yet, this assertion does not justify the present unsatisfactory level of public distrust of the institution. Apart from what has been discussed above, the other causes of the collapse of public confidence in the police Force are as follows.

The Nigeria Police is very poorly remunerated. The Force is unable to complain publicly about this problem and has continued to work even in difficult conditions. This situation has encouraged and forced a higher level of corruption among officers and men of the Force because of increasing pressure to survive and take care of their families. To make ends meet also, they have often allowed themselves to be used for all sorts of purposes. In this condition and without adequate working facilities, they have not been able to perform even where they have been willing to do so. The Nigerian government and people must realize that the nation will only get the Police Force it is prepared to pay for.

The degree to which the public has lost confidence in the police to prevent and control crime has led to some communities forming vigilante groups. In the alternative, they prefer to resign themselves to fate when crimes are committed against them rather than report to the police. Due to their daily contact with the public, and instances of corrupt tendencies on the part of some police officers and men, the public perceives the Force as a corrupt organisation. Some police officers demand gratification or bribe before performing their statutory duties. For instance, the law makes bail a right in some situations, but some police officers sometimes, insist on making money out of that.

This state of affairs, however, is largely contingent on the operational conditions of the Police Force. Because the policeman is poorly looked after, poorly kitted, poorly fed, poorly remunerated, he loses confidence in himself. This affects his performance and makes him hated by the society he is sometimes hostile to. The public expects the police to perform wonders almost with bare hands.

The duty of government to its citizens
At the first Nigerian Human Rights Summit which opened in Abuja on 1st November 2001, President Obasanjo said "government is keen to build a new democracy, fully conscious of regional and international human rights obligation. He disclosed that the Act establishing the Human Rights Commission is presently under review in order to create opportunities for wider public awareness, while the commission would be given enough support to carry out its mandate effectively". This statement buttresses the assertion of Fumilayo Afolabi, a lecturer in law, at the Lagos State University that the Doctrine of Legitimate expectation is a new phenomenon in Nigeria. According to her, "the purpose of all rules, legal or otherwise, is to protect the expectations in such a way as to meet the approval of the society". She said that fundamental principle enunciated in the Justinian code is that "undertakings and contract must be observed". The principle applies to the legal protection of the lives and property of citizens of a nation and the legislation and promises of the politicians regarding health, employment and educational services available to the entire population. According to her, "legitimate expectations are those expectations which may arise from express promise given on behalf of a public authority or from the existence of a regular practice, which the claimant can reasonably rely upon or expect to continue." In the first and second optional protocol to the Article of the Universal Declaration of Human Rights, countries that are members of the United Nations are expected to provide essential services, employment, food and shelter et c., to their citizens. With respect to these provisions, our governments and politicians have failed the Nigerian citizens woefully. Similarly in the various ethnic and religious conflicts and menacing criminal activities in the country, government has also failed to meet the legitimate expectations of the people by failing to protect lives and property.

Reaction of government to its own failures

When ever these unending conflicts occur and as always, there is destruction of lives and property and looting, government responds to its inability to meet the legitimate expectations of the people by sending high powered delegation to condole those affected and in some cases procure relief materials for distribution to those who are bereaved and rendered homeless, but lucky to be alive. Besides, government sets up panels to probe the cause or causes of the violent conflicts and make recommendations which they neither bother to read nor care to implement. If government in the first instance had fulfilled its promises to the people, there would have been no conflicts. The issue of paying condolence visits, setting up of probe panels and distributing relief materials to the victims of these incessant conflicts sponsored and instigated by the political class in order to sustain their personal aggrandizement would not have arisen. These are self-defeating measures which the people whose human rights have been abused and trampled upon can no longer tolerate. Establishment of state police forces is not the solution to the undesirable situation of law and order in Nigeria today. The solution lies in good governance and government's ability to meet the legitimate expectations of its citizens.

Some people blame the incessant conflicts on poverty. In the Punch of Tuesday October 30, 2001, page 10, Senator Gbenga Aluko said, "Human Rights of Nigeria cannot be guaranteed unless they are economically empowered. Nigerians could not have Human Rights without economic rights, because of unemployment, hunger and other forms of hardship in the country." I concur with Senator Aluko because he was merely stating the obvious that abject poverty accelerates conflicts and lawlessness. The ruling class has totally abandoned the cardinal issue of National integration and have shamelessly resorted to self-serving, tribal, money, and ethnic...
politics and debate daily to the chagrin of Nigerians which of the three major ethnic groups (the Hausas, Ibos and Yorubas) should produce the next President. What they should be debating should be how to provide employment, shelter, education etc for Nigerians. The police has been deliberately put in perpetually weak position and rendered ineffective in the performance of their duties so that the activities of the elite criminals and the political class can be shielded from the reach of the Law. Do many Nigerians know this? Successive governments and not the Inspector-General and his top policy making officers who have the operational control of the police Force must accept full responsibility for these inadequacies which are the bane of the Nigeria police.

Conclusion
In conclusion, permit me to say that one of the most critical issues facing Nigeria today is how to turn the Nigeria Police Force around, reform it massively and make it a friendly and an efficient police organization. The years after independence were years of great fear, discord and strife. The intervention of the military in the governance of the country did not help. The Inspector-General of Police and the entire police force were brought under the control of the Military Heads of State who had no regard for the rule of law and human rights and deliberately underfunded the police to meet their every growing complex duties and challenges. Yet we knew then that, that was only a prologue to events that would occur in the years ahead. We now stand hunted by the possibilities inherent in the violence, namely - political, religious, criminal or otherwise, hatred and fear that beset our society. This awareness notwithstanding, I doubt if Nigerians are equally aware of the great responsibilities that falls to the police service for preventing these possibilities from becoming a reality. Here we pause fearfully, for if the police respond to the challenges and responsibilities of this decade and those ahead as it did in the last decade, then failure is assured.

We cannot escape the conclusion that during the military regimes and up till now, the police force was severely tried and found in some cases to be desperately wanting. The nation has survived this failure but the record of the police and events in the country has made success more imperative but less attainable. Successive governments must accept full responsibility for police failure because of corruption, disastrous economic policies, inability over the years to bring about national integration, observe the rule of law, fulfil regional and international human rights obligations, all of which have impacted negatively on police performance.

I have tried in this paper to examine the origin, and development of the Nigeria Police Force, the Nigerian economy and the failure of successive governments since the advent of military rule in Nigeria up till the present day to adequately fund and reform the police. Let me make some recommendations.

Recommendations
There is the need to massively reform the Nigeria Police Force. It should be re-organised with a view to phasing out those who are no longer relevant to the service due to corruption, incompetence, indiscipline and poor training. Policemen of today invariably provide unsatisfactory service, damage the reputation of their own departments and promote unfavourable public opinion throughout the country.
The police should seek to identify and employ the best candidates as available rather than being content with disqualifying the unfit. The policy of merely eliminating the least qualified and applying the principle of federal character in recruitments results in mediocrity because it allows marginal applicants to be employed along with the most qualified. However members of the minority should not be under represented. Federal character should be used at the point of entry only and thereafter, merit, integrity and honesty should be used to determine those to be promoted.

The present curriculum is over-saturated with Laws, which recruits learn, by rote. The drill lessons which were colonially inspired and designed to prepare policemen for military duties have ended up making them robots. "Training centres are manned by non-commissioned officers and inspectors who are themselves not better off than the recruits". There is need to shift from the heavy legal orientation of police training. The curriculum will have to include social sciences such as sociology, psychology, rudiments of political science, civics and some aspects of the Nigeria constitution, rule of law and human rights. These subjects should be taught by people from other professions who should be part of the police civilian staff and visiting lecturers to police colleges and academy.

Furthermore, "Society can no longer be policed solely by the police because much of the crime is the inevitable result of the way of life of modern western society". If crime is to be significantly reduced, the public must realize that it is not just a question of more policemen, more prisons, more courts, harder punishment and establishment of state police. There must be a fundamental change in our way of life. Government will need to consider the implication of having unemployed masses, go back to agriculture, instead of wasting scarce resources on the so-called poverty alleviation programme. All the traditional rulers, village heads, union leaders, non-governmental organizations, the press, landlords, market and women organizations etc must be involved in combating crime. The policemen on their part should play the role of community workers to whom everyone must look up to for assistance.

In Nigeria the police have been “too sensitive to criticism by the general public, even though within the establishment there is a lot of self-criticism. This is understandable because most of the criticisms from the public are made to deride the police and not to improve performance. Performance and efficiency vary from state to state due to a number of reasons, namely, incompetent leadership and the prevailing social, political and economic factors. To ensure that even standards and goals are achieved throughout the whole country, an Inspectorate Directorate should be set up at the Ministry for Police Affairs to inspect bi-annually all the commands and enforce compliance and detect non-compliance with set standard of performance by the office of the Inspector - General of Police. After each inspection, they shall certify the officers who meet the standard. Failure of an officer to meet the set standard should deny him promotion or even employment as a police officer in deserving cases. However, this should be on the condition that government has made adequate fund provision and fulfil other conditions for police performance.

The police have been too pro-establishment. All personal orderlies attached to political office holders, traditional rulers etc, should be withdrawn forthwith and in their place a new personal protective security outfit trained and controlled by the SSS should be introduced, they should
operate in mufti. This will remove the feeling that policemen are agents of government. World leaders like President Clinton, George Bush, Tony Blair, etc., do not go about with uniformed policemen and this does not mean that they have no personal protective security. In Nigeria our political class use uniformed policemen as decorative elements. This should be the shame of our so called leaders.

For too long the police had harboured a feeling of isolation and alienation from government and fellow citizens. "In all other fields of human endeavour, organized labour has made substantial gains in its struggle to represent the interest of the working man and woman". The police in Nigeria have been denied a unionized outlet to air their grievances and press for rights. Consequently successive governments and even the citizens of this country have been insensitive to its feelings, yearnings and aspirations. For example in Britain and Malaysia, the police have the police federation and association respectively. These are set up at three levels of the rank structure of constable, the inspectorate and officer cadre to elect central delegates to discuss and negotiate from time to time with the government all matters affecting welfare and efficiency including pay, pension and conditions of service of police officers". The time is ripe for the establishment of a police association in Nigeria.

It is desirable that the “Nigeria Police Force should cease to be para-military organization, both in structure and function. It should be complete civil police fully involved in crime fighting and community service”. Once this is done, the word "Force" should also be removed.

All cases to be prosecuted in court should be vetted and prosecuted by lawyers who shall form part of the civilian staff attached to the police. This will stave of the rampant incidence of malicious prosecution, unlawful arrest etc.

Police Alarm System: The citizens who require police assistance, more often than not, fail to get quick response or even police sympathy and understanding. People who require police help while under attack by thieves, burglars or armed robbers are unable to get it because of lack of police transport or manpower. The time has come for the establishment of mini control rooms in police divisions, stations, posts and where possible strategic locations in our towns and cities. The police should be mobilised to engender public confidence by promptly being able to respond to public calls for protection in the locality in which they operate.

The most expensive business of government in any modern society is the maintenance of law and order. The time is ripe for government to look outside normal budgetary allocation and source for fund for the police. [Editorial comment: Most of the portions under quote in the recommendation section were excerpted from different sources including the Report of the Panel to reorganise the Police as well as from the position paper by association of Retired Police Officers, both cited in the reference section].

Finally, I wish to state that the task ahead of all Nigerians is daunting. The police job is a thankless one. The major obstacle the police are facing and will continue to face is that in Nigeria, every one is an expert in someone else's job. This is why the police have not been adequately funded and given the wherewithal to carry out their statutory functions. Government would need to look inwards, make some internal adjustments and pick the right people to assist
the Police Council and the Police Service Commission to reform the police force. The political class should in the interest of the masses, stop “tribalising” police administration, and do something positive about drastic control of corruption, which has been the cause of misery to millions of people in the country. If nothing is done in this regard we may soon become a failed state.

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Towards More Effective Policing in Nigeria

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Introduction
I thank you for the privilege of addressing you. The subject upon which I speak is one that we are all familiar with and I have very little to add to it. Because we speak so much about these things let no one think that we are still in search of what to do. We are not. We know what to do. All that is required now is to do it. The same may be said of our ideals. As a nation we often behave as if we are still in search of our ideals. We have since found our ideals. And they are appropriate. All we need to do is live up to them. The nation is not going to change its ideals to suit those who refuse to conform. On the contrary it is those who refuse to conform who must change their ways in order to meet the ideals of the nation. I say the same thing to you policemen and women. You have and are playing your part. It is for the nation to play its part.

Let me also add that the future of our country shall be determined not by the insights and actions of Europe or the United States but by our own insights and actions. It is therefore for us to recognize and build upon our own insights and capacities. Independence meant the transfer of all political and bureaucratic power to us. By failing to be self-reliant our independence loses all meaning. The work of the police shall not be done for us by the British or the Americans or the Asians. We shall have to do it ourselves and to that end make of the Force what it ought to be. You cannot demand a car when what you have paid for is a bicycle. You must keep that stream clean from which you drink or intend to drink. The society from which we recruit our policemen must be kept clean. The mere fact that they are policemen will make no difference. All things produce their kind. An unclean society will produce unclean policemen.

I do not share the contempt which some of our people have for the police force. On the contrary I have great respect and admiration for them. That is not to say that they are perfect. No man or institution is perfect. Those who condemn the police force as an institution do not know it enough. It is to the police that we owe the remnants of our peace. Without the Police we would not today be speaking of a nation. I acknowledge their sacrifices for our country. Not a day passes without someone or a police officer killed by implacable criminals. Yet our attitude to the police is characterized by unfriendliness and ingratitude. We are quite wrong if we think that words of condemnation alone suffice to change our Police Force. If words of condemnation alone were enough we would long since have changed the Police. We have applied that medicine year after year and it has failed. We must try another one. Let us try gratitude and appreciation. And while we are doing that let us bear in mind that it is not only the Police that are corrupt but the nation as a whole. Corruption permeated, not just the Police force but every department of our national life. The Police Force is not the source of corruption but the victim of it. Consider all those young boys and girls who, without adequate training, without adequate equipment,
without adequate remuneration we send out into the field to combat crime. The constant exposure to crime, under circumstances which render them helpless, can only brutalize their minds and dehumanize them after a long while. In our attitude to the police we are like a man who has invested very little but expects a great harvest. We can get a great deal from the police force but that depends on how much we invest in it. We are forever comparing our police with either the American or the British. But we never care to reflect on how much those nations pay their policemen and policewomen. We never reflect on how much the public in those nations cooperate with the police. Are we prepared to spend as much as Britain spends on the training and equipment of her police force? How many of us who consider ourselves decent men and women are prepared to enlist in the Force or to encourage our children to do so? How many of us would accept the salaries that our policemen and women are presently paid? How many of us have the discipline to refrain from committing those crimes which compel us to offer bribes to the police? Are we not the ones who pressurize the police to release our kinsmen and friends whenever they have come under reasonable suspicion and been arrested? It is the public that corrupts the police. It is not the police that corrupt the public. They do not have the capacity to do so. The police rarely bribe anybody. It is we who bribe the police. And why do we bribe the police? So that they refrain from prosecuting us for our crimes? We bribe the police and when they accept our bribes we condemn them. If we refrain from our crimes we will have no need to bribe the police.

As long as the police are ill-equipped or poorly trained they will resort to excessive force in dealing with crimes or disturbances. Criminals who attack and sometimes kill the police often employ excessive force. Even in the case of self defence involving members of the public who are not policemen the law permits the use of force proportionate with that employed by the attacker. Occasions do arise when some policemen employ more force than is required but these constitute the exception rather than the rule. When dealing with an organization comprising of more than 200,000 people we should make allowances for errors by a few of them. Of this number, more than half are only a few years or a few months old in the service. If only 2% of our policemen and women disappoint our expectations that will mean 2,000. Going, therefore, by the available statistics we can say that our Policemen and women are is doing quite well.

**Collapse of the professions**

Certainly there are some bad policemen, just as there are bad lawyers and bad judges and bad actors and bad teachers.

We reached a point at which people joined the professions merely as a status symbol or because they had nothing better to do. In a nation the majority of whose citizens are unemployed it is not at all surprising that people take up professions for which they do not have the vocation. Soldiers have become politicians. Lawyers have become taxi drivers. Teachers have become traders. We have in the force today many men and women who joined the force only because they had no alternative. These are the ones who compromise the force at the least opportunity. They are the ones who run away at the sight of criminals. These are the ones who sell their weapons to criminals. When recruiting policemen and women we must ensure that we enlist only those who have the aptitude or the vocation. Once you join the force you have elected a life of sacrifice. Once you have done so your duty of sacrifice is unqualified. A good dog will bark, and, if necessary, bite even when it is hungry, even when it has a wicked and uncaring master. It does
not sit in judgment over its master. Now we cannot be less faithful than mere animals are. After all whereas they are only governed by their instincts we are governed by both instinct and reason. In any case the Force has its rules. We have a duty to acquaint ourselves with those rules before we decide to enlist. Once we know what the rules are and enlist nevertheless we cannot be heard to complain. And then again we are at liberty to leave the force at any time that we find it unsatisfactory. We are not allowed to remain in it on our own terms. If the Force is going to survive as an institution, if it is not going to degenerate into a mafia, if it is not going to be taken over by those who compromise its principles then it must begin to enforce its rules and punish those who disappoint it.

The Constitution
Our Constitution puts great emphasis the rights of citizens. There is some mention of the duties of citizens but while elaborate provision has been made for the enforcement of rights no provision appears to have been made for the enforcement of duties. Wherever you go you hear our people proclaiming their rights while not a word is said about their obligations. This attitude is extended to our relationships with one another. While been insistent on our own rights we are indifferent to the rights of others. The Arab philosopher, Sayed Ali, said; The rights that you have over others, forget them; the rights that others have over you, remember them. We would do well to live by this tenet. The situation is made worse by the Constitution which confers upon suspects rights which grossly undermine the authority and the ability of the police to investigate crimes. Under section 35(4) of the Constitution a person who is arrested or detained on suspicion of crime must be brought before a court within 24 hours of his arrest or detention if he is within the vicinity of a court or within 48 hours in all other cases. This is not at all realistic. The situation is made worse by the requirement that a person who is arrested or detained and whose case is not heard within 60 days (in the case of a person who is in custody or is not entitled to bail) or 90 days (in the case of a person who has been released on bail) is entitled to be released either unconditionally or upon such conditions as are reasonably necessary to ensure that he appears for trial at a later date.

Strength of the Force
It is not enough to have good policemen. We must have them in sufficient numbers. If our police force were as well equipped as it ought to be its minimum numerical strength should be about 1,000,000 [There is no rationale for the projection - Editor’s comment] given all the other factors which undermine their effectiveness such as ignorance on the part of those who ought to cooperate with the police, bad roads, poor communication, etc. The Force is established on the assumption that only a very small proportion of the population will violate the law. If it turns out that too large a proportion of the population is engaged in criminal activities then of course the police cannot cope.

In order to solve the problems of the police we must know the things that inhibit them. There are many of them but as the time available to me is very limited I shall confine myself to just a few of them. These are;

Systematic destruction of the law enforcement machinery
Under a dictatorship the will of the dictator prevails over the rule of law. The Dictator has no need for the machinery of law enforcement or the machinery of justice. Accordingly, these
institutions are undermined or destroyed. He establishes, instead, machinery for the enforcement
of his personal will. For over 30 years there was a systematic destruction of the machinery of
justice and the law enforcement machinery.

**Destruction of important cultural institutions**
We have destroyed one of our most important cultural institutions - the village - at a time when
we do not have a substitute. We are neither the children of the village because there is none
anymore, nor the children of the city because there is none either. We invented the slum. From
these slums comes crime. The entire nation is one vast moral slum.

**Corrupt influence of foreign cultures**
We must minimize access to those foreign cultures and ways which tend to undermine our
morals and dignity. I know of no country whose borders are more open than ours. There is not a
single luxury that the western world has invented that we have failed to import. European and
South Africa apples are sold at every street corner in our country while our own fruits rot away
due to lack of processing facilities. We are not going to attain the heights that Europe has
attained merely by enjoying the luxuries that she has invented. We can only attain those heights
by making those sacrifices that she made and continues to make in order to invent more luxuries.
We eat foreign foods. We watch foreign films. We listen to foreign music. We wear foreign
clothes. We engage in commerce which is ecologically destructive. The ancestors of other
nations are our heroes but our own ancestors we regard as barbarians not to be remembered.

**Disregard for the constitution and the rule of law.**
Lack of respect for the Constitution has played a significant part in our downfall. Individuals and
states must comply with the provisions of the Constitution. A state cannot deliberately and
flagrantly flout or disregard the Constitution and continue to regard itself as a part of the nation.
The stability, integrity and unity of the nation is threatened by such conduct. The only way open
to states which desire to implement policies or programmes inconsistent with the provisions of
the Constitution is to secure its amendment. Until that is done, we have to abide by the
Constitution. To proceed on the basis that the Constitution does not exist is to deny the existence
of the nation itself. We cannot deny the rule of law and hope to have peace and stability.
Reliance upon custom or tradition cannot avail. No part of the public law can be buried in the
practices of a person or a community.

The law itself does not rule. It requires men to execute it. Laws by themselves alone, however
good, do not suffice to make a nation. They also require citizens. On the other hand, citizens by
themselves alone without good laws cannot constitute a nation. Good laws make for good
citizens. Good citizens in turn ensure the enforcement of the laws. Since the law cannot itself
rule but requires men to apply it, we have to have outstanding men to do so. Do we then have the
outstanding men to enforce the law? The laws are not applied because the outstanding men who
should apply them are lacking. And they are lacking because everything has happened to weaken
and demoralize them.

**Inferiority complex**
Slavery imposed upon the people an inferiority complex - a complex that has been handed down
from father to son, from generation to generation. We are yet to recover from the effects of the
slave trade. As we look across to other continents and see the descendants of former slaves, our own brothers and sisters, still labouring under the yoke of racism and apartheid it should inspire in us a determination to repair as much as is humanly possible the damage that has been done. This is the continent that sold her own children. We must pay the price in sacrifices. Instead we increase our burden and that of our posterity by our greed. This continent has been called the dark continent. It is our responsibility to bring light to it. The Jews remember the holocaust with grim determination that it should never happen again and there is no sacrifice they will not make to avoid its repetition. Yet when we look back upon the slave trade it seems to make no impression upon us. Yet the chains with which our own ancestors were bound are there to be seen. The ships in which they were loaded like cattle are there to be seen. The warehouses in which they were stored before been shipped are there to be seen. The descendants of those slaves are still labouring under the weight of racism. Yet we are untouched. Our responsibility is to the continent. Our ideology must embrace not just the nation but the black race. The black world looks up to us for leadership. That is why, when in 1966 we overthrew our government, the rest of the continent followed that terrible example. When we became corrupt and violent the rest of the continent became corrupt and violent. Now that we have embarked upon democracy and due process you can see that the rest of the continent is beginning to follow our example.

Effect of foreign laws

Side by side with slavery was colonialism. The laws by which our ancestors had regulated their affairs were set aside. In their place new laws were introduced which were inconsistent with our culture and experience. A society which is governed by laws which are not a product of its evolution will be unstable until such laws are assimilated and become a part of the consciousness of the people.

Undue emphasis on theoretical education

Education has not been aimed at production. The emphasis has shifted away from the dignity of labour to education for its own sake. Education has become a status symbol. Mere ownership of a certificate is enough. Men and women are called away from their traditional occupations and given education which does not guarantee their daily bread. It gives false notions of superiority to many who possess it while fostering an inferiority complex in those who do not have it. Many of our graduates and young people cannot use their hands. The entire nation is either in school, in the civil service or in politics. The nation is not engaged in production. Such a nation will fall into corruption and crime.

Shortage of skilled manpower

The shortage of skilled manpower prior to the war was aggravated by the creation of twelve States out of the three regions. From twelve States we now have thirty-six. We have 774 Local Government Councils. This gave rise to acute shortages of skilled manpower which we tried to meet by appointing people without the necessary skills and qualifications. This situation has been compounded by the fact that indigenes of one State, however competent or patriotic, cannot find employment in the public services of other states. States and Local Governments have thus been denied the benefits of that growth which comes through interaction and imitation. States have been so inward looking that indigenes of one State cannot find employment in the public services of other States. The same with Local Government Councils. In a vast majority of cases only indigenes of the area are employed as staff of the Councils. This has given rise to much
inefficiency and corruption. As long as we continue to deny ourselves opportunities for closer interaction so long will the nation remain backward and poor.

Where do we go from here?
We must produce with our own hands. There is dignity, not just in going to school but also in labouring with our hands. Our engineers must go out into the field. Those who teach agriculture in our universities must themselves cultivate the soil. As for our traders they must know that it is not enough for them to buy and sell the goods that other nations have manufactured. They must themselves engage in production. We must do whatever needs to be done to produce even if it means offending the World Trade Organization. On this issue we may learn from nations which have had identical experiences. India shut her borders to imports from the rest of the world. Ghandi urged Indians to wear clothes made in India from Indian cloth. He went so far as to make his own clothes himself. He urged Indians to eat Indian food. Mr. President has done the same thing. He has forbidden the use in State House of the things we can make ourselves. Every minister, every Governor, every legislator, every Chairman of Council and every Councillor and indeed every citizen should follow that example.

Unity of the country
Some opponents of the nation have contended that the nation is an artificial creation. They say that we are not one people, that we were welded together by the British because they found it politically and administratively expedient. This is not a valid objection. All nations are constructed. There is not a single nation on earth that was not constructed. America did not always exist as such. Great Britain did not always exist as such. A nation is an imagined political community - imagined because the members of even the smallest nation will never know most of their fellow members, meet them or even hear of them, yet in the minds of each lives the image of their communion. Not all Ibos know themselves. Not all Yorubas know themselves and not all Hausas know themselves. If we were to have a nation of Ibos or Hausas or Yorubas it would be a nation in which all the people did not know themselves. Two men are not of the same nation simply because they share the same culture. Two men are of the same nation if and only if they recognize each other as belonging to the same nation. It is their recognition of each other as fellows of this kind which turns them into a nation and not other shared attributes, whatever they might be, which separate that category from non-members.

It is assumed, quite erroneously that exploitation will cease if each of our ethnic groups was constituted into a nation. We assume falsely that when people are of one language they achieve peace and harmony, do not oppress one another, and do not kill each other, do not steal from one another, distribute offices and amenities amongst themselves fairly and honestly. It is not so. Experience has shown that mixed communities are more progressive because constructive opposition within the group arising from differences of opinion and culture lead to growth. We must proceed on the basis that we are citizens of one country, children of one God. We must make peace with our destiny and be reconciled to one another.

We must unite. Some people have proceeded on the basis that one day the nation shall disintegrate and the various tribes shall go their separate ways. It shall never happen. Instead, more African nations shall join it, as happened in America and as is happening in Europe and Asia now. The entire world is moving towards unity. Boundaries are breaking down - first trade
boundaries and later social boundaries. There shall be one man and one world without boundaries.

**Merit against patronage.**

For many years the government was run along lines of patronage rather than merit. You had to know somebody or come from a particular tribe. This destroyed the people's incentive to work. We must put the emphasis on merit, on hard work, on efficiency and transparency. Because government was run along the lines of patronage we cultivated in the people a dependence mentality with the result that today the entire society is totally dependent on government. It must be made clear to the people that the opportunities for employment in the public service are limited, almost non-existent now. It must be made clear that contracts are limited and when available, will be awarded only to those who deserve it. Those in the service who have no work to do must be made to withdraw. There is no greater corruption than that a man or woman should month after month and year after year be paid for doing virtually nothing. In this way incentive is destroyed.
APPENDICES
COMMUNIQUÉ

WORKSHOP ON CIVILIAN-POLICE PUBLIC ACCESS PROCEDURE ORGANISED BY
THE POLICE SERVICE COMMISSION IN COLLABORATION WITH THE OPEN
SOCIETY JUSTICE INITIATIVE, CENTRE FOR LAW ENFORCEMENT EDUCATION

Against the background of global movement for the establishment and strengthening of civilian oversight bodies on policing, the Police Service Commission (PSC) in collaboration with the Centre for Law Enforcement Education, Open Society Justice Initiative (OSJI), and Vera Institute of Justice, organised a three-day workshop on Civilian-Police Public Access Procedure at the Chelsea Hotel, Abuja, from September 24-27, 2003. The workshop, which was honoured by the attendance of distinguished guests such as the representative of the President of Nigeria, Broderick Bozimo (the Minister of Police Affairs), the Senate President, a representative of the Federal Attorney General/Minister of Justice, Inspector General of Police and chairman senate committee on Police Affairs, drew the participation of over 80 stakeholders from within and outside of Nigeria.

The Participants while:

*Affirming* the constitutional role of the Police Service Commission as the civilian oversight body with powers of recruitment, posting, promotion and discipline of all police officials in Nigeria, with the exception of the Inspector General of Police;

*Noting* the statutory requirement that the Police Service Commission create an Investigation Department to pursue its constitutional duties including investigation of complaints against Police Officers;

*Noting* the lack of adequate institutional capacity, manpower and governmental funding that the PSC needs to properly discharge its duties;

*Appreciating* the work done by Nigerian civil society groups and international funding agencies in helping to build the capacity of the PSC and assist its ability to fulfil its constitutional role in the long-term;

*Recognising* the need for continued support to the work of the Police Service Commission and the internal disciplinary mechanisms in the Nigeria Police Force in order to make them accessible and accountable to members of the public;

Identified the following priority areas for focus by the following stake holders in the police and policing process in Nigeria:
Federal Government

- Providing adequate budgetary allocations for the work of the Police Service Commission and ensuring that such allocations when appropriated by the National Assembly are released on time to the Police Service Commission;

- Ensuring that funding of the Police Service Commission is not considered as a lower budget priority than the police internal affairs;

- Ensuring that the leadership of the police subordinates itself to the various oversight bodies on policing in Nigeria, such as the Police Service Commission, National Assembly, Ministry of Police Affairs, the courts, National Human Rights Commission, Anti-corruption Commission, Code of Conduct Bureau etc. in the discharge of their statutory duties;

- Promoting interagency cooperation and collaboration between all the oversight bodies on policing and the Nigeria Police Force;

Police Service Commission

- Enhancing its institutional capacity to carry out its functions by recruiting adequate and skilled professional staff, investing in manpower development, infrastructure and provision of adequate logistics for its staff in the discharge of their duties;

- Establishing an independent and internal investigation mechanism for the processing of citizens complaints against the police, as well as complaints from police personnel challenging the fairness of the internal disciplinary procedure through which they were punished;

- Adopting civil standards of proof for disciplinary matters instead of ‘beyond reasonable doubt’ required in criminal matters, ensuring that citizens’ complaints are treated expeditiously and that complainants are informed about the outcome of their complaints;

- Developing methods and procedures for tracking the career history of police personnel, cross-referencing these with complaints and bringing in promotion based on merit and performance;

- Developing general duty guidelines for the conduct of police officials and standards for measuring their performance and effectiveness;
Working with the National Assembly to review the Police Act in order to expunge the various discriminatory provisions against women, provide legal status for the establishment of community policing forums at every police stations and incorporate human rights standards such as the United Nations Code of Conduct for Law Enforcement Officials among others in the act;

- Conducting periodic reviews and evaluation of police internal disciplinary procedures, management styles and performance;

- Conducting researches and surveys on citizens satisfaction with police performance and general attitude to the police;

- Establishment of regional and state offices to bring its services nearer to people and the police;

- Organising public enlightenment programmes such public hearings, seminars, workshops on the police and policing in Nigeria in collaboration with civil society groups;

- Initiating the establishment of a consultative forum of all oversight bodies on policing in Nigeria;

- Establishing, in consultation with the Nigeria Police Force, a standing committee made up of Commissioners of the Police Service Commission and senior officers in the Police, for the periodic review of areas of friction and promotion of cooperation and partnership between the two bodies;

- Delegating powers of discipline over minor police infractions to the internal disciplinary procedure of the Nigeria Police Force while concentrating on more serious cases of police misconduct and monitoring and reviewing how delegated powers are exercised.

**Nigeria Police Force**

- Developing and publishing annual policing plan, outlining priority areas of focus and resource requirements for meeting the priority concerns;

- Making discipline a national functional policing priority, starting from the top so as to enable the proactive use of disciplinary system in promoting a new culture and establishment of minimum standards for policing in Nigeria;

- Working with the Police Service Commission to review the police code of conduct, which should include the reduction of its provisions to a size that could easily be memorized and internalised by police officials in Nigeria and incorporating the provisions of the United Nations Code of Conduct for law Enforcement Officials;
Engaging the services of experts to work with it in the development of an effective information management system, which would assist it in making use of statistic in planning and deployment of scarce resources as well as monitoring the behaviour of its officials;

Streamlining and coordinating the work of the various internal disciplinary mechanisms such as the Public Complaints Bureau, X-squad, Human Rights Units and the IGP’s Monitoring Units in order to make them effective and providing them with adequate resources and logistics necessary for their work;

Appointing disciplinary official at every police station who should be responsible for conducting investigations pertaining to citizens’ complaints on police misconduct. Such official should also be responsible for conducting identification parades, questioning witnesses, gathering evidence, compiling reports and filing periodic returns of his or her activities to the police Public Complaints Bureau in the state;

Strengthening the Police-Community Relations Committees and opening its membership and leadership structure to genuine representatives of the community;

Working more closely with civil society groups to reduce areas of mutual suspicion and promoting cooperation and partnership with the communities they service;

**Civil Society Groups**

Educating the public in Nigeria to cooperate with the police and to refrain from resenting the police when they are exercising their legitimate powers in the course of legally permissible law enforcement activities;

Creating public awareness about the existence of external and internal disciplinary mechanisms for redressing police misconduct such as the Police Service Commission and the police Public Complaints Bureau (PCB) and how and when to utilize such mechanisms.

Collaborating with the Police Service Commission and the Nigeria Police Force in the areas of staff training, research, documentation, secondment of staff and organisation of awareness programmes that would assist them in discharging their functions effectively;

Giving adequate publicity to the activities of the Police Service Commission in the media;
o Monitoring and documentation of police abuse of human rights and sending complaints on same to the Police Service Commission and the police Public Complaints Bureau;

o Providing free legal services to victims of police abuse of human rights who are dissatisfied with both the police internal and external mechanisms for redressing such misconducts;

**Donor Agencies**

o Increasing funding support for policing reform, citizens safety and security in Nigeria;

o Assisting the Police Service Commission and the Nigeria Police Force with funding in the area of establishment of processes and mechanisms for ensuring police effectiveness, efficiency and accountability;

o Supporting the strengthening and streamlining of the internal disciplinary systems in the Nigeria Police Force such as the Public Complaints Bureau (PCB) as important compliment to external oversight of police;

o Assisting the Nigeria Police Force with the resources to engage experts to work with it in developing effective information management system that would enable the use of statistics in police planning and utilization of scarce resources as well as track police officials who are subjects of high number of citizens’ complaints and commendations for appropriate punishments and rewards.
REGULATIONS ON OFFENCES AGAINST DISCIPLINE IN THE NIGERIA POLICE FORCE

FIRST SCHEDULE, POLICE ACT, Regulation 370

OFFENCES AGAINST DISCIPLINE

A member of the Force who commits any of the following acts or omissions shall be guilty of an offence against discipline-

(a) ABSENCE from duty or being late for duty without leave or reasonable excuse;

(b) BREACH OF CONFIDENCE, that is to say, if he-
   (i) divulges any matter which is his duty to keep secret;
   (ii) gives notice, directly or indirectly to a person against whom a warrant or summons has been or is about to be issued, except in the lawful execution of that warrant or service of that summons;
   (iii) without proper authority, communicates to the public press, or to an unauthorized person, any matter connected with the Force;
   (iv) without proper authority shows to a person outside the Force any book or document the property of the Government or of the Force;

(c) CORRUPT PRACTICE, that is to say, if he-
   (i) seeks by influence to obtain promotion or other advantage in the Force,
   (ii) receives a bribe,
   (iii) fails to account for or to make proper true return of any property received by him in his official capacity, or fails to account satisfactorily if called upon by the Inspector-General to do so, for any property in his possession or received by him otherwise than in his official capacity,
   (iv) directly or indirectly solicits, accepts or receives a gratuity, present, reward subscription or testimonial without the approval of the Inspector-General,
   (v) places himself under a pecuniary obligation to a person who is directly or indirectly interested in any premises licensed for the sale of liquor, or who holds a licence concerning the granting or renewal or which the police may have to make a report or give evidence,
   (vi) improperly uses his character and position as a member of the Force for his private advantage,
   (vii) in his capacity as a member of the Force, signs, writes or gives without the approval of the Inspector-General, any testimonial of recommendation with the object of obtaining employment for any person or of supporting an application for the grant of a licence of any kind, or
(viii) without the approval of the Inspector-General supports an application for the grant of a licence of any kind;

(d) DAMAGE TO CLOTHING OR OTHER ARTICLES supplied to him, that is to say, if he-
   (i) wilfully or negligently causes any waste, loss or damage in respect of any article of clothing or accoutrement or in respect of any book, document or other property of the Government or of the Force issued to him, used by him or entrusted in his care, or
   (ii) fails to report any loss or damage to clothing or other articles supplied to him, however caused;

(e) DISCREDITABLE CONDUCT, that is to say if he-
   (i) acts in a disorderly manner, or
   (ii) assaults a member of the Force, or
   (iii) acts in any manner prejudicial to discipline or unbecoming of a member of the Force;

(f) DISOBEEDIENCE TO ORDERS, that is to say if he disobeys or without good and sufficient cause omits or neglects to carry out any lawful order written or otherwise;

(g) DRUNKENNESS, that is to say, if he is unfit for duty through drinking intoxicating liquor;

(h) DRINKING OR SOLICITING DRINK ON DUTY, that is to say if he-
   (i) without the consent of his superior officer, drinks, or receives from any person, any intoxicating liquor while he is on duty or brings liquor into barracks; or
   (ii) demands or endeavours to persuade any person to give him or to purchase or obtain for him any intoxicating liquor whilst he is on duty;

(i) ENTERING whilst on duty any premises for the sale of liquor or where liquor is stored and distributed;

(j) KEEPING A HOUSE FOR THE SALE OF LIQUOR in his own or in any other name or directly or indirectly interested in such house;

(k) FALSEHOOD OR PREVARICATION, that is to say, if he-
   (i) knowingly makes or signs a false statement in an official document or book,
   (ii) wilfully or negligently makes any false, misleading or inaccurate statement, or
   (iii) without good and sufficient cause, destroys or mutilates an official document or record or alters or erases any entry therein;

(l) INSUBORDINATE OR OPPRESSIVE CONDUCT, that is to say, if he
   (i) is insubordinate by word or demeanour,
   (ii) is oppressive or tyrannical in his conduct relating to an inferior in rank,
   (iii) uses obscene, abusive or insulting language to a member of the Force,
   (iv) wilfully or negligently makes a false complaint or statement against an inferior in rank;

(m) MALINGERING, that is to say, if he feigns or exaggerates any sickness or injury with a view to evading duty;

(n) NEGLECT OF DUTY, that is to say, if he-
   (i) neglects, or without good and sufficient cause omits promptly and diligently to attend to or to carry out anything which is his duty as a member of the force,
(ii) withholds a complaint or report against a member of the Force,
(iii) idles or gossips while on duty,
(iv) fails to work his beat in accordance with orders, or sleeps on beat or other
duty, or leaves his beat, point or other place of duty to which he has been
ordered without due permission or sufficient cause,
(v) by carelessness or neglect permits a prisoner to escape,
(vi) fails, when knowing where an offender is to be found, to report his knowledge
or to make due exertions for making him amenable to justice,
(vii) fails to report any matter which is his duty to report,
(viii) fails to report anything that he knows concerning a criminal charge, or fails to
disclose any evidence which he or any person within his knowledge, can give
for or against a prisoner or defendant to a criminal charge.
(ix) Omits to make an entry in an official document or book, or
(x) Neglects, or without good and sufficient cause, omits to carry out any
instructions of a police medical officer, or, while absent from duty on account
of sickness does any act which is calculated to retard his return to duty;
(o) IMPROPER CONDUCT, that is to say if he-
(i) lends money to a superior in rank or borrows money from an inferior in rank,
(ii) fails to pay a lawful debt,
(iii) carries on any trade, business or profession or accepts any other paid
employment without proper authority, or
(iv) without proper authority, possesses a fire-arm for his own protection or uses a
fire-arm when on duty,
(v) makes an anonymous communication to the Inspector-General or to a superior
police officer,
(vi) without proper authority, canvasses the Inspector-General or any superior
police officer or other servant of the Government with regard to any matter
concerning the Force, or
(vii) signs or circulates a petition or statement with regard to any matter concerning
the Force except through the proper channel of correspondence to the
Inspector-General;
(p) UNCLEANLINESS, that is to say, if he, while on duty or off duty in uniform in a
public place, is improperly dressed or is dirty or untidy in his person, clothing or
accoutrements;
(q) UNLAWFUL OR UNNECESSARY EXERCISE OF AUTHORITY, that is to say, if he-
(i) without a good and sufficient cause makes an unlawful or unnecessary arrest,
(ii) uses any unnecessary violence to any prisoner or other persons with whom he
may be brought into contact in the execution of his duty, or is uncivil to a
member of the public.
POLICE SERVICE COMMISSION (ESTABLISHMENT) ACT, 2001

POLICE SERVICE COMMISSION ACT, 2001

ARRANGEMENTS OF CLAUSES

CLAUSE

1. Establishment of the Police Service Commission
2. Management of the Commission
3. Tenure of Office
4. Cessation of Membership of the Commission, etc.
5. Removal from Office, etc.
6. Functions of the Commission
7. Powers of the Commission
8. Powers of Delegation
9. Establishment of Departments
10. Appointment of Secretary to the Commission, etc.
11. Service in the Commission to be Pensionable, Cap. 346 LFN
12. Funds of the Commission
13. Expenditure of the Commission
14. Gifts to the Commission
15. Annual Estimates and Expenditure
16. Quarterly Report
17. Annual Report
18. Offices and Premises of the Commission, Cap. 202 LFN
19. Directives by the President
20. Limitation of Suits against the Commission, etc. Cap. 379 LFN
21. Service of Documents
22. Restriction on Execution against Property of the Commission
23. Indemnity of Officers
25. Regulations
26. Interpretation
27. Citation

SCHEDULE
POLICE SERVICE COMMISSION (ESTABLISHMENT) ACT 2001
2000 No. 1

An Act to Establish the Police Service Commission, which shall be charged with Responsibility, among other things to Appoint Persons to Offices (other than the Office of the Inspector-General of Police) in Nigeria Police Force and to Dismiss and Exercise Disciplinary Control over any Person holding Office in the Nigeria Police Force (other than the Inspector-General of Police); and for related purposes

[4th January, 2001] Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria-

PART I – ESTABLISHMENT, ETC OF THE POLICE SERVICE COMMISSION

1.- (1) There is hereby established a body to be known as the Police Service Commission (in this Act referred to as “the Commission”)

(2) The Commission-
    (a) shall be a body corporate with perpetual succession and a common seal; and
    (b) may sue or be sued in its corporate name

(3) The headquarters of the Commission shall be at the Federal Capital Territory, Abuja.

2.- (1) The management of the Commission shall vest in the following members, whose appointment shall be in line with the Federal Character provision of the Constitution-
    (a) a Chairman who shall be the Chief Executive of the Commission;
    (b) a retired Justice of the Supreme Court or Court of Appeal;
    (c) a retired Police Officer not below the rank of Commissioner of Police;
    (d) one representative each of
        (i) women interest;
        (ii) the Nigerian Press;
        (iii) Non-Governmental human rights organisations in Nigeria
        (iv) organized Private Sector;
        (v) the Secretary to the Commission

(2) The Chairman and other members of the Commission shall-
    (a) be appointed by the President subject to the confirmation by the Senate;
    (b) be persons of proven integrity and ability.

(3) The members of the Commission referred to in paragraph (d) of Subsection (1) of this section shall be part-time members.

(4) The supplementary provisions set out in the Schedule to this Act shall have effect with respect to the proceedings of the Commission and the other
matters contained therein.

3.- (1) Subject to the provisions of Section 4 of this Act, a member of the Commission, other than ex-officio members shall each hold office –
   (a) for a term of four years and no more; and
   (b) on such terms as to remuneration; salaries and allowances as may be prescribed by the National Assembly but not exceeding the amount as shall have been determined by the National Revenue Mobilization Allocation and Fiscal Commission.

4.- (1) Notwithstanding the provisions of section 3 of this Act, a person shall cease to hold office as member of the Commission if –
   (a) he becomes bankrupt, suspends payment or compounds with his creditors; or
   (b) he is convicted of a felony or any offence involving dishonesty or fraud; or
   (c) he becomes of unsound mind, or is incapable of carrying out his duties; or
   (d) he is guilty of serious misconduct in relation to his duties; or
   (e) in the case of a person possessed of professional qualifications, he is disqualified or suspended, other than at his own request, from practicing his profession in any part of the world by an order of a competent authority made in respect of that member.

(2) A member of the Commission may be removed by the President if he is satisfied that it is not in the interest of the Commission or in the interest of the public that the member should continue in office.

(3) Where a vacancy occurs in the membership of the Commission, it shall be filled by the appointment of a successor to hold office for the remainder of the term of office of his predecessor, so however, that the successor shall represent the same interest and shall be appointed by the President subject to confirmation by the Senate.

5.- (1) Notwithstanding the provisions of section 4 of this Act, the Chairman and any other member, may at any time be removed from that office by the President acting on an address supported by two-thirds majority of the Senate praying that he be removed for inability to discharge the functions of the office (whether arising from infirmity of mind or body or any other cause or for misconduct).

(2) A member may resign his appointment by a notice in writing under his hand, addressed to the President and that member shall on the date of the receipt of the notice by the President cease to be a member of the Commission.
6.- (1) The Commission shall-
   (a) be responsible for the appointment and promotion of persons to offices (other than the office of the Inspector-General of Police) in the Nigeria Police Force;
   (b) dismiss and exercise disciplinary control over persons (other than the Inspector-General of Police) in the Nigeria Police Force;
   (c) formulate policies and guidelines for the appointment, promotion, discipline and dismissal of officers of the Nigeria Police Force;
   (d) identify factors inhibiting or undermining discipline in the Nigeria Police Force;
   (e) formulate and implement policies aimed at the efficiency and discipline to the Nigeria Police Force;
   (f) perform such other functions which in the opinion of the Commission are required to ensure the optimal efficiency of the Nigeria Police Force; and
   (g) carry out such other functions as the President may, from time to time, direct.

(2) The Commission shall not be subject to the direction, control or supervision of any other authority or person in the performance of its functions other than as is prescribed in this Act.

7.- The Commission shall have power to –
   (a) pay the staff of the Commission such remuneration and allowances as are payable to persons of equivalent grades in the Civil Service of the Federation;
   (b) enter into such contracts as may be necessary or expedient for the discharge of its functions and ensure the efficient performance of the functions of the Commission; and
   (c) do such other things as are necessary and expedient for the efficient performance of the functions of the Commission.

8.- The Commission may, subject to such conditions as it may think fit, delegate any of its powers under this Act-
   (a) to any officer in the service of the Nigeria Police Force; or
   (b) to a committee consisting of such number of persons, one of whom shall be named as Chairman, as may be prescribed by the Commission.

PART III – STRUCTURE OF THE COMMISSION

9.- (1) There shall be established in the headquarters of the Commission the following Departments –
   (a) the Department of Administration and Personnel Management;
   (b) the Department of Investigation;
   (c) the Department of Finance and Supply;
   (d) the Department of Planning, Research and Statistics; and
(e) the Department of Legal Services.

(2) The Commission may, with the approval of the President, increase the number of Departments as it may deem necessary and expedient to facilitate the realization of the objectives of the Commission.

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<th>PART IV – STAFF</th>
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**10.** (1) There shall be for the Commission, a Secretary to the Commission who shall-

- (a) be an officer in the Civil Service of the Federation not below the rank of a Permanent Secretary;
- (b) have such qualification and experience as are appropriate for a person required to perform the functions of that office under this Act;
- (c) be accounting officer of the Commission;
- (d) be appointed by the President subject to confirmation by the Senate; and
- (e) hold office on such terms and conditions as to emolument, conditions of service as are applicable to the Civil Service of the Federation.

(2) The Secretary shall subject to the general direction of the Commission through the Chairman be responsible-

- (a) for the day to day administration of the Commission;
- (b) for keeping the books and proper records of the proceedings of the Commission; and
- (c) for-
  - (i) the administration of the secretariat of the Commission; and
  - (ii) the general direction and control of all other employees of the Commission subject to the directives of the Commission.

(3) The Commission shall have power to-
- (a) employ either directly or on secondment from any civil or public service in the Federation or a State such number of employees as may, in the opinion of the Commission, be required to assist the Commission in the discharge of any of its functions under this Act; and
- (b) pay to persons so employed such remuneration (including allowances) as are applicable to other officers of equivalent rank in the Civil Service of the Federation.

**11.** (1) Service in the Commission shall be approved service for the purposes of the Pensions Act.

(2) The officers and other persons employed in the Commission shall be entitled to pensions, gratuities and other retirement benefits as are enjoyed
by persons holding equivalent grades in the Civil Service of the Federation.

(3) Nothing in Subsections (1) and (2) of this section shall prevent the appointment of a person to any office on terms which preclude the grant of pension and gratuity in respect of that office.

(4) For the purposes of the application of the provisions of the Pensions Act, any powers exercisable there under by the Minister or other authority of the Government of the Federation, other than the power to make regulations under Section 23 thereof is hereby vested in and shall be exercisable by the Commission and not by any other person or authority.

**PART V – FINANCIAL PROVISIONS**

**12.-** (1) The Commission shall establish and maintain a fund from which shall be defrayed all expenditure by the Commission.

(2) There shall be paid and credited to the fund established pursuant to Subsection (1) of this section –
   (a) such monies as may, from time to time, be granted or lent to or deposited with this Commission by the Federal or State Government or any other body or institution whether local or foreign;
   (b) all monies raised for the purposes of the Commission by way of gifts, loan, grants-in-aid, testamentary dispositions or otherwise; and
   (c) proceeds from all other assets that may, from time to time, accrue to the Commission.

(3) The fund shall be managed in accordance with the rules made by the Commission, and without prejudice to the generality of the power to make rules under this subsection, the rules shall in particular contain provisions –
   (a) specifying the manner in which the assets or the fund of the Commission are to be held, and regulating the making of payments into and out of the Fund; and
   (b) requiring the keeping of proper accounts and records for the purpose of the Fund in such form as may be specified in the rules.

**13.** The Commission shall apply the proceeds of the Fund established pursuant to Section 12 of this Act to –
   (a) the cost of administration of the Commission;
   (b) the payment of salaries, allowances and benefits of members of the Commission or any Committee of the Commission;
   (c) the payment of salaries, remuneration, allowances, benefits, pensions and gratuities payable to officers and employees of the Commission;
   (d) the payment for all contracts, including mobilization, fluctuations, variations, legal fees and cost on contract administration;
   (e) the payment for all purchases; and
(f) undertake such other activities as are connected with all or any of the functions of the Commission under this Act.

| 14. | (1) The Commission may accept gifts of land, money or other property on such terms and conditions, if any, as may be specified by the person or organization making the gift. | Gifts to the Commission |
|     | (2) The Commission shall not accept any gift if the conditions attached thereto are inconsistent with the functions of the Commission under this act. |  |

| 15. | (1) The Commission shall, not later than 30th September in each year, submit to the President an estimate of the expenditure and income of the Commission during the next succeeding year. | Annual Estimates and expenditure |
|     | (2) The Commission shall cause to be kept proper accounts of the Commission in respect of each year and proper records in relation thereto and shall cause the accounts to be audited not later than 6 months after the end of each year by auditors appointed from the list and in accordance with the guidelines supplied by the Auditor-General for the Federation. |  |

| 16. | The Commission shall, at the end of every quarter in each year submit to the President a report on the activities and administration of the Commission. | Quarterly Report |

| 17. | (1) The Commission shall prepare and submit to the President, not later than 30th June in each year, a report in such form as the President may direct on the activities of the Commission during the immediately preceding past year, and shall include in the report a copy of the audited accounts of the Commission for that year and the auditor’s report thereon. | Annual Report |
|     | (2) The President, upon receipt of the report referred to in Subsection (1) of this section, cause a copy of the report and the audited accounts of the Commission and the auditor’s report thereon to be submitted to each House of the National Assembly. |  |

### PART VI – MISCELLANEOUS

| 18. | (1) For the purposes of providing offices and premises necessary for the performance of its functions under this Act, the Commission may, subject to the Land Use Act –  
(a) purchase or take on lease any interest in land, or other property; and  
(b) construct offices and premises and equip and maintain same. | Offices and Premises of the Commission, Cap. 202 LFN |
|     | (2) The Commission may, subject to the Land Use Act, sell or lease out any office or premises held by it, which office or premises is no longer required for the performance of its functions under this Act. |  |
19. Subject to the provisions of this Act, the President, may give to the Commission directives of a general nature or relating generally to matters of policy with regard to the performance by the Commission of its functions and it shall be the duty of the Commission to comply with the directives.

20.- (1) Subject to the provisions of this Act, the provisions of the Public Officers Protection Act shall apply in relation to any suit instituted against any officer or employee of the Commission.

(2) Notwithstanding anything contained in any other law or enactment, no suit shall lie against any member of the Commission, the Secretary or any other officer or employee of the Commission for any act done in pursuance or execution of this Act or any other law or enactment, or of any public duty of authority in respect of any alleged neglect or default in the execution of this Act or such law or enactment, duty or authority, shall lie or be instituted in any Court unless-

(a) … commenced within three months next after the Act, neglect or default complained of; or

(b) in the case of a continuation of damage or injury, within six months next after the ceasing thereof.

(3) No suit shall be commences against a member of the Commission, the Secretary, officer or employee of the Commission before the expiration of a period of one month after written notice of intention to commence the suit shall have been served upon the Commission by the intending plaintiff or his agent.

(4) The notice referred to in Subsection (3) of this section shall clearly and explicitly state the cause of action, the particulars of the claim, the name and place of abode of the intending plaintiff and the relief, which he claims.

21. A notice, summons or other document required or authorized to be served upon the Commission under the provisions of this Act or any other law or enactment may be served by delivering it to the Secretary or by sending it by registered post and addressed to the Secretary at the principal office of the Commission.

22.- (1) In any action or suit against the Commission, no execution or attachment of process in the nature thereof shall be issued against the Commission.

(2) Any sum of money which may by the judgment of any court be awarded against the Commission shall, subject to any direction given by
court where notice of appeal of the said judgment has been given, be paid from the general reserve fund of the Commission.

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<td><strong>23.</strong> A member of the Commission, the Secretary, any officer or employee of the Commission shall be indemnified out of the assets of the Commission against any proceeding, whether civil or criminal, in which judgment is given in his favor, or which is acquitt ed, if any such proceeding is brought against him in his capacity as a member of the Commission, the Secretary, officer or employee of the Commission.</td>
<td>Indemnity of Officers</td>
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<td><strong>24.</strong> Any person who, immediately before the coming into force of this Act is the holder of any office in the Nigeria Police Force shall on the commencement of this Act, continue in office and be deemed to have been appointed to his office by the Commission under this Act.</td>
<td>Transitional provisions.</td>
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<td><strong>25.</strong> The Commission may, with the approval of the President make regulations generally for the purposes of giving full effect to this Act.</td>
<td>Regulations</td>
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<td><strong>26.</strong> In this Act, unless the context otherwise requires—  “Commission” means the Police Service Commission established by Section 1 of this Act;  “member” means a member of the Commission and includes the Chairman.  “President” means the President, Commander-in-Chief of the Armed Forces.  “Secretary” means the Secretary to the Commission appointed pursuant to Section 10 of this Act.</td>
<td>Interpretations.</td>
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<td><strong>27.</strong> This Act may be cited as the Police Service Commission (Establishment etc.) Act 2001.</td>
<td>Citation.</td>
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**SCHEDULE**

**Section 2(4)**

**SUPPLEMENTARY PROVISIONS RELATING TO THE COMMISSION ETC.**

**PROCEEDINGS OF THE COMMISSION**

1.- (1) Subject to this Act and Section 27 of the Interpretation Act, the Commission may make standing orders regulating its proceedings or those of any of its Committees.
(2) The quorum of the Commission shall be the Chairman or the person presiding at the meeting and 4 other members of the Commission, and the quorum of any Committee of the Commission shall be as determined by the Commission.

2.- (1) The Commission shall meet whenever it is summoned by the Chairman and if the Chairman is required to do so by notice given to him by not less than 4 other Members, he shall summon a meeting of the Commission to be held within 14 days from the date on which the notice is given.

(2) At any meeting of the Commission, the Chairman shall preside but if he is absent, the members present at the meeting shall appoint one of their members to preside at the meeting.

(3) When the Commission desires to obtain the advice of any person on a particular matter, the Commission may co-opt him to the Commission for such period as it deems fit, but a person who is in attendance by virtue of this sub-paragraph shall not be entitled to vote at any meeting of the Commission and shall not count towards a quorum.

COMMITTEES

3.- (1) The Commission may appoint one or more Committees to carry out, on behalf of the Commission, such functions as the Commission may determine.

(2) A Committee appointed under this paragraph shall consist of such number of persons as may be determined by the Commission and a person shall hold office on the Committee in accordance with the terms of his appointment.

(3) A decision of a Committee of the Commission shall be of no effect until it is confirmed by the Commission.

MISCELLANEOUS

4.- (1) The fixing of the seal of the Commission shall be authenticated by the signatures of the Chairman or any other member of the Commission generally or specifically authorised by the Commission to act for that purpose and the Secretary.

(2) Any contract or instrument which, if made or executed by a person not being a body corporate, would not be required to be under seal may be made or executed on behalf of the Commission by the Secretary or any person generally or specifically authorized by the Commission to act for that purpose.
(3) A document purporting to be duly executed under the seal of the Commission shall be received in evidence and shall, unless and until the contrary is proved, be presumed to be so executed.

5.- The validity of any proceedings of the Commission or of a Committee shall not be adversely affected by-
(a) a vacancy in the membership of the Commission or Committee; or
(b) a defect in the appointment of a member of the Commission or Committee; or
(c) reason that a person not entitled to do so took part in the proceedings of the Commission or Committee.

EXPLANATORY MEMORANDUM

This Act Establishes the Police Service Commission, which is charged with responsibility, among other things to appoint persons to offices (other than the office of the Inspector-General of Police) in Nigeria Police Force and to dismiss and exercise disciplinary control over any person holding office in the Nigeria Police Force (other than the Inspector-General of Police).

I Certify, in accordance with Section 2(1) of the Acts authentication Act, 1961, that this is a true copy of the Bill passed by both Houses of the National Assembly.

IBRAHIM SALIM, CON
Clerk to the National Assembly.
27th day of December, 2000.

SCHEDULE TO THE POLICE SERVICE COMMISSION BILL, 2001

<table>
<thead>
<tr>
<th>(1) Short Title of The Bill</th>
<th>(2) Long Title of the Bill</th>
<th>(3) Summary of Contents of the Bill</th>
<th>(4) Date Passed by Senate</th>
<th>(5) Date Passed by House of Representatives</th>
</tr>
</thead>
<tbody>
<tr>
<td>Police Service Commission Bill, 2001</td>
<td>A Bill for an Act to Establish the Police Service Commission, which shall be charged with responsibility, among other things to appoint persons to Offices (other than the office of the Inspector-General of Police) in Nigeria Police Force and to dismiss and exercise disciplinary control over any person holding office in the Nigeria Police Force (other than the Inspector-General of Police); and for related Purposes.</td>
<td>A Bill for an Act to Establish the Police Service Commission which shall be charged with responsibility, among other things to appoint persons to offices (other than the Office of the Inspector-General of Police) in Nigeria Police Force and to dismiss and exercise disciplinary control over any person holding office in the Nigeria Police Force (other than the Inspector-General of Police).</td>
<td>11th October 2000</td>
<td>16th November 2000</td>
</tr>
</tbody>
</table>
I certify that this Bill has been carefully compared by me with the decision reached by the National Assembly and found by me to be true and correct decision of the Houses and is in accordance with the provisions of the Acts Authentication Act of 1961.

I ASSENT

Clerk to the National Assembly

27th December 2000

President of the Federal Republic of Nigeria

4th January, 2001

IBRAHIM SALIM, CON

CHIEF OLUSEGUN OBASANJO, GCFR