**CSS 341
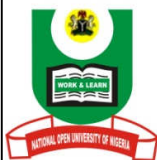POLICING AND LAW ENFORCEMENT IN NIGERIA**

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INTRODUCTION

CSS 341- Policing and Law Enforcement in Nigeria is a three-credit unit course for undergraduate and post graduate students in criminology and security studies. This course guide gives you an overview of the course and also provides you with information on the organisation and requirements of the course.

COURSE AIMS

The aim of the course is to:

- help you understand the task of policing and law enforcement in Nigeria
- acquaint you with the challenges of policing in Nigeria
- acquaint you with the concept of community policing
- expose you to the organisational structure of Nigeria police
- educate you on how policing has metamorphosed in forms from informal and pre-colonial through formal and colonial to modern Nigeria Police Force
- acquaint you with law, criminal procedure and pre-trial process
- acquaint you with contemporary challenges facing law enforcement in Nigeria
- expose you to the role of women police officers in Nigeria
- expose you to the participation of Nigeria police in international peacekeeping operation.

COURSE OBJECTIVES

To achieve the aims set out above, CSS 341has overall objectives. Each unit also has specific objectives. The unit objectives are set out in the text and it is advisable that you read them before you start working through the unit. You may also refer to them during your study of the unit to check your progress.

On successful completion of the course, you should be able to:

- define what policing is
- explain the forms and history of policing in pre-colonial, colonial and modern Nigeria
- explain the philosophy for policing the society
- explain the organisational and command structure of Nigeria police
- state the statutory functions and powers of the Nigeria police
- outline various training and retraining courses that are available in Nigeria police

- identify the problems of crime detection by the Nigeria police
- write on exercise of police discretion and power
- state the role dilemma of police
- explain the meaning of police culture or sub-culture
- state the need for proper police community relationships
- define community policing
- explain police ethics, dilemma and challenges in Nigeria
- list the impacts of corruption in the Nigeria Police Force
- identify the police roles in criminal procedure
- identify the roles and functions of the various security agencies in Nigeria
- outline the contemporary challenges facing law enforcement in Nigeria.

WORKING THROUGH THIS COURSE

To complete the course, you are required to study each unit and other related materials. You will also need to undertake practical exercises for which you need a pen, a notebook, and other materials that will be listed in this guide. The exercises are to help you in understanding the concepts being presented. At the end of each unit, you will be required to submit written assignments for assessment purposes. There is a written examination at the end of the course.

COURSE MATERIALS

The major materials you will need for this course are:

1.   Course Guide
2.   Study Units
3.   Assignment File
4.   Reference Materials

STUDY UNITS

This course consists of 22 units divided into five modules as given below:

Module 1

Unit 1   History of Policing and Law Enforcement
Unit 2   History of Nigeria Police from 1861 - 1966
Unit 3   Police Organisation and Administration
Unit 4   Functions and Power of the Nigeria Police

Module 2

Unit 1   Methodology of Policing
Unit 2   Crime Detection and Criminal Investigation Aspect of the
              Police
Unit 3   Training and Retraining in the Nigeria Police
Unit 4   Police Discretion and Role Dilemma of the Police
Unit 5   The Police Culture or Sub-Culture

Module 3

Unit 1   Police and the Community
Unit 2   Community Policing
Unit 3   Police Ethics and Police Deviance in Nigeria
Unit 4   Policing and Human Rights in Nigeria

Module 4

Unit 1   Police, Law and Criminal Procedure
Unit 2   Effective and Efficient Policing in Nigeria: Problems and
              Obstacles
Unit 3   Police Reform
Unit 4   Nigeria Police in International Peacekeeping
Unit 5   Women Police and Law Enforcement in Nigeria

Module 5

Unit 1   The Security Conglomerate
Unit 2   Human Trafficking and Law Enforcement in Nigeria
Unit 3   Ethnic Militia, Youth Restiveness, Religious Intolerance
              and Law Enforcement in Nigeria
Unit 4   Cyber Crime and Law Enforcement in Nigeria

ASSIGNMENT FILE

An assignment file and a marking scheme will be made available to you.
In the assignment file, you will find details of the work you must submit
to your tutor for marking.

TUTOR-MARKED ASSIGNMENT

There are two aspects of assignment in this course; the tutor-marked
assignment and the written examination. The marks you obtain in these
two areas will make up your final marks. Every unit in this course has a
tutor-marked assignment. You will be assessed on four of them but the
best three performances from the (TMAs) will be used for your

assessment. The assignment must be submitted to your tutor for assessment in accordance with the deadline stated in the presentation schedule and the assignment file. The work you submit to your tutor for assessment will count for 30% of your total score. Make sure each assignment reaches your tutor on or before the deadline for submissions. If for any reason, you cannot complete your work on time, contact your tutor. Extensions will not be granted after the due date unless under exceptional circumstances.

FINAL EXAMINATION AND GRADING

The final examination will be a test of three hours. All areas of the course will be examined. Find time to read the unit all over before your examination. The final examination will attract 70% of the total course grade. The examination will consist of questions, which reflect the kind of self-assessment exercises and tutor-marked assignments you have previously encountered. You should use the time between completing the last unit, and taking the examination to revise the entire course.

COURSE MARKING SCHEME

The following table lays out how the actual course mark allocation is broken.

Assessment	Marks
Assignments (Best three out of four tutor-marked assignment)	= 30%
Final Examination	= 70%
Total	100%

PRESENTATION SCHEDULE

The dates for submission of each of the assignments and the final examination will be communicated to you.

COURSE OVERVIEW

Unit	Title of Work	Weeks Activity	Assignment
Course Guide			
Module 1			
Unit 1	History of Policing and Law Enforcement	Week 1	Assignment 1
2	History of Nigeria Police from 1861 – 1966	Week 1	Assignment 2
3	Police Organisation and Administration	Week 2	Assignment 3
4	Functions and Power of the Nigeria Police	Week 2	Assignment 4
Module 2			
Unit 1	Methodology of Policing	Week 3	Assignment 1
2	Crime Detection and Criminal Investigation Aspect of the Police	Week 3	Assignment 2
3	Training and Retraining in the Nigeria Police	Week 4	Assignment 3
4	Police Discretion and Role Dilemma of the Police	Week 4	Assignment 4
5	The Police Culture or Sub-Culture	Week 4	Assignment 5
Module 3			
Unit 1	Police and the Community	Week 5	Assignment 1
2	Community Policing	Week 5	Assignment 2
3	Police Ethics and Police Deviance in Nigeria	Week 6	Assignment 3
4	Policing and Human Rights in Nigeria	Week 7	Assignment 4

Module 4			
Unit 1	Police, Law and Criminal Procedure	Week 8	Assignment 1
2	Effective and Efficient Policing in Nigeria: Problems and Obstacles	Week 8	Assignment 2
3	Police Reform	Week 9	Assignment 3
4	Nigeria Police in International Peacekeeping	Week 10	Assignment 4
5	Women Police and Law Enforcement in Nigeria	Week 10	Assignment 5
Module 5			
1	The Security Conglomerate	Week 11	Assignment 1
2	Human Trafficking and Law Enforcement in Nigeria	Week 11	Assignment 2
3	Ethnic Militia, Youth Restiveness, Religious Intolerance and Law Enforcement in Nigeria	Week 12	Assignment 3
4	Cyber Crime and Law Enforcement in Nigeria	Week 12	Assignment 4
	Revision	**1**	
	Examination	**1**	
	Total	**14**	

HOW TO GET THE MOST FROM THIS COURSE

In distance learning, the study units replace the university lecturer. This is one of the great advantages of distance learning; you can read and work through specially designed study materials at your own pace, and at a time and place that suits you best. Think of it as reading the lecture instead of listening to the lecturer. In the same way a lecturer might give you some reading to do, the study units tell you where to read, and which are your text materials or set books. You are provided with self-assessment exercises to do at appropriate points, just as a lecturer might give you an in-class exercise.

Each of the study units follows a common format. The first item is an introduction to the subject matter of the unit, and how a particular unit is

integrated with the other units and the course as a whole. Next to this is a set of learning objectives. These objectives let you know what you should be able to do by the time you have completed the unit. These learning objectives are meant to guide your study. The moment a unit is finished, you must go back and check whether you have achieved the objectives. If this is made a habit, then you will significantly improve your chance of passing the course. The main body of the unit guides you through the required reading from other sources. This will usually be either from your set books or from a reading section.

The following is a practical strategy for working through the course. If you run into any trouble contact your tutor. Remember that your tutor's job is to help you when you need assistance, do not hesitate to call and ask your tutor to provide it.

Organise a study schedule. Design a 'Course Overview' to guide you through the course. Note the time you are expected to spend on each unit and how the assignments relate to the units. Whatever method you choose to use, you should decide on and write in your own dates and schedule of work for each unit.

Once you have created your own study schedule, do everything to stay faithful to it. The major reason why students fail is that they get behind with their course work. If you get into difficulties with your schedule, please, let your tutor know before it is too late to help.

Turn to the unit and read the introduction and the objectives for the unit.

Assemble the study materials, as you work through the unit, you will know what sources to consult for further information.

Keep in touch with your study centre. Up-to-date course information will be continuously available there.

Well before the relevant due dates (about 4 weeks before due dates), keep in mind that you will learn a lot by doing the assignment carefully. They have been designed to help you meet the objectives of the course and, therefore, will help you pass the examination. Submit all assignments not later than the due date.

Review the objectives for each study unit to confirm that you have achieved them. If you are not sure about any of the objectives, review the study materials or consult your tutor.

When you are confident that you have achieved a unit's objectives, you can start on the next unit. Proceed unit by unit through the course and try to pace your study so that you keep yourself on schedule.

When you have submitted an assignment to your tutor for marking, do not wait for its return before starting on the next unit. Keep to your schedule. When the assignment is returned, pay particular attention to your tutor's comments, both on the tutor-marked assignment form and also the written comments on the assignments.

After completing the last unit, review the course and prepare yourself for the final examination. Ensure that you have achieved the unit objectives (listed at the beginning of each unit) and the course objectives (listed in the Course Guide).

FACILITATORS/TUTORS AND TUTORIALS

Information relating to tutorials will be provided at the appropriate time. Your tutor will mark and comment on your assignments, keep a close watch on your progress and on any difficulties you might encounter and provide assistance to you during the course. You must take your tutor-marked assignments to the study centre well before the due date (at least two working days are required). They will be marked by your tutor and returned to you as soon as possible.

Do not hesitate to contact your tutor if you need help.

Contact your tutor if:

- you do not understand any part of the study units or the assigned reading
- you have difficulty with the exercise
- you have a question or problem with an assignment or with your tutor's comments on an assignment or with the grading of an assignment.

You should try your best to attend the tutorials. This is the only chance to have face-to-face contact with your tutor and ask questions which are answered instantly. You can raise any problem encountered in the course of your study. To gain the maximum benefit from course tutorials, prepare a question list before attending them. You will learn a lot from active participation in the discussion.

SUMMARY

This course guide gives you an insight of what to expect in the course of this study. The course exposes you to the rudiments involves in policing and law enforcement in Nigeria.

We wish you success with the course and hope that you will find it interesting and useful.

CONTENTS   PAGE

MODULE 1

UNIT 1   HISTORY OF POLICING AND LAW ENFORCEMENT

CONTENTS

1.0   INTRODUCTION

The police play important roles without which the sustenance of law, order, legality, development and democracy may be difficult. Therefore, any pro-change initiative must take account of the facilitative and inhibitive roles of the police in society. The primary role of the police is policing – securing compliance with existing laws and conformity with precepts of social order. But the police are not the only agency involved in policing in the broad sense of the term. Other security agencies are

equally involved in policing and law enforcement as regard to their statutorily goals and objectives.

This unit will focus on policing in pre-colonial Nigeria. It will highlight the various mechanisms and practices used to maintained public security and public safety in pre-colonial Nigeria. In conclusion, an attempt will be made to access the sustainability or otherwise of the policing strategies and tactics in pre-colonial in Nigeria.

2.0   OBJECTIVES

At the end of this unit, you should be able to:

- trace the early history of policing
- state the meaning of police and policing
- explain the development of policing from the early days to the present time
- explain the principles guiding police work
- mention the people who are credited with establishing first modern police department
- explain policing in pre-colonial Nigeria
- discuss societal order in pre-colonial Nigeria
- explain social organisation and policing in pre-colonial communities
- discuss the importance of tradition and customs in social control in pre-colonial societies
- evaluate policing in traditional communities in pre-colonial Nigeria.

3.0   MAIN CONTENT

3.1   Definition of Police

It is important to distinguish between the ideas of 'police' and 'policing'. 'Police' refer to a particular kind of social institution, while 'policing' implies a set of processes with specific social functions. The word police comes from the Latin word *Politia,* which means "civil administration". The word '*politia'* goes back to the Greek word polis, or "city". Etymologically, therefore, the police can be seen as those involved in the administration of a city. *Politia* became the French word police. The English took it over and at first continued to use it to mean civil administration. The specific application of police to the administration of public order emerged in France in the early 18th century. The first body of public order officers to be named police in England was the marine police, a force established in 1798 to protect

merchandise in the port of London. It is worthy of note that the reference to the police as a "civil authority" is very important. The police represent the civil power of government as opposed to the military power.

This unit will discuss early forms of policing in Nigeria emphasising the dramatic, unprecedented changes in police organisation and operations.

3.2   Early Policing

We do not know much about the very early history of the police. Policing, maintaining order and dealing with law breakers had always been a private matter. Citizens were responsible for protecting themselves and maintaining an orderly society. Uniformed and organised police departments as we think of them today were rare. In fact, as you will see in this unit, modern style police department began in the 19th century in England, and subsequently extended to Nigeria.

3.3   Early History of Modern Police

Sir Robert Peel is generally credited with establishing the first English Police Department, the London Metropolitan Police in 1829. Robert Peel was distressed over the problems of law and order in London and persuaded the House of Commons to pass the Metropolitan Police Act drafted by him. The parliament passed it in 1829. This Act established the first civil police force in London. Over 1,000 men were hired. Although a civil force, it was structured along military lines with officers wearing distinctive uniforms.

Sir Robert Peel thus became known as the founder of modern policing. Peel's early police were guided by the following nine principles:

(1)   The basic mission for which the police exist is to prevent crime and disorder.
(2)   The ability of the police to perform their duties is dependent upon public approach of police actions.
(3)   Police must secure the willing cooperation of the public in voluntary observance of the law to be able to secure and maintain the respect of the public.
(4)   The degree of co-operation of the public that can be secured diminishes proportionately to the necessity of the use of physical force.
(5)   Police seek and preserve public favour not by catering to public opinion but by constantly demonstrating absolute impartial service to the law.

(6)   Police use physical force to the extent necessary to secure observance of the law or to restore order only when the exercise of persuasion, advice and warning is found to be insufficient.

(7)   Police at all times should maintain a relationship with the public that gives reality to the historic tradition that the police are the public and the public are the police, the police being only members of the public who are paid to give full-time attention to duties which are incumbent on every citizen in the interest of community welfare and existence.

(8)   Police should always direct their action strictly towards their function and never appear to using the power of the judiciary.

(9)   The test of police efficiency is the absence of crime and disorder not the visible evidence of police action in dealing with it.

Through the adoption of peel principle of effective policing, the English model of policing eventually became the model for other countries especially United States and Nigeria.

3.4   Societal Order in Pre-Colonial Nigeria

According to Onoge (1993), there is today considerable agreement among criminologists that some societies are more crimogenic than others. In this regard, it has been suggested that the politico - economic frame of the society is an important indicator of the society's degree of crime proneness. In other words, crime differs from one society to another depending on whether or not it is a pre-capitalist, capitalist, socialist or communist. It is worthy of mention that pre-colonial Nigerian societies showed a certain level of diversity. They ranged from settlements of a few hundred persons, town of several hundred thousands to kingdom or empires co-coordinating populations well into the million. Settlements in villages happen to be typical, although the towns and cities also had large population concentrations. As political systems, they fall within the range of the two ideal types of 'state' and 'stateless' which social anthropologists have long observed in Africa.

Meyer Fortes and E. E. Evans – Pritchard Classic (1940) enunciation of the two types, bears restating. One group … (states) consists of those societies which have centralised authority, administrative machinery and judicial institutions. The other group … (stateless) consists of those societies which lack centralised authority, administrative machinery and constituted judicial institutions.

Nonetheless, based on the Fortes and Evans-Pritchard typology, examples of pre-colonial Nigerian state include the Yoruba, Benin Kingdoms, Hausa–Fulani emirates and the like. Examples of pre-

colonial stateless Nigerian societies include the Tiv, Igbo societies, Ibibio/Efik, Ekoi and the like.

SELF-ASSESSMENT EXERCISE

Evaluate social order in pre-colonial Nigeria.

3.5 Social Organisations and Policing in Pre-Colonial Nigeria (Stateless Communities)

The pre-colonial societies share a number of features in their social organisation regardless of whether they are politically centralised or decentralised although they share certain common attitudes and values in their social relations regardless of societal type. The societies share certain core beliefs and cosmological practices. It is the observable unities within diversities and vast linguistic and ethnic pluralism that have been articulated into an African culture, African religion, African philosophy, negritude, African socialism, African personality, etc.

The pre-colonial societies also relied on a number of other secular and supernatural agencies that monitor social behaviour and impose sanctions against deviation. The following groups were characteristically used in the detection, resolution and punishment of offenses.

3.5.1 The Extended Family

The traditional Nigerian family especially in its customary "extended form" involving many persons in a single moral community of rights and duties was a primary unit for controlling the behaviour of its members on behalf of the larger community. Its moral strength over its members derived from their co-residence in a compound under the leadership of the head; its primacy as a unit of socialisation of its members; its periodic mobilisation as a co-operative unit of economic production and resources sharing during emergencies; and ritual authority of the family head through the cult of the ancestor; and the community's recognition of the administrative and judicial role of the family head as chairman of the "court of first instances" in the settlement of disputes among its member. Members of the extended family co-residing in a compound were made to feel that the behaviour of each affected their collective image for good or bad within the larger community. Older members in particular were expected to supervise the behaviour of their younger kin.

3.5.2 The Lineage

The lineages include a much large body of kin and often occupying a definite territorial space such as street or quarters in the village or town. Its territorial space is usually name after the ancestral founder of the lineage. The lineage head is responsible to the wider community in respect of the conduct of lineage members. It is a recognised pressure group on behaviour of its members with respect to the public affair of the wider community. It is also an important ritual unit for the enforcement of acceptable codes of behaviour through the cult of the common ancestors of the lineage.

3.5.3 Age Group

The recognition of age grade as a basis of authority in social relation is pervasive in traditional Nigerian societies. Many stateless societies constitute their political structure on the basis of a gerontocratic (principle by placing) political and administrative authority in the hands of a council of elders. In any case, pre-council societies often relied directly on group constituted on the basis of age (that is age-sets and age grade). They police their members' behaviour; impose sanction against those who erred for maintenance of law and order. This is in addition to other special basics which age sets perform on behalf of the society like building of market stalls, bridges, etc.

3.5.4 Women Societies

A crucial agency of social control in traditional Nigerian societies is the special assembly of the women. Ideally, the assembly of women comprises wives in the community. For example among the Urhobo of Delta, the body has formal recognition in public welfare matters. In most stateless communities, the women's assembly is an important agency for enforcing community law and order. It can discipline an erring member directly and impose sanctions, just as it can bring to public attention, an errant and recalcitrant husband.

3.6   Religion and Social Control

There is a provenience of a supernatural belief with its associated supernatural agencies which partake in the social control of traditional African.

3.6.1 Ancestral Cults

Ancestors are believed to be powerful guardian of the moral order of our kin–structured societies. They police the daily behaviour of their

descendants and are believed to be able to "see" even the covert feeling of good or ill-will among their kin. They are believed to have the power to reward good behaviour with good fortune and to visit misfortune on errant members, whose conducts threaten the solidarity of the kin group. Just as they can affect and punish deviance within the kinship group, Intra-group disputes or conflict can also be resolved through reconciliation, rituals, and sacrifices.

3.6.2 Spirit Cults

A number of spirit deities exist in the belief system of traditional society. These are shrines and cults devoted to their periodic worship and propitiation. They often attend to specialised department of the community's life such as hunting, fishing and natural phenomenon such as the earth, river, thunder, sky and the like. Their worship or propitiation may usually include the performance of public masquerades. The spirit may also manifest themselves from time to time through possession of certain individuals who then become cult functionaries and special devotes.

The spirits are believed to bring protection and prosperity to the community when they are regularly attended to by way of ritual sacrifice and festivals. In the same way they can visit particular individuals with misfortune if they are guilty of grave anti social misconduct and the violation of important taboos offences of murder, suicide and incest are regarded as serious pollution of the earth, and the course of punishment will usually include the performance by the culprit of elaborate public rituals to purify or cleanse the earth; the critical resources base for the community's sustenance and "the dwelling place of the ancestors and other dead".

3.6.3 Divination and Ordeals

Divination plays a crucial role in the supernatural regulation of individual and group behaviour. In every community there are individuals who have mystical power and are believed to be able to receive and interpret communication from supernatural entities such as ancestor, the cult deities and the like. In some culture there is a belief that there exists a god of divination. Divination techniques often vary from culture to culture. Nonetheless, oracular consultation enable individuals and the community to "determine" the guilt or innocence of persons in the investigation of crimes and when necessary the ascertaining of the remedial action acceptable to the supernatural agencies. In an environment of such shared belief, the fear that an individual's hidden offences can be pried open through divination must

help to constrain people's behaviour in the direction of the normative order.

A related technique for administration of justice which is part of the culturally prescribed supernatural apparatus for social control work is the use of ordeals. Ordeals are trial procedure of persons accused of crimes such as theft or bewitching of others. A culture group or community may have its own standard ordeals.

3.6.4   Secret Societies

A number of traditional Nigerian communities also had secret societies which claimed supernatural authority to exercise political and judicial power of life and dead over persons charged with offences likely to jeopardise public order and the integrity of the polity.

SELF-ASSESSMENT EXERCISE

Discuss the various social organisations that help in effective policing in pre-colonial Nigeria

3.7   Policing Pre-Colonial Nigeria (Centralised Communities)

The pre-colonial system of policing in the northern and western Nigeria was based on the system of administration which was centralised and formalised. In the Hausa states of the north, for example, the *dogarai* who were the bodyguards of the *Sarki* (Emir or King) performed full time policing function in the community. The *Sarkiri dogarai* was the head of this traditional policing organisation. The duty of the *dogarai* included the capture and discipline of offenders, and to guard the town together with warders. Most importantly however the *dogarai* performed the duty of preventing crime through detective and bringing into judgment the criminal after a crime had been committed… also executed the commands of justice. The duties of the *dogarai* was not therefore limited to crime prevention and control, but included the punishment of the offender. In addition, they were also responsible for collecting taxes on behalf of the *sarki*, and traffic control. The history of the *Sayfawa* dynasty in Kanem Borno in the north-east pre-colonial Nigeria has shown that the *Talba,* who was the judge in *mai's* (King's) court, was in addition the head of police affairs.

In the Yoruba kingdoms of western Nigeria the *Ilari*, *emesi* or *agunven* depending on which part of the western kingdoms were responsible for apprehending or arresting criminals and also like the *dogarai*, they executed the commands of justice. In his analysis of the systems in both the North and West, Rotimi (1977) said that the common features of

members of the Northern and Western Nigeria's traditional Police were that they:

(a)   were generally drawn from palace slaves
(b)   were appointed by and responsible to the kings or emirs
(c)   had a political head who was a senior official of government and almost always a eunuch
(d)   had distinctive dress and or hairstyle
(e)   combined the triple roles of bodyguards, messengers and executioners, and
(f)   performed diplomatic and revenue collecting functions.

SELF-ASSESSMENT EXERCISE

Differentiate between police and policing.

4.0   CONCLUSION

Policing has always been necessary in all societies for the preservation of order, and social relations. The necessity of policing become a even more evident in modern societies characterised by diversities and contradictions arising from population, heterogeneity, urbanisation, industrialisation, conflicting ideologies, socio-political and economy schism.

However, the emergence of the police, a body of men recruited and paid by the state to enforce the law is a departure from what was obtainable in pre-colonial in Nigeria where policing was the responsibility of everybody in a community. The whole people of the village or town are jointly and secretly guidance and preservers of the peace.

5.0   SUMMARY

You have learnt in this unit that it was Sir Robert Peel who created the first uniform police force. Peel's nine principles of policing, exposition of social organisation and policing in pre-colonial Nigeria, roles of supernatural agencies in the maintenance of social order in pre-colonial societies were also discussed. The pattern of policing in centralised communities in the pre-colonial era was identified.

6.0   TUTOR-MARKED ASSIGNMENT

1.   Discuss the influences of the English police experience on Nigeria policing.
2.   Assess Peel's nine principles of policing vis-à-vis the performance of Nigeria police.

3.   Foreign writers has propagated that the pre-colonial communities in Nigeria lacked "law and order." Discuss.
4.   Religion was an effective instrument in social control in pre-colonial communities. Discuss.

7.0   REFERENCES/FURTHER READING

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UNIT 2   HISTORY OF NIGERIA POLICE FROM 1861 - 1966

CONTENTS

1.0   INTRODUCTION

Colonial and post colonial administration in Nigeria brought about the emergence of a specialised police force as an organ of the state with its vast bureaucracies anchored on centralisation, hierarchical authority/power structure and professional staff. It is this emergence of the state as an entity which resulted into the creation of specialised agencies such as the police and the armed forces for controlling the use of violence and crimes.

The police exist primarily to promote harmony and security of life and property in society. Conflict is endemic in all human associations and if it is not regulated, it may escalate and threaten the society. It must nonetheless be recognised that conflict is a vehicle of change and development.

2.0   OBJECTIVES

At the end of this unit, you should be able to:

- explain how Nigeria Police Force emerged
- identify various native authority police that existed in the colonial period
- discuss the transformation that took place
- discuss the amalgamation of the Nigeria Police Force

- explain the 1960 and 1963 constitutions as regard to the police force
- explain the rationale for the existence of the police
- discuss the philosophy of policing
- state various issues affecting the police
- highlight the objectives and importance of policing.

3.0   MAIN CONTENT

3.1   Colonial Restructuring of Native Authority Police

The Nigeria Police as we know today is a product of colonial administration. It was born out of consular guard of 30 members formed in 1861 in Lagos colony, which later transformed into the Hausa constabulary in 1879. It was in 1896 that the Lagos police was established, while earlier in 1894 the Niger Coast Constabulary was formed in Calabar. North of the Niger, the Royal Niger Company set up a constabulary in 1888 in Lokoja. After the formation of the protectorates in the North and South, both the Royal Niger Company constabulary and Niger coast constabulary merged into the Northern and Southern Nigeria Police respectively. In 1907, police reorganisation scheme enabled the colonial government to consolidate its administration over the provinces by relying on the traditional rulers for maintenance of security. It was in 1930 that both the Northern and Southern Police were merged to form the Nigeria Police Force with Lagos as the headquarters, while the Nigeria Police Act was enacted in 1943 by the British colonial government.

Before the amalgamation of the police forces of the Northern and Southern protectorates, the Northern emirate local police called *dogarai* and the *Ilari*, *emeses* and *agunren* in the Yoruba kingdom had undergone transformation. The colonial administration first allowed the creation of a Native Authority (NA) police in the North and the local authority police in the west, most likely as a product of the developing influence of the indirect rule. The reorganisation of dogarai in Kano, led to the creation of a separate police organisation called *Yangadi* or Kano City Police Force but the situation still allowed the *dogarai* to continue with the police function. Later after the adoption of the system in Kaduna, *Yangadi* were labelled *Yan doka*. In Kano, the *wakilin doka* was the liaison officer between NA police and the Emirate council.

In general, the establishment of the NA police force in northern Nigeria was more intimately connected with the policy of indirect rule. Native Authority has had the primary responsibility of maintaining law and order and to carry out this function, the native authority ordinance of No.

14, of 1916 was enacted to provide for the employment by the native authorities of "any person" to serve as a police.

In Western Nigeria, the first Local Government Authority Police Force, initially known as the "*Egba* Police" was created in Abeokuta in 1905, due to the serious menace of robbers. Since the problem of robbers was mostly at night, a force consisting of members of the *Ode* (the hunters' society) was engaged to serve as night guards with the power to arrest or shoot the robbers. The idea was to create a force "to maintain the peace, guarantee security of life and property of the citizens at all times, and apprehend those who violated government directives." The *Ode* subsequently transformed into the *akoda* force. In another development, a regular force modeled on the lines of the *Egba* Police known as *Iranse* force was raised by the Ibadan council in 1906 with the authority to maintain law and order in addition to other policing functions. Therefore, before the amalgamation of the northern and southern protectorates of Nigeria, the Ibadan council had two kinds of police forces the *akoda* and *iranse*; these were subsequently referred to as *olopa* a police nickname that is still popular today in the Yoruba community.

In the attempt to establish a police force in colonial territories, the British had two options either to extend the existing British fostered police forces over the territory, or to develop the local African way for maintaining law and order in each locality. While the British colonial government adopted the first option in eastern Nigeria due to the Igbo decentralised traditional community system, it chose the second for the northern and western Nigeria, because both of them had centralised local administration with formalised system of traditional policing.

From the discussion above we can therefore capture the essence of the British imperialist effort to establish police forces in Nigeria mainly for easy colonial administration and in serving the colonial government interests. According to Dambazau (1999) the police served as agency of "socialisation" through which "colonised people could be brought close to civilisation".... In terms of 'the acceptance of the colonisers' norms of order. From the beginning, the norms of behaviour were purely colonial and alien to the African way of life and in total disregard to the traditional requirements. This fact was reflected in colonial police training programmes which the members were expected to use in making the members of their communities subservient. According to Chukwuma (1997) this enabled the British colonialists to be able to subject the estimated 400 Nigerian nationalities to their domination.

SELF-ASSESSMENT EXERCISE

Discuss the reasons for colonial restructuring of Native Authority and Local Government Authority Police Force.

3.2   The Amalgamation - The Nigeria Police Force 1930

In 1906, three separate Police Forces existed in Nigeria. There were the Lagos Police Force, the Northern Nigeria Police Force and the Southern Nigeria Police Force. In the second half of 1906, the colony and Protectorate of Lagos was merged with the Protectorate of Southern Nigeria. In 1914 the colony and Protectorate of Southern Nigeria and the Protectorate of Northern Nigeria were merged to form the Colony and Protectorate of Nigeria.

However, the Southern and Northern Police Force remained separate and no amalgamation took place until 1930. On 1st April, 1930 came the emergence of the Nigeria Police Force with headquarters in Lagos. The first Inspector-General of newly formed Nigeria Police was Duncan. He headed various police establishments in British possessions outside Nigeria before his appointment.

After 1930 the organisational structure and the nomenclature of the Police ranks changed in response to the circumstances of the colonial administration. Following the Macpherson constitution, 1951 and Lyttleton constitution, 1954 by which Nigeria devolved a federation, the Nigeria Police was reformed to conform to the political order. A contingent of police under a commissioner of police was established for each of the regions.

3.3   Police in Post Colonial Nigeria 1960 - 1966

The 1960 constitution established the Nigeria Police Force as a Federal Force charged with the responsibility for maintenance of law and order throughout Nigeria. However, the constitution did not prevent the Regions from establishing their own Local Police Force. Hence the North coned retain the native authority police and the west, the local governing authority police.

The command of the Nigeria Police Force was under the Inspector-General of Police while those of the regions were under the command of Commissioners of Police. The 1960 constitution also set out two bodies, the Police Council and the Police Service Commission. By section 101 of the 1960 constitution, the Police Council shall be responsible for the organisation and administration of the Nigeria Police Force and all 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.

The dual system of policing involving multiplicity of local forces and a national police force continued until 1966. But it became one of the earliest victims of military rule in the country. The first military coup occurred on 15 January 1966. Major-General J. T. U. Aguyi-Ironsi emerged as the Head of the Military Government. In March 1966, Major-General Aguyi-Ironsi empanelled a working party on Nigeria Police, Local Government and Native Authority and Police and Prisons, to examine among other issues, "the feasibility of the unification of the Nigeria Police, Local Government Police and the unification of Prisons in Nigeria.

On the death of Major-General J. T. U. Aguyi-Ironsi, the Federal Military Government, under General Gowon accepted the recommendation of working party that the Nigeria police system be unified. This led to the dissolution of the local police forces. The dissolution of the local police forces was anchored on several points. The members of the local police forces were ill-qualified, poorly trained and poorly behaved, and constituted an instrument of oppression in the hands of traditional rulers, local governments and politicians.

SELF-ASSESSMENT EXERCISE

Discuss the history of Nigeria police from colonial to post colonial era.

3.4   Rationale for Police

The philosophical rationale for the existence of the police which are crime prevention and order maintenance is the need to promote institutional mechanism for the enforcement of laws and norms that are designed to regulate conflicts and enhance the total well being of member of the society. Police should function to regulate the manner and limits of expression of conflict. The existence of police is an admission that social conflict could not always be resolved or regulated without the interlopment of a coercive state organisation.

3.4.1 The Philosophy of Policing: Issues and Questions

(1)   What are the rationales for the existence of police?
(2)   What functions should be assigned to the police?
(3)   What power and resources should be given to the police to enable them perform their functions?
(4)   What should be the nature of the relationship between the police, the government and the public?

(5)   What sort of people should be recruited into police force: What organisational form arrangement or style should be adopted by police forces?
(6)   How should the police perform their function?
(7)   What legal, moral and ethical codes should guide policing?
(8)   Who should control the police or who should police the police?

3.5   Police Issues

Small (1984) observed that the police force have dual role to play in a given society.

1 They are expected to protect the constitution of the society of which they are employed and perform other relevant duties in this regard.
2 While on duty, they should endeavour to avoid pressure from special interest groups, since that will reduce public confidence, without which their job could become not only difficult but also make conviction almost impossible. He further opines that police work is difficult and very sensitive, that this may be connected with why most people usually monitor the activities of policemen more than other government agents. Kennedy (1994) opines that policing a multicultural world is a key challenge to the police, that this challenge is compounded by contradictions inherent in maintaining public order on the one hand, and sustaining the freedom and wish of other members of the society. Hampton (1960) opines that the influence of globalisation, coupled with the new culture of economic and political alliance etc. have continually put to critical test the role of the institutional systems for law and order. He mentioned that the growing crises of law and order, the rising spate of crimes in the society, and crisis of unity among different cultural and religious groups noticed in various parts of the globe are pointers to the objective shortfall in the performance of the police force vis-à-vis the order maintenance responsibility.

Hampton was able to establish a linkage between police, crime and order. According to him, the failure of police reflects on the state of the crime statistics and public order as well as generates fear and insecurity, thereby creating a crime-prone society. Palm (1979) asserts that the police was established to guarantee a crime free society. Viergiver (1995) asserts that the development of the police has been largely influenced by the demands of society for relief from problems that cannot be solved in another way or totally solved. He maintained that if one commits crime, and everyone behaved reasonably, the need for a sophisticated police force would not arise at all. But since the above condition is difficult to attain, there will always be need for the police. Accordingly, Bunyard (1978) opines that the basic objectives of the police have not radically changed since their inception. He maintained

that what has changed is in the way in which the force has responded to these objectives. Gillan (1988) observes that the duty of the policeman in the contemporary world is no longer restricted to acting as watchman and detectives, but has also expanded to include crime prevention by teaching people how to safeguard their own property, and the rule of law in order to divert them from breaking the law. However, Bunyard maintained that the resources at the disposal of the police and their implications for result oriented policing cannot be reconciled. This he claimed was as a result of the absence of an acceptance gauge or construct with which to measure crime prevention.

Tamuno (1970) maintained that the circumstances and situations in which the police perform their duties make it a rather hard process to evaluate the entire process of law and order maintenance. He opines that a number of persons may be resentful of the police but the society is generally handicapped to actually assess the extent to which the police perform its duties effectively. That the public expects much from the police which is ill-equip to actualise its set goals. He believes that a change of attitude of people towards the police would also imply a spontaneous acquisition of wonderful records and scores for the police. That for police to be effective and result oriented, good public relations must be established.

Okere (1994) believes that most of the problems faced by police in carrying out their duties arise primarily from the fact that members of the police force are part and parcel of the society they police. This makes effective maintenance of law and order to be very problematic since the factors, which affect the host society do not spare the police force. Ozo-Eson (1994) believed that the aftermath of poverty, mal-distribution, and inequality in access to the good things of life creates a crime prone society. That unhealthy competition brought about by social aims and aspirations can become so pronounced that those who cannot cope are forced to fall out and develop disrespect for society and its values, which in turn can lead to a kind of alienation, desperation and crime.

Alemika (1994) and Nweze (1997) have argued that the society creates the crime which the individual commits and that the Nigerian society, like every other society where inequality exists is prone to criminal activities. Alemika views this condition as a contradiction that a society which produces the objective conditions for crime should turn around to expect the police to prevent or reduce the level of crime. Similarly, Mbosowo (1994) maintains that policing a crime-infested society is an enormous task for the Nigeria police and that the social system in Nigeria is fraught with influences which may destabilise and cause disorder. He also maintained that little should be expected from the

police under the prevailing limiting situation. This limiting and frustrating situation are evident in the level of force equipment, the involvement of its personnel in criminal activities.

Anderson (1979) argued that crime is inevitable and ineradicable in most societies. To him, crime prevention and order maintenance would be Herculean task for an ill-equipped police, partly because the price for a crime free society will be too high to pay in terms of resources and the administrative requirement. Again, the role of crime detection involves a given probability that it will deter people from committing crime and provide society with the opportunity to deal with the offenders as it deems fit, thereby helping to exonerate innocent persons, recover stolen property and satisfy a desire for revenge. The effectiveness of the police on crime prevention and detection are measured by level of insecurity and public disorder. Undetected crimes in the society impinge negatively on the entire society.

SELF-ASSESSMENT EXERCISE

State the philosophy of policing.

3.6   Objectives and Importance of Policing

According to Odekunle (1979), the central objectives of policing are:

(a)   To provide security, or at least a social and psychological feeling of security, for a majority of citizens in a majority of places, and for most of the time.
(b)   To prevent, control and combat criminality whatever and by whoever.
(c)   To maintain public order and peace.
(d)   To render assistance and service to all citizens needing or requiring security and
(e)   To favourably symbolise the law and the government by always upholding the rule of law.

Odekunle (1979) has suggested certain yardsticks for measuring successful policing.

(a)   Effectiveness (e.g.) fewer or reduced criminal victimisation, higher proportion of crimes known to the police cleared by arrest, increased recovery of stolen property, higher rates of arrests which result in conviction, lower traffic accident rates, faster response time to reports/complaints).
(b)   Responsiveness (e.g. higher citizen perception of safety from crime, higher citizen ratings of police performance in general,

higher citizen ratings of specific police activities, higher citizens ratings of specific aspects of police conduct such as honesty, integrity, courtesy and fairness).

(c) Equity (i.e. with reference to egalitarian distribution of "protection" to all sections of the population).

(d) Efficiency (i.e. with reference to cost and benefit analysis of population" output relative to monetary, human and material input).

4.0 CONCLUSION

The British established police force and constabularies to protect their interests. These forces and constabularies were armed and organised as quasi-military squads. Such forces in different territories comprised officials who were strangers in the communities where they were employed. The purpose of this practice of alienating the police from the communities they served, was to ensure that such officials when deployed to execute punitive expeditions would act as an army of occupation and deploy maximum violence in the communities.

The rationale for the establishment of the police force is to maintain law and order in the society. Conflict as we know is endemic in the society and the police function is to limit or if possible to avert law violation and social conflict in society.

5.0 SUMMARY

What you have learnt in this unit concerns, the various transformation of the police from colonial to post colonial era. The fallout of amalgamation of the police forces (Northern and Southern protectorates). Also, the essence to which British council established the police force.

You also learnt in this unit the rationale for existence of the police; what functions should be assigned to the police, what power and resources should be given to the police to enable them perform their functions. The objectives and important of policing were also identified.

6.0 TUTOR-MARKED ASSSIGNMENT

1. The Nigeria Police as we know it today is a product of colonial administration. Discuss.
2. Discuss the rationale for the existence of the police.
3. Police performance has become an issue of concern among Nigerians. Discuss

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UNIT 3   POLICE ORGANISATION AND ADMINISTRATION

CONTENTS

1.0   Introduction
2.0   Objectives
3.0   Main Content
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        3.1.2 Delegation of Powers to the Inspector General of Police
    3.2   The Rank Structure
    3.3   Departmental Organisation
    3.4   Organisation of the Nigeria Police at the Force Headquarters, Abuja
    3.5   Organisation of Nigeria Police at Zonal Commands
    3.6   Organisation of Nigeria Police at State Commands
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    3.8   The Nigeria Police Council and its Functions
    3.9   Police Service Commission and its Functions
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1.0   INTRODUCTION

Police organisations have evolved organised hierarchies of authoritarian leadership in order to cope with the risks they face. Police organisations are not military organisations. However, the police face many of the demands and risks as soldiers in the field of combat, in the course of their daily working lives. To cope with these risks, such as violent offenders and a hostile environment, police organisations have evolved into highly organised hierarchies, which are embodied in the rank structure. The rank structure is for the purpose of discipline and efficient administration. Police bureaucracies pride themselves upon loyalty to organisational rules and authority. Much like a military organisation, the police operate a strict chain of command structure when it is engaged in decision making and communication.

2.0   OBJECTIVES

At the end of this unit, you should be able to:

- describe the command structure of the Nigeria police
- explain in details the various re-organisation of the police
- discuss the functions and achievements of the Police Service Commission
- analyse the functions of the Nigeria Police Council
- explain the Interrelationship of the various command and administrative structure in the Police.

3.0   MAIN CONTENT

3.1   The Constitutional Establishments of Nigeria Police Force with Its Command Structure

There shall be 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.

Subject to the provisions of this Constitution – (a) the Nigeria Police Force shall be organised and administered in accordance with such provisions as may be prescribed by an Act of the National Assembly; (b) the members of the Nigeria Police Force shall have such powers and duties as may be conferred upon them by law.

3.1.1 Appointment of Inspector-General and Control of Nigeria Police Force

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 Commission.

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

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

Subject to the provisions of this section, the Governor of the State or such commissioner of the Government of the State as he may authorise in that behalf, may give to the Commissioner of Police of that State such lawful directions with respect to the maintenance and securing of public safety and public orders within the State as he may consider necessary, and the Commissioner of Police shall comply with those directions or cause 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 be referred to the President or such Minister of the Government of the Federation as may be authorised in that behalf by the president for his directions.

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

3.1.2 Delegation of Powers to the Inspector-General of Police

Subject to the provisions of this constitution, the Nigeria Police Council may, with the approval of the President and subject to such conditions as it may think fit, delegate any of the powers conferred upon it by this constitution to any members or to the Inspector-General of Police or any other member of the Nigeria Police Force.

Before making any appointment to the office of the Inspector-General of Police or removing him from office the President shall consult the Nigeria Police Council.

3.2   The Police Rank Structure

Currently, the police rank structure is made up of twenty two ranks. They are

S/No	Rank	Description of Badges of Rank
1.	Constable	Nil
2.	Corporal	Two chevrons, worn points down
3.	Sergeant	Three chevrons, worn point down
4	Sergeant-major	Woven device bar worn on the shoulder flap
5	Inspector (Unconfirmed)	One horizontal bar worn on the shoulder flap
6	Inspector (Confirmed)	One horizontal bar and a miniature bar worn on the shoulder flap
7	Senior Inspector	Two horizontal bars worn on the shoulder flap
8	Principal Inspector	Two horizontal bars and a miniature bar worn on the shoulder flap
9	Assistant Chief Inspector	Three horizontal bars worn on the shoulder flap
10	Deputy Chief Inspector	Three horizontal bars and a miniature bar worn on the shoulder flap
11	Chief Inspector	Four horizontal bars worn on the shoulder flap
12	Assistant Supt. of Police (Unconfirmed)	One Star
13	Assistant Supt. of Police (Confirmed)	Two Stars
14	Deputy Supt. of Police	Three Stars
15	Superintendent	The device of the federation
16	Chief Superintendent	The device of the federation and one star
17	Assistant Commissioner of Police	Crossed tip stave surrounded by laurel wreath
18	Deputy Commissioner of Police	Crossed tip staves surrounded by laurel wreath and one star
19	Commissioner of Police	Crossed tip staves surrounded by laurel wreath and two stars
20	Assistant Inspector General of Police	The device of the federation; crossed tip staves surrounded by laurel wreath
21	Deputy Inspector general of Police	The device of the federation; one star; crossed tip staves surrounded by laurel wreath
22	Inspector General of Police	The device of the federation; two stars; crossed tip staves surrounded by laurel wreath

3.3   Departmental Organisation

The departments and their responsibilities are now as follows;

'A' Department

(i)   Administration
(ii)   Personnel, promotion, dismissal, transfer and posting
(iii)   Welfare
(iv)   Budgeting, finance pay and accounts
(v)   Establishment
(vi)   Medical
(vii)   Public relations/printing
(viii) Cooperative
(ix)   Computer
(x)   Central band
(xi)   Force provost
(xii)   Central motor registry
(xiii) Supernumerary constables, special constabulary.

'B' Department

(i)   Operation – Joint Operation, Highway Patrol Co-ordinations, Beats, Marine, Traffic Warden Service, Motor Traffic Control and Policies.
(ii)   Airport Police, Railway Police and Ports Authority Police
(iii)   Central Motor Registry
(iv)   Force Armament – Arms and Ammunition, Musketry, Bomb Disposal, Anti Terrorism.
(v)   Police Mobile Force and Police Mobile Force Training College
(vi)   Communication – signals
(vii)   Transport
(viii) Force Animals – Mounted Section, Dogs and veterinary services.

'C' Department

(i)   Works, Building Engineering and Maintenance
(ii)   Supplies/stores, stationary, office equipment, kits and accoutrements
(iii)   Procurement/Tender Boards
(iv)   Board of survey for vehicle and unserviceable stores.

'D' Department

(i)   General Investigation
(ii)   Interpol - International Police Organisation (Interpol)

(iii)   Antiquities
(iv)   Crime prevention
(v)   Technical aids to criminal investigation – forensic laboratory, criminal records, central arms registry, photographic and etching sections.
(vi)   Legal Section, criminal prosecution, civil litigation, library administration.
(vii)   Criminal Intelligence Bureau
(viii) Security Intelligence Bureau
(ix)   'x' Squad
(x)   Special Fraud Unit
(xi)   Special Anti-Robbery Squad
(xii)   Homicide.

'E' Department

(i)   Training
(ii)   Police Academy
(iii)   Police Staff College
(iv)   Police Colleges at Ikeja, Kaduna, Maiduguri , Orji River, Detective College, Enugu
(v)   Education – Local and Overseas.

'F' Department

(i)   Research
(ii)   Planning
(iii)   Inspect-mates Division
(iv)   Management Information
(v)   Organisation and method.

SELF-ASSESSMENT EXERCISE

States various departments that exist in the Nigeria police and their functions.

3.4 Organisation of the Nigeria Police at the Force Headquarters, Abuja
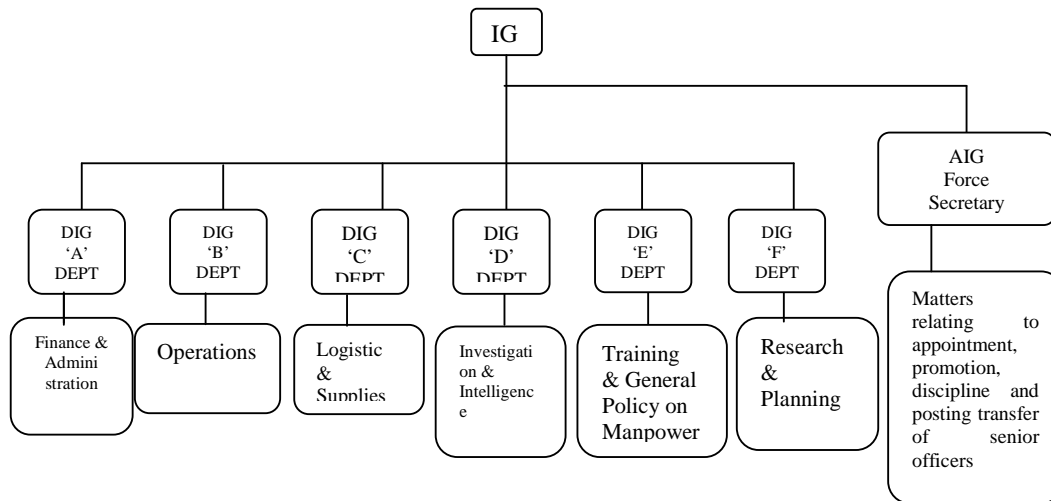
At the apex of the Nigeria Police is the Inspector-General of Police (IGP), who is an appointee of the Executive or the Presidency. He is therefore answerable to the President in all his activities. The office of the IGP is located at the Force Headquarter (Force HQ) in the Federal Capital Territory (FCT), Abuja. In the Force HQ there are six Deputy Inspectors General (DIGs) in charge of Administration and Finance ('A' Dept.); Operations ('B' Dept.); Logistics and Supplies ('C' Dept.); General Investigation and Intelligence ('D' Dept.); Training and General Policy on Manpower Development ('E' Dept.); and Research and Planning ('F' Dept.). Directly under the office of the IGP is the Force Secretary's Office, occupied by an Assistant Inspector- General (AIG).

3.5 Organisation of Nigeria Police at Zonal Commands
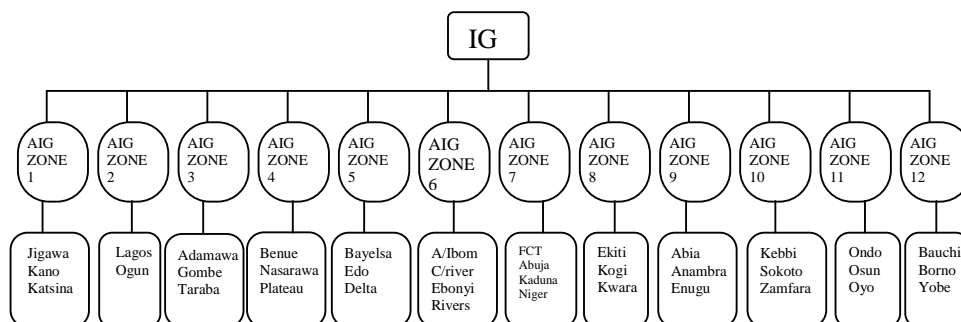
Nigeria is also divided into twelve zones, created from the thirty six states and FCT.

Each zone consists of a combination of between two-four states, and they are all under the command of Assistant Inspector-General (AIGs), who are directly answerable to the IGP.

In deciding the territorial boundaries at all levels of the police, the IGP considers several factors, among which are the population density; crime statistic; traffic (density, routes and accidents); property (residential, business and industrial); and public centre of amusement. The hierarchy of command is shown above.

As earlier said, there are presently twelve zonal commands, and they are as follows:

(i)   Zone One: Kano, (Hqts.) Jigawa, Katsina
(ii)   Zone Two: Lagos, (Hqts) Ogun
(iii)   Zone Three: Yola (Hqts) Adamawa, Taraba and Gombe
(iv)   Zone Four: Makurdi (Hqts) Benue, Plateau, Nasarawa
(v)   Zone Five: Benin (Hqts) Edo, Delta and Bayelsa
(vi)   Zone Six: Calabar (Hqts), Cross River, Rivers, Ebonyi, Akwa Ibom
(vii)   Zone Seven: Abuja (Hqts) Niger, and Kaduna
(viii)   Zone Eight: Lokoja (Hqts) Kogi, Kwara, Ekiti
(ix)   Zone Nine: Enugu (Hqts) Abia, Anambra
 (x)   Zone Ten: Sokoto (Hqts) Kebbi, Zamfara
 (xi)   Zone Eleven: Ibadan (Hqts), Oyo, Ondo, Osun
 (xii)   Zone Twelve: Bauchi (Hqts), Borno, Yobe.

3.6   Organisation of Nigeria Police at State Commands
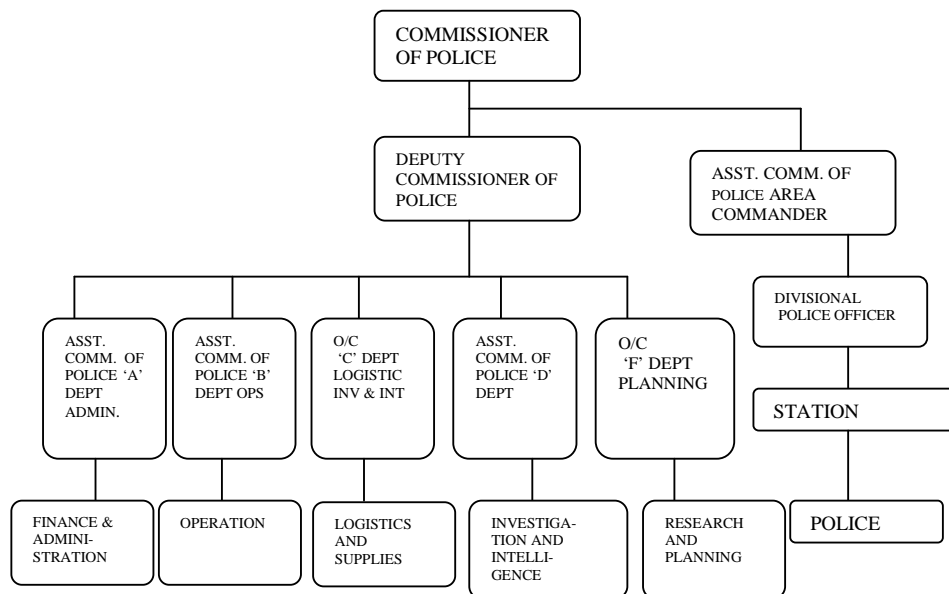
In each of the thirty six states and the Federal Capital Territory (FCT), Abuja, there is a police command headed by a Commissioner of Police (CP). The CP has a Deputy Commissioner (DC) to assist him in running the affairs of the command. Directly under the CP is an area commander in charge of all the Divisional Police Officers (DPOs), who also have the station officers and police posts under them. There are five departments in the State Headquarter: ('A' Dept. Administration and Finance); 'B' Dept. (Operations); 'C' Dept (Logistics and Supplies.); 'D' Dept. (Investigation and Intelligence); 'E' Dept. (Training and General Policy on Manpower Development); and 'F' Dept. (Research and Planning).

3.7   Hierarchical Command and Field Operational Structure of the Nigeria Police

S/N.	Command Level	Commander
1.	Force Headquarters (National)	Inspector- General
2.	Zonal Command (Group of state commands)	Assistant Inspector-General
3.	State Command	Commissioner
4.	Area-Command (a group of divisional commands)	Assistant Commissioner
5.	Divisional Command	Assistant Superintendent of Police (or higher rank)
6.	District Command	Inspector (or higher rank)
7.	Police Station	Sub-Inspector (or higher rank)
8.	Police Post	Corporal (or higher rank)
9.	Village Post	Police Constable (with a minimum experience or higher rank)

Source: Alemika E. E. O. and Chukwuma, I. C (2000) Police Community Violence in Nigeria, Lagos: CLEEN and NHRC. P.17

SELF-ASSESSMENT EXERCISE

Explain the organisational structure of the police from the Federal level to the State level.

3.8   The Nigeria Police Council and its Functions

The Nigeria Police Council shall comprise the following members:

(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 functions of the Police Council 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 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.

3.9   Police Service Commission and its Functions

The 1999 constitution established the Police Service Commission and provided for its composition and powers. The constitution states that the Police Service Commission shall comprise the following members.

Mentioned:

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

The Functions of Police Service Commission are as follows–

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

3.10   Achievements of the Police Service Commission

The Commission has carried out a number of other important activities since its establishment. These include:

1. Clearing the backlog of police officers who were due for promotions but were not promoted under the military. This has boosted the morale of men and women of the Nigeria Police Force, some of whom had been stagnant on one rank for over ten years.
2. Under the Commission, merit is gradually but steadily taking its rightful place as the major determinant of promotion in the force.
3. Readmission of many police officers who were dismissed under the military in disregard to the rule of law.

3.11   Challenges of the Police Service Commission

However, the Commission also faced serious challenges. These include:

(1) Lack of adequate material and functional resources to carry out its functions;
(2) Inability to establish an independent investigation mechanism, implying that the Commission still depends on the police for investigating complaints and petitions sent to it.
(3) Lack of adequate staff with experience on the work of civilian oversight of police.
(4) The reluctance of police authorities to come to terms with the establishment of the Police Service Commission. During the military era, the Inspector General of Police who was a member of the Armed Forces Ruling Council has the power to appoint, promote, discipline and to dismiss his personnel. But under the present democratic dispensation, the Inspector General of Police is constitutionally required to take directives on appointment, promotion and discipline of his personnel from the Police Service Commission. This has been difficult for the successive chiefs of police to acculturate themselves to, since the establishment of the Commission.

4.0   CONCLUSION

The police organisation is a statutory body created by the Nigerian constitution. The command at the apex level is vested in the office of the Inspector-General of Police. The police overtime has undergone reorganisation in order to position the police for better achievement. On this note, the police have created a lot of specialised departments with

their responsibilities. This specialised departments does not act independently but work for the functioning of the police system.

5.0   SUMMARY

In this unit, the police organisation and administration has been extensively discussed. Also the command structure of the police hierarchy has been drawn for easy comprehension. The functions of the Police Service Commission, its achievements and challenges have been highlighted.

6.0   TUTOR-MARKED ASSIGNMENT

1. Discuss the functions of each department of the Nigeria Police Force.
2. Discuss the composition, functions and powers of the Police Service Commission.
3. Highlights the various achievements and challenges of the Police Service Commission.

7.0   REFERENCES/FURTHER READING

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UNIT 4   FUNCTIONS AND POWER OF THE NIGERIA POLICE

CONTENTS

1.0   Introduction
2.0   Objectives
3.0   Main Content
        3.1   Statutory Functions of Nigeria Police
        3.2   Governance and Oversight of the Nigeria Police Force
        3.3   Police and the Law
        3.4   Issues on Power and Duties of Police
        3.5   Sociological Perspectives of the Functions of the Police
        3.6   Statutory Functions and Powers of the Police in Nigeria
4.0   Conclusion
5.0   Summary
6.0   Tutor-Marked Assignment
7.0   References/Further Reading

1.0   INRODUCTION

The list of functions that police are expected to carry out is long and varies from countries to countries. In Nigeria, the need and the functions of the police forces cannot be overemphasised. The general public wants the police force to be upright and impartial in discharging their duties and their statutory functions. The Police Force is trusted with the responsibility of preserving lives and property and police are expected in the society to maintain general social order and security. The constitution really empowered them to intervene in every aspect of crime situation. So the functions of the police in crime management are inexhaustible and limitless.

2.0   OBJECTIVES

At the end of this unit, you should be able to:

- states the functions and power of the Nigeria Police Force
- discuss the constitutional provision and acts that set up police
- outline what the Nigerian constitution expects of the police
- analyse power that is conferred on the Police Service Commission, the president of Nigeria, Governors and Inspector General on the governance and oversight of the Nigeria Police Force.

3.0   MAIN CONTENT

3.1   Statutory Functions of Nigeria Police

The Nigeria Police Force was established in 1930, by amalgamating the two separate Protectorate Forces in the Northern and Southern Nigeria. At inception, the force was saddled with various police duties and extra-police functions. Section 4 of the Police Act regularised the functions of the Nigeria Police Force as:

a.   Prevention and detection of crime
b.   Apprehension of offenders
c.   Preservation of law and order
d.   Protection of life and property
e.   Enforcement of all laws and regulations with which they are charged.
f.   Military duties within or without Nigeria as may be required of them.

In order to discharge their numerous functions, police in Nigeria are accorded wide powers by law. For example, Nigeria police have powers:

- To take measures to prevent crime
- To investigate crime
- To prosecute suspects
- To search properties and persons in order to prevent crimes, detect or investigate crimes, 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

Until 1966, the Nigeria Police Force co-existed with numerous local police forces, especially in the Northern and Western Regions. But during the First Republic (1960 – 66), there were widespread complaints against local police forces in the country. Besides the poor quality of personnel due to low standards of recruitment and training there were allegations that the governments in Northern and Western Regions used the local police forces to oppress political opponents and, especially, to rig elections. It was alleged that Northern and Western Regional governments converted members of the local police forces to political thugs during elections, while political thugs were massively recruited into the local forces and were used to harass and oppress members of the opposition party and to prevent free and fair political competition in the electoral process. As a result of the widespread allegations against the

local police forces, the military government dissolved them and by 1970, they have nearly all ceased to exist. Majority of their members were absorbed into the Nigeria Police Force.

The 1979 and 1999 Constitutions provided that there shall be no other police force in the nation except the Nigeria Police Force. Section 214(1) of 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."

SELF-ASSESSMENT EXERCISE

Discuss the statutory functions of the Nigeria Police Force.

3.2   Governance and Oversight of the Nigeria Police Force

The 1999 Constitution created two organs for the governance of the country's police system. These are the Police Council and the Police Service Commission. (See the Third Schedule of the 1999 Constitution) 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.

The 1999 Constitution 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 Police Service Commission (Establishment) Act, No 15 of 2001, 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.

3.3   Police and the Law

Every member of the police force irrespective of his rank is first and foremost a "police officer". All the officers perform certain duties according to their specialisation and as it been conferred on them by the constitution. The creation of ranks in the force was to make it a disciplined and functional institution, which has been taken care of by the command structure. Ranks differential in the Police also assigned officers to different responsibilities.

It is worthy of mention that the command structure is a sine qua non for a disciplined and functional organisation. The command structure, indeed, is secondary and the status which a police officer enjoys under the law takes a primary position since that serves as the basis of the performance of police work. This status is not generated by the fact that a police officer is a public servant, but by reason of the origin of his authority (powers) which enables him to carry out his work. Unlike other public servants in the civil service and public corporations or institutions who act on delegated authority, the authority of a police officer is original, flowing directly from the constitution.

Tamuno (1970) believed that the privileged status is not farfetched from historical perspective. He emphasised that in the traditional criminal justice system, everyone acted as policeman. This was not based on employment but by the fact that policing was an activity which every citizen had a civil obligation to perform for the sake of maintaining peace and tranquility in the community. That time was marked by the

realisation that policing was and still an inherent aspect of man. The formation of organised police force whose members were charged with the responsibility of maintaining law and order on behalf of the people were necessitated by division of labour and industrialisation. That notwithstanding, "the basic and original authority which every citizen had as his own policeman was not denied; the modern police officer's … authority is original, not a delegated one This can be exercised at his discretion. By virtue of the office, he is a ministerial officer exercising statutory power independent of contract. The basic difference is recognised in the fact that the relationship to the government is not in ordinary parlance defined as servant and master. There is no such relationship.

SELF-ASSESSMENT EXERCISE

Police organisation is said to be an instrument of the law. Discuss.

3.4   Issues on Power and Duties of Police

The 1999 constitution provides that the members of the Nigeria Police Force shall have such powers that may be conferred upon them. The Police Act provides for such powers and duties. The police have the power to arrest any offender and the power to detain and search the offender. They also have the power to take the finger print of the offender, search his property and to conduct prosecutions in courts of law. The powers bestowed upon them are very expansive, but they must be exercised under the law.

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

From the foregoing, if a police officer refuses to arrest an offending person, this indicates that he is not performing his duty of maintaining law and order. Such officer has also failed in his duty to prevent and detect crime. The officers can combine their powers and duties which involves work and instrument used. Both power and duty are complimentary and this made it difficult to know which one – power or duty – takes precedence over the other in the mind of the police officer. But it is worthy to note that the exercise of his powers within the law entails a response to the call of duty. It is very difficult to differentiate police powers from police duties; this is because they are an integral part

of a police officer. Both were in the authority vested in him with a privileged status which he enjoys under the constitution. "A police officer cannot to all intents and purposes exercise his powers without simultaneously performing his duties or vice-versa. Consequently … any police officer properly acting in the execution of his duty". The power so exercised by the police must exist in symbiosis with duty in order to produce a good police officer. This means that power and duty are supposed to attract equal consideration to a police officer while playing his role under the constitution.

3.5 Sociological Perspectives of the Functions of the Police

Historically, the police have performed two basic functions: law enforcement and maintenance of order and by extension the delivery of social services. Bowden (1978) observed that the police are established and maintained not only to monitor but also to discourage and destroy challenges to the existing order of things. He argued that the primary task of the police is order enforcement. Consequently, whenever the government is facing a crisis (social disorder) the police is deployed or called upon to serve as a buffer between the elites and the masses and perform the essential holding operations against the malcontents until military force could be applied in a punitive manner.

Neiderhoffer and Bumbery (1976) reinforce the idea of police force as a containment agency, observing that the police serve as 'controlling radar' to keep a society within structural confines. To effectively perform this function the police are empowered to exercise state power, if necessary through coercion and violence.

Historically, therefore the main function of the police has been to protect the property and well being of those who benefit most from an economy based on the extraction of private profit. The police were created primarily in response to riot and disorder directed against oppressive working and living conditions.

Law enforcement involves measures taken by the police to prevent breaches of criminal law, to apprehend crime suspects and to restrain them in custody (if need be) to bring offenders to court for trial or prosecution and to assist the court and prisons in executing conviction or sentencing dispositions.

But order maintenance entails public order policing or the preservation of the status quo and public peace; deployment of police personnel and resources towards the suppression of oppositions and threats to the government and to the prevailing modes of political economic and social

organisation. This is so vital to the political and economic power-holders in society that the goals of order maintenance is simultaneously pursued through coercive (via police, military, prisons, tribunals courts etc.) as well as by means of persuasion, ideology and indoctrination and socialisation within the family and other social institutions such as religious and professional bodies, social and cultural associations political parties etc.

According to Alemika (1992) "all over the world, the police are servants of government, assembled, trained, deployed and rewarded for enforcing the law and maintaining order in society. He further opined that the police are guardians of social order. As an institution, the police force, helps to preserve, fortify and maintained the prevailing social order and are hardly catalyst for its change". Thus, when a social order is oppressive, exploitative and unjust the police preserve it by suppressing and defusing demand for democracy and elimination of oppression and injustices. Similarly, in a democratic, just and equitable society, police serve as vanguard for social democracy, human rights and socio economic justice. The message therefore is that the role and performance of police are dependent on the political and economic structures of society.

SELF-ASSESSMENT EXERCISE

Expostulate on the sociological function of the police

3.6   Statutory Functions and Powers of the Police in Nigeria

Section 194 of the constitution of Nigeria (1999) provided that:

There shall be a police force for Nigeria which shall be styled 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 and shall have such powers and duties as may be conferred upon them by law.

The constitution merely recognised the existing Nigeria Police Force created in 1930. Also since the implementation of the working party on Police and Prisons' Report (1966), there has been only a single National Police Act (1967), modified by Decree No. 23 of 1979, which provided that the police shall be employed for the prevention and detection of crime, apprehension of offenders, the preservation of law and order, the protection of life and property and the due enforcement of all laws and regulations with which they are directly charged and shall perform such military duties within or without Nigeria as may be required by them or under the authority of this or any other Act.

The statutory specification of the role of the police in Nigeria does not include or make adequate provisions for the delivery of social services. Yet the police spend more time responding to public inquiries or call for assistance by citizens in distress or in need of care than they spend fighting crime. Delivery of social services by the police promotes cordial and constructive police public relations and co-operation. As Black (1980) observed in America, some police functions have little or no relevance to deviant behaviour and social control such as the transportation of the sick and injured people to the hospital or the removal of dead dogs and abandoned automobiles from the street. But even where an exercise of authority is involved, the role of the police may depart from law enforcement in a narrow sense. This might be seen in the handling of an intoxicated or homeless person sleeping in a public place a game of dice or cards in an alley, a noisy party, a gang of teenagers loitering where they are not wanted or any of a variety of interpersonal conflicts, whether between a husband and wife, landlord and tenant or businessman and customer. Although the police might make an arrest in any of these situations more often they dispose of the matter entirely in the setting where it occurs. Empirical operations confirm that the same can be said of the Nigeria Police.

4.0   CONCLUSION

The Nigeria Police are by law charged with the responsibility of preventing and detecting crime, preserving peace and order and enforcing all laws and regulations. The statutory duties placed on the police are indeed overwhelming. The task is even more daunting in a growing democracy like ours, confronted with challenges of nurture and sustainability of the democratic process. This is coupled with the increasing crime rate in Nigeria today.

5.0   SUMMARY

In this unit, the numerous functions and powers of the Nigeria Police have been discussed. Also highlighted are the constitutional powers vested on the police. The various organs that oversee the conduct and administration of the police and the law were dwelt upon with focus on issues on power and duties of police.

6.0   TUTOR-MARKED ASSIGNMENT

1.   Enumerates the constitutional functions of Nigeria Police.
2.   Elucidate on the powers of the Police Service Commission as regards police administration.

7.0   REFERENCES/FURTHER READING

1999 Federal Republic of Nigeria Constitution.

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MODULE 2

Unit 1   Methodology of Policing
Unit 2   Crime Detection and Criminal Investigation Aspect of the Police
Unit 3   Training and Retraining in the Nigeria Police
Unit 4   Police Discretion and Role Dilemma of the Police
Unit 5   The Police Culture or Sub Culture

UNIT 1   METHODOLOGY OF POLICING

CONTENTS

1.0   Introduction
2.0   Objectives
3.0   Main Content
        3.1   Methodology
             3.1.1   Preventive Methods
             3.1.2   Detective Methods
        3.2   Methodology as a Function of Crime Situation
4.0   Conclusion
5.0   Summary
6.0   Tutor-Marked Assignment
7.0   References/Further Reading

1.0   INTRODUCTION

The police are the agency of government that is responsible for maintaining public order and preventing and detecting crime. The basic police mission; preserving order by enforcing rules of conduct or laws, was the same in ancient societies as it is in modern environments. The conception of the Police Force as a protective and law enforcement organisation developed from the use of military bodies as guardians of the peace. In order for police officers to do their job well, they are vested by the state with certain powers which include the powers to arrest, search, seize, investigate; and if necessary, use lethal force. In nations with democratic systems and the rule of law, the law of criminal procedures has been developed to regulate officers' discretion so that they do not exercise their vast powers arbitrarily or unjustly.

2.0   OBJECTIVES

At the end of this unit, you should be able to:

- explain methodology of policing
- explain the preventive measure use by the police to stop crime commission
- analyse detective methods that is normally applied by the police
- discuss methodology as a function of crime situation.

3.0   MAIN CONTENT

3.1   Methodology

Methodology is a body of methods applied by the police for the effective discharge of its duties. It contains a set of procedures and guiding principles that direct the conduct of police officers in line of duty. Methodology of policing is the act of policing the society with a view to ensuring that law and order reign supreme, and the security of citizens and the safety of property are ensured. The police are therefore empowered to maintain the rule of law and the important goal of keeping the society free of crime irrespective of the system of government in practice.

From its inception till date, the Nigeria Police Force has gone through reforms which have resulted in the unification of the inherited colonial Police Force; decentralisation of administration and functions; and refinement of operational strategies and methodologies. These reforms are basically necessitated by the peculiarity and complexity of the country and the need to enhance the operational capacity of the police to tackle these challenges.

These peculiarities can be summarised as follows:

- the ever increasing population of the country;
- the need to protect the country's vast land and porous borders that are prone to all manners of anti-social activities and crimes;
- multi-ethnic groups with different languages, cultures and religions and the incessant ethno-religious clashes.
- social inequality and high level of poverty among the citizenry and the consequential resort to crime to meet concurrent needs;
- unequal regional distribution of wealth with attendant conflict arising from resource allocation to federating states;
- organised crimes and acts of terrorism;
- corruption

- political intolerance
- unemployment; and
- student activism.

The primary tasks of the police are national security and crime control and maintenance of law and order. These tasks are accomplished using both preventive and detective methods as explained below:

3.1.1 Preventive Methods

Preventive measures are employed by the police to forestall or reduce the opportunity or avenue for committing crime. This is in appreciation of the fact that it is cheaper to prevent crime than to detect it. The methods usually employed include:

- Feasible operational method of checking the menace of criminals;
- Surveillance on building and suspected criminal individuals. This method affords the police the Motorised patrol and foot patrols, including highway and border patrols. This remains the most opportunity to collate intelligence on criminals;
- Cultivation of information: Information is the key to all policing functional activities. There is need to continuously gather intelligence reports about criminal individuals and associates, receivers of loots, operational hideouts, targets, and mode of operations. Information is vital and investigation must regard everyone they come in contact with as a potential source of information. Information received through this medium is useful in planning strategies to combat crime. Cultivating informers is an essential part of police duty and this is achieved by building relationship as well as developing rapport with members of the public with good intention to assist the police, criminals in police custody and victims of criminal activities. Every investigator has a moral, professional and ethical obligation to safeguard the identity of an informer. Failure to do this may result in death, injury or intimidation for the informer and/or his or her family. As a general rule, an informer should not be exposed unless he or she has agreed (for example, if he or she is willing to give evidence in court).
- Decoy methods are strategies employed by the police to destabilise the set plans of the criminals. This is sequel to intelligence gathered on the activities of the criminals and their preparedness to commit crime;
- Covert operations undertaken by the police to forestall criminal activities who are oblivious of such operations until they are apprehended;

- Raiding of criminal hideouts to apprehend criminals and recover arms and ammunition;
- Arrest and interrogation of suspected criminals;
- Simulation of crime situations: the police create scenario by engaging in some activities aimed at selling dummies to criminals who mistake such actions for real life situation and unwittingly expose their identities;
- Police-Public cooperation aimed at assisting the police in tracking criminals. Such cooperation include volunteering information to the police on criminal activities, forming vigilante group to complement police efforts and creating security awareness in the neighborhood; and
- Inter-Service/Agency cooperation and sharing of information on criminal activities.

3.1.2 Detective Methods

Crimes that escape police preventive networks are subjected to rigorous investigations by detectives are guided by the following principles:

(a)   Ensuring that investigations are thoroughly and exhaustively carried out.
(b)   Ensuring that the facts about a crime are carefully assembled and closely examined.
(c)   Ensuring that suspects are painstakingly questioned and their statement obtained.
(d)   Ensuring that witnesses' statements are properly recorded.
(e)   Ensuring that exhibits are collected, labeled and safely kept.
(f)   Ensuring neat compilation of case files.
(g)   Seeking legal advice, where necessary.
(h)   Ensuring diligent prosecution of cases.

SELF-ASSESSMENT EXERCISE

Outline the challenges the police faced in maintaining law and order.

3.2   Methodology as a Function of Crime Situation

All states, whether democratic or not, have a form of policing. One of the ways in which a democratic state can be distinguished from a Police State is the extent to which the police are controlled by the government and the level of accountability built into police organisational structures as well as the involvement of the public in police issues and crime strategies. The dynamics of the modern Nigerian society and increase in public education and awareness are putting the activities of the Nigeria police under public scrutiny. Recourse to human right and accountability

demand that police officers discharge their duties in line with the provisions of the constitution and be prepared to defend actions such as illegal arrest and detention, high handedness, non-response to distress calls etc.

The aims of the methodology of policing are to:

- maintain effective officers discipline and sustain their morale
- evaluate and aid in the professional development
- ensure that new police officers receive adequate training in modern police procedures and methods
- establish appropriate service and staffing levels
- monitor and evaluate the efficiency and effectiveness of service delivery methods and procedures
- maintain effective public relations and handle community issues in a tactful and courteous fashion establish
- work with community oriented policing groups and programs
- objectively review and handle citizen complaints
- establish and maintain cooperative working relationships with other agencies in similar line of duty through effective working relationship
- carry out long-term and short-term initiatives to meet the needs of the country
- trigger the acquisition of knowledge in modern and scientific methods of crime prevention and criminal identification
- examine organisational development and efficient use of resource
- handle complaints and problems in a courteous and tactful fashion
- perform all duties the government may assign to the Nigeria Police effectively.

4.0   CONCLUSION

Methodology of policing is not constant over a period of time and the Nigeria Police remains dynamic in its approach to meet this challenge. The introduction of "e-investigation" in dealing with internet and telecommunication fraud and the training on the application of information technology are some of the current strategies put in place by the Force to curb the increasing rate of sophisticated crimes in the country. The police have also devised effective warning systems which alert the authorities of possible outbreak of violent crimes and thus, enable the activation of preventive mechanism to stop criminals from perpetrating crime.

5.0 SUMMARY

This unit has really discussed what methodology of policing is all about, various challenges facing the police in the effective discharge of its duties, the preventive methods applied by the police to forestall crime, the importance of information in combating crime and the principles that guides police crime detection and investigation work.

6.0 TUTOR-MARKED ASSIGNMENT

1. Discuss the preventive and detective methods used by the police in effectively carrying out their statutory duties.
2. Discuss the aims of methodology of policing.

7.0 REFERENCES/FURTHER READING

Arase, S. E. & Iwuofor, I. P. O. (2005). *Policing Nigeria in the 21th Century*. Lagos: Spectrum Books.

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UNIT 2   CRIME DETECTION AND CRIMINAL INVESTIGATION ASPECT OF THE POLICE

CONTENTS

1.0   INTRODUCTION

Crime detection is the discovery, identification, and analysis of criminal evidence as a means of law enforcement. The responsibility of law enforcement agencies is to detect crimes, apprehend the perpetrators, and provide evidence that will convince judges and juries that the perpetrators are guilty beyond a reasonable doubt. To accomplish these aims, a variety of methods are used, including reconstructing the crime, collecting physical clues, and interrogating suspects and witnesses.

Black's Law Dictionary (6th edition), defines investigation as 'the process of inquiring into or tracking down through inquiring". The investigator's duty is mainly to consider whether or not an offence has been committed under the law. In achieving this goal, the investigator can tap valuable information/evidence from various scientific facilities available to him. Scientific aids are not only valuable in gathering evidence but imperative for the successful prosecution of criminal cases. Scientific investigations demand clear cut answers to questions that are lucid, reasonable and verifiable; for example, why is grass green?

2.0 OBJECTIVES

At the end of this unit, you should be able to:

- explain the meaning of crime detection
- analyse what crime investigation is all about
- explain the goal of the criminal investigation
- describe the rudiment involves in detective operation
- outline and discuss the various methods of crime detection and criminal investigation.

3.0 MAIN CONTENT

3.1 Historical Background of Criminal Investigation

Early criminal investigation was a crude process, relying on eyewitnesses, inferences, and confessions extracted under torture. In early 19th century France, for instance, the principal technique for catching thieves was obtaining evidence from informers who were also engaged in crime.

The first major step in modern crime detection took place in Great Britain. In 1829 the Metropolitan Police Act established the basis for the world-famous Scotland Yard detective department, which investigated crimes in London and, occasionally, throughout the British Empire. The British example influenced the development of criminal investigation in the United State, where large cities patterned their police efforts after the successful model in England.

Criminal investigations are now conducted in Nigeria at Local Government, State and Federal levels in accordance with the dictates of the law. The conduct of an investigation is governed by information obtained from people, records, and physical evidence. Victims or witnesses still provide the bulk of facts as to when, where, how, why, and by whom the crime was committed.

3.2 Goals of Criminal Investigation

(1) Determine if a crime has been committed
(2) Legally obtain information and evidence to identify the person(s) responsible
(3) Arrest the suspect(s)
(4) Recover stolen property
(5) Present the best possible case of the prosecutor.

An investigation can be considered successful if it follows a logical sequence and legally obtains all available physical evidence and available information from witness and suspects, if all leads thoroughly developed and if all details of the case are accurately and completely recorded and reported. The overriding goal in a criminal investigation is to determine the trust regarding a specific crime.

3.3   Detective Operations

Police crime detection is an important part of police work. Every police organisation has detective division of a police department. This important division is charged with solving, or clearing reported crimes. According to police tradition, a detective or investigator interviews the victim of the crime and any witnesses collect evidence and processes the crime scene (searches the scene of a crime for physical evidence, collects the evidence and forward it to the police laboratory for analysis). The detective or investigator also conducts canvasses (searches of areas for witnesses); interrogate possible suspects, arrests the alleged perpetrator, and prepared the case with assistance of the district attorney's or prosecutor's office for presentation in courts.

The detective generally begins an investigation upon receipt of an incident report (complaint report) prepared by the officer who conducted the initial interview with the victim. The incident report contains identifying information regarding the victim details of the crime. Identifying information regarding the perpetrator(s) or a description and identifying information regarding any property taken.

As the detective begins the investigation, he or she maintains a file on the case using follow-up reports for each stage of the investigation. The incident report and the follow-up reports are generally placed in a case folder and serve as the official history of the crime and its investigation. The case folder is then used by the prosecutor to prosecute the case in court. (To prosecute means to conduct criminal procedures in a court of law against a person accused of committing a criminal offence. The people performing this duty are generally called prosecutors).

3.4   Surveillance

One of the oldest ways of detecting criminal activity is through surveillance. This method is used when it is likely that a crime will take place at a specific location or when certain persons are suspected of criminal activity. The first situation usually is handled by fixed police observation known as a stakeout; the second circumstance may require mobile observation as well, perhaps on foot or by automobile. Some situations may call for aerial observation (using aircraft) or electronic

procedures (using surveillance equipment that monitors electronic communication).

The observation method must be legal. Surveillance techniques, for example, may include placing personnel in strategic locations and equipping them with optical aids, such as binoculars or scopes with the capacity to detect an object illuminated only by moonlight, or with electronic devices, sensitive to a conversation taking place at a considerable distance. Where a possibility exists of invasion of privacy, a court order is required to make the police action and the information obtained acceptable at a trial.

Allied to surveillance are covert or undercover observations, which usually are confined to activities such as gambling, dealing in narcotics, and other major organised crimes. Informants are the source of much useful information in investigations; they may be citizens motivated by civic duty or sometimes, criminals motivated by self-interest.

3.5   Interrogation

The information needed to further an investigation must be obtained from people who have some significant knowledge concerning the crime. Witnesses or victims are interviewed, and suspects are interrogated. Eyewitnesses to a crime are often asked to identify the perpetrators, although identification errors have prompted psychologists to explore the processes and pitfalls of memory, recall, and recognition. Experiments under controlled conditions indicate that jurors will convict four times as often if eyewitness testimony is offered, even when the visual acuity of the witness is discredited. Eyewitness identifications, therefore, must be considered carefully, and the credibility of the identification must be tested to ensure that error is unlikely.

Interrogation is used when the information sought is not readily forthcoming, perhaps because of hostility or guilt. Often some key to the solution of a crime, such as the location of the weapon in a murder case, is known only to the perpetrator. Without information provided by the suspect, a crime may go unsolved. Legal safeguards against abuse now surround this process. Before using any information obtained from an interrogation, the court must be assured that the suspect was advised of his or her rights. If proper legal procedures are not followed, any evidence obtained is inadmissible in a trail.

3.6   Records

Criminal records represent an important data base of police activities throughout the world.

A special branch of records called intelligence files contains biographical information on selected criminals. These files include criminal specialties, associates, and skills and other information that might suggest future criminal involvement and the means by which the criminals can be apprehended. Records are also used for a general analysis of crime, so that police administrators can be informed of criminal trends and the best ways to suppress them. Business and public records are consulted by investigators to locate wanted or missing persons.

3.7   Comparative Scientific Investigation

Modern day policing depends on that latest advances in technology and scientific investigation to tackle every variety of crime. Global approaches to policing have become more proactive and scientific approaches are routinely employed to prevent the commission of crime and where one has already been committed, to promptly fish out the guilty and exonerate the innocent.

The successful investigation, prosecution and conviction of the suspects would not have been achieved without an efficient and painstaking forensic investigation through which vital leads were discovered and confirmed. There are also seasoned investigators in the Nigeria Police today who, if given the prerequisite forensic scientific tools available to the British police officers, will break the ice in some unresolved murders and assassinations in the country. However, it must also be borne in mind that even in Europe and America, assassination still take place that remain unsolved.

Lamentably however, the state of forensic investigation in Nigeria is very poor at the moment due to a severe lack of the necessary implements. For example, there is yet no computerised database for criminal records in the country. At the moment, the Nigeria Central Criminal Registry still makes use of outdated manually kept records. The enormity of the task of manually comparing and assessing the fingerprints of 150 million Nigerians is perhaps better imagined than described.

3.8   Scientific Aids to Police Investigations

Among the prerequisites of a successful investigating officer is the ability to recognise instinctively those circumstances under which the scientific aid may be useful to an investigation. He must be able to:

a.   Recognise significant traces.
b.   Know what information may have a bearing on a scientific investigation.
c.   Collect such traces in the proper manner for transmission to the laboratory.
d.   Appreciate the possible scope and nature of the evidence that may accrue from these traces.

However, it must be noted that scientific aids do not replace the more usual police inquiries but are meant to complement them. A good scientific aid can be beneficial to an investigator in the following ways:

(i)   It supplies one or more links in a chain of evidence
(ii)   It strengthens the links
(iii)   Checks the accuracy or otherwise of statements made by a witness or a respect.
(iv)   It assists in separating essentials from non-essentials at the early stage of an investigation.
(V)   Assists in the rapid completion of inquiries.

3.9   Methods of Scientific Crime Investigation

In recent times, science has provided substantial aid of crime detection. Because anything in the physical universe has the potential of becoming an item of evidence in an investigation, a wide variety of procedures may be used in analysing and interpreting evidence in a criminal case. These procedures include examining firearms, serological and toxicological tests, examining hairs and fibers, mineralogical and metallurgical tests, and document examination.

3.9.1   Firearms Examinations

Firearms are identified through microscopic imperfections that are produced inadvertently in gun barrels during manufacture. Subsequent use and wear contribute further to a weapon's individuality. A bullet fired from a pistol or rifle, therefore, has impressed on its surface the individual characteristics of the barrel through which it was fired. Other parts of the gun also possess individual characteristics. The firing pin, breech face, extractor, and ejector come in contact with the cartridge

case; hence, cartridge cases may be scared with distinctive markings that can be identified with a particular gun.

3.9.2 Serological Investigations

Serology in its sense is the study of body fluids in relation to sickness and its treatment. In crime detection, serological procedures are applied to the identification of a bloodstain; that is, to determining its human or animal origin and its blood-group classification. Suspects in violent crimes often claim that bloodstains on their clothing, weapons, or automobiles have no connection to the crime. Serological tests on dried bloodstains can ascertain whether the blood in question could have come from the suspect or the victim. DNA fingerprinting was deoxyribonucleic acid (DNA), using chemical analysis investigator can determine if blood or other body fluids found at a crime scene match a genetic profile.

3.9.3 Toxicology

Toxicology may be defined as the science of poisons. Special methods of analytical chemistry have been developed for use in toxicological examinations. The problem of separating poison from order materials and of identifying them recurs constantly in a crime laboratory. The specimens ordinarily examined in cases of suspected poisoning are tissue samples from vital organs, blood or urine, food, drink, and suspected poison itself.

3.9.4 Hairs and Fibres

A piece of hair or a few strands of fibre when compared with known specimens may prove valuable in solving a case. For example, a fiber found on a cut screen at the scene of a burglary may be associated with a suspect's jacket, or a hair found on a suspected car in a hit-and-run case may help prove that the car struck the victim. An examination of hair may reveal whether it is of human or animal origin. If of human origin, it can be compared with hairs from a particular person's head or body.

3.9.5 Mineralogical Instigations

The science of mineralogy is also used in crime detection. The mineralogist studies soil, plaster, cement, brick, concrete and glass for any evidence. Mineral analyses have shown that differences may be detected in soil composition. Soil and dust found on a suspect's clothing and determined to be comparable to that at the crime scene help to prove the person's presence in that locality.

3.9.6 Metallurgical Investigations

Metallurgical examinations make it possible to identify the source of an item whether made of metal, plastic, ceramic, or other material – found at a crime scene, and further, to determine if two similar items were fractured from each other, the nature of the force causing the fracture, the direction from which the force came, and the time when the fragments became separated. Metallurgical examinations can also determine how a metal item was manufactured, and whether items found in different locations were made at the same time and by the same manufacturer. Such identification helps trace the evidence to its owner. The metallurgist can in some cases restore obliterated or altered numbers on metal objective.

3.9.7 Document Examination

Document examination traditionally consisted largely of comparing questioned handwriting with known handwriting to determine the writer's identity; it also includes the examination of hand printing, e-mail and other digital documents, forgeries, typewriting, inks, paper, indented and eradicated writing , rubber-stamp impressions, charred paper, and related items. No two people write exactly like; the writing process is so complex that personal peculiarities always persist in the handwriting of any given individual. Detailed examination reveals these hidden characteristics, which can then form the basis for an expert's opinion.

SELF-ASSESSMENT EXERCISE

What is crime detection?

4.0   CONCLUSION

Criminal investigations are now conducted in Nigeria at Local Government, State and Federal levels in accordance with the dictates of the law. The conduct of an investigation is governed by information obtained from people, records, and physical evidence. Victims or witnesses still provide the bulk of facts as to when, where, how, why, and by whom the crime was committed.

The methods of detection employed are dictated by the nature of the crime and the procedures permitted by the legal system. Most investigations begin with careful, objective observations that are then assembled, collated, and matched against applicable law. If there is reason to assume that a crime has indeed been committed, further investigation are undertaken using scientific methods and techniques.

Technological advances have been incorporated into crime investigation as well; for example, analysing trace clues such as dust, paint, glass, and other microscopic evidence is now possible.

5.0   SUMMARY

This unit has really helped us to identify what Crime Detection and Criminal Investigation is. The historical background and goals of Criminal Investigation and various methods of Scientific Crime Investigation were extensively discussed.

6.0   TUTOR-MARKED ASSIGNMENT

1.   Discuss factors that militate against the police in effective crime detection in Nigeria society.
2.   Suggest ways in which the police can improve on crime detection in our society.

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UNIT 3   TRAINING AND RETRAINING IN THE NIGERIA POLICE FORCE

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1.0   INTRODUCTION

The Nigeria Police Force (NPF) cannot afford to fail in its statutory duties, thus, it strives at all times to make training one of its foremost priorities. This write up, therefore, is an insight into the training activities of the Nigeria Police to help the reader understand the existing arrangements for improving the skills of its personnel as well as the obstacles that impede such efforts.

2.0   OBJECTIVES

At the end of this unit, you should be able to:

• state the origin and location of specialised police training and training institution
• identify the need for training and retraining of the police
• list various types of police training and courses
• identify and discuss the constraints affecting the police in their effort to train their personnel.

3.0   MAIN CONTENT

3.1   Historical Perspective

First police training institution in Nigeria was opened in 1921 at Obalende in Lagos, for the training of recruits and Native Authority policemen from that part of the country. The Southern Police College was founded in 1949 at its present site in Ikeja and the change of its maiden name was effected in 1966 to remove the dichotomy between the North and South of Nigeria in order to forge national unity.

A similar training school was established in 1922 in Kaduna to train officers from the northern part of the country. In 1932, a Police Reserve Training Depot was established in Enugu to train recruits. In 1972, the school, which had acquired the status of a Refresher Course School, was upgraded to a Police College and its first batch of 60 recruits drawn from all over the federation were admitted for training. The recruitment and training function of this institution was transferred to the Police College, Oji-River when the latter was established, while the former was renamed Police Detective College. On 1st April, 1976, the Police College Maiduguri was also established to serve the training needs of the police in the north eastern part of the country.

3.2   Department of Training at the FHQ

A training Department exists in the Nigeria Police Force and it is known as 'E' Department. One of the six departments of the Force, it is solely responsible for all its training needs. It is specially saddled with the task of formulating and implementing policies on training and manpower development to keep the Force in alignment with the dynamic nature of the society. Through its programmes, the department works assiduously to ensure that the force executes her cardinal objectives: protection of life and property and the preservation of peace and order.

3.3   Types of Training

There are two major types of training in the Nigeria Police Force. These are induction and in-service training. How they affect the training system of the Force is briefly highlighted below:

3.3.1 Induction Courses

Fresh intakes into the Force are given basic training in the form of induction courses. This is aimed at giving the right orientation to new entrants along the line of the demands of their new profession.

3.3.2 In-service Training

This is the training of officers and serving members of the rank and file with the aim of equipping them with the basic skills and discipline needed for appropriate action in the course of their duty. In-service training abounds for manpower development both for junior and senior cadres of the Force. Personnel from constable to inspectorate ranks are regularly scheduled on training programmes.

3.4   Training Institutions

The Police training institutions offer generalised training considered appropriate for police officers and men to function in that capacity. The available training institutions of the Force are as follows:

(a)   Police Staff College, Jos
(b)   The Police Academy, Kano
(c)   Police College, Ikeja
(d)   Police College, Kaduna
(e)   Police College, Maiduguri
(f)   Police College, Oji-River
(g)   Police Detective College, Enugu
(h)   Police Mobile Force Training School Maiduguri
(i)   Force Communication Training School Ikeja and Kaduna
(j)   Mounted Training School, Jos
(k)   Dog Training School, Jos
(l)   Police Training School Bauchi, Ibadan, Iperu, Nonwa and Sokoto.

Each of the institutions mentioned above has specific responsibilities and the establishment of each of them was informed by specific training needs of the Nigeria Police Force. For a fair insight of the importance and the need for each of the institutions, the responsibilities of each training institution are briefly described below.

3.4.1 Police Staff College, Jos

The Police Staff College was established in 1973 but actually took off in 1976. It is headed by an Assistant Inspector General of Police, who is answerable to the Deputy Inspector General of Police 'E' Department. The college runs courses aimed at expanding the professional knowledge of officers and prepare them for command appointments while making them adaptable to management functions. The college also prepares officers for high-level manpower requirements and exposes them to a variety of non-manpower police studies with a view to widening their horizon.

(i)   Intermediate Command Course (ICC)

This is a management related programme. It is designed for Superintendents and Chief Superintendents of Police who are mainly divisional police officers and staff officers in the offices. The programme is made to improve the managerial ability of the participants for effective running of the police divisions under them.

(ii)   Junior Command Course (JCC)

This training programme is designed for officers of the ranks of Assistant and Deputy Superintendents of Police. In view of their supervisory role over the Inspectorate and Rank and File cadres, which incidentally forms the largest workforce of the police, the course introduces them to management principles. The six-month programme covers virtually all aspects of policing for comprehension of the entire working principles and also to enable participants exercise effective control of their subordinates.

(iii)   Advanced Detective Course (ADC)

This course is designed to improve the skill or officers in criminal investigation and prosecution as well as elements of management of human and material resources in the investigative outfits of the Force. To qualify for this training an officer must be of the rank of Assistant or Deputy Superintendent of Police who must be deployed or is likely to be deployed to investigative outfits in any command or formation of the Force.

(iv)   Assistant Superintendent of Police (ASP) Promotion Course

This is a promotion course designed to train policemen in the Inspectorate and Rank and file cadres who possess a university degree or its equivalent. Such candidates must have been considered fit for the office of Assistant Superintendent of Police by the Inspector General of Police in consultation with the Police Service Commission. The duration of this course is twelve months but may be varied at any time at the discretion of the Inspector General of Police.

3.4.2 Police Academy, Kano

The Nigeria Police Academy was established in1988 with the sole aim of producing officers with educational, professional and moral standards who in turn, should direct other ranks to achieve the objectives of the police as contained in Section 4 of the Police Act. The main objectives

of the police as contained in Section 4 of the Police Act. The main objectives of the institution include:

(a)   The training of young university graduates who possess not less than bachelor's degree (honours) in disciplines relevant to the responsibilities of the police to become Assistant Superintendent of Police.
(b)   The training of young senior secondary school leavers who possess WASC/GCE/SSC with credits in not less than five subjects including English Languages and Mathematics to become Inspectors of Police.
(c)   The provision of appropriates orientation to such graduates and school certificates holders in order to imbue them with moral rectitude and sense of honour and duty.
(d)   Producing through these schemes, a systematic chain of an incorruptible and virile police leadership with a bias for good public relationship.

3.4.3 Police Colleges

There are four Police Colleges located at Ikeja, Kaduna, Maiduguri and Orji River and their historical evolution have been briefly discussed above. Each of the colleges is strategically located to cater for training needs of the geographical location where it is located. The college runs the following courses:

(i)   Basic Recruit Training
(ii)   Inspector Promotion Course
(iii)   Rank and File Promotion Course
(iv)   PC Promotion Course
(v)   Inspector Development Course
(vi)   NCO Development Course
(vii)   PC Development Course
(viii)   Officers Traffic Course
(ix)   Inspector Traffic Course
(x)   Rank and File Traffic Course
(xi)   First Aid Course
(xii)   Rank and File Guards Course
(xiii)   Rank and File Drill Course
(xiv)   Drivers Refresher Course
(xv)   Motor Maintenance Course
(xvi)   Doron Simulator Course

3.4.4 The Police Detective College, Enugu

The Force runs at Detective College that is situated at Enugu where the bulk of inspectors and rank and file deployed in the investigative and intelligence outfits are retrained. The programmes of the college include:

(i)   Detective Course
(ii)   Anti-Fraud Course
(iii)   Fingerprint Course
(iv)   Modus Operandi Course
(v)   Prosecution Course
(vi)   Photographic Course
(vii)   Criminal Intelligence Course
(viii) Scene of Crime Course
(ix)   Criminal Records and Statistics Course

Each of the courses offered is specially designed to enhance the professional knowledge and proficiency of participants who are already, or will thereafter, be deployed for investigation duties. More specifically, the detective course will give a general overview of the ability to investigate all criminal cases and present criminal evidence before any court of law in a logical and professional manner.

3.4.5 Other Specialised Schools

(i)   **Force School of Communication Ikeja and Kaduna:** This school runs courses in Wireless Telegraphy and Radio/Television Operations. These courses are designed to enhance the capability of participants to be able to handle all wireless communication of the force. The training acquired promotes utmost confidentiality as may be required in both open and covert operations and intelligence gathering during very serious emergencies and crime prevention/control operations.

(ii)   **Mounted Training School (MTS) Jos** offers mounted basic training for men on horses and camels who are often needed for different situations. It is a six month training programme for fresh intakes into the force. These animals can be most valuable aids to policing depending of the geographical location and terrain in which they are deployed. In the desert, camels are used for border patrols where men in motor vehicles cannot be deployed. Horses can be used in areas where there are no access roads as well as crowd control during big events. The Force Mounted Trainings School   offers course to cover requirement of police officers on Force animals.

(iii)   **Dog Handler's Training School, Jos:** This school offers basic dog handling, narcotics and crowd control courses. Dogs are

essential to police activities as they contribute in no small way to crime prevention and detection as well as crowd control efforts of the Force. Dog handler's training is therefore a very important part of police training. Handlers are trained to detect crime, hard/dangerous drugs and explosive. Dogs can be used to control large crowds during big events.

(iv) **School of Music Ikeja:** The School of Music of the Nigeria Police Force provides entertainment for the force during ceremonial parades, visits by foreign heads of state, funeral services, etc. the school trains policemen and women to become musicians in the Force for the purpose of providing the needed entertainment. Martial music, jazz, highlife, bugle calls/signals, etc. are areas of specialisation.

(v) **Foreign Training:** Apart from the courses offered by police training institutions in Nigeria and those offered by external (non-police) training institutions in Nigeria, the department also maintains a list of approved courses in institutions outside the country for patronage. Periodically, the Inspector General of Police sponsor officers in these training institutions to enhance their professional competence. These institutions include:

(i) Senior Command Course at Bramshill –UK
(ii) Police Order Management at West Yorkshire
(iii) Operations and Traffic Management Course at Greater Manchester Police Training School UK
(iv) "Train the trainers" course at Harrowgate UK
(v) Senior Detective Course at Royal Mounted Police College, Ottawa
(vi) Explosives and Ordinance Disposal Reorientation Course at the USA (Hazardous Disposal School, Alabama)
(vii) Ballistic E. O. D. Course in USA
(viii) Microcomputer Orientation Course at University of Boston USA
(ix) Handwriting Analysts Course in the United Kingdom
(x) Ballistics Course at Harrowgate United Kingdom
(xi) Helicopter Pilot Course at the USA –mandatory recurrent training for aircraft pilots and engineers/technicians
(xii) Police Academy in Cairo for various courses.

3.5 Projections

The Force is no doubt mindful of the importance of training to its mandate and corporate objectives. It also takes cognisance of the effect of training in relation to the effectiveness of its services to the society. It therefore intends to pursue more training programmes in specialised areas in order to improve on its services to the society. To achieve this,

facilities in the training institutions must be improved upon tremendously. Since subventions from the government are not enough to effectively cater for the training needs of the Force, efforts should be intensified at securing further assistance from donor countries and organisations in areas of training. More local courses, seminars and workshops focusing on the following areas are urgently needed.

It is pertinent at this point to mention that no matter the resolve of the Force to accomplish its statutory responsibilities of protection of life and property as well as maintenance of law and order in the society, it is of essence that the wherewithal to do this should be placed higher in the priority list of the government.

SELF-ASSESSMENT EXERCISE

Discuss types of training and courses that exist in Nigeria Police Force.

4.0   CONCLUSION

The business of policing and making the society a safe place for everyone should not be left for the government alone. A collaborative effort of the government, NGOs, public spirited individuals and foreign governments is needed to bring the Force to the required standard in the 21st century.

5.0   SUMMARY

We have been able to discuss importance of training and retraining of the Nigeria Police. We also looked at origin of specialised police training and the various location of their training institution. We also focused our attention on the various types of police training and courses. At the end, we mentioned the constraints facing Nigeria Police Force in the noble effort to train its personnel in order to meet its statutory duties.

6.0   TUTOR-MARKED ASSIGNMENT

Critically assess the impact of training and retraining of the police in meeting with their statutory duties.

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UNIT 4   POLICE DISCRETION AND ROLE DILEMMA OF THE POLICE

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1.0   Introduction
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       3.2   Why is Discretion Exercised?
       3.3   What Factors Influences Discretion
       3.4   Sociological Perspective on Police Discretion
       3.5   Theory of Discretion
       3.6   Role Dilemma of the Police in Perspective
       3.7   What is the Police Role? Who are the Police? What do they do? What should they do?
       3.8   Crime Fighting Role
       3.9   Order – Maintenance Role
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1.0   INTRODUCTION

Police discretion is a very grey area of the criminal justice system. There are different ranges of discretion for various acts of crime in our policing system.

Police discretion was not recognised topic up until 1956 when an American Bar Foundation study "discovered" it. Prior thereto, nobody would admit it existed. The attitude of police administrators then was that any deviation from accepted procedures was extralegal and probably a source of corruption. When it was finally recognised, people called for its abolishment; police administrators sought a clamp down on it. Discretion (administrative rulemaking) is now recognised as a necessary evil or something that can be put to good use if structured properly. The exercise of discretion is not the problem, the abuse of discretion is.

However, the Police faced role dilemma in the course of accomplishing their variety of tasks and responsibilities. This unit will focus on Police discretion and role dilemma of the police.

2.0   OBJECTIVES

At the end of this unit, you should be able to:

- define police Discretion
- explain why discretion is exercised
- discuss factors that influence discretion
- discuss on the sociological perspective of police discretion
- explain the Doughnut theory of Discretion
- explain reasons for the role dilemma and role conflict of the police
- discuss the public expectation of the police
- discuss the official expectation of the police
- differentiate between the Crime fighting role and order maintenance role of the police
- assessment the role of the police.

3.0   MAIN CONTENT

3.1   What is Discretion?

Discretion means the availability of a choice of options or actions one can take in a situation. We all exercise discretion many times everyday in our lives. Discretion involves making a judgment and a decision. It involves selecting one from a group of options.

The criminal justice system involves a tremendous amount of discretion. A judge exercises discretion in sentencing. He or she can sentence a defendant to a prison term or to probation. A judge can release a defendant on bail or order the defendant incarcerated until trial. Prosecutors exercise discretion. They can reduce charges against a defendant or drop the charges entirely. Paroles boards exercise discretion. They can parole a person from prison or order him or her to serve the complete sentence. The entire criminal justice system is based on the concept of discretion.

The police are the biggest, most visible and most important sub system of the criminal justice system. The police provide the entry point in the criminal justice system either through crime reports from the public or on its own discovery. The police is the main institution which provide regular direct contact with the public, a situation that make it unique among the other components of the criminal justice system. The uniqueness of the police borders on the fact that the decision of the policeman on the street is as important as the existence of the criminal justice system.

According to Dambazau (1999), "the policeman is the gate keeper of the justice system, he decides who goes into the system and his decision has wider implications for the other components. The policeman lubricates the system through the arrest of suspects, who are essentially the inputs into the criminal justice system".

In carrying out arrest, the policeman exercise tremendous amount of discretion. In general, discretion refers to the exercise of choice by those charged with the responsibility for and authority to carry out various tasks assigned to them. It is according to Lord Scarman (1972) the art of suiting action to particular circumstances and it is the policeman's daily task". In every instance therefore the policeman makes the principal determination of whether or not to initiate the criminal process.

3.2   Why is Discretion Exercised?

Discretion is an extremely necessary part of police work- Sheehan and Cordner (1986) tell us that there are seven reasons why the police exercise discretion:

If the police attempted to enforce all the laws all the time, they would be in the station house or court all the time and would not be on the street maintaining order and protecting life and property.

1.   Because of political realities, legislatures pass some laws that they do not intend to be strictly enforced all the times.
2.   Law makers pass some laws that are vague and ill-defined making it necessary for the police to interpret these laws and decide when to apply them.
3.   Most violations of the law are minor (for example traffic violations) and do not require full enforcement.
4.   The complete enforcement of all the laws all the time would alienate the public from the police and the entire criminal justice system.
5.   The full enforcement of all the laws would overwhelm the courts, jails and prisons.
6.   The police have so many duties to perform and such limited resources that good judgment must be exercised in when, where and how they enforce the law.

SELF-ASSESSMENT EXERCISE

What do you understand by police discretion?

3.3   What Factors Influence Discretion

We know that police officers exercise discretion and we know that discretion is necessary. Are there factors that cause the police to exercise discretion in a certain way? Scholars have been studying this issue for quite a while.

Herbert Jacob (1973) says that four major factors influence police officers in determining the exercises of discretion.

(1)   Characteristics of the crime. A serious crime leaves the police with less freedom or ability to ignore or exercise discretion in regards to it.
(2)   Relationship between the alleged criminal and the victims-Generally, the police tend to avoid making arrests when a perpetrator and a victim have a close relationship. In recent years, however many department have exercised limited discretion in family related assault cases and have adopted pro-arrest policies.
(3)   Relationship between police and the criminal or victim. Generally a respectful mannerly complainant is taken more seriously and treated better by the police than an antagonistic one. In the same way a violator who acts respectfully to the police is also less (likely to be arrested than an antagonistic one.
(4)   Department Policies: The preference of the police chief and city administration as expressed in department policy generally influences the actions of the officers.

3.4   Sociological Perspective on Police Discretion

The exercise of discretion by the police rests on two levels- individual and command or departmental levels. At the individual level, discretion involves the choice of alternative actions by the individual policeman or policewoman including taking no action at all. It requires the use of individual judgment to decide what to look for, where to patrol, whom to investigate, and so on. At the command level discretion involves decisions regarding objectives, enforcement policies, deployment of man power and resources, and so on.

The use of discretion in the police is unique. In most police organisation, the widest use of discretion is found with the lowest ranking policemen, especially the patrolman. The patrolman maintains regular contact with the public. Therefore he usually has the first or initial contact with either the criminal or the scene of crime.

Wilson (1968) noted that in almost every other public organisation discretion is exercised … but the police department has the special

peculiarity that within it, discretion increases as one moves down the hierarchy… The lowest ranking police officer, the beat constable has the greatest discretion and thus his behaviour is of greatest concern to the police administration. The beat constable is almost solely in charge of enforcing those laws that are the least precise, most ambiguous … or whose application is most sensitive to the availability of scare resources and the policies of the administration.

The job of the police is complex. He cannot enforce all the criminal laws equally and even if he possesses such capability the courts and prisons would be unable to cope with the large number of suspects and offenders entering the system. There is a lot of stress involved in policing society as a result of conflicting expectations from the public, and more often than not, the police officer makes instant decisions without the opportunity for seeking advice and such decisions could have serious legal implications.

Ruth Levy (1980) summarise the complexity of the policeman's job in the following manner… reviewing the tasks we expect of our law enforcement officer, it is my impression that their complexity is perhaps greater than that of any other profession. On the one hand, we expect our law enforcement officer to possess the nurturing, caretaking, sympathetic, empathising, gentle characteristics of a physician, nurse, social worker, etc. as he deals with school traffic, acute illness and injury, suicide threats, missing persons etc. On the other hand we expect him to command respect, demonstrate courage, control hostile impulses and meet great physical hazards… He is to control guards, prevent riots, apprehend criminals and chase after speeding vehicles. I can think of no other profession which constantly demands such seemingly opposite characteristics.

The problem with policing is not only its complexity, but that in many way it is a thankless job and more often unpleasant and dangerous. In line with this observations, Goldstein (1977) noted that the police … as the agency of last resort …became involved with the most aggravated behavioural problems that occur in society… the police must deal with earthly materials – the course and the unrefined – that are outside the range of situations likely to be experienced by the average citizen; much of their business involves the unpredictable and the bizarre. Although some items of police business are self-contained, most are inter-woven with other problems of social disorganisation. And usually, a percentage of people with whom the police are in frequent contact represent the extremes, the most impoverished, the least educated the most eccentric, the most connecting, the most pernicious and the most dangerous!

On the varieties of police behaviour, Wilson (1968) found that an officer's discretion varied, depending on the type of situation he or she encountered. He found that police have wide latitude in self – initiated situations, such as the enforcement of traffic or drug violations because there is usually no complainant or victim demanding police action. However, in citizen – initiated situation, an officer has less discretion, and the preferences of the citizen will often influence the officer's decision whether to arrest or not to arrest.

Finally, research has identified five other specific factors that may influence police discretion to arrest: the subject's offence, attitude, ethnic/tribal group, religious affiliation, social, economic state and gender. Studies on police discretion have shown that the most significant factor in the decision to arrest has been the seriousness of the offence committed. This factor is reinforced by information, such as the offenders current mental state, the offender's past criminal record (when known to arresting officer), whether weapons were involved, the availability of the complainant and the relative danger to the officer involved.

3.5   Theory of Discretion

Philosophers such as Ronald Dworkin and H. L. A. Hart have referred to discretion as the hole in the doughnut" (Doughnut theory of discretion) and "where the law runs out" (natural law theory). In this perspective, discretion is the empty areas in the middle of a ring consisting of policies and procedures. Hence Davis (1969) defines discretion as the making of choice among a number of possible courses of action. In Dworkin's view, the freedom of being able to make choices is called a strong sense of discretion. In the weaker sense we would consider cases in which not only the rules do not apply, but the officer makes individualised judgments. In both senses, it's the problem of loose definition. The following analysis of terms may be helpful.

(1)   **Discretion-as-judgment**: Discretion is the opposite of routine and habitual obedience. It brings knowledge, skill, and insight to bear in unpredictable ways. Police do not blindly follow orders. Police must be competent at applying the rules; they must adopt these rules to local circumstances in rulers bound way.

(2)   **Discretion-as-choice**: Discretion is not just a matter of realising when you're in a hole of the doughnut, or a "grey area". It involves making personal contribution judgment calls, exercising autonomy and individual solutions. It's about the courage to make one's own decisions, to have personal input, following ones conscience, even if those decisions are reversed later by a superior.

(3) **Discretion-as-discernment**: Discretion is not just about making "safe" choices, or being "soft". It is about making good, virtuous choices by habit of wisdom that comes from age. (the better part of valour is discretion), prudence, foresight, the ability to size up people, arguments, and situations, faithfulness, tolerance, empathy and being discreet are all forms of discernment.

(4) **Discretion-as-Liberty:** Discretion is not where the laws end, nor is it the same as intellectually deriving principles from rules. It's about permission to act as a free and equal agent, and using that permission in extending the rights and duties of office (under color of law) towards a vision of liberty, inalienable rights and the kinds of things that no majority, rule or principle can ever take away.

(5) **Discretion-as-License:** Discretion is the opposite of standard expectations, it is the privilege to go against the rules, disobey your superiors, be less than optimal or perfect all the time, all without degenerating the rules or eroding trust between one, ones superiors, or the public. Licence (not licentiousness) involves a sense of accountability that does not have to be formally recognised or structural.

Discretion is not doing as one pleases. Discretion is bounded by norms (professional norms, community norms, legal norms, moral norms); the future of policing as a profession depends upon whether discretion can be put to good use: Two problems impeding police professionalisation, however, in that there are far controversial areas of police work, unlike other professions, and the public seems unwilling to trust informally in the accountability mechanisms. Sometimes the public want non enforcement, and at other times they want strict enforcement. Citizens will scream over false arrest in the first case where some groups may file a writ of mandamus in the second case (a writ of mandamus is a court order to get public officials to perform their duty).

SELF-ASSESSMENT EXERCISE

Discuss extensively the Doughnut theory of discretion.

3.6 Role Dilemma of the Police in Perspective

A role consists of the rights and responsibilities associated with a particular position in society. A related concept is role expectation, the behaviour and actions that people expect from a person in a particular role. In a study of the conflict of police role in urban society, Norman Weiner (1981) asserts that suppose, for example, that teenagers living in a wealthy neighborhood have been caught drinking alcohol. Their parents probably expect police officers to warn their young people and

bring them home. In a less affluent neighborhood, on the other hand the expectation of community residents might be that the police will arrest the teenagers and bring them into juvenile court. This example illustrates a problem that arises in our attempt to understand the police role in our society. When the public's expectation differs from the official police role, the public may become disenchanted and sometimes hostile towards law enforcement officers. Such negative feelings cause officers personal frustration and role conflict.

Role Conflict is the psychological strain and stress that result from trying to perform two or more incompatible responsibilities. A common source of role conflict for the police is the expectation that they should be social or helping agents at the same time they are expected to be control agents by arresting law violations.

According to Ehindero (1998) "In a world such as ours, short of saints but bounteous of sinners, the task of the police is arduous. More so when the conflicts in our society today is between wrong and right so that whatever action or omission a police man takes is bound to offend a group. The sad effect of this is that these interest groups do not believe in changing the law through the legal process but in breaking it. They expect the police to bend the rules in the favour".

Alderson (1979) puts it succinctly when he said "let it be said that there are those, both police and public, who regard it as acceptable to bend rules, but only as long as it does not affect them or as long as the bending is slight and small rules. Why should police be encouraged (or at least not discouraged) to risk their own moral integrity in the pursuit of society's murkier side? It is tragic for the police, for the individual police officer, for the member of society affected and for society as a whole when the pursuit of just ends is carried out by the condoning of unjust means. Neither the police nor society can afford to neglect the issues involved in the ethics of policing and effort has to be made to achieve a better and fairer understanding of this dilemma.

What we expect from police officers then depends on how we view the police role – a role that has been described as complex, ambiguous, changing and repressive. Obviously not everyone views the role of the police in the same way but a definition that includes the majority of perspective is possible. The police

(1)   Are community leaders in public safety (By nature this makes the work potentially dangerous).
(2)   Possess broad discretion.
(3)   Solve sociological and technological problems for people on a short term basis.

(4)   Occasionally serve in a hostile or dangerous environment.

SELF-ASSESSMENT EXERCISE

Discuss the role dilemma of the police

3.7   What is the Police Role? Who are the Police? What do they do? What should they do?

These are very difficult questions to answer.

Goldstein (1977) in his work *Policing a Free Society*, warns that anyone attempting to construct a workable definition of the police role will typically come away with old image shattered and a newfound appreciation for the intricacies of police work.

Two major views of the police roles exist:

(i)   The police are crime fighters concerned with law enforcement (crime fighting)
(ii)   The police are order maintainers concerned with keeping the peace and providing social services to the community (order maintenance).

3.8   Crime Fighting Role

According to Kirkham (1980), the police have historically overemphasised their role as crime fighters and played down their more common work as keepers of the peace and providers of social services. The reason is that our society proffers reward for the former (crime fighting) but cares little for the latter (peace keeping and providing services) The public accords considerable recognition and esteem to the beat constable who becomes involved in a shootout with and captures an armed robber or who chases and apprehends a rapist. The same recognition is accorded by the officer's colleagues and superiors.

3.9   Order – Maintenance Role

If police are not primarily crime fighters then what are they? In an effort to determine the proper role of the police, researchers have conducted numerous studies to determine what it is that the police do and why people call on their Service. In a study of police activities in a city in USA of about 400,000 population, John Webster (1992) found that providing social service functions and performing administrative tasks accounted for 55 per cent of police officers time and 57 per cent of their calls. Activities involving crime fighting took up only 17 per cent of

patrol time and amounted to about 16 per cent of the laws to the police. Also a study by Robert Lilly (1993) found that of 18,000 calls to Kentucky police department made during a four month period, 60 per cent were for information, and 13 per cent concerned traffic problems and about 2 per cent were about theft.

SELF-ASSESSMENT EXERCISE

1.   Discuss critically the order maintenance role of the police
2.   "Police are crime fighters". Simply, comment.

3.10 Ambiguity of the Police Role

The police role is extremely diverse. England's Sir Robert Peel, who originated the organisation of the first paid, full time, uniformed police department, conceived of the police role as a conspicuous community oriented patrol, designed more for prevention and deterrence than for enforcement. Peel designed the police to be an alternative to the repression of crime and disorder that could have been achieved through military might and service legal sanction. After when England and other countries of the world began to pass more and more statutory laws, the police role expanded from maintaining order to enforcing the law.

One way of defining the police role may be to say that it is whatever the community expects the police to be. However we must remember that most communities consist of many diverse groups with different goals and interests. One group in the community may expect police to do something entirely different from what another group expects. For example, older people in a community or store owners may want the police to hassle teenagers hanging on the street. Yet the teenagers, for their part may feel that if the police do hassle them, the officers are abusing them. Parents in a community may not want the police to search their own children. In these and many other ways the police are often in a no-win situation.

According to Pugh (1986) a good police officer must have the qualities of common sense and mature judgment and must react quickly and effectively to problem situations". A good police officer, Pugh says, must be able to adopt the appropriate role of policing to the situation he or she encounters. Common roles include law enforcement, maintenance of social order and public servant. Finally a good police officer must have the appropriate concepts governing police work. Which are (1) an effort to improve the welfare of the community and (2) a respect for the individual's rights, worth and dignity.

Sheehan and Cordner (1988) offer the following synopsis of police role:

(i)   The core of the police role involves law enforcement and the use of coercive force.
(ii)   The primary skill of policing involves effectively handling problem situation while avoiding the use of force.
(iii)   Skillful police officers avoid the use of force primarily through effective creative communication.

In sum, we might agree with Senna and Siegel (1990) that the police role has become that of a social handy woman or handy man called to handle social problem that citizens wish would simply go away.

4.0   CONCLUSION

Discretion is inevitable in criminal justice. From the perspective of the police, justice can be likened to a sporting event in which playing fair is more important than winning. Employees on the lowest rung exercise more discretion than employees on the upper rung of the ladder. The law simply does not cover every situation that a police officer encounters in the field. In cases where the law may be clear, it might sometime be more prudent for the officer to ignore strict letter-of-the law interpretations. Laws are passed in a vacuum, and usually written quite narrowly. Police encounter a wide range of behaviours and a variety of situations that the law did not think about. One of the most amazing things about policing is not who they arrest, but who and how many they let go (non arrest options, leniency, under reaction).

Broadly, modern police forces are assigned the primary duty of law enforcement and order maintenance. But the content of law and what constitute order vary widely across time and nations and are determined by the political economy of societies. The concrete roles played by the police are defined by law and conception of order in accordance with the political and economic interests of the dominant or ruling groups in the society.

5.0   SUMMARY

Specifically, what we have learnt can be summarised as follows:

•   The tremendous discretion exercised by the police.
•   The exposure of the pervasive use of discretion by the criminal justice system.
•   The uniqueness of the use of police discretion from the lowest ranking policemen to the top.
•   Discretion in the police rests on two levels – individual and department level.

- Without police discretion the courts and prisons will be over stressed.
- Doughnut theory of discretion.
- The dilemma that the police face in the course of their job.
- The ambiguity and the conflict that underlie police role.

6.0   TUTOR-MARKED ASSIGNMENT

1.   Discretion has been described as a new despotism. Do you agree?
2.   The use of police discretion is said to be extra legal and deviation from procedures. Discuss.
3.   Highlight on the sociological perspective of police discretion.
4.   Discuss the conflict between public expectation and official expectation of the police.
5.   Expostulate on the ambiguity that exists in police work.

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UNIT 5   THE POLICE CULTURE OR SUB CULTURE

CONTENTS

1.0   INTRODUCTION

The police culture consists of a set of various, attitudes, and norms that are widely shared among officers and men, who find in the culture a way to cope with the strains of their working environment. The police culture which inadvertently lead to personality. Personality is something about the police system itself that generates a suspicious, conservative world – view or perhaps certain personality types are inadvertently recruited for police work. This unit will focused on issue of police culture or subculture and current speculation about the nature of police personalities.

2.0   OBJECTIVES

At the end of this unit, you should be able to:

• explain what police culture or sub culture is
• explain what the blue wall of silence is
• describe police personality
• explain why most police have these feelings of cynicism.

3.0   MAIN CONTENT

3.1   What is Police Culture or Sub Culture?

Numerous studies have indicated that the nature of policing and the experiences what officers go through on the job combine to develop what many researchers call the police culture or police subculture. In

this context, a subculture may be defined as the culture of a particular group that is smaller than an essentially different from the dominant culture. In a society the police culture or police subculture then is a combination of shared norms, values, goals, career patterns, life styles, and occupational structures that is substantially different from the combination held by the rest of society. The police sub culture, like most sub-cultures is characterised by clannishness, secrecy and isolation from those not in the group. Police officers work with other police officers during their tours of duty. Many socialise after work and on off day. When socialising off duty, officers tend to talk about their jobs.

M. K. Brown (1981) assert that "police officer create their own culture to deal with the recurring anxiety and emotional stress that is endemic to policing". Brown believes that the police subculture is based on three major principles: honour, loyalty and individuality.

Honour is given to officers for engaging in risk-taking behaviour (an example of risk-taking behaviour is to challenge an armed adversary in a circumstance where taking cover and waiting for reinforcement would have been the more prudent course of action.

Loyalty is a major part of the police sub culture and police loyalty is extremely intense. The word reinforcement occurs often in police officer conversation. Reinforcement involves assisting other officers in emergency situations. Brown explains the importance of reinforcement (also called back up) by pointing out that the violence that police must deal with and the strong bond that exists among police officers "Place the highest value upon the obligation to back up and support a fellow officer".

The ideal officer, then according to police sub culture, takes risks (honour), is first on the scene to aid a fellow police officer (loyalty) and is able to handle any situation by doing it in her or his way (individuality).

Due to this police sub culture an esprit de corps develops in police work as a function of the dangerous and unpleasant tasks police officers are required to do. Esprit d' corps depicts police solidarity and according to Bittner (1980) it is "one for all and all for one" attitude and one of the most cherished aspects of the police occupation.

SELF-ASSESSMENT EXERCISE

1.   Explain police culture or sub culture
2.   Compare and contrast, concept of 'devotion to duty, loyalty and esprit d' corp.

3.2   The Blue Wall of Silence

Studies of the police culture have indicated that police officers protect one another from outsiders, often refusing to aid police superiors or other law enforcement officials in investigating wrong doing of their colleagues. Many believe that this part of the police culture or the police sub-culture produces a protective barrier known as the "blue wall of silence"

Writing about the police sub culture and the "blue wall of silence" Egon Bittner (1980) says "policing is a dangerous occupation and the availability of unquestioned support and loyalty is not something officers could readily do without.

Sheehan and Cordner (1985) write about how this aspect of the police subculture can destroy the reputation and integrity of a police department. According to them "The influence of dominant police sub-cultural role expectations can have a devastating effect on a police department. In fact the existence of such unofficially established, negative, institutionalised role expectation is the primary reason that so many police departments are held in such low esteem by the public".

Another e.g. of the police subculture 'blue wall of silence" is William Wesley' classic study of the Gary (Indiana) police department in which he found a police culture that had its own customs, law and morality. Westley says these value produce the "blue curtain" a situation in which police officer trust only other police officers and do not aid in the investigation of wrong doing by other officers, Westley calls the "blue curtain" a barriers that isolate police officers from the rest of the society.

3.3   The Police Personality

The police subcultures lead to what scholars call the police personality or traits common to most police officers. Scholars have reported that this personality includes such traits as authoritarianism, suspicion, hostility insecurity, conservatism and cynicism.

This unit will attempt to describe the characteristics of the police personality, what shapes the police personality and the cause and effects of police cynicism.

3.3.1 What is the Police Personality?

The scholar Jerome Skolnick (1986) coined the phrase "working personality of police officers" Skolnick stated that the police officers "working personality" is shaped by constant exposure to danger and the

need to use force and authority to contain and control threatening situation.

The policeman's role contains two principal variables, 'danger' and 'authority', which should be integrated in the light of a "constant" pressure to appear efficient. The element of danger seems to make the policeman especially attentive to signs indicating a potential for violence and law breaking. As a result the policeman is generally a "suspicious person". Furthermore, the character of the policeman's work makes him less desirables as a friend since norms of friendship implicate others in his work. Accordingly, the element of danger isolates the policeman socially from that segment of the citizenry whom he regards as symbolically dangerous and also from the conventional citizenry with whom he identifies. Additionally, Burbeck and Fumham (1985) have identified three important features of an officer's working personality, danger, authority and isolation from the public.   They reviewed the literature comparing the attitude of police officers with those of the general population and found that police officers place a higher emphasis on terminal value (such as family security, mature love, and a sense of accomplishment) than on social values (such as equality)

One example of the studies Burbeck and Furnham looked at was the Rokeach study. Social Psychologist Milton Rokeach and his colleagues studied police officers in Michigan, USA. He compared their personality traits with a national sample of private citizens and concluded that police officers seemed more oriented towards self control and obedience than the average citizen. Also, police were more interested in personal goals, such as "an exciting life", and less interested in social goals, such as "a word of peace" Rokeach also compared values of veteran officers with those of recruits and discovered no significant differences. Rokeach believed police officers have a particular value orientation and personality before they start their police career.

3.4   Are they Born like that, or is it the Job?

Two opposing viewpoints on the development of the police personality exist. One says that police departments recruit people who by nature possess those traits that we see in the police personality. The second point of view holds that officers develop those traits through their socialisation and experience in the police development. Thibault, Lynch and Mc Bride (1985) tell us that "majority of studies have found that the police working personality derives from the socialisation process in police academy, field training and patrol experience". The police personality is derived through the process or learning of doing police work. In a study of urban police department in USA, it was discovered that the typical police recruit is a sincere individual who becomes a

police officer for the job security, salary, belief that the job will be interesting and the desire to enter an occupation that can benefit society. In academy, highly idealistic recruits are taught to have a strong sense of camaraderie with follow rookies. The recruits began to admire the exploits of the veteran officers who are their teachers. From the instructors, the recruits learn when to do police work by the book and when to ignore department rules and rely on personal discretion. The learning process continues when the recruits are assigned to street duty and on-the- job training. The recruits listen to the folklore, myths, and legends about veteran officers and start to understand police work in the way the other officers desire them to. By adopting the sentiments and behaviour of the older officers, the new recruits avoid ostracism and censure by their supervisors and colleagues.

Lundman (1980) is of the opinion that the formal training at the police academy courses in law and criminal procedure do not teach the recruits what they really want to know. Recruits according to Lundman want to know the following "what is it really like out there on the streets? How do I use my nightstick, and how do I do it? What do the other patrol officers think of me? To answer these questions, Lundman says, instructors tell war stories. Most of the war stories stress police defensiveness (the distrust police officers have outsiders or non-police officers) and police depersonalisation (the tendency of police officers to treat violence, victims and other unpleasant experience in a matter of fact way in an attempt not to get emotionally affected by all the human misery they see). By stressing the danger of police work and the need for officers to group together and defend themselves from civilians, the instructors reinforce the police subculture and help to create the police personality.

3.5   Police Cynicism

Police cynicism is an attitude that there is no hope for the world, and a view of humanity at its worst. This is produced by the police officer's constant contact with offenders and what he or she perceives as miscarriages of justice, such as lenient court decisions and plea bargaining.

Nederhoffer (1986) opined that police cynicism is an emotional plank deeply entrenched in the ethos of the police world and it serves equally well for attack or defense. For many reasons police are particularly vulnerable to cynicism. When they succumb, they lose faith in people, society and eventually in themselves. In their Hobbesian view, the world becomes a jungle in which crime, corruption and brutality are normal features of terrain. It is said that most police officers develop in cynics as a function of their experience as police officer. They learn to mistrust

the citizens they are paid to protect as a result of being constantly faced with keeping people in line and believing that most people are out to break the law or injure a police officer.

Regol and Poole (1989) are of the opinion that police officers' feeling of cynicism intensifies their need to obtain the respect of citizens and increase their desire to exert authority over others. They escalate the use of authority to obtain respect, citizens learn to mistrust and fear them. In time, the citizens' feelings of hostility and anger create feelings of potential danger among police officers, resulting in "police paranoia". The negative attitudes of the police contribute to their tendency to be very conservative and resistant to change, factors that interfere with the efficiency of police work. Cynicism may hurt the relationship between the police and the public, but it may help advance an officer in his or her career within the department.

SELF-ASSESSMENT EXERCISE

What do you understand by police cynicism?

4.0   CONCLUSION

Some writers have argued that there are certain characteristics believed to make up the police personality. The traits that have consistently emerged from studies includes: suspicions, conventionality, cynicism, prejudice and distrust. Unfortunately, the traits are poorly defined and the labels vary, but the syndrome appears to result from an interaction between the "field" of policing and the various dimensions of police organisational knowledge. Police subculture is often portrayed as a pervasive, malign and potent influence on the behaviour of officers. The grounds for this portrayal appear to be more on the negative potential of the concept than its positive and explanatory power which this unit has espoused.

5.0   SUMMARY

In this unit, you have learnt:

- what police culture or sub culture is
- the principle of police subculture
- the phenomenon described as the "blue wall of silence"
- the feelings of cynicism among the police.

6.0   TUTOR-MARKED ASSIGNMENT

1.   Discuss the factors that bring about police sub-culture.
2.   How can public feelings of cynicism be addressed.
3.   Is the police personality the result of birth or socialisation? Discuss.

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MODULE 3

UNIT 1   POLICE AND THE COMMUNITY

CONTENTS

1.0   INTRODUCTION

Community policing and problem solving policing had been practiced for over a decade and had proven to be tremendously popular among some citizens, academics, politicians and police chiefs. Many believed that community policing could be the best strategies in policing our nation. These ideas emphasised community involvement and partnership between police and the community. In many area where community policing and problem solving have been implemented, crime rates have gone down, quality of life has been improved and people have felt safer.

2.0   OBJECTIVES

At the end of this unit, you should be able to:

- explain the meaning of police – community relation and their importance to the safety and quality of life in a community
- discuss some innovative community crime prevention programs that focus on crime reduction and improving the quality of life in communities
- state the need for proper police – community relationships
- discuss community crime preventions programs.

3.0   MAIN CONTENT

3.1   The Need for Proper Police – Community Relationships

The police are needed to handle emergencies, maintain order, regulate traffic, and promote a sense of security within the community. To accomplish this, the police must be part of the community. The police can best serve the community when they are regarded as part of the community both by the residents and themselves.

The police and community need each other to help communities to be as vibrant and safe as possible. Police community relationships must be two – way partnerships. Additionally, in a democratic society, the legitimacy of the police depends on broad and active public acceptance and support. Police authorities have the responsibility and obligation to educate the public about the many causes of crime and the inability of the police, acting, and alone on their own to control crimes.

Lee Brown (1985) said that the police chief must "take the lead in addressing broadened local social service needs that could if neglected, produce greater crime problems. The more educated a community is concerning the role of the police and the challenges the police face in meeting multiple demands, the more supportive and helpful they can be. The ability of the police authorities in reaching out to the community therefore is essential. This is because positive interaction with the community generally results in increased citizen support, higher morale in the work force, protection against or insulation from many hostile external forces and increased resources. Although, it is very important for the police authorities to seek the support and co-operation of the public to improve efforts to police the community, the most important person in the police department in terms of improving police community relations is the individual police officer. Patrol officers, traffic officers and detectives are the individuals within the department who come into contact with the public on a regular basis. Most people receive their impression of a particular police department through the actions of the police officers they encounter. A person who has a bad experience with a particular officer may believe that the entire department is reflected by that officer. Officers are constantly serving as ambassadors for their departments. That is why it is imperative that every police officer sees a great deal of community relations as part of his daily patrol or investigative assignment.

SELF-ASSESSMENT EXERCISE

Highlight on the need for proper police - community relationship

3.2   Human Relations, Public Relations, Community Relations

Are community relations and human relations the same as police public relations? Cox and Fitzgerald (1969) perhaps best defined these terms. They defined police human relations as follows "In the most general sense, the concept of human relations refers to everything we do with, for and to each other as citizen and as human beings. Human relations thus connotes treating others with respect and dignity and following the Golden Rule, acting towards others as you would want others to act toward you. Cox and Fitzgerald defined police public relations as "a variety of activities with the express intent of creating a favorable image of themselves … sponsored and paid for by the organisation.

Then using these two definitions, they defined police community relations as follows: Community relations are comprised of the combined effects of human and public relations. Police community relations then encompass the sum total of human and public relations whether initiated by the police or other members of the community. Police Community Relations may be either positive or negative, depending upon the quality of police interactions, and the collective images each holds of the other (which are derived from public as well as human relations).

The President's Commission on Law Enforcement and Administration of Justice in 1967, USA defined police community relations in its summary report in the Challenge of Crime in a Free Society. A community relations programme is not a public relations programme "to sell the police image" to the people … it is a long range full-scale effort to acquaint the police and the community with each other's problems and to stimulate action aimed at solving these problems.

The Police Community Relations PCR movement should not be confused with today's community policing. The PCR movement involved assigning a few officers in a department as community affairs or community relations specialists. These officers attend community meetings, and they try to reduce tensions between members of the department and the public. The PCR movement at present has no real effect on the philosophy or culture of most police departments. Egon Bittner (1976) has said that for PCR programmes to be effective there is need for the Police to react to "the grassroots of discontent" where citizens' dissatisfaction with the police exists. In short, police human relations skills are needed.

3.3 Community Crime Prevention Programmes

Police expert, George Kelling (1983) opined that citizens have armed themselves, restricted their activities, rejected cities, built fortress houses and housing complex, both inside and outside the cities and panicked about particular groups and classes of citizens. Surely citizens are worried about crimes and have taken measures to isolate or protect themselves against it. However, the police have an obligation to help citizens protect themselves against crime. It is obvious that the police cannot solve the crime and disorder problems of any nation by themselves, and they cannot let citizens take the law into their own hands. To address these problems, the police must turn to the public for its support and active participation in programmes to make the streets safer and improve the quality of life. Community crime prevention include neighborhood watch, crime stoppers, citizen patrols citizen volunteer programs, home security surveys, operation identification, National night out, police storefront stations, mass media campaigns and other police sponsored programs.

SELF-ASSESSMENT EXERCISE

What is community crime prevention programmes?

4.0 CONCLUSION

Establishing and maintaining mutual trust between members of a community and the police is the main goal of community policing. Police have always recognised the need for cooperation with the community and have encouraged members of the community to come forward with crime fighting information.

Under Community Policing, police must form a partnership with people in the community allowing average citizens the opportunity to have input into the police process in exchange for their support and participation. Community rests on the belief that contemporary community problems require a new decentralised and personalised police approach that draws citizens into the process of policing themselves.

5.0 SUMMARY

- The police must be part of the community in order to effectively carry out their role.
- The police and the community need each other to help communities to be as safe as possible.

- Police and the community relations will improve on the image of the police and promote trust between the two groups.
- There is need for the communities to participate in community crime prevention programmes.

6.0   TUTOR-MARKED ASSIGNMENT

1. Discuss the meaning of police community relation and their importance to the safety and quality of life in a community.
2. Discuss Community Crime Prevention Programs in your neighborhood, if any.

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UNIT 2   COMMUNITY POLICING

CONTENTS

1.0   INTRODUCTION

With current changes all over the world, it is worthy of note that the face of policing had changed dramatically. Community policing and Problem Solving Policing had been practiced for over a decade and had proven to be tremendously popular among some citizens, academics, politicians and police chiefs. In community and problem solving policing, the police and a community's residents and business owners identify core problems, propose and implement solutions. Thus, community members identify the concerns that they feel are most threatening to their safety and well being. These areas of concern then become priorities for joint police community interventions.

2.0   OBJECTIVES

At the end of this unit, you should be able to:

- discuss corporate strategies for policing including strategies policing, community policing and problems solving policing
- explore the philosophy and genesis of the current corporate strategies of community policing and problem solving policing
- analyse the effect of community policing and problem solving policing on current policing

- discuss the implementation of community policing strategies, including the most recent methods, the role of the Federal Government and some recent community policing successes
- explain why some scholars and practitioners do not agree with the implementation of community policing strategies
- describe how community policing strategies can be useful in the fight against crime
- identify the idea behind problems solving policing
- analyse various problem-oriented policing strategies
- discuss current ways of community policing and understand the concept of community policing project in Nigeria
- highlight the rationale for community policing in Nigeria.

3.0   MAIN CONTENT

3.1   Forms of Policing Strategies

Three corporate strategies for policing have been identified as:

i.   Strategic policing
ii.   Community policing and
iii.   Problems solving policing.

Strategic policing involves a continued reliance on traditional police operations, but with an increased emphasis on crimes that are not generally well controlled by traditional policing (for example serial offenders, gangs, organised crimes, drug distribution networks, and white collar and computer crimes) Strategies policing represents an advanced stage of traditional policing, using innovative enforcement techniques, including intelligence operations, electronic surveillance, and sophisticated forensic techniques.

Problem solving policing emphasises the fact that many crimes are caused by underlying social problems. It attempts to deal with these underlying problems instead of just responding to each crime incident.

3.2   Community Policing

Community policing and problem solving policing are very similar approaches to the problems of crime and disorder in our communities. Most departments adopting a community policing programme also follow many of the tenets of problem solving policing. These two philosophies or strategies tend to go hand in hand.

Community policing is an attempt to involve the community as an active partner with the police in addressing crime problems in the community.

It is said that community policing can play a vital role in reducing three important kinds of violence in the community:

(a)   Individual violence ranging from street crime and domestic abuse to drug – related violence.
(b)   Civil unrest, which can often include gang violence and open confrontations among various segments of society, specifically the police and
(c)   Police brutality.

Skolnick and Bayley (1988) pointed out the following in regard to Community Policing among the world's industrial democracies, community oriented policing represents what is progressive and forward – looking in policing. In Western Europe, North America, Australia, New Zealand and the far East, community policing is being talked about as the solution to the problems of policing.

Jeremy Travis (1997) speaking about Community Policing strategies in response to the dramatic decrease in crime in USA during the mid to late 1990s, noted the dramatic decline in crime occurring in many of our nation's cities has generated an intense public debate over the cause or causes, among them a number of eminent criminologists have credited much of the drop in crime to better and smarter policing".

Community Policing mandates the police to work with the community, not against it, to be effective. It seeks to replace our traditional methods of police patrol with joint community and police efforts to find proactive, innovative solutions to crime and disorder on our streets. Community policing, with its emphasis on openness and partnerships has broadened police awareness and extended police capabilities. The police have been willing to accept community help in both setting priorities and carrying out operations.

Herman Goldstein (1987) offers the following list of the most important benefits of community policing:

a.   A more realistic acknowledgement of police functions.
b.   A recognition of the interrelationships among police functions.
c.   An acknowledgement of the limited capacity of the police to accomplish their jobs on their own and of the importance of an alliance between the police and the public.
d.   Less dependence on the Criminal Justice System and more emphasis on new problem solving methods.
e.   Greatly increased use of the knowledge gained by the police of their assigned areas.
f.   More effective use of personnel.

g.   An increased awareness of community problems as a basis for designing more effective police response.

SELF-ASSESSMENT EXERCISE

What do you understand by community policing?

3.3   Philosophy of Community Policing

Community policing is a new philosophy of policing, based on the concept that police officers and private citizens working together in creative ways can help solve contemporary community problems related to crime, fear of crime, social and physical disorder and neighborhood decay. The philosophy is predicated on the belief that achieving these goals requires that police department should develop new relationship with the law abiding people in the community, allowing them a greater voice in setting local police priorities and involving them in efforts to improve the overall quality of life in their neighborhoods. It shifts the focus of police work from handling random calls to solving community problems.

The community policing philosophy is expressed in new organisational strategies that allow police departments to put theory into practice. This requires freeing some patrol officers from the isolation of the patrol car and the increased demands of the police radio, so that these officers can maintain direct, face to face contact with people in the same defined geographic (beat) area every day. This new Community Policing Officer (CPO) serves as a generalist, an officer whose mission includes developing imaginative new ways to address the broad spectrum of community concerns. The goal is to allow CPOs to own their beat areas so that they can develop the rapport and trust that is vital in encouraging people to become involved in efforts to address the problems in the neighborhoods. The CPO not only enforces the law, but supports and supervises community based efforts aimed at local concerns. The CPO allow people direct input in setting day to day local police priorities in exchange for the co-operation and participation in efforts to police themselves.

3.4   Critical Attitude Associated with Community Policing: What the Community Police Officers Needs

a.   A sense of personal responsibility for an area and its people. A feeling of ownership for what happens.
b.   Belief in the importance of attempting to improve conditions within an area. A desire to assess what you have control over and act responsibly as it relates to crime and disorder.

c.   Belief that the concerns of neighborhood residents matter. Recognising that police do not always know what citizens want and are not afraid to ask.

d   Belief that citizen possesses information necessary for police to do their job well. An understanding that police are heavily dependent on assistance from citizens to be successful.

e.   Commitment to educating and empowering citizens to act. A desire to teach citizens how to help themselves.

f.   Belief in working with citizens to solve problems. Recognising limitations and willingness to pursuit alternative course of action.

g.   Belief in working with other government or community agencies to solve problems. Understanding the importance and being capable of working in teams to accomplish result.

h.   Willing to make "extra efforts", go above and beyond what is normally expected.

SELF-ASSESSMENT EXERCISE

Discuss the philosophy behind community policing.

3.5   Approaches to Problem Solving Policing

The idea of problem solving policing can be attributed to Herman Goldstein, a law professor at the University of Wisconsin. The problem –solving approach to policing was first mentioned by Goldstein in a 1979 article calling for a new kind of policing, which he termed Problem –oriented Policing.

In traditional policing, most of what the police do is incident driven. They drive to incident after incident, dealing with each one and responding to the next. Problem solving policing or problem-oriented policing however, forces the police to focus on the problems that cause the incidents.

Commenting on incident driven policing, Eck and Spelman (1987), stated that "often officers tend to respond to similar incidents at the same location numerous times – burglaries in a certain housing project – car thefts in a certain parking lot. Because the police have traditionally focused on incidents, rarely have they sought to determine the underlying causes of these incidents. Problem – oriented policing tries to find out what is causing citizen call for helps.

The problem-oriented policing strategy consists of four distinct parts Scanning, Analysis, Response and Assessment, (SARA).

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S – A- R –A
S – Scanning
A – Analysis
R – Response
A – Assessment
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Problem oriented policing practitioners call this scanning, analysis, response, and assessment process by the acronym SARA. In the scanning process, groups of officers discuss incidents as "problems instead of as specific incidents and criminal law "concepts, such as robberies or larcenies". A robbery, which used to be thought of as a single incident in scanning process is thought of as being part of a pattern of robberies, which in turn might be related to another problem, such as prostitution – related robberies in a particular area of the city.

After defining the problem, officers begin 'analysis'. They collect information from a variety of sources including non police sources, such as members of the business community, other city agencies, or local citizens. The officers then use the information to discover the underlying nature of the problem, its causes, and options for solutions.

After scanning and analysis, the police begin 'responses'. They work with citizens, business owners and public and private agencies to prepare a programme of action suitable to the particular problem. Solution may include arrest but also may involve action by other community agencies and organisations. In the assessment process after the police make their response to the problem – they evaluate the effectiveness of the response. They may use the results to revise the response, collect more data, or even to redefine the problem.

Problem- oriented policing aspect officers' thinking: they are not just responding to yet another call for duty but are dealing with the underlying causes of incidents to prevent these incidents from happening again. It involves officers using all resources not only police department sources to deal with problems. Sparron, Moor and Kennedy (1988) offer the following commentary on problem – oriented policing. "Problems – solving policing with its emphasis on thoughtful police work … has challenged police to pay renewed attention to the causes and patterns of crime. It has also added to their arsenal new techniques of analysis, dispute resolution and crime prevention and increased willingness to engage in productive co-operative relationships with other municipal agencies".

There are many new tools available to law enforcement today to assist with this problem analysis as "an approach method/process conducted

within the police agency in which formal comprehensive data collection and analysis procedures are used in a systematic way to conduct in-depth examination of, develop informed responses to and evaluate crime and disorder problems.

It is hoped that this problem analysis occurs within the department, using the latest research to develop appropriate procedure to successfully address problems in the community. Developing partnership with local Universities may prove to be a win-win solution for police organisation. By understanding the underlying factors leading to the problems, the most realistic solutions to crime problem can be developed.

New technology enhances law enforcements ability to analyse crime and considers factors such as repeat victimisation, repeat offending and modus operandi (MOs) and therefore obtains the data that will facilitate their successfully addressing the crime problem. With improved technology, this can be accomplished and together with criminological theories and up-to-date research, the new technologies may lead to innovative ways to crime prevention and reduction.

3.6   Current Ways of Doing Community Policing

The concepts of Community Policing and Problem – Solving Policing have virtually merged in the past decade and can generally be looked at as one philosophy. Several labels have been given to this philosophy in addition to community policing and problem solving policing. Whatever the name given to this philosophy the concept is the same, the involvement of the community as a partner in the policing process and an emphasis on proactive problem oriented policing as opposed to incident - driven policing.

According to Rachlin (1997) "Community Policing has grown to be more than just a philosophy calling for police to co-operate with the public in addressing crime problem. Today, police agencies are beginning to mirror financial telecommunications, and other industries and institutions by offering various" "products" other than their core service to satisfy the ever-changing public. This philosophy emphasises that policing is done by everyone in the community and that police officers are paid professionals who facilitate it. Its refocusing includes many programmes among which are:

(a)   A gang unit that tracks gangs activity and saturates areas manifesting and increased in gang crime.
(b)   A neighborhood officer programmes through which officers are assigned to particular neighborhoods within the city.

(c)   Housing authority officers who work in the public housing areas.
(d)   Community Restitution Division in which sworn officers supervise offenders' probation and restitution.
(e)   A liaison officer who work with senior services and the local crisis centre to enhance service through better criminal investigation, information and education.
(f)   School liaison officers, who provide support for the schools, teach Gang Resistance Education. They also provide awareness training programmes and attend to students' social and sporting activities.
(g)   A social service coordinator who offer immediate assistance to victims of crime and of domestic violence.
(h)   Community outreach workers who offer special services to the city population.
(i)   A phone line for reporting crime anonymously.
(j)   Crime prevention/community relations programmes, including neighborhood watch citizens patrol, and other volunteer activities.
(k)   Police officers involvement on numerous community boards and committees that are working to prevent crime, drug use and gang activity.
(l)   Use of an American Telephone and Telegraph (AT&T) language line should be use. This is a telephone language line that provides translation for more than 200 foreign languages.

SELF-ASSESSMENT EXERCISE

Discuss current ways of conducting community policing

3.7   The Concept of Community Policing Project in Nigeria

Former President Obasanjo formally launched the Nigeria Police Community Policing Project on 27 April 2004. A programme is now being implemented by Nigeria police to introduce community policing throughout Nigeria. Community policing is founded on the principle that in a democratic society, the police are entrusted by their fellow citizens to protect and serve the public's fundamental rights to liberty, equality and justice under the law.

Many police forces throughout the world claim to practice community policing but the concept can be misunderstood and misapplied. Often community policing is perceived as a single model or technical specification that can somehow be transplanted into any policing environment regardless of organisational, cultural or social context.
In fact, community policing is a philosophy and value system against which policing objectives and performance are measured. Therefore

local models can and will share and retain the same set of key principles and core values.

3.8   Rationale for Community Policing in Nigeria

The reasons for adopting the more proactive approach inherent in community policing are both philosophical and pragmatic.

At the philosophic level, any police organisation that seeks to serve democratic and humanitarian ideals must be (and be seen to be) transparent, fair, apolitical, accountable and responsive to public perceptions and expectations. Such policing is characterised by the notion of "police service" rather than "police force", where the most significant benchmarks of performance are public satisfaction, trust and confidence.

At the pragmatic level, there exists an awareness of the inadequacy of the traditional approach to policing, which tends to be reactive and exclusively law-enforcement based, an ultimate not effective in preventing crime and anti-social behaviour within society. Further, a predominantly reactive policing style encourages a police culture, whereby the police and public develop a separatist 'them and us' mentality towards one another. The inevitable outcome is that the police image suffers, public confidence declines, and cooperation is nonexistent.

Finance provides another pragmatic and compelling reason to pursue a community policing style. Citizens and their elected representatives are entitled to demand value for their money. They should be able to prove that they have spent their budget wisely and that resources have been targeted effectively towards social priorities. If the police can demonstrate that they are operationally cost effective and achieving results, in service quality and public satisfaction, they gain a significant edge in the bidding for future finance and resources.

SELF-ASSESSMENT EXERCISE

What is the rationale for community policing in Nigeria?

4.0   CONCLUSION

Community policing, changes the way police think and act. This revolutionary movement broadens the police mandate beyond a narrow focus on fighting crime to include efforts that also address fear of crime, social and physical disorder, and neighborhood decay. The Community

Policing philosophy provides an organisational strategy that challenges police officers to solve community problems in new ways.

For this problem–solving process to operate effectively the police needs to devote time and attention to discovering a community's concerns and they need to recognise the validity of those concerns. Police and neighborhood groups may not always agree on the specific problems that deserve attention first. For example, police may regard robberies as the biggest problem in a particular neighborhood, while residents find derelicts that sleep in doorways, break bottles on sidewalks, and pick through garbage cans the number one problem. In such a community, both problems should receive early attention from the police, other government agencies and the community

5.0   SUMMARY

In this unit, three strategies for policing have been identified. These are strategic policing, community policing and problems solving policing. Philosophy of community policing is a new concept that police officers and private citizens should work together to help solve community problems related to crime and security.

6.0   TUTOR-MARKED ASSIGNMENT

1.   Discuss the three corporate strategies for policing.
2.   State the qualities of community police officers.
3.   State the differences between traditional policing and problem solving policing.
4.   Some community policing advocates recommend a four-step problem- solving process referred to as SARA. Explain in detail what is meant by SARA.

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UNIT 3   POLICE ETHICS AND POLICE DEVIANCE IN NIGERIA

CONTENTS

1.0   INTRODUCTION

A Police Code of Ethics set the standards for ethical behaviour. The code of Ethics states that police officers must uphold the law regardless of the ethnic or social status of the offender. They must not abuse their powers in order to give special treatment, or take advantage of certain people; they must not misuse their power to fulfill his/her personal needs or wants; they must not use excessive of unnecessary force on members of the public. They must also hold themselves to a higher standard of behaviour both in their professional as well as personal lives, as expected by the general public.

2.0   OBJECTIVES

At the end of this unit, you should be able to:

- explain police ethics and deviance in Nigeria
- discuss the dilemma the police face between law and order
- analyse police corruption in Nigeria
- describe forms of corruption in Nigeria
- outline the causes of police corruption
- explain the reasons for police corruption
- discuss the effects of police corruption
- state measures to be adopted to curtail corruption in the Nigeria police
- define police brutality
- explain forms of police brutality
- discuss how police brutality affects their relationship with the public
- explain the causes of police brutality
- discuss the impact of long military rule on police brutality proffer solutions.

3.0   MAIN CONTENT

3.1   Ethics and the Police

What is ethics? James Gilbert (1988) in his articles "Investigative Ethics" defined ethics as the practical, normative study of the rightness and wrongness of human conduct. He says that all human conduct can be viewed in the context of basic and applied ethical considerations. Basic ethics are the rather broad moral principles that govern all conduct while applied ethics focuses these broad principles upon specific applications. For example, a basic ethical tenet assumes that lying is wrong. Applied ethics would examine and govern under what conditions such a wrong would indeed take place. Gilbert concludes that the ethical dilemmas which face our police will not disappear as the world becomes more sophisticated and technological. On the contrary, such developments only widen the gap between professional behavior and possible unethical actions. As judicial provision become more complex, criminal operation more skilled, the temptation towards unethical conduct increases. Accordingly, education and training which address the poignant issues of ethical decision making will truly aid the investigator (and police officers)

SELF-ASSESSMENT EXERCISE

Discuss "police ethics" in Nigeria.

3.2   The Dilemma of Law and Order

There have always been inherent conflicts in the role of the police in maintaining law and order in our society. Jerome Skolnick (1975) calls this conflict the "dilemma of law and order", implying police efforts at maintaining law and order but doing so under the restraints of the law. Perhaps it is better imagined that, to maintain law and order, the police were bigger, meaner, and allowed to beat up all the criminals in order to ensure a safe society. Of course, we cannot do that, we must have our police comply with the same law they are paid to enforce. According to Abadinsky (1981) "whatever goals and objectives we assign the police, we insist that they be achieved in conformity to law, and this is no small task".

Elmer Johnson (1969) points out that "police observance of individual rights is essential to making democracy a reality in mass society but achievement of this ideal is made particularly difficult by the demand that the police also should be efficient in protecting the community against criminals, disorder, and social unrest. Police officers face ethical dilemma every day. They make difficult decisions on a daily basis in exercise of their discretion. Every situation is different, and circumstances surrounding an incident may determine whether or not an arrest is expedient. Officers have to weigh many variables and determine sometimes which would accomplish the most good for the greatest number of people. Even so, they are open to questioning and criticism. If they considered the wrong factors (ethnicity, ability to gain influences, pay offs) in making these decisions they could slide on the slippery slope of corruption.

3.3   Police Corruption

Police corruption has many definitions. Herman Goldstein (1975) defines it as "acts involving the misuse of authority by a police officer in a manner designed to produce personal gain for him or others".

Elliston and Feldbery (1984) defined corruption as "the acceptance of money or the equivalent of money by a public official for doing something he or she is under a duty to do anyway, that he or she is under a duty not to do, or to exercise legitimate discretion for improper reason.

Richard Lundman (1985) defines Police Corruption as "when officers accept money goods or services for actions they are sworn to do

anyway. It also exists when police officers accept money, goods or services for ignoring actions they are sworn to invoke legal procedures against.

Although these definitions varied, we can find enough commonalities to define corruption for our purposes. When a police officer is acting under his or her official capacity and receives a benefit or something of value (other than his or her paycheck) for doing something he or she is corrupt. Distinction must be drawn among bribes, gratuities and gifts. Is giving an officer a bottle of beer or a sandwich an act of corruption?

According to Feldbery (1984), accepting any kind of gift is the beginning of compromised (slippery slope syndrome) where the path is paved for accepting other larger gratuities in the future and eventually bribes.

Ethics for the police are extensive and must be regulated by constitutions, statutes and codes of conducts. Constitutional and statutory provisions and international human rights declarations, Conventions and protocols exist to secure a balance between police powers and the protection of fundamental human rights.

Nigeria constitution (1999) contained several provisions for protecting the fundamental rights of the citizens. The constitutional provisions explicitly stated rules or procedure and rights of citizens undergoing criminal trial. Such rights contained in chapter 4 of the (1999) constitution include:

(1)   Right to life, to personal dignity and to freedom from torture or inhuman or degrading to treatment.
(2)   Right to be presumed innocent until adjudged guilty by a competent court or tribunal.
(3)   Right to remain silent
(4)   Right to notice of charge(s) within a reasonable period and in a language understood by the suspect.
(5)   Right to be represented by a counsel of one's choice.
(6)   Right to be arraigned before a court within a reasonable period (normally about 24 hours in urban area or wherever courts exist within the immediate locality and usually not more than 72 hours.
(7)   Right to bail from police custody (pending arraignment) and from courts (during trail)
(8)   Rights to cross-examine prosecution's witness in defense or rebuttal of evidence adduced by prosecution in support of one's evidence.
(9)   Right to fair hearing through an open and impartial judicial process.

(10) Right to speedy trial.
(11) Right to freedom from compulsion to testify against oneself, right against self incrimination.
(12) Right against long detention without trials.
(13) Right against retro-active criminal legislation.
(14) Right against double jeopardy trail for the same offence in more than one instance
(15) Right to appeal judicial review of decisions of lower court or tribunal.

These rights are guaranteed by the constitution to enable the criminal justice system dispense justice.

However, compliance with these provisions requires alert public, vibrant human rights organisations, independent judiciary committed to the protection of human rights and observance of the rule of law.

SELF-ASSESSMENT EXERCISE

List the fundamental rights of the citizens as contained in 1999 constitution.

3.4   Impact of Police Corruption

A major contemporary issue of regular discussion in relation to policing in Nigeria is the extent of corruption. According to A. B. Dambazau (1998) Police corruption impacts directly on the police ability to prevent and control crime including criminal investigation. It does so in a number of ways such as;

(a) Corrupt policemen will devote time and energy in pursuing graft rather than the fulfillment of their responsibilities to the society.
(b) Police corruption facilitates the commission of crime or the escape from justice by others, leading to more criminality in society.
(c) Where the police are deemed corrupt and inept by the wider society, people tend to take measures into their hands to either protect themselves or seek revenge. For some, this generally means investment in private security; building with high fences around residence as seen in most Nigerian cities and for others it means either a return to traditional forms of justice or resort to "jungle justice"

Transparency International has on numerous occasions rated Nigeria as one of the most corrupt Nation in the world. Although police corruption is not necessarily the most harmful sort of corruption in Nigeria, the public seems predisposed to view as the highest. There seems to be more

public criticism of police corruption than any other form of corruption involving government officials. The reason for these public criticisms is not far-fetched. The police are entrusted with the enforcement of the fundamental rules that guide the conduct of society. Therefore a policeman's violation of the law or his failure to enforce it doubly dishonors the law and the authority he represents. The consequence is that the policeman is viewed as dishonest, a factor that can destroy the respect and trust required from the community he serves.

SELF-ASSESSMENT EXERCISE

Explain the effect of police corruption in Nigeria.

3.5   Causes of Police Corruption

In general there are many explanations for police corruption. They include dishonest and faulty recruitment; faulty training and supervision; political influences, lack of professional standards; societal demand for illegal services, poor welfare and administration and socialisation.

3.5.1 Recruitment Policy

This is one of the causes of corruption in the Nigeria Police. A large percentage of policemen are not properly screened during their recruitment into the organisation. This creates a situation which provides the possibility of recruiting persons of questionable character and in some cases, person with criminal records. According to S. G. Ehindero, "there is unbearable indiscipline in the rank and file" and this is due to presence of those he called "criminals and armed robbers" in the Nigeria police. Ehindero, a former Inspector General of Police, consistently maintained that those recruited into the force between 2000 and 2005 were not properly screened. In line with this argument Oladipupo (2006) noted that "It is an irony of the Nigeria situation that the nation's law enforcement agents are even more corrupt than those they are supposed to police". This has sometimes been blamed on the manner and caliber of men and women recruited into the Nigeria police.

3.6   Reasons for Police Corruption

(a)   Edwin U. Sutherland's theory of differential association to police corruption. Sutherland theory of differential associations holds that crime is basically "imitative" and learnt the same way we learn other behaviour.
(b)   Relatively low pay received by police.

(c)   The moral dilemma they face when given the responsibility of enforcing unenforceable laws (illegal drugs, gambling, alcohol and prostitution).

3.7   The 'Bad Eggs' Theory

Police corruption may be explained on the basis of the 'bad egg' theory. According to this theory, in every occupation, policing inclusive there are bound to be some members who are willing to cut corners, commit dishonest or criminal acts in pursuit of some gain. The claim by the police hierarchy is usually that corruption is limited to a few "bad" policemen who do not actually represent the standard of the organisation.

Patrick Murphy (1989) in reference to the US police asserts that "The 'Rotten apple' theory won't work any longer. Corrupt police officers are not natural – born criminals, nor morally wicked men, constitutionally different from their honest colleague. To task corruption control is to examine the organisation, not just the individual in it – because corrupt police are made not born.

3.8   Noble Cause Corruption

"Noble cause" explanation to corruption obtains where a police officer may bend the rules in order to attain the "right" result. This is also often referred to as the "Dirty Harry" syndrome. In the extreme situation an officer might justify violating a suspect's right in order to save someone's life. More commonly, the rights violation would be justified in the officer's mind by the ultimate good or putting the bad guy in jail where he belongs. These behaviours involve police officers misusing their legal authority but they are not doing it for personal gain. They rationalise their behaviour to get the bad guys behind bars and consider it a noble cause type of corruption.

3.9   Effects of Police Corruption

"Nothing undermines public confidence in the police and in the process of Criminal Justice more than the Illegal acts of police officers" said the President's Commission on Law Enforcement and Administration of Justice. David Burnham (1974) identified four hidden social costs of police corruption, namely:

(a)   To pay off the police to avoid harassment.
(b)   It undermines the enforcement of the law allowing widespread illegal activities to represent a secret tax on business to flourish.

(c)   It destroys the department itself, robs the police officer of self respect and respect for superior officers and the department as a whole. Effective discipline becomes impossible when corruption is systematic.

(d)   Knowledge of the existence of corruption undermines the public's faith in the police and entire criminal justice system.

3.10   How to Curtail Corruption in Nigeria Police

The Nigeria Police has a ten-point programme of "Zero-tolerance for police corruption and indiscipline" with the following strategies for implementation:

(a)   Review police training curriculum to include topics on democratic policing, Community policing, human rights, and international legal instruments on conduct of law enforcement officer and corrupt practices and other related offences, so that officers are well-acquainted with demands of efficient and accountable policing.

(b)   Review and strengthen internal discipline mechanisms.

(c)   Collaborate with the Police Service Commission to enforce discipline.

(d)   Collaborate with the National Human Rights Commission, mass media and Non Governmental Organisation to promote public enlightenment on the role of police in society and citizens' duties towards the police.

(e)   Training of police officers in proper handling of firearms, crowd control, highway patrol, traffic control, etc.

(f)   Rough-tackle of corruption on the roads and police stations.

(g)   Reorganise the Federal Highway Patrol System.

(h)   Reforming existing laws

(i)   Harmonisation of modus operandi of all Anti- Graft Agencies or Commissions

3.11   Forms of Corruption

Corruption is not limited to the present day policing or to Nigeria. According to Goldstein (1977), "corruption is endemic to policing. The very nature of the police function is bound to subject officers to tempting offers." According to Schmalleger (1991) referring to America societies "Police deviance has been a problem in American society since the early days of policing. It is probably an ancient and natural tendency of human beings to attempt to placate or 'win over' those in position of authority over them"

Samuel Walker (1992) describes four general types of police corruption, taking gratuities, taking bribes, theft or burglary and internal corruption.

Gratuities are small tips or discounts on goods purchased. In many communities taking gratuities is not considered corruption but merely the showing of goodwill to the police (with of course the hope that the police might perform their duties a little better for the person who shows the goodwill). In Nigeria we are conversant with the idea of the "traditional kola" being offered to the police as an expression of goodwill.

Police corruption also may involve taking bribes. The payment of money or other consideration to police officers with the intent to subvert the aims of the criminal justice system.

Theft or burglary, the taking of money or property by the police while performing their duties is another form of police corruption. The police officers have access to numerous premises, including warehouses and stores, while investigating burglaries. A corrupt police officer has plenty of opportunity to take property from others.

Another type of police corruption is internal corruption. Officers bribe members of their departments for privileges.

3.12   Types and Dimensions of Police Corruption

Type	Dimension
Corruption of authority	When an officer receives some form of material gain by virtue of his position as a police officer without violating the law per se (e.g. free drinks, meals, services, traditional kola etc.).
Kickbacks	Receipt of goods, services or money for diverting business to particular individuals or companies.
Opportunistic Theft	Stealing from arrestees, from traffic accident victims, crime victims, and deceased bodies or property.
The Fix	Undermining criminal investigation or proceedings.
Direct Criminal Activities	Committing crimes against persons or property for personal gain in clear violation of the law.
Internal Payoffs	Prerogatives available to police personnel are bought or sold.
Flaking or Padding	Planting of or adding to evidence.

Source: Roebuck and Barker, 1973.

SELF-ASSESSMENT EXERCISE

Discuss on types and dimension of police corruption you know.

3.13   Issues and Perspective of Police Brutality

Police brutality has been defined as "the excessive or unreasonable use of force in dealing with citizens, suspects and offenders. Police violence or charges of police brutality are topical issues in our media. This has provoked questions why cases of police brutality dominate the headlines in our nation dailies. Is police violence against citizens that pervasive? Or does police brutality receive so much attention because it is so repugnant to our concept of "order under law"?

Despite the high incidence of headlines about police brutality, evidence suggests that the verbal abuse of citizen by officers is more serious problem. The President's Commission on Law Enforcement and Administration of Justice in US reported that "The commission believes that physical abuse is not as serious a problem as it was in the past … most persons, including civil rights leaders, believe that verbal abuse and harassment, not excessive use of force is the major police community relations problem today. There is no evidence that the situation in Nigeria is different.

Albert Reiss (1992) in his classical study of police abuse found that police verbal abuse towards citizen was far more common than the use of excessive force. The study found that the most common complaints of citizens against police, in order of frequency were:

1.   Use of profane and abusive language.
2.   Use of commands to move on or get home.
3.   Stopping and questioning people on the street or searching them and their cars.
4.   Use of threats to use force if not obeyed.
5.   Prodding with a night stick or approaching with a pistol.
6.   Actual use of physical force or violence itself.

Reiss found that in cases in which offenders were taken into custody, the factors leading to the use of force by the police were the citizens' social class and behaviour (deferring to versus defying the authority of the police). About half of the cases of use of force involved people openly defying Police authority. Reiss found that the police were more likely to use force against suspects and citizen, when the police considered it necessary to assert their authority or in the process of harassing drunks, alcoholic abusers etc.

Another disturbing aspect of police abuse is the status degradation aspect of police behaviour. Police often do not accord people with their rights and dignity even in a democratic society. Police abuses often stem from the traditions of police work and from the expectations of the police when confronting citizens. The police expect deference to, or at least acceptance of their authority. Behaviour that is inconsistent with the officers' expectations ranging from a show of disrespect to outright resistance evokes reaction by officers. To make citizens aware of the police reaction to any conduct challenging their authority, Scharf and Binder (1990) suggested "a community educations programme. This informs citizens about police expectations and about typical police responses to citizen threats… (so) that citizens might communicate with police officers and avoid violent confrontations. Also, as communication is a two way street police need to consider the appropriateness of their expectations of deference from citizens.

SELF-ASSESSMENT EXERCISE

What do you understand by "police brutality"?

3.14   Police Responses to Police Brutality

Police have responded to the problem of excessive force by their member and have proffered a variety of solution. Klockars (1992) has suggested that solutions to police brutality are improved training, better screening of applicants, citizens' review, more aggressive internal affairs investigation, increased discipline, closer press scrutiny, community policing, clearer policy, tighter rules and strong leadership.

3.15   Public Responses to Police Brutality in Nigeria

Human rights are rights inherent to all human beings no matter the nationality, place of residence, sex, ethnic origin, colour, religion, language or any other status. We are all equally entitled to our human rights without discrimination. These rights are all interrelated, inter dependent and indivisible. International human rights law lays down obligations of government to act in certain ways or to refrain from certain acts, in order to promote and protect human rights and fundamental freedoms of individuals or groups. The principle of universality of human rights is the cornerstone of international human rights law. This principle, first enunciated in the Universal Declaration on Human Rights, 1948, has been reintegrated in numerous international human rights conventions, declarations and resolution.

In order to promote human rights in Nigeria, the Nigeria Bar Association - Human Rights Institute (NBA-HRI) was established. The institute

protects the rule of law, independence of the legal profession effectively and efficiently and to advance human rights enforcement in Nigeria.

The NBA – HRI maintained that the reports of amnesty international on the widespread use of torture by law enforcement agent in the extraction of confessions and the securing of convictions in Nigeria is happening all around Africa. It noted that 70 percent of those who were convicted and those who where on death row were convicted solely on confessional statements extracted under duress, torture and other forms of degrading and in human treatment.

"Indeed in a recent report and public tribunal organised by the Network on Police Reforms in Nigeria (NOPRIN) revealed that torture was so common place that in most cases the police have jettisoned the traditional method of forensic policing and resorted to the short cut of torture to secure convictions. It is commonplace to see an officer unofficially designated as "OC Torture" i.e Officer in charge of torture in most major police stations across the country" it stated.

The institute identified two main factors as responsibility for this namely:

(1)   The low level of human rights education among law enforcement agencies in the country and the system of legal frame work which allows them to get away with such practices.

In the light of this, NBA-HRI urged the commission to call on the Nigerian Government and other African states that have not done so to take urgent measures to criminalise torture and domesticate the United Nations convention against torture.

It urged the commission to compel government to as a matter of urgency embark on intensive human rights education especially among security agencies to re-orientate them and inculcate in them respect for the fundamental rights of the citizens when they are under oath to protect.

3.16   Impact of Police Brutality in Nigeria

In Nigeria, police repression had been institutionalised since colonial rule. However, police repression become increasingly intensified under the successive military regimes after 1966. According to Alemika (1993) Police repression has persisted, and in most cases intensified… the Nigerian Police Force is still largely vicious and corrupt. Political opponents of government and military administrations usually workers, students, radicals and human rights activist – continue to suffer excessive and recurrent waves of brutalities, abductions unwarranted

searches and violations of privacy and private family life, extra-judicial killings, bodily injury, intimidation, harassment and loss of personal liberties in the hands of the police and sundry state "Intelligence" and security agencies in the country (Alemika 1993; 2008). The pitfall in Alemika's argument is that he failed to express the signs, symptoms and effects of Police Brutality in figures and it is that extent unscientific and unhelpful.

SELF-ASSESSMENT EXERCISE

Discuss the impact of police brutality in Nigeria.

3.17 Statutory Provisions

The Police regulations (Cap 359 Laws of the Federation of Nigeria, 1990) contained the Code of Conduct of Nigeria police officers (section 352 – 368). In brief, these sections made provisions for the regulation of the conducts of the nation's police in the following areas.

Complain of grievance, presents or gifts and entertainments, lending and borrowing, financial embarrassment outside employment. Petition writing by police officers, legal proceedings by or against officer, and conduct on leave.

Also sections 369 – 393 made provisions for police discipline – offences, reporting and charges of offences, investigations, punishments, appeal against punishment and review of punishment. By section 353, a police officer shall not conduct himself in such a manner as to bring his private interests into conflict with his public duties or in such a manner as is likely to cause a suspicious in the mind of any reasonable person that he has (a) allowed his private interest to come into conflict with his public duties or (b) used his public position for his personal advantage.

Section 354 prohibits corruption and gratification thus:

(1)   A police officer may not receive presents other than gifts from close personal friends or relatives whether in the shape of money, goods, free passages or other personal benefits and may not give such presents.

(2)   For the purpose of these regulations, a present received by any member of the immediate family of a police officer shall be deemed to be a present received by the police officer.

According to Alemika (1992), the various provisions discussed above are designed to ensure that the Nigeria police is effective, efficient, just,

humane and incorruptible. But some factors have militated against full actualisation of these objectives. Examples are:
(i) The structure of Nigeria political and economic.
(ii) The organisation and management of the Nigeria police.
(iii) The police are not accountable and responsive to the public
(iv) Poor quality of personnel and poor conditions of service.

SELF-ASSESSMENT EXERCISE

Explain the various statutory provisions that set up the Nigeria Police.

4.0   CONCLUSION

It can be seen that virtually all police department have rules and regulations that tell the members of the police force what is and is not acceptable behaviour. The police in any community have tremendous power and it is important that the officers to whom the public entrust their safety should act in honourable and ethical ways. The codes of ethics should serve three purposes: to inform the public about the goals of the organisation, to encourage ethical climate within the organisation and provide a structure for resolving ethical questions. However, it could also be reasonably stated that informing the public about the goals of the organisation might be better done with a mission statement and the code of conduct could be detailed enough to provide a plan for resolving ethical questions, ranging from changes of decision –making based on status, and taking bribes to state violence.

5.0   SUMMARY

In this unit, you have learnt that:

- Police ethics and police deviance in Nigeria.
- The inherent conflict of the police in maintaining law and order but doing so under the restraint of the law.
- The many dimension of police corruption and how it affects police effectiveness.
- Strategies being adopted to curtail corruption in Nigeria police.
- The dimension of police violence and brutality in Nigeria.
- The various forms of police violence and brutality.
- The police department responses to police brutality.
- The public responses to police violence and brutality.
- How police violence and brutality have virtually destroyed their image and trust in the eyes of the public.

6.0   TUTOR-MARKED ASSIGNMENT

1. Define police corruption
2. Discuss the police conflict of dilemma of law versus order.
3. Police corruption tends to destroy the trust and respect required from the public. Discuss.
4. Discuss on the causes of police corruption in Nigeria.
5. Enumerate not less than ten effective strategies to combat police corruption.
6. Discuss the forms of police corruption.
7. Discuss the incidence of police brutality in Nigeria and how it affects police and public relationship.
8. What are the solutions to police brutality in Nigeria?

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UNIT 4   POLICING AND HUMAN RIGHTS IN NIGERIA

CONTENTS

1.0   INTRODUCTION

The police occupy a very strategic place in law enforcement and criminal justice administration. In their attempt to carry out their constitutionally assigned duties, and confront the individual in his or her daily activities, there may be frictions which have serious implication for his/her rights. Moreover, how Police functions are carried out may engender confidence or lack of it in the legal order thereby promoting either stability or instability. It may promote confidence in and co-operation with the police or serve to alienate the populace. It may also impact on human and group rights guaranteed in the constitution and international conventions as well as universally accepted human rights norms.

2.0   OBJECTIVES

At the end of this unit, you should be able to:

- define fundamental human rights
- explain what make up human rights in Nigeria
- analyse how police have infringed on human rights
- describe the constitutional limitation of human rights.

3.0   MAIN CONTENT

3.1   The Rule of Law

The 1999 Constitution has entrenched the supremacy of the Rule of Law and of the Constitution by stipulating that the constitution is supreme and that its provisions shall have binding force on all authorities and persons throughout the Federal Republic of Nigeria. It further provided that "If any other law is inconsistent with the provisions of the constitution, the constitution shall prevail and that other law shall to the extent of inconsistency be void. By the same token all laws that govern the function, powers and activities of the police provided they are in conformity with the provisions of the constitution, are equally binding.

Human Rights guaranteed under the Constitution which have direct relevance to functions and powers of the police include rights (1) To life (2) To the dignity of the human person (3) To liberty (4) To privacy (5) To freedom of expression (6) To peaceful assembly and association (7) To freedom of movement (8) To property (9) To freedom from discrimination.

SELF-ASSESSMENT EXERCISE

Explain the concept of rule of law.

3.2   Right to Life

The 1999 constitution provides that:

(1)   Every person has the right to life, and no one shall be deprived intentionally of his life, save in the execution of the sentence of a court in respect of a criminal offence of which he has been found guilty in Nigeria.
(2)   A person shall not be regarded as having been deprived of his life in contravention of this section if he dies as a result of the use to such extent and in such circumstances as are permitted by law of

such force as is reasonably necessary. (a) for the defense of any person from unlawful violence or for the defense of property (b) in order to effect a lawful arrest or to prevent the escape of a person lawfully detained or (c) For the purpose of suppressing a riot, insurrection or mutiny.

3.3   Right to the Dignity of Human Person

The 1999 constitution provides that every individual is entitled to respect for the dignity of his person. Torture, inhuman or degrading treatments are proscribed under the provision. The 'individual' here can be construed to include a suspect or a person detained either for the purpose of interrogation or awaiting trials. Acts such as stripping the person and beating or torturing him/her in order to extract a confession, are unconstitutional and wrongful. A sub-human condition under which persons may be detained or incarcerated may offend the right to the dignity of the person.

3.4   Right to Personal Liberty

According to Lord Denning personal liberty is "the freedom of every law abiding citizen to think what he will, to say what he will, and to go where he will on his lawful occasions without let or hindrance from any other person.

The 1999 constitution guaranteed the right to personal liberty. It provides "Every person shall be entitled to personal liberty and no person shall be deprived of such liberty save in the following cases and in accordance with a procedures permitted by law":

(a)   In execution of the sentence or order of a court in respect of a criminal offence for which he has been found guilty.
(b)   By reason of its failure to comply with the order of a court or in order to secure the fulfillment of any obligation imposed upon him by law.
(c)   For the purpose of bringing him before a court in execution of the order of a court or upon reasonable suspicion of his having committed a criminal offence, or to such extent as may be reasonably necessary to prevent his committing a criminal offence.
(d)   In the case of a person who has not attained the age of 18 years for the purpose of his education or welfare.
(e)   In the case of a person suffering from infections or contagious diseases, persons of unsound mind, persons addicted to drugs or alcohol for the purpose of their care or treatment or the protection of the community.

(f)   For the purpose of preventing the unlawful entry of any person into Nigeria or of effecting the expulsion, extradition or other unlawful removal from Nigeria of any person of the taking of proceedings relating thereto: provided that a person who is charged with an offence and who has been detained in lawful custody awaiting trial shall not continue to be kept in such detention for a period longer than the maximum period of imprisonment prescribed for the offence.

The law prescribes for the procedure for arrest which may be with or without warrant. According to Ehindero (1992), for an arrest to be valid it must comply with specific legal requirement. There must be an asserted authority and intention to assert authority in every arrest. To be under arrest, there must be an intention known to the offender to prosecute him. Arrest means more than a deprivation of liberty. It is a step in the criminal process in apprehending a person's liberty so that he may come forward to answer a suspected crime".

In practical terms, a police officer in making an arrest is required to touch or confine the body of the person to be arrested unless the person submits to custody by word or action (CPA, S^3) A person may be detained after arrest where either bail is refused if he or she is unable to meet the conditions for bail.

Other pre-trial rights guaranteed under the 1999 constitutions include the right of an arrested or detained person to remain silent and avoid answering questions right of consultation with a legal practitioner or any other person of his choice, right to informed in the language that he/she understand of the facts and grounds of his/her arrests. The right of an accused to remain silent until, or right of consultation with lawyer or any other person of his choice appears inconsistent, with claim of the police not to be impeded in his proper investigation of the matter at hand and fear that contacts with a lawyer or other may facilitate the escape of an accused person or defeat the ends of justice.

The constitutions and other statutes make provision for the grant or withholding of bail but they appear not to promote the right to personal liberty to any significant level. The 1999 constitution provides that any person who is arrested or detained for the purposes of bringing him before a court in execution of the order of a court or upon reasonable suspicious of his having committed a criminal offence shall be brought before a court of law within a reasonable time and if he is not tried within a period of:

(a)   2 months from the date of his arrest or detention in the case of a person who is in custody or is not entitled to bail or

(b)   3 months from the date of his arrest or detention in the case of a person who has been released on bail: he shall (without any prejudice to any further proceedings that may be brought against to him) be released either immediately or upon such condition as are reasonable necessary to ensure that he appears for trial at a later date. "A reasonable time" is defined to mean a period of one day (24 hours) in the case of arrest or detention in any place where there is a court of competent jurisdiction within a radius of 40 km and in any other case, a period of 2 days (48 hours) or such longer period as in the circumstance may be considered by the court to be reasonable.

As a measure of further safeguard of the right to pretrial bail, S.30 of the CPA requires that a police officer in charge of a police station should report to the nearest magistrate the cases of all persons arrested with or without warrant and whether or not such persons have been admitted to bail.

Some of the factors which are normally taken into consideration in deciding whether or not to grant bail are:

(i)   Whether the accused person would appear to stand trial or report at the police station.
(ii)   Whether the grant of bail will or will not prejudice proper investigation of the offence
(iii)   Whether reasonable ground exists, for believing that the accused if released would commit an offence.

3.5   The Right of Property

It remains to examine to what extent the exercise of police powers impact on the right to property, privacy, freedom of association and assembly and freedom from discrimination. The 1999 constitution guarantee the right to property. It is provided that no immovable property or any interest in an immovable property shall be taken possession of compulsorily except in a manner and for the purposes prescribed by law.

The Police Act makes provisions for search and seizure of property with or without warrant and laid down the following guiding principles on seizure of property:

i)   The police officers must have reasonable grounds for believing that a serious offence has been committed, so serious that is of the first importance that the offender should be caught and brought to justice.

ii)   The police officer must have reasonable ground for believing that article in question is either the fruit of the crime (as in the case of stolen goods) or is the instrument by which the crime was committed (as in the case of axe used by the murderer) or is material evidence to prove the commission of the crime (as in the case of the car used by a bank robber).

iii)   The police officer must have reasonable grounds to believe that the person in possession of it has himself committed the crime or is implicated in it or is accessory to it.

iv)   The police must not keep the article or prevent its removal for any longer than is reasonably necessary to complete their investigations or preserve it for evidence. If a copy will suffice, it should be made and the original returned. As soon as the case is over or it is decided not to go on with it, the article should be returned.

v)   The lawfulness of the conduct of the police must be judged at the time and not by what happens afterwards.

3.5   Right to Acquire and Own Immovable Property anywhere in Nigeria

Subject to the provisions of this constitution, every citizen of Nigeria has the right to acquire and own immovable property anywhere in Nigeria.

3.6   Right to Fair Hearing

In the determination of his civil rights and obligations, including any question or determination by or against any government or authority, a person shall be entitled to a fair hearing within a reasonable time by a court or other tribunal established by law and constituted in such manner as to secure its independence and impartiality.

Every person who is charged with a criminal offence shall be presumed to be innocent until he is proved guilty: provided that nothing in this section shall invalidate any law by reason only that the law imposes upon any such person the burden of providing particular facts.

Every person who is charged with a criminal offence shall be entitled to-
(a) be informed promptly in the language that he understands and in detail of the nature of the offence;
(b) be given adequate time and facilities for the preparation of his defense; (c) defend himself in person or by legal practitioners of his own choice; (d) examine, in person or by his legal practitioners, the witnesses called by the prosecution before any court or tribunal and obtain the attendance and carry out the examination of witnesses to testify on his

behalf before the court or tribunal on the same conditions as those applying to the witnesses called by the prosecution; and (e) have, without payment, the assistance of an interpreter if he cannot understand the language used at the trial of the offence.

When any person is tried for any criminal offence, the court or tribunal shall keep a record of the proceedings and the accused person or any person authorised by him in that behalf shall be entitled to obtain copies of the judgment in the case within seven days of the conclusion of the case.

No person shall be held to be guilty of a criminal offence on account of any act or omission that did not, at time it took place, constitute such an offence, and no penalty shall be imposed for any criminal offence was committed.

No person who shows that he has been tried by any court of competent jurisdiction or tribunal for a criminal offence and either convicted or acquitted shall again be tried for that offence or for a criminal offence having the same ingredients as that offence save upon the order of a superior court. No person who shows that he has been pardoned for a criminal offence shall again be tried for that offence.

No person who is tried for a criminal offence shall be compelled to give evidence at the trial.

Subject as otherwise provided by this constitution, a person shall not be convicted of a criminal offence unless that offence is defined and the penalty therefore is prescribed in a written law; and in this subsection, a written law refers to an Acts of National Assembly or a Law of State, any subsidiary legislation or instrument under the provisions of a law.

3.8 Right to Private and Family Life

The privacy of citizens, their homes, correspondence, telephone conversations and telegraphic communications is hereby guaranteed and protected.

3.9   Right to Freedom of Thought, Conscience and Religion

Every person shall be entitled to freedom of thought, conscience and religion, including freedom to change his religious or belief and freedom (either alone or in community with others, and in public or in private) to manifest and propagate his religion or belief in worship, teaching, practice and observance.

No person attending any place of education shall be required to receive religious instruction or to take part in or attend any religious ceremony or observance relates to a religion other than his own, or a religion not approved by his parent or guardian.

No religious community or denomination shall be prevented from providing religious instruction for pupils of that community or denomination in any place of education maintained wholly by that community or denomination.

Nothing in this section shall entitle any person to form, take part in the activity or be a member of secret society.

3.10   Right to Freedom of Expression and the Press

Every person shall entitle to freedom of expression, including freedom to hold opinions and to receive and impart ideas and information without interference.

Without prejudice to the generality of subsection (1) of this section, every person shall be entitled to own, establish and operate any medium for the dissemination of information, ideas and opinions: provided that no person, other than the Government of the Federation or of a State or any other person or body authorised by the President on the fulfillment of conditions laid down by an Acts if the National Assembly, shall own, establish or operate a television or wireless broadcasting station for any purpose whatsoever.

Nothing in this section shall invalidate any law that is reasonably justifiable in a democratic society:

(a) for the purpose of preventing the disclosure of information received in confidence, maintaining the authority and independence of courts or regulating telephony, wireless broadcasting, television or the exhibition of cinematograph films; or (b) imposing restriction upon persons holding office under the Government of the Federation or of State, members of the armed forces of the Federation or members of the Nigeria Police Force or other Government security services or agencies established by law.

3.11   Right to Peaceful Assembly and Association

Every person shall be entitled to assemble freely and associated with other persons, and in particular he may form or belong to any political party, trade union or any other association for the protection of his interests. Provided that the provisions of this section shall not derogate

from the powers conferred by this Constitution on the Independents National Electoral Commission with respect to political parties to which that Commission does not accord recognition.

3.12   Right to Freedom of Movement

Every citizen of Nigeria is entitled to move freely throughout Nigeria and to reside in any part thereof, and no citizen of Nigeria shall be expelled from Nigeria or refused entry thereto or exit there from.

Nothing in subsection (1) of this section shall invalidate any law that is reasonably justified in a democratic society – (a) imposing restrictions on the residence or movement of any person who has committed or is reasonably suspected to have committed a criminal offence in order to prevent him from leaving Nigeria; or (b) providing for the removal of any person from Nigeria to any other country to – (i) be tried outside Nigeria for any criminal offence, or (ii) undergo imprisonment outside Nigeria in execution of the sentence of a court of law in respect of a criminal offence of which he has been found guilty; Provided that there is reciprocal agreement between Nigeria and such other country in relation to such matter.

3.13   Right to Freedom from Discrimination

A citizen of Nigeria of a particular community, ethnic group, and place of origin, sex, religion or political opinion shall not, by reason only that he is such a person:

(a)   be subjected either expressly by, or in the practical applications of, any law in force in Nigeria or any executive or administrative action of the government, to disabilities or restrictions to which citizens of Nigeria of other communities, ethnic groups, places of origin, sex, religious or political opinions are not made subjects; or

(b)   be accorded either expressly by, or in the practical applications of, any law in force Nigeria or any executive or administrative action, and privilege or advantage that is not accorded to citizens of Nigeria of other communities, ethnic groups, places or origin, sex, religious or political opinions.

No citizen of Nigeria shall be subjected to any disability or deprivation merely by reason of the circumstance of his birth.

Nothing in subsection (1) of this section shall invalidate any law by reason only that the law imposes restrictions with respect to the appointment of any person to any office under the State or as a member

of the armed forces of the Federation or a member of the Nigeria Police Force or to an office in the service of a body corporate established directly by any law in force in Nigeria.

SELF-ASSESSMENT EXERCISE

State instances where human rights can be infringed upon by the police.

3.14 Human Rights Violations by the Police: MYTH or Reality?

All over the world, police organisations have come under constant and severe criticism for their perceived knack for human rights violations. However, the level of such abuses which varies from one country to another is largely dependent on the degree of democratic governance in each country. Democracy usually gives room, through the rule of law, for active civil society groups to challenge police actions and make police officers more cautions in the way and manner they handle the citizens.

Despite continuous attempts by successive police administrations to change the human rights image of the Force, the notion persists among members of the general public that the Nigeria Police has very scant regards for the civil rights of the average citizen. This perception is borne out by the place of law enforcement in public administration. The police, as the coercive arm of the state, have borne the brunt of the blame for all the excesses of military and civil administrations in Nigeria. Little consideration is given to the fact that the Police must give unflinching loyalty and support to the government of the day. The public is always quick to find the Police guilty of rights abuses even before the facts of each incident have been made public.

Several reasons have been adduced for the seeming recalcitrance of police operatives to turn a new leaf and show greater respect for the right of citizens. Some of the often cited reasons include:

- The police is a colonial invention, hence it was not created to respect the rights of citizens but to advance the cause of colonialism.
- Many policemen have minimal education and are incapable of appreciating the value of civil liberties to the entire society.
- Long years of military despotism have made most citizens, the police included, to have regards for basic rights of all citizens.
- Sometimes, the police violate citizens' rights out of anger, frustration and low self esteem resulting from their poor pay and welfare packages.

Indeed, these factors may be responsible for the seeming intractability of human rights situation in police stations and offices around the country. Femi Otubanjo (2005) adduced other plausible causes of Human Rights violation by the Police, as Conceptual, Cultural, Social and Environmental. His views are outlined below:

(i)   **Conceptual –** In several Nigerian languages, there is no direct transaction for the word "suspect". So, it is often misconstrued to mean that the arrested person is already guilty of the offence; hence the suspects are treated with indignity, crudity and brutality.

(ii)   **Cultural –** The Nigerian Police operates in a paternalistic society, where authority is rarely questioned, so police personnel do not expect citizens to argue for themselves out of any situation and any attempt to challenge their authority usually leads to all manner of abuses.

(iii)   **Social -** The bulk of policemen and women come from the lower classes of society and are educationally and materially disadvantaged. They tend to express frustrations and their authority through abusive behaviour.

(iv)   **Environmental –** The poor training of Police recruits expose them to brutalisation of their psyche, with inadequate welfare packages such as feeding and other facilities to make their training easier and more humane. Beyond the Police Training Schools, the Police in Nigeria operate in a social milieu that is characterised by a legacy of civil war and military rule, political mismanagement and economic adversity that have contributed to a culture of lawlessness and violent crimes. The Nigeria Police is therefore confronted daily by a relentless army of lawbreakers created by this polluted social environment.

4.0   CONCLUSION

We have discussed the activities carried out by the police relating to crime prevention and law enforcement that often touch on issues of Human rights. Nigerians are increasingly conscious about their rights as guaranteed in the constitution. Unfortunately, police activities present several instances for breach of those Rights. These rights whether civil and political or economic, social and cultural are inseparable, each having a legitimacy of its own and yet none hardly fully realisable without the other.

5.0   SUMMARY

In this unit, you have learnt:

- The meaning of human rights.
- How the police functions infringe on human rights.
- The supremacy of the Rule and Law of every citizen, including the police.
- The various human rights and how they impact on the powers of the police.

6.0   TUTOR-MARKED ASSIGNMENT

1. Discuss the various ways in which the police can infringe on human rights in the course of their job.
2. Discuss the role of the police towards building an equitable and democratic society.

7.0   REFERENCES/FURTHER READING

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MODULE 4

UNIT 1   POLICE, LAW AND CRIMINAL PROCEDURE

CONTENTS

1.0   INTRODUCTION

The machinery designed for criminal justice administration consists of the paraphernalia and the rules laid down for bringing persons who have contravened the provisions of the Criminal Code and Penal Code and

other statutes to justice according to the laws of the country. The aphorism that "procedure is the heart of law" remains consistently true. It is based on the cardinal principle of the rules of natural justice: that a person shall not be judged in his own cause and the judge must hear the other side before deciding the complaint before him. The machinery for the administration of criminal justice comprises the police, the ministries of justice, the courts and the prisons. The police and ministries of justice investigate and prosecute complaints against person. To the courts is assigned the adjudication of accusation.

Criminal laws are rules which prohibit some harmful conduct and punished those who violate the law. This is the basic in which the criminal justice administration operates. This unit will focus excessively on the police, criminal law and procedure.

2.0 OBJECTIVES

At the end of this unit, you should be able to:

- explain the various step involves in Pre-trial process
- explain the purpose of arrest
- describe the procedures in granting of bail by the police
- discuss what criminal investigation is all about
- define Criminal Law
- explain the forces that shape criminal law
- discuss the content of criminal law
- analyse the history of criminal; law
- state the object of the criminal law
- identify the characteristics of criminal law
- list type and definition of selected crimes.

3.0 MAIN CONTENT

3.1 Pre-Trial Process

Pre-trail process is a way of determining whether the suspect/defendant committed the crime or crimes with which he or she is charged. It always starts when the suspect or defendant is arrested by the police and he/she is screened to determine his/her culpability of the crime.

3.1.1 Arrest

The policeman triggers off the criminal justice process when he first gets in contact with the offender. This occurs when a crime is committed in his presence, when a crime is discovered by police, or when a crime is

reported by private citizens. The police officer decides whether or not he should arrest and when. In this context, arrest is the taking of a person into custody with lawful authority, and holding that person to answer for a violation of a criminal law. It is the seizure of a person or the taking of a person into either actual physical custody, as when a suspect is hand cuffed, or constructive custody as when a person peacefully submits to a police officer's control.

An arrest has two main purposes (1) To make certain that the accused person or suspect does not escape and (2) To give the society the necessary protection against further victimisation. Any person arrested on suspicion of committing an offence must be taken immediately to the police station. The person arrested shall not be subjected to unnecessary restraint except where there has been an attempt to escape from custody or where restraint is necessary for the safety of the person arrested. The person arrested must be told the reason for his arrest in the language he understands.

Arrest can be made with or without a warrant. Generally warrant of arrest is required when law enforcement officers want to enter private premises to make an arrest. An arrest warrant is an authority issued in writing by a court to the person making the arrest. It is issued only if substantial and trustworthy evidence supports the following two conclusions (1) A violation of the law has occurred and (2) The person to be arrested is suspected of having committed the violation. The Nigeria Police enjoy wide powers to arrest without a warrant in certain circumstances and these are specified in section 10 of the Criminal Procedure Act and section 20 of the Police Act. Identical powers can be found in the Criminal Procedure Code. The police officer can arrest without warrant in any of the following circumstances:

(1) Any person whom he suspects on reasonable ground of having committed an indictable offence against a federal law or against the law of the state unless the written law creating the offence provides that the offender cannot be arrested without a warrant.
(2) Any person who commits any offence in his presence.
(3) Any person who obstructs a police officer while in the execution of his duty, or who escapes or attempts to escape lawful custody.
(4) Any person in whose possession anything is found which may reasonably be suspected to be stolen property or who may reasonably be suspected of having committed an offence with reference to such a thing.
(5) Any person whom he suspects upon reasonable ground of being a deserter from any of the armed forces in Nigeria.
(6) Any person whom he suspects upon reasonable grounds of having been concerned in any act committed at any place out of

Nigeria which if committed in Nigeria would have been punishable as an offence, and for which he is under any enactment in force in Nigeria, liable to be apprehended and detained in Nigeria.

(7)   Any person having in his possession without lawful order, the burden of proving which excuses shall on such person, any implement of house breaking.

(8)   Any person for whom he has reasonable cause to believe a warrant has been issued by a court of competent jurisdiction in the state.

(9)   Any person who has no ostensible means of subsistence and who cannot give satisfactory account of himself.

(10)   Any person found in the state of taking precautions to conceal his presence in circumstances which afford reason to believe that he is taking such precautions with a view to committing an offence which is a felony or misdemeanor.

SELF-ASSESSMENT EXERCISE

Discuss extensively the procedure for the arrest of a suspected offender.

3.2   Search and Seizure

A search is an exploration or inspection by law enforcement officers, of home premises, vehicles, or person for the purpose of discovering evidence of crimes or persons who are accused of crimes. Seizure is the taking of persons or property into custody in response to violations of the criminal law.

The immediate purpose of the searches is to deprive the arrested person of any weapons, which might be used to attack the police officer or enable him escape or to commit suicide. The police officer can also search for suspected stolen goods or weapons or instruments used in committing a particular crime. An illegality or irregularity in search would not render the fruits of crime inadmissible in courts. It is however different under the United States law in which the 'exclusionary rule' of evidence safeguarding the accused against arbitrary search and seizure.

3.3   Gathering of Evidences

The responsibility for gathering and arranging the evidence required for the prosecution of a person accused of committing an offence rests entirely with the police. It is this institution which apprehends offenders and investigates the allegations as issues. In most cases police also prosecute in court cases where the evidence assembled justify such a prosecution. The Attorney General prosecutes the rest of cases that are

important and beyond the police or whose statute expressly requires it. In the discharged of this duty, the police officer or officers will make such reasonable enquiries relating to the commission of crime as will lead to the establishment of the guilt or innocence of the person suspected. In this, statements will be taken from eye witness to the commission of the offence or person who association with the accused during or after the commission of the offence will lead to the establishment of the truth. Invariably the police officer investigating the allegation will make enquiries from the person suspected and any other persons.

The statement made to him by the persons who claim to have knowledge of the commission of the offence who are not participants will constitute the basis of his investigation and will be the prosecution witnesses at the trial.

The person accused of the commission of an offence is also usually asked whether he wishes to say anything to the accusation. The rules require that his answers to such invitation are only admissible where they are voluntary. Where the answers were obtained by threat of injury to his person held out to him by person in authority or inducement in the nature of promise of reward, the statement is not admissible. The court has in the interest of justice devised rules which are known as judge. Rules that are designed to protect an accused person from the wiles and stratagems of the police who are anxious to secure convictions at all costs including devices prejudicial to the interest of justice.

3.4 Criminal Investigation

A very important aspect of the police functions is criminal investigation. It is highly complex and sophisticated science which requires the coordination of efforts among several specialists. The word "investigate" is derived from the Latin word "*vestigare*" meaning to track or trace. It means to follow step – by – step by patient inquiring or observation; to trace or track mentally; to search into with care and accuracy, to find out by careful inquisition; a legal inquiry etc.

The use of scientific technology to solve crime is referred to as Forensic science or criminalistics. Criminalistics is the branch of forensic science that deals with the study of physical evidence related to crime. Forensic science is the more general and frequently used term. It is that part of science applied to answering legal questions, the examination, evaluation and explanation of physical evidence related to crime.

Criminalistics is actually just one of several branches of forensic science. Others include pathology, toxicology, physical anthropology,

odontology, psychiatry, questioned documents, ballistics, tool work comparison and serology. For easy understanding of this unit, the word criminalistics will be used interchangeably with forensic science.

The California association of criminologists defines criminalistics as "that profession and scientific discipline directed to the recognition, identification, individualisation and evaluation of physical evidence by the application of the natural sciences to law-science matters.

Criminalistics evidence includes such clues as finger prints, blood and blood stains; semen stains drugs and alcohol, hairs and fibers and firearms/tool marks. The purposes of criminalistics is to take physical evidence from a crime scene and to use it to (1) identify the person who committed the crime and (2) Exonerate others who may be under suspicion, for example, forensic scientist will be relied upon to establish a nexus between a crime and weapon of offence, to identify the weapon use for a particular crime - whether the pistol found on a suspect was the one that fired the bullet found in the body of a murder victim? Criminalistics evidence also can be used to establish or corroborate an element of the crime and reconstruct how a crime has been committed.

SELF-ASSESSMENT EXERCISE

1.   What is criminal investigation?
2.   In what way may forensic science be employed by the police?

3.5   Interrogation

Rules permit a police officer to question persons suspected or accused of crimes. When there is sufficient evidence and police have decided to charge the accused with the commission of an offence the accused person shall be cautioned; that he is not obliged to say anything unless he wishes to do so and that everything he says may be taken down in writing and given in evidence. The statement thereafter volunteered shall be taken down in writing. When an accused person desires to write his statement himself he should be allowed to do so, without any prompting. A police officer taking down a statement of an accused or suspected person shall do so in the language in which the statement is made and subsequently translated into English language and attached to each other. The statement so taken must be read over by or to the maker by the recorder and signed by both parties (maker and recorder).

3.6 Bail

The officer in charge of police station is empowered to release on self recognition or on the production of suitable surety any person taken into

custody for an offence, not being a capital or non-bail able offence. Otherwise, a person so taken into custody for an offence must be brought before the court within a reasonable time or as "soon as practicable".

The court frowns at the deprivation of the liberty of the individual other than situations in which liberty can be lawfully deprived. Example is a detention in the execution of a sentence or order of court. Otherwise law provides that the accused be brought before the court and his bail determined. The court is empowered to grant bail unless where there is good reason to the contrary. The usual reasons given for the refusal of bail is that the accused may not appear to answer to the charges, or that if released from custody, was likely to interfere with prosecution witnesses.

Generally, the following considerations are paramount in the exercise of discretion to grant bail.

(i)   The gravity of the offence.
(ii)   The severity of punishment on conviction.
(iii)   The period likely to be spent by the accused awaiting trial or indeed its commencement.
(iv)   The likelihood of the accused jumping bail.
(v)   The possibility of interfering with prosecution witnesses.

Only the High Court shall grant bail in capital cases. One accused of a felony may be granted bail if he satisfies the court that he will appear to answer his charge. Person charged with simple offences and misdemeanor shall be granted bail unless the prosecutor satisfies the court that the accused would jump bail. Read the following in conjunction with one another:

1.   The constitution of the Federal Republic of Nigeria, 1999, sections 35 and 36.
2.   The Criminal Procedure Act which operates in the 17 Southern states, sections 118 – 120.
3.   The Criminal Procedure Code which operates in the 19 Northern states, section 341.

3.7   Definition of Criminal Law

Criminal laws are coercive rules which:

i.   Identify and prohibit some harmful conducts (out of a broad spectrum of similar, more or less injurious behaviours).
ii.   Define proscribed behaviours as crimes.

iii.   Label prohibited acts and omissions as crimes and those convicted of committing them as criminals and
iv.   Prescribe punishment or correctional sanctions for those detected, apprehended prosecuted and convicted for commission of crimes.

SELF-ASSESSMENT EXERCISE

Define Criminal Law, and explain its purpose, if any.

3.8   The Object of the Criminal Law

The object of the criminal law is punishment of a convicted offender. This brings us to the object of punishment. What is the object of punishment? They are:

1.   To specify what conducts are criminal or what are not.
2.   Determine the content, procedures, for administration of criminal justice.
3.   Establish, organise, fund, deploy and control the Criminal Justice Agencies e.g. the police.
4.   Create and empower the courts in the interpretation of criminal laws and disposition of criminal complaints.
5.   Build and manage the prison and the overall penal – correctional system for the punishment and "treatment" of convicted persons.

3.8.1   Retribution (Backward Looking)

This approach to punishment involves breaking of vengeance and infliction of pain by society, on behalf of itself for the injured individual, or the wickedness of the offender. Retribution in punishment is lex talionis doctrine of eye for an eye, tooth for a tooth. The philosophy is that an individual deserves the penalty he gets because of the crime he committed. If a person commits a crime, he must be given the exact measure of punishment prescribed by law, he must not be given lesser penalty than he deserves.

Retribution is also based on the universal notion that punishment must be just or fair. That is the offender not receiving greater punishment than his offense deserves. But it has obviously been difficult to decide what is a fair proportion between a crime and its punishment, taking into account all the circumstances of a case. The assumption is that there do exist general notions in a community of what is a just desert and desire that like cases must be treated alike.

3.8.2 Utilitarian Objects of Punishment (Forward Looking)

Utilitarian principles of punishment are essentially forward looking. Punishment is imposed with an eye to its future results. The fundamental aim being to prevent further crime. There are at least four utilitarian principles.

(a) **Disablement**: The idea of disablement is to prevent or reduce the possibility of future crimes by those convicted of crimes. An individual can be disabled or incapacitated temporary or permanently. Temporary incapacitation is usually imprisonment, the idea of keeping the criminal in prison for a term. It is expected that during the term of imprisonment the criminal is in no position to commit crime. His liberty is curtailed and he is under permanent supervision and surveillance. Permanent disablement might be likened to the supreme punishment such as capital punishment or death penalty.

(b) **Deterrence**: This principle of punishment takes two forms (specific or general). Punishment may be imposed in order to deter the particular accused from offending again. It may be imposed with the more general view of deterring the public from doing what the accused did.

(c) **Rehabilitation or Reform**: The rehabilitation or reformation objective is not to punish an offender by imposing some unpleasantness upon him, but rather to prevent him from offending again by transforming his attitude to life so that he himself will voluntarily refrain from offending again.

(d) **Educative**: Allied to both the deterrent and rehabilitative aspect of punishments is the educative aspect. When a penalty is attached to a particular type of human conduct, it is usually the case that most members of the community agree that it should be penalised. But this may not always be so, and the purpose of punishment may often be to educate people out of a certain way of behaviour which is prevalent. It is felt that the mere fact that a part of the community denounces particular conduct so strongly as to render it liable to punishment, will not only deter others from committing it but also will make them come to see that it is wrong.

Law is a body of values imposed and enforced by the state. The ultimate aim of law is to regulate conduct. As Sir Vinogradoff observed, the differences between the decree of an absolute monarchy, a statute enacted by parliament and a legal principle formulated by judges is technical rather than fundamental: all proceed from the authority of whoever wield political power at any given point in time (on behalf of the state).

3.9 What Crime and Criminal Law is

As contained in section 2 of the Criminal Code a crime or offence is an act or omission which renders the person doing the act or making the omission liable to punishment under the code or under any statute of law. One important features of this definition is that at present an offence is only an act or omission which is made punishable under a written law (The code and other enactments including Decrees or Edicts).

So criminal law is a collection of acts omissions which the Nigeria state proscribes with threat of penal consequences. The bulk of these acts/omissions are found in our two criminal statutes i.e the Criminal Code applicable to the southern states and the Penal Code which operates in the Northern states. To these statutes should be added numerous other enactments, Decrees or Edicts. Examples are the Special Tribunals (Miscellaneous Offences) Decree 1984, the National Drug Law Enforcement Agency Decree 1989, the Failed Banks (Recovery of Debts) and Financial Malpractices in Banks Decree of 1994 among many others.

The ideal is that the content of the criminal law should reflect the norms of the subject society and the prohibitions and punishments should also accentuate and typify the repulsive attitude of the societies towards such anti-social conduct and deserving punishment.

According to Lord Atkin, the domain of criminal jurisprudence can only be ascertained by examining what acts at any particular period, are declared by the state as crimes and the only common feature they will be found to possess is that they are prohibited by the state and that those who commit them are punished.

Nigeria consists of 36 states and the Federal Capital Territory and it is made up of more than 200 distinct ethnics groups with different political and social organisations are still on different stages of political and social development. Though, it is pluralistic forms, there is bound to be difference social norms which prohibit or sanction a group behaviour pattern. One thing that is certain is that there is always a universally accepted idea anti-social conduct. As the early times, each of the ethnic groups constituted a separate autonomous political unit. Each ethnic unit articulated what conduct it would prohibit as anti-social in the interest of its members and the society. It also prescribed appropriate punishment for infraction of its prohibitions by aberrant members of its group. Subsequently the differences in political and social organisation and in levels of development resulted in similar or the same anti-social conduct being treated differently by different ethnic groups. The situation was

understandable as ethnic group represented a separate and independent political unit. British colonial policing made every effort through its legislative policy to pay respect to and preserve the separateness and independent identity of the indigenous societies. When the criminal code was first introduced into the country, it was clearly provided that no person shall be liable to be tried or punished in any court in Nigeria, for an offence, except under the express provisions of the code or some other ordinance (or enactment) see Criminal Code ordinance N0. 3 of 1904.

The courts were precluded from exercising jurisdiction over offence under customary law since they were not offences as defined under the criminal code. There was therefore the existence of conflict in Nigeria criminal laws.

3.10   Issues and Characteristics of Criminal Law

A codified Criminal law had its origin in the Babylonian code of Hammurabi 2000 BC. Hammurabi, the king reigned from 1792 to 1750 BC. He was one of the rulers who recognised the essence of administration of justice in a written law. Also there existed the mosaic code of the Israelites dating back to 1200 BC, and the Roman Twelve tablets of 400BC.

Another source is the English common law, which the British administration introduced to Nigeria by the ordinance No 3 of 1863. In Nigeria today the primary sources of the criminal law are Nigerian legislative enactments.

For easy comprehension of what criminal law is, there is need first and foremost to define what law is. In its simplest term, law is a body of rules of conduct prescribed by an authority with binding legal force, the violation of which may attract punishment. Salmond (1906) defined laws as "the body of principles recognised and applied by the state for the administration of justice". Austin (1926) defined law as a "rule laid down for the guidance of individuals by the individuals with power over them". Elias (1972) defined law as "a body or rules recognised as obligatory, by persons subject to them". According to Clarkson (1987) "it is that branch of law, which lists the various criminal offences, identifying the elements or ingredients, which make up the offences, and specifying the punishment for each or group of offences accordingly".

Sutherland and Cressery (1978) identified four main characteristic which distinguish criminal law from other rules of human conduct. First, criminal laws are enacted, modified and repealed by duly elected legislative bodies and this gives them a political characteristic. Secondly

criminal laws are specific, clearly stated in terms indicating what conduct is expected, thus conforming to the essential requirement of due process. Third, criminal law should be uniform, representing justice in terms of equal treatment, for all regardless of ethnic, religious and social differences. Finally criminal laws are accompanied by penalties against violations.

Siberman (1980) argued that criminal law is not only an instrument of coercion against non-conformity, but that it also educates. Thus criminal law shapes behaviour through its moral as well as through fear of punishment. When the law is educating effectively, people conform to it because they want to make law abiding behaviour a matter of habits, of voluntary choice, rather than a means of avoiding punishment. In a large and complex society respect for law is a more effective instrument of social control than is fear of punishment.

Legal scholars identify five features that all "good" criminal laws ought to possess. To the extent that those features are absent in criminal laws, the laws can be considered "bad" laws and bad laws do exist. The five ideal features of good criminal laws are (1) Politicality (2) specificity (3) regularity (4) uniformity, and (5) penal sanction.

Politicality – Politicality refers to the legitimate sources of criminal law. Only violations of rules made by the state (that is, the political institution that enacts the laws) are crimes. Violations of rules made by other institutions and employers may be "bad", "sinful", or "socially acceptable", but they are not crimes because they are not prohibited by the state.

Specificity – Specificity refers to the scope of criminal law. Criminal law should provide strict definitions of specific acts.

Regularity - Regularity is the applicability of the criminal law to all persons; ideally anyone who commits a crime is answerable for it, regardless of the person's social status. Thus criminal laws should apply not only to the women who violate them, but also to the men, not only to the poor but also to the rich.

Uniformity – Uniformity refers to the way the criminal law should be enforced. The law should be administered without regard to the social status of the persons who have committed crimes or are accused of committing crimes. Thus, when violated, criminal law should be enforced against both young and old, both rich and poor, and so on. However, as is the case with regularity, the principle of uniformity cannot be absolute because no two persons or situations are ever strictly identical.

Penal Sanction – The last feature of ideal criminal law is penal sanction, the principle that violators will be punished or at least threatened with punishment, by the state. Conventional wisdom suggests that there would be no point in enacting criminal laws if their violations do not attract punishment or threat of punishment.

3.11 Substantive and Procedural Law

There are two types of criminal laws; Substantive and Procedural:

(a)   **Substantive law** is the body of law that defines criminal offences and their penalties. Substantive laws are found in the various penal statutes and they govern what people legally may and may not do. Examples of substantive laws are those that prohibit and penalise murder, rape, robbery, and other crime e.g. The Criminal Code, the Penal Code.

(b)   **Procedural law**, sometimes called adjective or remedial law, governs the ways in which the substantive laws are to be administered. It covers such subjects as the way suspects can legally be arrested searched interrogated, tried and punished. In other words, procedural law is concerned with due process of law, or the rights of people suspected of or charged with crimes. Examples are the Criminal Procedures Act, the Criminal Procedures Code, and the Evidence Act etc.

3.12 Classes of Crimes

3.12.1 Offences against the Person

Crimes that involve force or threat of force

(i)   **Murder** - The unlawful killing of another human being with malice aforethought.

(ii)   **Manslaughter** - The unlawful killing of another human being without malice aforethought.

(iii)   **Aggravated Assault** - An assault committed (a) with the intention of committing some additional crime, (b) with peculiar outrage or atrocity, or (c) with a dangerous or deadly weapon.

(iv)   **Forcible Rape** - The act of having sexual intercourse with a woman, by force and against her will.

(v)   **Robbery** - Theft from a person, accompanied by violence, or putting the person in fear.

(vi)   **Kidnapping** - The unlawful taking and carrying away of a human being by force and against his or her own will.

3.12.2 Property Offences

Property offences are Crimes that involve taking money or property, but usually without force or threat of force.

(i)   **Stealing (or theft)** - The unlawful taking and carrying away of another person's property with the intent of depriving the owner of that property.

(ii)   **Burglary** - Entering a building or occupied structure to commit a crime therein.

(iii)   **Embezzlement** - The willful taking or converting to one's own use another person's money or property which was lawfully acquired by the wrongdoer by reason of some office, employment, or position of trust.

(iv)   **Arson** - Purposely setting fire to a house or other building.

(v)   **Extortion/blackmail** - The obtaining of property from another by wrongful use of actual or threatened force, violence, or fear or under color of official rights.

(vi)   **Receiving Stolen Property** - Knowingly accepting buying, or concealing goods that were illegally obtained by another person.

(vii)   **Fraud** - The false representation of a matter of fact, whether by words or by conduct, by false or misleading allegations, or by concealment of that which should have been disclosed, which deceives and is intended to deceive, and cause legal harm.

(viii)   **Forgery** - The fraudulent making of a false writing having apparent legal significance.

(ix)   **Counterfeiting** - Falsely making, forging, or altering any obligation or other security of the Federal Republic of Nigeria, with intent to defraud.

3.12.3 Other Offences

Morals" Offenses - Violations of virtue in sexual conduct (for example, fornication, seduction, prostitution, adultery, illicit cohabitation, sodomy, bigamy, and incest).

Public Order Offenses - Violation that constitute a threat to public safety or peace (for example, disorderly conduct, loitering, unlawful assembly, drug offenses, driving while intoxicated).

Offenses against the Government - Crimes motivated by the desire to effect social change or to rebel against perceived unfair laws and government (for example, treason, sedition, hindering apprehension or prosecution of a felon, perjury, and bribery).

Offenses by Government - Harms inflicted upon people by their own governments or the government of others (for example, genocide and torture, police brutality, civil rights violations, and political bribe taking).

i.   **Hate Crimes -** Criminal offenses committed against a person, property, or society and motivated, in whole or in part by the offender's bias on ground of ethnicity, religion or sexual orientation group.
ii. **Organised Crimes -** Unlawful acts of members of highly organised and disciplined associations engaged in supplying illegal goods and services, such as gambling, prostitution, loan sharking, narcotics, and labour racketeering.
iii. **White-Collar and Corporate Crimes -** Generally nonviolent offenses committed for financial gain by means of deception by entrepreneurs and other professionals who utilise their special occupational skills and opportunities (for example, environmental pollution, manufacture and sale of unsafe products, price fixing, price gouging, and deceptive advertising).
iv. **Occupational Crimes -** Offenses committed through opportunities created in the course of a legal business or profession and crimes committed by professionals, such as lawyers and doctor, acting in their professional capacities.
v.   **Victimless Crimes -** Offenses involving a willing and private exchange of goods or services that are in strong demand but are illegal (for example, gambling, prostitution, drugs law violations, and homosexual acts between consenting adults).

3.13 Degrees or Categories of Crime

Crime can be classified according to the degree or severity of the offense. One way crimes are distinguished by degree or severity of the offense is by dividing them into felonies and misdemeanors. The only way to determine whether a crime is a felony or misdemeanor is by knowing the legislated punishment.

Another way of categorising crimes is to distinguish between offenses that are mala in se and offense that are mala prohibita. Crime mala in se are "wrong in themselves" They are characterised by universality and timelessness that is; they are crimes everywhere and have been crimes at all times. Examples are murder and rape. Crimes mala prohibita are offenses that are illegal because laws define them as such. They lack universality and timelessness. Examples are gambling, and prostitution.

For statistical reporting purposes crimes are frequently classified as crimes against the person or violent crimes (for example, murder, rape, assault) crimes against property or property crime (for instance burglary larceny act theft) and crimes against public decency, public order and public justice or public order crimes (for example drunkenness, disorder conduct, vagrancy).

SELF-ASSESSMENT EXERCISE

What do you understand by Organised Crime?

4.0   CONCLUSION

Criminal procedure is a method laid down by law for bringing a person who is alleged to have committed a crime before a court of law for trial. It deals with the methods to be adopted by the police when arresting, investigating, interrogating, detaining and prosecuting a suspect. It also covers the method adopted by the court of trial, the powers of the court of trial, the right of appeal of a person convicted of a crime and the right of appeal.

Criminal procedure is unlike substantive criminal law, like the Criminal or Penal Code which deals mainly with specific offences known to law (e.g. stealing, murder, manslaughter, corruption etc). The substantive law prescribes the ingredients of and the defenses to such offences (e.g. bona fide claim of right, self – defense and mistake of fact).

Thus while a knowledge of criminal law is essential for easy understanding of criminal procedure, the two subjects are separate and distinct the former dealing with the substantive and the latter only dealing with the procedural. Where the substantive law is not complied with, the accused is acquitted. Non compliance with the procedural law may also lead to discharge or acquittal as it leads to an inference that there has been no fair hearing.

5.0   SUMMARY

In this unit, you have learnt:

- what criminal procedures entail
- the various pre-trial process
- Police powers of arrest with or without warrants
- power of search and seizure
- condition order which bail may be denied by the police
- that criminal law is an aspect of law dealing with offences or crimes that are punishable by the state
- the purposes of criminal law by the state
- the content of criminal law of a particular society
- types and definition of selected crime.

6.0   TUTOR-MARKED ASSIGNMENT

1.   What do you understand by criminal procedure?
2.   Under what condition may a policeman arrest without warrant?
3.   Under what condition can a person be denied bail by (a) the police, (b) the court?
4.   Discuss extensively the object of criminal law.
5.   Discuss the ideal characteristics of criminal law.
6.   Discuss any two types of criminal law in Nigeria.
7.   Criminologists of radical disposition assert that criminal law is a mean of promoting the interests of the political and economic holders in society. Discuss
8.   Consensual perspective maintains that criminal law is designed and administered to serve the needs and interest of everyone in society. Discuss

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UNIT 2   EFFECTIVE AND EFFICIENT POLICING IN NIGERIA PROBLEMS AND OBSTACLES

CONTENTS

1.0   Introduction
2.0   Objectives
3.0   Main Content
    3.1   Various Challenges Facing the Nigeria Police in Perspective
    3.2   Assessment of the Problems and Obstacles of Effective and Efficient Policing in Nigeria
    3.3   Suggestion for Improvement of the Nigeria Police as given by different Scholars.
    3.4   The Application of Psychological Methods in Effective Policing
    3.5   Skepticism in Psychology
    3.6   Police Work and Psychology
4.0   Conclusion
5.0   Summary
6.0   Tutor-Marked Assignment
7.0   References/Further Reading

1.0   INTRODUCTION

The Nigeria police have various structural, institutional and resources (human and material) constraints. This is compounded by the dichotomy in the political terrain, regimes after regimes and the laws, economics crises as well as crises of legitimacy of the successive governments. The legal, economic and political systems are inconstant and the Nigeria police that is charged with controlling threats to these systems cannot but be victimised.

2.0   OBJECTIVES

At the end of this unit, you should be able to:

- discuss the various structural, institutional, human and material resources constraint on the effectiveness of Nigeria police
- state various suggestions on how to improve the Nigeria police as offered by criminologist
- explain the application of psychological methods in effective policing.

3.0   MAIN CONTENT

3.1   Various Challenges Facing the Nigerian Police in Perspective

The problems of the Nigeria police are quantitative and qualitative inadequacies of Personnel, materials and other resources. According to Alemika (1991) "with gross lack of organisational autonomy in (a) the appointments, promotion and discipline of commanders and senior officers and (b) funding and operations, the Nigeria police is reduced to a mere appendage of government.

As Ohakwe (1989) has said a "police force that serves as a handmaid of an oppressive irresponsible, irresponsive and corrupt government cannot but be the target of public ridicule and hostility. Consequently in a country where the police and the public organise themselves into hostile camps, Police inevitably face the challenges of restoring the sense of trust to the relationships that exist between the police and the public. Ohakwe counseled that it is important for the police to cultivate a sense of discipline and solicitousness towards the perception of the police authority as being a service group rather than a repressive arm of the government.

Alemika (1988) "Police inefficiency in Nigeria has been attributed to "prevailing undemocratic political system, widespread cases of corruption among top government officials and those who control the economic sectors, inadequate funding of the police, poor management of available resources by police leadership, poor conditions of service, inadequate resources for police – work and pervasive effects of the nations socio economic order. Furthermore, at the micro level, Alemika identified the size, quality and indiscipline of police personnel as well as poor police – public relations and image as other obstacles to enviable police performance. The inability of the police to respond with reasonable level of efficiency, investigate crimes, apprehend and prosecute offenders, contribute to the congestion of prisons. The result is that unduly large population of inmates is remanded in custody pending trials and that is a reflection   of poor police performance of their law enforcement duties.

The Nigeria police may not be solely blamed for the lapses. The police are not responsible for and cannot resolve by themselves, the social conditions that stimulate crimes. They do not originate and cannot stop the convulsive social change taking place… They do not enact the laws that they are to enforce, nor do they dispose of the criminals they arrest… In so far as crime is a social phenomenon, crime prevention is the responsibility of every part of society.

Kayode (1983) observed that "the acute shortage of men has reduced the police to crime – fighters to the detriment of the diversification of police functions. Furthermore, the Nigeria Police lack equipment for achieving the stated objectives. They are limited in terms of properly equipped and maintained scientific laboratory, transport and communications, specialised and sophisticated work tool and office accommodations.

Robert Degrazia, a former Boston police chief had observed that the police cannot control or substantially reduce crime. They have capacity to move or harass criminal operations. The elimination of crime is a political problem requiring fundamental changes in social conditions and opportunities.

SELF-ASSESSMENT EXERCISE

Discuss the various problems that militate against police effectiveness.

3.2 Assessment of the Problems and Obstacles of Effective and Efficient Policing in Nigeria

Material inadequacies: Poor financing is a great constraint to crime – prevention/control, detection, traffic control and accident prevention, information and data-gathering. With adequate funding the police can achieve their goals and objectives. (The Nigerian police are supposed to cover a population of about more than 926,000 square kilometers of land).

Personnel: According to Odekunle (2001), had the quality of the human or personnel resources of the Nigeria police been optimum the material inadequacies might have been partially ameliorated… the Nigeria Police Force has human problems that not only aggravate it material insufficiencies, but are also of tremendous adverse import on its general performance from one day to the next. Odekunle a renowned criminologist went as far to enumerate factors responsible for this problem, as follows:

(1) The colonial origin and heritage of the force which continue to influence the selection, training and orientation of a majority of policemen.
(2) Improper recruitment.
(3) Insufficient length of training period and attention in training recruits for the "rank and file".
(4) Inadequate or faulty training curricula.
(5) Restrictive/exposure of recruits to only "professional police officers"

(6)   "Police sub-culture" which tends to influence the "working personality" of new constables.

(7)   Discourtesy permanently among the policemen on the streets, in the station etc.

(8)   Organisational re-orientation of policemen.

(9)   Aggression (potential and actual) of the mobile police (e.g. suppressing riots and demonstrations)

(10)   Poor police- public image.

(11)   Discouraging conditions of service.

(12)   Traditional obsession with "security" and a "know-all-about crime" mentality of inadequate resent.

(13)   A materialistic, socio- economic environment (i.e a society gets what police force it deserves) and

(14)   The burdensome character of our inherited legal system.

3.3   Suggestion for the Improvement of the Nigerian Police

Femi Odekunle has proffered the following solution:

a.   Development of a structure system and a corps of civilian research personnel for proper and adequate recording collation, analysis and publication of crime-data on a regular annual basis (as necessary in put for projection, planning, operations)

b.   Selection of Inspector General of police (IGP) on basis of professional competence rather than politics, "sycophancy" or "docility"

c.   Once appointed, an IGP should have a non-renewable term of five-years and could be removable only on terms and procedural conditions similar to that of say, the chairman of the Independent Corrupt Practices Commission (ICPC).

d.   The Inspector General of police (IGP) should be accountable to the public on crisis generating conduct by any policeman.

e.   The salary and other conditions of service, rank-mobility, promotion – criteria and procedure should be made more appropriate to the risk of the occupation and reviewed for considerable improvement. For example promotion should be based on performance and length of service whether in the area of crime fighting, community service or public relations, and there should be horizontal progression of remuneration for the rank and file.

f.   The federal Government should undertake a realistic survey in and outside Nigeria, to determine the actual material "routine" requirements (not including armored vehicles) of a desirable effective and efficient modern police force and provide the needed funding on regular basis.

g. Develop "concurrent" and 'predictive" validation tests for use in selection of "suitable" policemen both at recruitment and immediately after probationary period (i.e social – psychological aptitude test in addition to the normal educational, physical and medical requirements).

h. Use secondary schools and tertiary institutions for recruiting and grooming potential policemen when students are about three or two years away from graduation (advantageous for commitment and loyalty to policing as an occupation).

i. Increase the length of training of recruits to a minimum period of 18 months.

j. Make training conditions humane. For example there is no need for any form of physical brutalities or inculcation of unwholesome inhuman disposition into police personnel.

k. Training curricula should considerably emphasise (in addition to practical police work) knowledge about our society; the importance of the policeman's community service roles; the meaning and use of initiative and discretion and the position of citizens as consumers of police works; the supremacy of the rule of law; the type of ethics to be internalised by policeman and the cruciality of the observance of human rights.

l. Trainees should be exposed to lecturers and teachers from outside the police force (e.g. guest –lecturers from universities, trade unions, other occupational association and student unions)

m. Intensify internal re-organisation of the police to revitalise and enforce on a systematic and continuous basis, rules concerning police courtesy, response to (and handling) of citizen complaints, use of only necessary force , observance of the legal and other rights of citizen, including offenders.

n. Establish systematic and regular (foot/motorised) patrol and deployment according to population-needs to eliminate or reduce the opportunity to commit crime or increase the opportunity for apprehension during or immediately after a crime has been committed.

o. Refurbish/establish a target-oriented squad. The Mobile Police (Mopol) should be categorically divorced from the Nigeria Police Force and constituted as a separate organisation for riots and paramilitary tasks i.e the sort of outfit callable at short notice and responsible to the highest political authority of the day who should be accountable for their action.

p. Police (excepting Mopol) should be encouraged to live in the community rather than in the barracks as the latter is a colonial carry-over with the mentality of an isolated "army of occupation".

q. Establish a police-public relations corps (of experts in public relations) whose members should be independent of their

immediate state commands but directly responsible to the IGP The corps should be responsible for investigating and resolving citizens' complaints against policemen and for publishing the finding of same among other responsibilities.

r.   Establish citizens monitoring organisation (from the federal to the local government levels) with disciplinary powers to "police" the Nigeria Police Force and ensure that it is upholding the rule of law because it is said that "when the law officer is breaking the law, there is no law".

SELF-ASSESSMENT EXERCISE

As a criminologist student, discuss the various problems confronting the Nigeria police, and how to tackle them.

3.4   The Application of Psychological Methods in Effective Policing

More recently, there has been a considerable interest by both the police and the public in Nigeria about the effectiveness of policing in the country. The concern is being expressed in the light of increasing rate of criminal behaviour and other civil disturbances which seem to defy police crime fighting effort. It is perhaps the challenges posed by the constitutional role of the police, which is in line with public expectations in Nigeria that has led to the present interest in police. In this context, it is instructive to discuss some of the theoretical explanations of human behaviour relevant to the understanding of police work.

Nigeria over the years has grown, politically, socially, economically, and technologically. In the same way crimes grew more sophisticated and their pattern more complex. The level of police operating skill has not developed correspondingly in the society, especially with regard to the sophistication with which crime are committed. The application of behavioural sciences especially psychological methods which have become important in policing has not been evident.

For the Nigeria police to be more effective, there is need for the police to develop the ability to manage and control human behaviour. This can be done with the good knowledge of the nature and dynamics of human society. This is because the activities of the underworld, dissident groups, the behaviour of the crowd and all other forms of criminal and civil unrests are social phenomena. For effective policing strategy, the police need to understand the cultural and sub cultural groups, values, attitudes, perceptions, beliefs and above all the prevailing social, political and economic conditions of the time that may lie beneath individual and group behaviours.

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For the Nigeria police, the challenges of effective policing is as far as psychological knowledge is concerned can be discussed under two broad categories. The first deals with the apparent skepticism or non acceptance of the relationship between psychological theories, methods and police work.

3.5   Skepticism in Psychology

The skepticism of many police officers in Nigeria may be attributed to lack of sufficient information about what psychology is all about and what form psychology input in law enforcement. We can refer to crime investigation for illustration. Crime investigation is known to take a large proportion of police time and efforts. The ability to carry out effective investigation by any police will be enhanced by knowledge of psychology. This is because; the suspect being investigated is a human being with hidden motives, attitudes and intentions which bear on the criminal behaviour under investigation. Interrogation as method of investigation, aims at discovering the author of crime. This demands skills in questioning, and above all the use of motivational techniques on the suspect.

3.6   Police Work and Psychology

Another way of looking at the problem of low application of psychological knowledge in policing in Nigeria is in the area of police administration. Police administration in the country seems not to have benefited from psychological orientation ranging from proper use of communication which way bridge the gap in information between senior police officers and their subordinates, rational methods of retiring officers and men who have put the best part of their lives in the services. Knowledge and application of psychology may assist in solving other problems. These include negative administration practice, patronage in recruitment, deployment and promotion. Negative administration practices militate against promotion of incentive and motivation to work, job satisfaction, the development of good moral and self-esteem among serving policemen and women. These may to some extent explain the growing police indiscipline in the country.

It is only when selection or recruitment is devoid of patronage and other subjective consideration can police recruitment and training boast of men and women of sound moral, social and intellectual rectitude, Ineffective selection has meant in many instances dismissal or resignation of the new entrants, before or after completion of training, at great cost as well as growing rate of indiscipline among the police.

4.0   CONCLUSION

So many factors have been attributed to the inability of Nigeria police to detect and prevent crimes. Firstly, there is the issue of decline in professionalism, generally attributed to the recruitment policy and low quality of manpower, poor training and general atmosphere of indiscipline. Secondly, allegation of corruption in the Nigeria police is topical in the media. Corruptions may not be a peculiar problem to the Nigeria police but a reflection of materialistic nature of the society.

The third factor attributed to the alleged failure of the Nigeria police to prevent and control crimes has to do with the strength of manpower and equipment. The Nigeria Police operates with a strength of personnel that is far below the capacity required to police the Nigeria's population of 130 million, considering the United Nations minimum standard. The dearth of required law enforcement equipment in the Nigeria police can be militating factor. The Nigeria police lack adequate communication and transport facilities to enable it conduct routine duties more efficiently. The equipment necessary for crime prevention and control, and the detection and investigation of crime are also problematic.

Fourthly, the Nigeria police have a very serious image problem in the eyes of the public. Consequently, the police in Nigeria is viewed with suspicion, perceived to be "unfriendly", "brutal", "trigger - happy", "extortionist", "crime collaborators" gross violators of fundamental human rights" Because of the negative view of the image of the Nigeria police, the Nigeria public do not cooperate with the police in crime prevention and control among other things, the public:

(a)   Refuse to provide or share information and expose criminal activities.
(b)   Avoid getting involved in identifying criminals by declining to report the incident of crime.
(c)   Some act against the efforts of the police.
(d)   Take the laws into their own hands and resort to self help or vendetta.

5.0   SUMMARY

In this unit, you have learnt:

•   the various challenges facing the Nigerian police
•   scholarly opinion on the obstacles to police effective and efficient performance and various suggestions to address the challenges
•   the application of psychological methods to effective policing.

6.0 TUTOR-MARKED ASSIGNMENT

1. Discuss various challenges facing the Nigerian police in effective and efficient policing.
2. Explain the application of psychological methods in effective policing.

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UNIT 3   POLICE REFORM

CONTENTS

1.0   INTRODUCTION

The police is the foremost security institution that mostly impact people's daily lives. This is responsible for maintaining public order and the gatekeeper to the criminal justices system. A professional police service that has the trust and confidence of people and responds adequately to the needs of all sections of society is essential to increasing community safety and providing an enabling environment for sustainable development.

Police reform therefore requires an integrated, coherent and coordinated approach alongside justice and penal reforms. The police is part of the criminal justice system and as such provides a means of developing sector – wide strategies. There are also important linkages with civil society, private security companies, oversight bodies, the defense and intelligence services and order management agencies.

2.0   OBJECTIVES

At the end of this unit, you should be able to:

- explain the various issues on police reform
- discuss the integrated approach to be adopted in police reform
- state the reasons for police reform.

3.0   MAIN CONTENT

3.1   Key Issues

(i)   Protecting human rights and upholding the rule of law
(ii)   Creating a civil police accountable to national assembly and the people.
(iii)   Defining the distinct roles of the police and military in dealing with internal security.
(iv)   Increasing trust between the police and the public and developing partnerships to detect and preserve safety.
(v)   Increasing of professionalism in the delivery of policing services to all local communities.
(vi)   Developing an integrated approach with other aspects of the justice sector.
(vii)   Depoliticising policing – removing or mitigating political influence over the police and their work.
(viii)   Improving police training, staff development and personnel policies and practices.
(ix)   Reviewing and improving police structure strategies management capacity and practices.

3.1.1 Oversight Mechanisms

The need to strengthen government and civilian oversight mechanisms is particularly important. Key oversight institution with respect to the police are the government department responsible for managing the police (often the ministry of interior, ministry of police affairs and/or the office of the president); parliamentary committees responsible for oversight of national security or internal affairs, and provincial district or local security committees and other government bodies that oversee the police internal, police accountability mechanisms (for example professional standards or internal affairs units) are also vital. The courts also provide a check on police behaviour by ensuring that they operate within the law.

3.1.2 Justice System

Police services are particularly dependent on the justice sector in their work. Without an effective court system, suspects apprehended by the police will not be brought to justice. There is need therefore to get the police prosecution service, judiciary and traditional courts and customary justice system to work together effectively. Establishing an independent prosecution services apart from the police has been suggested. But such measure needs to be coordinated with training for detectives to gather evidence and put together cases in a way that will

sustain successful prosecution. Joint training on key issues for different actors in the justice system is critical.

3.1.3 Defense Reform

Defining the different roles of the military and police is especially important. The guiding principle should be that the police have primary responsibility for internal security and that the military be responsible for external security. At the level of internal security the military should only be used in highly exceptional and well defined circumstances (for example, during a state of emergency) either under the direction of the police or in joint command of operations, and with precise limits on the use of force.

3.1.4 Training

Support for training programmes is the most common entry point for working with the police. However, short-term and long-term capacity training and strategies must be designed, with the development of new curricula and enhance national training institutions. Personnel should be clearly identified and vetted prior to training. The training should involve the uses of computer technology and forensic techniques in crime fighting and security.

3.1.5 International Police Co-operation

Co-operation among police services at an international level is often well developed on criminal intelligence, especially with regard to organised crimes, terrorism and cross-border trafficking in arms and contraband. Countries have signed treaties for increased co-operation. Agreements such as the UN convention against transnational organised crime (2000) as well as the various UN conventions related to fight against terrorism are also in place. These international obligations are indicative of direction for police reform. Support could be given to ensure that improved co-operation and exchange of information leads to improved risk assessment which in turn leads to better targeted deployment of police resources and overall increase in state security and community safety.

3.1.6 Community – Based Policing

Also referred to as "democratic", "local needs" or "problem – oriented" Policing Community – based policing programmes are intended in part to increase trust between the police and local communities.
It can also create opportunities for weapons collection programmes and short term amnesties for those surrendering their arms.

Police – community relations can and should be a useful guide for broader police reform issues. Community policing in general requires actions on a wide range of issues including strategies planning, personnel management (in particular recruitment policy and salaries) and the delegation of authority to lower ranks, which police reform cannot afford to ignore.

3.1.7 Parliamentary Oversight

Working with the parliamentary committee responsible for issues of internal security or home affairs is also often a very useful guide. Enhancing transparency and scrutiny can encourage action or reform issues and increase public trust.

3.1.8 Census and Identification of Police Personnel

Mike Okiro, Inspector General of Police, has said that he does not know the actual number of police personnel in the country. In a situation where the number of police personnel is not known, the state may be unable to exercise institutional control over security and the use of force. A census and identification program is desirable to address these problems and provide reliable baseline data on police personnel. In effect registering, verifying and issuing identification cards to all members of the police service has become expedient. This information is also useful when it comes to identifying human resources and training issues.

3.1.9   Defining Priorities and Objectives

During the programme assessment phase, priority issues should be clearly identified in a process involving all stakeholders in consultations over the key safety and security challenges facing the society. Specific objectives should be established that focus on both enhancing service delivery (e.g. crime prevention) and democratic governance (e.g. police accountability). Consideration should be given to establishing a strategy unit within the relevant ministry or the police service and to provide the analysis necessary to initiate future programmes.

3.1.10 Taking Non-State Actors into Account

The police may be only one of a number of service providers. The manner in which non-state actors, ranging from neighborhood watches and private security companies to vigilante groups and political party militias, provide security (or insecurity) needs to be identified during the assessment phase and factored into programmes. In Nigeria, it has been estimated that 16 different types of informal policing structures have

been established by communities to deal with crime and public safety problems – either because formal police services are too stretched, or because these groups are closer to the police. In Nigeria informal policing structure have been established by the communities to deal with crime and public safety problems, example are (a) Odua People Congress (OPC) in Yoruba land, Bakassi Boys in Igbo land, Ijaw Peace Movement (IPM)in Delta State and Ibom Allied Congress (IAC) in Akwa Ibom State etc. Police reform programmes must work out how to develop and co-ordinate the relationship between non-state actors and the formal police while simultaneously regulating the use of force in line with national standards. The reform should clearly define in every case the mandates, jurisdictions regulations, reporting and accountability relationships. The reforms should reflect public interest and reduce the local demand for alternative providers.

SELF-ASSESSMENT EXERCISE

Suggest various approaches to police reform.

4.0   CONCLUSION

The objectives and ambitions of reform projects should be calibrated to fit the context. The needs and priorities of particular police services will reflect the specific histories and political development of their country and so in turn should reform. For example, state emerging from dictatorship or armed conflict will inherit power structure that pose very specific challenges for police reform, whereas countries with high crime especially organised crime may see "democratisation" of the police as less of a priority.

Internal demand for reform, from the public, government or police services, is the best guarantee of success and sustainability. However, even with whole hearted political support, police reform is a difficult undertaking. Studies have shown that foreign assistance cannot produce democratic police reform against the will of the host government. Unless a police service is seriously committed to reform, reform will not occur – or will take the form of superficial change.

5.0 SUMMARY

This unit has examined:

- key issues of on police reform
- integrated approach to police reform
- areas that need expeditious reforms
- how to position the police for better service delivery.

6.0   TUTOR-MARKED ASSIGMENT

1.   International police co-operation can curbe cross-border crimes.
        Discuss.

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Nigeria Security Journal Vol. 1 No.2 March, 2008 Published by
        International Institute of Professional Security (11ps)

UNIT 4   NIGERIA POLICE IN INTERNATIONAL PEACE-KEEPING OPERATIONS

CONTENTS

1.0   Introduction
2.0   Objectives
3.0   Main Content
       3.1   History and Appraisal of Nigeria Police Involvement in International Peace-keeping
       3.2   Establishment of a Peace-keeping Department
       3.3   Nigeria Police Achievement in Peace-keeping Operations
       3.4   Benefits of Participating in Peace-keeping Assignments
       3.5   Challenges and Limitations
4.0   Conclusion
5.0   Summary
6.0   Tutor-Marked Assignment
7.0   References/Further Reading

1.0   INTRODUCTION

Peace-keeping could be defined as a third-party intervention (often, but not always done by military forces and police) to assist parties in transitioning from violent conflict to peace by separating the fighting parties and keeping them apart. These peace-keeping operations not only provide security, but also facilitate other non-military initiatives. These units examine Nigeria Police effort in interventional peace-keeping operations.

2.0   OBJECTIVES

At the end of this unit, you should be able to:

- define the concept "peace-keeping"
- state various peace-keeping missions and operation participated in by the Nigeria Police
- identify the reasons for the establishment Police's Peace-keeping Department
- discuss the achievement of Nigeria Police in peace-keeping operations
- discuss the challenges and limitations faced by Nigeria peacekeepers.

3.0   MAIN CONTENT

3.1   History and Appraisal of Nigeria Police Involvement in International Peace-keeping

The involvement of the Nigeria Police in international peace-keeping operations dates back to 1960, when some police officers were deployed to then Congo (now Democratic Republic of Congo). Since then, the Nigeria Police has consistently and creditably participated in several other international peace-keeping missions. Through these operations in countries around the globe, the Nigeria Police has evolved to become a major force for the pursuance of the foreign policy thrust of the federal government towards enhancing world peace and stability under the auspices of the Economic Community of West African States (ECOWAS), the African Union (AU) and the United Nations (UN).

However, in June 2004, the Nigeria Police deployed its first ever Formed Police Unit (FPU), a special, fully armed and equipped operational contingent made up wholly of Police Mobile Force units to United Nations Mission in Liberia (UNMIL) the Tours of Duty (TOD) of FPUs is six months, unlike the one year service required of the regular police component. With the deployment to Liberia, Nigeria became the first country in Africa to contribute FPUs to UN peace-keeping operations. The landmark deployment and exemplary performance of the inaugural Nigeria FPUs provoked the UN to demand the deployment of more Nigerian units to other mission areas. Consequently, Nigeria FPUs were in June 2005 deployed to the Democratic Republic of Congo and Haiti in November, 2005. Currently, Nigeria FPUs are serving in UN peace-keeping missions in Liberia (UNMIL) and Haiti (MINUSTA).

Peace-keeping Missions involving NPF

S/NO	MISSION	YEAR
1	United Nations Operation in Congo (UNCE)	1960-1965
2	United Nations Assistance Group in Namibia (UNTAG)	1989-1990
3	United Nations Transnational Authority in Cambodia (UNTAC	1992-1993
4	United Nations Protection Force in Yugoslavia (UNPROVOR)	1992
5	United Nations Angola Verification Mission (UNAVEMI,II,III)	1994-1998
6	United Nations Operations in Somalia (UNISOM	1994-1995

7	United Nations Mission for Referendum in Western Sahara (MINORSO)	1994-1998
8	United Nations Operations in Mozambique (UNMOZ)	1994
9	United Nations Mission in Rwanda (UNMIR)	1994
10	United Nations Mission in Bosnia-Herzegovina (UNMBIH)	1998-2002
11	United Nations Transnational Administration in East Timor (UNTAET)	1999-2002
12	United Nations Assistance Mission in Sierra-Leone	2002-2005

3.2 Establishment of a Peace-keeping Department

A peace-keeping department headed by an Assistant Commissioner of police was in January 2006 established in the office of the Inspector General of Police. The schedules of the department include:

- Developing general and specific policy guidelines in support of Nigeria Police Peace-keeping initiative.
- Defining standards for local recruitment of potential peace-keepers
- Selecting, screening, training and equipping Nigeria Police Officers for present and future deployment to mission areas.
- Preparation of Nigeria Police Officers for United Nations Selection Assistance Team (UN-SAT) Test.
- Developing an electronic database of Nigeria Police UN/AU international peace-keeping deployments for record, planning and policy formulation purposes.
- Liaising with UN DPKO, AU and other sub-regional bodies on matters relating to Nigeria participation in peace-keeping operations.
- Liaising with credible international donor agencies with a view to sourcing donor support for the activities of the department.
- Act as the clearing house for all Mission related enquiries and activities involving the Nigeria Police.

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                    │   INSPECTOR GENERAL     │
                    └─────────────────────────┘
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                    │ ASST. COMM. OF POLICE   │
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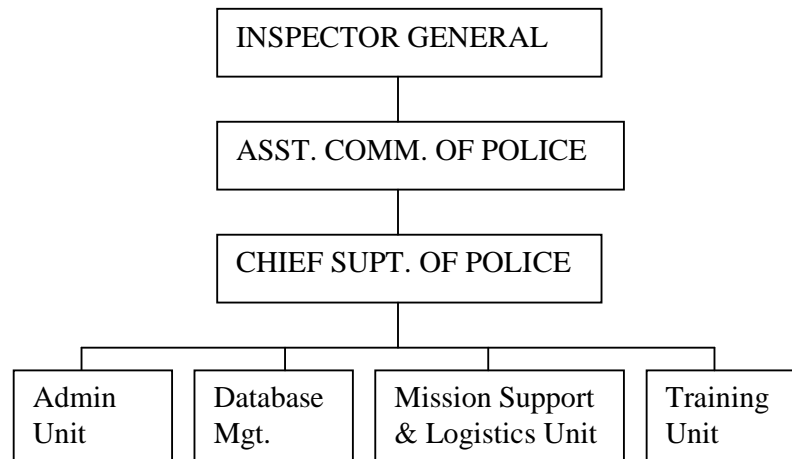
Organisational Structure of the Department of Peace-keeping

3.3   Nigeria   Police   Achievement   in   Peace-keeping Operations

Primarily as a result of these strategies and policy initiatives, the Nigeria Police international peace-keeping capacity has been bolstered so much that the Nigeria Police Force currently:

- Ranks first in the UN peace-keeping Female Contributing Countries rating.
- Ranks as the sixth Contributory Country (PCC) in the world.
- Boasts of five Nigeria Police officers on United Nations appointments.
- Have a strong reservoir of trained and equipped potential peace-keepers that could be mobilised and deployed or invited to attend UN SAT Test at short notice.
- Have reservoir of trained and all-women unit that could be deployed on peace-keeping operations at short notice.

3.4   Benefits of Participating in Peacekeeping Assignments

Through these international assignments, Nigeria police officers have gained from the exposure to different culture settings and improved their professional outlook and experience. Corresponding to the trends in science and technology, officers on peace-keeping operations have enhanced their knowledge of cutting edge applications in information technology.

Inevitably, these experiences have multiplier benefits in the improved service delivery for both individual officers and the Nigeria Police. Consequently, the knowledge gained from these operations has been ploughed back in the training of future peace-keepers for the world. This

indeed is the most important benefit of Nigeria; that through these valiant peace-keepers, the Nigeria police has become an important arm of the nation's foreign policy objectives and contributed immensely to world peace and stability.

3.5 Challenges and Limitations

Deployment Difficulties: countries have been known to refuse unhindered passage of arms and ammunition through their territories to mission areas. Currently, Nigeria contingent deployed to East Timor is experiencing this problem with Indonesian Government.

Language Barriers: The obvious difficulties confronting Nigerian peace-keepers in non-English speaking countries are compounded by social and cultural differences, which make it imperative for the best available men and women to be deployed for peace-keeping duties. The UN DPKO has a role to play in this by not sending non-English speaking UNPOLs to conduct SAT Test in English speaking countries. They could affect recruitment of quality peace-keeping

SELF-ASSESSMENT EXERCISE

Outline the benefits of participating in peace-keeping assignment by Nigeria Police.

4.0 CONCLUSION

From this unit, you have been able to know the various peace-keeping operations participated in by the Nigeria police. The peacekeeping mission by the Nigeria police result in achievement award by United Nation and other notably international agencies. They are also exposed to the benefits, challenges and limitation of participating in international peace-keeping.

5.0 SUMMARY

We have been able to discuss the origin of Nigeria police in International Peacekeeping Operations. We also highlighted the various peace-keeping missions and operations involving the Nigeria Police Force with the consequent establishment of a Peace-keeping Department.

6.0   TUTOR-MARKED ASSIGNMENT

1.   Discuss how the Nigeria police can use their peace-keeping experience to solve the various political ethnic and religious crises in Nigeria.

7.0   REFERENCES/FURTHER READING

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UNIT 5   WOMEN POLICE AND LAW ENFORCEMENT

CONTENTS

1.0   INTRODUCTION

The purpose of policing being to serve the citizens of country, by making sure that they all obey the laws of the land, the police is the officially approved agency for the enforcement of those laws. Consequently, a policeman is a male member of the police force and women police the gender opposites of the policemen.

Since Alice Stebbins Wells, the world's first civil service and policewoman was appointed in the Los Angeles Police Force in 1910, all over the world women police officers have gained increasing acceptance in rendering this policing service to their countries. This is also true of Nigeria where pioneer women officers were recruited in 1955. In this unit, we will examine the performance of women police over the years

2.0   OBJECTIVES

At the end of this unit, you should be able to:

•   explain how women police have been utilised over the years
•   state the role of women police in crime prevention and law enforcement and how well they have adapted to their changing roles
•   discuss parameters in use to evaluate the performance of women police
•   identify the peculiar problems and impediments encountered by women police in the performance of their duties
•   discuss policies/strategies that can be further adopted to enhance the performance of women police in Nigeria in the 21st century.

3.0   MAIN CONTENT

3.1   Public Perception and Acceptance of Women Police

Though their involvement in policing is generally acknowledge as beneficial to law enforcement, pioneer policewomen were not readily accepted by the society. This too was a universal phenomenon. Even when they were grudgingly admitted into the ranks of the police forces of the civilised world, a stereotype was readily created, with masculine features and the persona of an Amazon embodying a baggage of myths, images and symbols of generalised prejudice (Bouza, 1978:89).

According to Tamuno, (1970) In Nigeria, the history of the enlistment of women into the police was just as chequered. Indeed, the initiative for their recruitment came from outside the Police Force. The moves began in 1944 when women leaders showed much interest in police reform by leading a delegation of the political and social section of the Women's Party of Nigeria to see the chief secretary to the government. They called for the recruitment of female constable and proposed that women between the ages of 40 – 50 should be so employed because they were better able than men to prevent prostitution and deal with female criminals.

At the Legislative Council in Lagos in 1951, Dr. Nnamdi Azikiwe had canvassed a motion for the recruitment of women into the Nigeria Police but the other council members appeared not to share his views on the matter. The idea had to wait until 1953 at the short-lived Federal House of Representatives before it could see the light of day. There, in March 1953, a motion to allow the recruitment of women into the police was moved by A. O. Ogedengbe, the member from Owo. It was seconded by Anthony Enahoro of Ishan and Ahmadu Rabah from Sokoto (Tamuno 1970:136-7).

In responding to the mood of the House, A. W. T. Benson, the colonial secretary, remarked that the government was already considering the issue but had not made up its mind how the women were to be engaged. According to A. W. T. Benson (1954).

Those women could be employed in several departments of the police. Women should be most useful in helping to prevent juvenile delinquency. When it comes to moral behaviour of the people, soliciting prostitution and that sort of thing, women will be the greatest help to us. There will naturally be some jobs for which women will not be fit. We do not send a squad of six, seven women to deal with several healthy hearty hooligans. That will be unfair to them. Twenty of them were considered fit enough for the rigours of law enforcement. In August

1955 the selected twenty were considered the Pioneer Police Women in Nigeria.

3.2   Women and Crime

Studies have shown that there is global increase in the level of female involvement in criminal activity. Nigeria is certainly no exception to this global trend which has become very worrisome to law enforcement agencies everywhere. With the global increase in criminal activities by women there is profound need for a corresponding increase in the number of women police to cope with the alarming trend. This is confirmed by Platt et al (1981:32) who affirm that,

The changing nature of women's position in the work force and in the family has given rise to a new set of issues concerning women's participation in crime. This requires that women's involvement in crime would be handled by women police officers.

In the field of crime prevention, Higgins (1972) postulates that,
The advent of women into the department helped to bring into existence the crime prevention and juvenile bureau of today's police departments. Women brought a social viewpoint to police work.

Alice Wells, when asked how she would make arrests replied: *I don't want to make arrests. I want to keep people from needing to be arrested, especially young people (*Higgins: Ibid). This incisive comment has formed the basis of police crime prevention initiatives today and this is the principal function of modern police organisations all over the world.

The global character of women in policing serves as reference points for our own assessment of the impact of women police in the delivery of law enforcement in Nigeria has being impressive. According to Nweze and Wapmuk (1990) "the standard of performance attained by policewomen in Nigeria is highly commendable by the public and they are generally respected for their smartness".

Earlier, Tamuno (1970:139) had marked that, the responsible manner in which the first set of policewomen and their successors conducted themselves and discharged their duties soon impressed the public and any suspicions Nigerians had previously entertained. They were a smart disciplined set.

Tamuno's judgment seems valid fifty years after the auspicious day when the first set of twenty women was enlisted into the Nigeria Police Force.

Apart from the general police duties for both women and men, Sections 121 and 122 of the Police Act outlines the duties of policewomen to include:

(a)   Investigation of sexual offenses against women and children
(b)   Recording of statements from female witness, female accused persons and from children
(c)   Attendance when women and children are being interviewed by male police officers
(d)   Searching, escorting and guarding of women prisoners in police stations and the escort of women prisoners to or from police stations
(e)   School crossing where women and children are present in large numbers
(f)   Crowd control where women and children are present in large numbers.

Section 122 also stipulates that women police officers recruited to the general duties branch of the Force may, in order relieve their male counterparts of their duties, be employed in clerical telephone and office orderly assignments. Today, there are thousands of women of various ranks and designations in the Force. Women police officers head the Juvenile Welfare Centers (JWC) in all the divisional police headquarters in the country, and as noted by Smith (2001): "Policewomen have excelled in handling cases involving juvenile, young person and women in society".

The Welfare Centers at our police stations are virtual part time counseling centres and women police there perform more as arbitrators and counselors than hard faced, baton wielding law enforcement agents. This is a commendable aspect of their influence in society; social-engineering through crime prevention, which is the primary thrust of women policing. However, due to exigencies of duty, women police officers have had no choice but to venture to the "frontlines" of law enforcement.

Nwoye (2003:29) commented that since the police must change always to keep up with the dynamics of modern society, "There has been a remarkable departure from the conventional attachment to children and women related duties to experiences involving women in diverse areas of police job."

3.3   Women Police and Violent Crime

Oluruntimehin in Ozo-Eson (2004:29) opines that crimes committed by women related to their socio-culture positions in society. Increase of

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women in criminal offences, she attributes to the influence of socio-economic factors on the role of women. Ozo-Eson (2004:38) observes also the women get involved in offences such as drug trafficking, murder, manslaughter, robbery, stealing and theft, assault, fraud, firearm possession, child abuse, prostitution, abortion and wandering among other crimes.

Ozo-Eson is of the view that female offenders are mostly involved in economic crimes, hence the increased number of female drug traffickers. She argues that the existing crime control measures in Nigeria are outdated. The justice system adopts purely legal approaches in handling such cases without tackling the causative factors of unemployment and poverty. The increased involvement of women in such crimes induced police authorities to deploy more policemen to the areas of violent crimes and drug trafficking.

3.4   Women Police Mobile Unit

The women police mobile unit of the Nigeria Police Force came into being on September 24, 2002. The mobile arm of the Force has 46 squadrons. The 46th Squadron is the Women PMF based in Abuja. The Squadron is about 2000 mobile policewomen, and their duties include constant training in arms and riot drills, internal security and mob dispersion, especially of riots and demonstrations by women.

Changes in the socio-economy of the Nigerian nation have brought new twists and dimensions into long standing situations with the increasing involvement of women in rights movements and civil advocacy pressure groups. Consequently, there was a cogent need for evolving new approaches that would exploit the latent skills of women police in specific roles involving women and children. According to Giraud (2005:62).

Years of study have proven that women in policing perform better than their male counterparts in diffusing potentially dangerous and violent situations. They become less involved in the excessive use of force and build better community relations. Women police officers also respond and resolved far more effectively incident of violence against women.

SELF-ASSESSMENT EXERCISE

Discuss the role of women police in Juvenile Welfare Centre department of the Nigeria Police.

4.0 CONCLUSION

As earlier asserted, women police have made remarkable impact in the statutory responsibilities. Today women police have moved from their traditionally ascribed boundaries of cases involving women and children, performance of clerical and station duties, control of vehicular traffic and crowd of women and children, etc. to patrol; our streets and the highways and to prevent and detect crime. As women mobile officers they contain rioters and also take active part in peace enforcement in troubled parts of the world.

5.0 SUMMARY

This unit examined the performance of women police over the years, their changing roles in society. It also undertook a proper evaluation of their contribution to a peaceful, orderly and crime-free Nigeria. This appraisal must necessarily take into consideration the problems and constrains confronting women police officers with regard to possible gender discrimination, low morale and under-utilisation.

6.0 TUTOR-MARKED ASSIGNMENT

1. The involvement of women in policing is acknowledged to have been a great benefit to society. Discuss.

7.0 REFERENCES/FURTHER READING

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MODULE 5

Unit 1   The Security Conglomerate
Unit 2   Human Trafficking and Law Enforcement in Nigeria
Unit 3   Ethnic Militia, Youth Restiveness, Religious Intolerance
            and Law Enforcement in Nigeria
Unit 4   Cyber Crime and Law Enforcement in Nigeria

UNIT 1   THE SECURITY CONGLOMERATE

CONTENTS

1.0   Introduction
2.0   Objectives
3.0   Main Content
       3.1   Economic and Financial Crime Commission (EFCC)
       3.2   Nigeria Immigration Service
       3.3   National Drug Law Enforcement Agency
       3.4   State Security Services
       3.5   Nigeria Security and Civil Defense Corps
       3.6   Federal Road Safety Commission (FRSC)
       3.8   Nigeria Custom Service (NCS)
       3.9   The Nigerian Prisons Service
       3.10   Inter-Agency Cooperation for Effective Crime Control in
              Nigeria
              3.10.1 Resistance to Inter-Agency Cooperation
       3.11   The Effects of Lack of Inter-Agency Relationship and
              Cooperation
       3.12   Causes of Inter-Agency Clashes
       3.13   Towards Improvement of Inter-Agency Relationships
4.0   Conclusion
5.0   Summary
6.0   Tutor-Marked Assignment
7.0   References/Further Reading

1.0   INTRODUCTION

"Security" is a noun coined from the word "secure" a Greek *Sekur* meaning cover. The Oxford Advance Learner Dictionary defines "Security" as something that provides safety, freedom from danger or anxiety. To a layman or ordinary citizen, security could simply mean the safety of his life and property alone. Scholars accord it a wider view covering the overall national interest. However, for operational purpose, security can be defined as an arrangement made to protect persons,

secure nations and their institutions or properties from possible economic and political harm from internal and external aggression.

2.0   OBJECTIVES

At the end of this unit, you should be able to:

- state the importance of national security
- identify the role and function of the various security agencies in Nigeria
- explain statutes setting up the various agencies and their operational pattern
- discuss the rudiments, ethics and traditions as well as the need to work in conjunction with other security agencies in the country to achieve national security.

3.0   MAIN CONTENT

3.1   Economic and Financial Crime Commission (EFCC)

The Economic and Financial Crime Commission (EFCC) was established in 2002 by an Act of the National Assembly which was amended in 2004. The creation of the Commission was borne out of the determination of the Federal Government to sanitise the Nigerian economic environment and to enforce all economic and financial crime law.

Prior to the establishment of the, Economic and Financial Crime Commission (EFCC), Economic and Financial Crimes constituted a great challenge to the Nigeria economy and its image profile. For more than a decade, perpetrators of Economic and Financial Crimes, Fraudulent activities, economic mismanagement, corruption, lack of accountability and transparency have been the bane of the economy.

The administration of President Olusegun Obasanjo has therefore demonstrated a strong political will to fight economic and financial crimes by instituting several reforms to revitalise the economy and reposition the country to the path of sustainable development. One of such measure is the establishment of EFCC as the financial watchdog of the business environment, with the mandate to sanitise the system. The EFCC Act was a major departure from the past enabling laws for fighting economic and financial crimes, in terms of power, functions and responsibilities.

3.1.1 Function of the Commission

The EFCC is charged with the responsibility for investigation and the enforcement of all laws against economic and financial crimes in all its ramifications. The Commission is also the designated Financial Intelligence Unit (FIU) in Nigeria, which is charged with the responsibility of coordinating the various institutions involved in the fight against money laundering and enforcement of all laws dealing with economic and financial crimes in Nigeria.

The major functions as set out in the enabling Act include:

• Enforcement and due administration of the provisions of the EFCC Act.
• Investigation of all financial crimes such as Advanced Fee Fraud (otherwise known as 419), money laundering, counterfeiting, Illegal charge transfer, fraudulent encashment of negotiable instruments or fraudulent diversion of funds, computer credit card fraud, contract scam, forgery of financial instruments, issuance of dud cheques, etc.
• Adoption of measures to identify, trace, freeze, confiscate, or seize proceeds derived from terrorist activities, economic and financial crimes related offences, or the properties, the values of which correspond to such proceeds.
• Adoption of measures to eradicate and prevent the commission of economic and financial crimes with a view to identifying individuals, corporate bodies or group involved.
• Facilitation and rapid exchange of scientific and technical information geared towards the eradication of economic and financial crimes.
• Determination of the extent of financial loss and such other losses by government, private individuals or organisations.
• Collaboration with government bodies within and outside Nigeria carrying out the functions wholly or in part analogous with those of the Commission.
• Dealing with matters connected with extradition, deportation and mutual legal or other assistance between Nigeria and any other country involving economic and financial crimes.
• The collection of all reports relating to suspicious financial transactions, analyse and disseminate to all relevant government agencies.
• Maintaining liaison with the office of the Attorney General of the Federation, Nigerian Customs Service, Immigration and Prison Service Board, Central bank of Nigeria, Nigerian Deposit Insurance Corporation, National Drug Law Enforcement Agency

(NDLEA), all government security and law enforcement agencies and such other financial supervisory institutions, in the eradication of economic and financial crimes.

- Carrying out and sustaining rigorous public enlightenment campaign against economic and financial crimes within and outside Nigeria.
- Any other activities as are necessary to give effects to the functions conferred on the Commission under the Act.

SELF-ASSESSMENT EXERCISE

Discuss the statutory functions of EFCC.

3.2 Nigeria Immigration Service

The Nigeria Immigration Service (NIS) has witnessed series of changes since it was extracted from the Nigeria Police Force (NPF) in 1958. The Immigration Department, as it was known then, was entrusted with the core Immigration duties under the headship of the Chief Federal Immigration Officer (CFIO). The department in its embryo inherited the Immigration Ordinance of 1958 for its operation. At inception the department had a narrow operational scope and maintained a low profile and simple approach in attaining the desired goals and objectives of the government. During this period, only the Visa and Business Sections were set up. On August 1st, 1963, Immigration Department was formally established by an Act of Parliament (Cap 171, Laws of the Federation Nigeria). The head of the Department then was the Director of Immigration. Thus, the first set of Immigration officers were former NPF officers. It became a department under the control and supervision of the Federal Ministry of Internal Affairs (FMIA) as a civil service outfit.

3.2.1 Mission Statement

The mission of the Nigeria Immigration Service is to:

1. Have an IT driven security outfit that can conveniently address the operational challenges of modern migration.
2. Give the service a new sense of direction that can make it relevant at all times to the world security order and global trend.

3.2.2 Operational Structure

The Service has three Directorates, Eight Zonal Offices, Thirty-Six State Commands and Federal Capital Territory and Immigration Offices in the 774 local government areas.

The three Directorates are:

a.   Finance, Administration & Technical Services.
b.   Operations, Passport, Border Patrol, ECOWAS & African Affairs.
c.   Investigation, Inspectorate and Enforcement

(a)   Finance, Administration & Technical Services (FATS)

The FATS directorate is statutorily charged with the responsibility of policy formulation, articulation and implementation. It is equally responsible for the financial management, recruitment, discipline, postings, deployments and promotion of officers and men of the Service.

(b)   Operations, Passport, Border Patrol, ECOWAS & African Affairs

It is responsible for the provision of various immigration facilities such as:

i.   Visa
ii.   Combine Expatriate Residence Permit and Aliens Card (CERPAC)
iii. Passports

(c)   Investigation, Inspectorate and Enforcement

Investigation, Inspectorate and Enforcement is a directorate charged with the following responsibilities:
Investigation and Aliens Control: Detection, screening and investigation of violations and abuses of immigration laws and regulation.

3.2.3   Functions of Nigeria Immigration Service

The Nigeria Immigration Service is a government agency established and charged with the control of entry and exits of foreigners, and of course Nigerian national monitoring of foreigners into and out of the country. It also issues passports and other travel documents to deserving Nigerians as well as combat human trafficking and child labour amongst other functions.

SELF-ASSESSMENT EXERCISE

Discuss the role of Nigeria Immigration Service in Nigeria.

3.3   National Drug Law Enforcement Agency

Nigerians participate in international drug trafficking. One study found that 65 percent of the heroin seizure of 50 grams or more in British airports came from Nigeria, which was the transit point for 20 percent of all heroines from Southwest Asia. Another study disclosed that 20 percent of the drug cases in Britain involved ships of the Nigerian National Shipping Line. By the late 1980s, Nigerians had been known to be arrested in foreign countries, for drug trafficking.

Money-laundering operates sophisticated global networks and also involves repatriation of illicit proceeds from narcotics trafficking as well as from financial crimes and other criminal activities. The government of Nigeria, in 1995, enacted well-crafted legislation to control money laundering, and by extension, drug trafficking. The agency has recorded at least 328 cocaine seizures between 1986 and 1989, and the number of hard drug convictions has increased from 8 in 1986 to 149 in 1989, with women accounting for 27 percent of the 275 total convictions during this period. Drug-induced psychoses accounted for 15 percent of admissions to four psychiatric hospitals in 1988. In a related development, the Federal Ministry of Health reported in 1989 that about one-half of the drugs available in Nigeria were imitations, leading to a series of counterfeit and fake drugs decrees imposing increasingly higher penalties for violations.

Decree Number 48 of January 1990 established a National Drug Law Enforcement Agency to eliminate the growing, processing, manufacturing, selling, exporting, and trafficking of hard drugs, and the decree prescribed stiffer penalties for convicted offenders. Drugs trafficking have now been decapitalised. Stricter security measures also have been introduced at Lagos International Airport in 1989 to curb the offence and other crimes.

The NDLEA maintains a presence at international airports, to ensure drugs are not carried across nations borders. It conducts raids at seaports and border checkpoints. Effort to eradicate cannabis cultivation focused on the destruction of isolated farms. The NDLEA has attempted to expand the focus of operations beyond the arrest of couriers to the prosecution of controlling members of narcotics and money laundering organisations.

Despite, the counter narcotics efforts by the NDLEA, Nigeria's extensive land borders are still porous, and sparsely patrolled. However, NDLEA'S efforts and presence have created at least some risk that couriers may be caught at the entry/exit ports.

3.4 State Security Services

It is primarily responsible for internal policing, and is one of three successor organisations to the National Security Organisation (NSO), dissolved in 1986. The other two successors to the National Security Organisation are Defense Intelligence Agency (DIA) and Nigeria Intelligence Agency (NIA). The SSS has come under repeated criticism from both within Nigeria and without charging it as instrument of political repression used by whatever government is then in power to harass and intimidate political opponents. SSS officials maintain they act constitutionally, providing needed internal peace and security for the people of Nigeria.

3.4.1 Origins

In June 1986 Decree Number 19, dissolving the National Security Organisation (NSO) and restructuring Nigeria's security services into the three separate entities which are (i) State Security Service (SSS) (ii) Defence Intelligence Agency (DIA) and (iii) Nigeria Intelligence Agency (NIA) under the office of the Coordinator of National Security.

3.4.2 Mandate

The mission of the SSS is to protect and defend the Federal Republic of Nigeria against domestic threats, to uphold and enforce the criminal laws of Nigeria, and to provide leadership and criminal justice services to both federal and state law-enforcement organs. The SSS is also charged with the protection of the President, Vice President, Speaker of the House of Representatives, State Governors, their immediate families, other high ranking government officials, past presidents and their spouses, certain candidates for the offices of President and Vice President, and visiting foreign heads of states and governments.

The State Security Services are basically involved in security and intelligence gathering. Intelligence can be explained simply as raw, processed, or authenticated information obtained from both overt and covert sources. Intelligence gathering by the SSS is to abate any crime against the state. Crimes in this context involve activities which are not only criminal in nature but also threaten the stability of government as well as national interest. Examples include subversions, sabotage, espionage, insurgency, militancy and terrorism.

SELF-ASSESSMENT EXERCISE

Discus the role of State Security Service in National Security.

3.5   Nigeria Security and Civil Defence Corps

The Nigeria Security and Civil Defence Corps have the role of collating the conduct of her citizenry. To ensures good governance and protecting the policies of such government through nation protection process.

National protection covers all disaster prevention activities such as measures required to prevent disaster and limit their consequence in particular by sheltering or protecting the people, then properties.

It offers assistance through rescues and rehabilitation operation during and after disaster as well as preventing all forms of activities which may lead to disaster occurrence such as vandalism of public utilities including public power supply equipment, oil pipeline and telecommunication equipment.

The Nigeria Security and Civil Defence Corps are expected to maintain twenty-four hours surveillance over infrastructure such as power supply equipment, oil pipelines, sporting equipment in stadium and other public properties.

3.5.1 Brief History of the Nigeria Security and Civil Defence Corps

The Nigeria Security and Civil Defence Corps was prior to year 2003 a voluntary organisation. The Corps was established in 1967 as Lagos Civil Defence Committee mainly for the purpose of guiding and informing the residents of Lagos and its environs on how to defend mechanism during civil war especially how to escape from the devastating effects of bomb blasts. The Act No 2 establishing the corps as a full-fledged para-military outfit of government was signed into law in June 2003.

3.5.2 Functions of the Corps

(1)   The Corps shall:

   (a)   Assist in the maintenance of peace and order and also in the protection and the rescuing of the civil populace during the period of emergency.
   (b)   Recommend to the Minister the registration of private guard companies.
   (c)   Inspect the premises of private guard companies, their training facilities and appliance designed for their use.
   (d)   Supervise and monitor the activities of all private guard companies and keep a register for the purpose.

(e)   Maintain twenty-four hours surveillance over infrastructures, sites and projects for the federal, state and local government.

(f)   Have power to arrest, investigate and handover to the Nigeria Police for further investigation and prosecution of any person who is involved in any (i) criminal activities (ii) chemical poisoning and oil spillage (iii) industrial espionage or fraud (iv) activity aimed at frustrating any government programme or policy (v) riot, civil disorder, revolt, strike or religious unrest, or (vi) power transmission lines and oil pipelines vandalisation.

(g)   Monitor the activities of associations.

(h)   Monitor and report any planned (i) criminal activity aimed at depriving citizens of their properties or lives or (ii) syndicate activity aimed at defrauding the federal, state or local government.

(i)   Provide necessary warning for the civilian population in times of danger.

(j)   Evacuate the civilian population from danger areas.

(k)   Provide and manage shelters for civilians during any period or emergency.

(l)   Assist in decontamination and in the taking of precautionary measures during any period of emergency.

(m)   Carry out rescue operations and control blatant occasions.

(n)   Assist in the provision of emergency medical services, including first aid, during any period of emergency.

(o)   Detect and demarcate any danger area.

(p)   Assist the Federal and State Fire Service in fire fighting operation.

(q)   Assist in the distribution of emergency supplies.

(r)   Provide assistance to restore and maintain order in any distressed area in any period of emergency.

(s)   Assist in reporting indispensable public utilities during any period of emergency.

(t)   Assist in crowd and traffic control during any period of emergency (i) crime control generally (ii) riot, disorder, revolt, strike or religious unrest (iii) subversive activity by members of the public aimed at frustrating any programmes or policies (iv) industrial action and strike aimed at paralysing government activities and (v) any other matter as may be directed by the Minister.

(2)   The Corps shall change from present observer' status in the International Civil Defence Organisation (ICDO) to full member immediately after commencement of this Act by fulfilling conditions for payment of membership dues.

SELF-ASSESSMENT EXERCISE

Discuss the functions of National Security and Civil Defence Corps in Nigeria.

3.6   Federal Road Safety Commission (FRSC) Establishment

The Federal Road Safety Commission (FRSC) was established by the government of the Federal Republic of Nigeria vide Decree 45 of 1988 as amended by Decree 35 of 1992, with effect from 18th February 1988. The Commission was charged with responsibilities for, among others, policymaking, organisation and administration of road safety in Nigeria.

3.6.1 Functions of the Commission

The FRSC has a responsibility to:

- prevent or minimise road crashes on the highways
- clear obstructions on the highways
- educate drivers, motorists, and other members of the public generally on the proper use of the highways
- provide prompt attention to road crash victims
- conduct researches into the causes and methods of preventing them as well as putting into use the result of such researches
- determine and enforce speed limits for all categories of roads and vehicles
- cooperate with national and international bodies, agencies and groups engaged in road safety activities on prevention of crashes on the highways.

3.6.2 Funding

The Federal Road Safety Commission receives its primary funds from the federal government. This has affected the ability of the corps to realise most of its laudable programmes. Effort are therefore being made to encourage availability of road safety funds from proposed user's tax policy, insurance premium, vehicle licenses, fuel, and others.

3.6.3 The Three -Tier System

The Federal Road Safety Commission (FRSC) has evolved a three-tier system for efficient and effective operations. These are:

3.6.4 First Tier (Regular Marshals)

These uniformed men and women are in the employment of the Federal Road Safety commission. They perform all duties as spelt out under Decree 45 and 35, respectively, and others lawfully assigned to them especially, the reduction of road traffic accidents in Nigeria. They are the strongest and most visible arm of the commission.

3.6.5 Second Tier (Special Marshals)

These are men and women who are not in the employment of the Federal Road Safety Commission (FRSC), but are volunteers of proven integrity who have considerable interest and expertise in road safety. They do not wear uniforms and are not paid salaries, but are empowered, like the Regular Marshals by the enabling Decrees 45 and 35 respectively, to arrest and prosecute traffic offenders, give lectures, offer research service and advise in their areas of professional competence.

3.6.6 Third Tier (Road Safety Club)

Youths in schools and colleges are organised into road safety clubs at the primary, secondary, tertiary and National Youth Service Corps (one year compulsory service after university graduation) levels. Unlike the Regular and the Special Marshal, they are not to patrol the highways. Rather, they are encouraged to imbibe road safety culture from an early age and demonstrate these in their school activities. The Federal Road Safety Commission (FRSC) has further developed road safety educational curricula for various grade levels and is at present working with the Ministry of Education to make it a national programme.

3.7   FRSC Schemes on Road Safety Administration

Overtime the Federal Road Safety Commission has put in place various schemes to reduce road traffic accidents in Nigeria. These schemes include;

3.7.1 Revision of the Highway Code

The Nigeria Highway code was revised in 1989 to meet local and international specifications of road traffic management and crash control. The result is a Culture –related guide for drive education. The Revised Highway Code was translated into the three major Nigerian languages: Hausa, Igbo and Yoruba.

3.7.2 National Uniform Licensing Scheme

The National Uniform Licensing Scheme represents a landmark in the achievement of the FRSC. The scheme which was introduced in 1989 has continue to provide a veritable avenue for ensuring a good road safety culture among drivers. The scheme is made up of (i) National Driver's License (ii) National Vehicle License (iii) National Vehicle Identification Scheme (iv) National Driver's Testing and Vehicle Examination (v) National Road Traffic Regulations (vi) Vehicle Identification Tag (vii) Road Worthiness Validity Tag (viii) Proof of Ownership Certification.

3.7.3 Public Education

A very important strategy of the corps is the education of the public on adherence to road safety rules and regulations, and subtle enforcement of it through arrest and fines various radio jingles, television and newspaper advertisements from the buck of the corps' enlightenment media. Other innovative varieties include public enlightenment at motor parks, churches, mosque, and community gatherings.

3.7.4 Enforcement

The element of persuasion, subtle force, fines and prosecution are the components used by the Regular and Special Marshals to enforce all the traffic rules and regulations including over speeding, over loading, drink driving and sundry others. The corps officers, on all nation's highways, carry out mobile motorised patrol similar to these of the police.

SELF-ASSESSMENT EXERCISE

Discuss the impact of Federal Road Safety Commission in the maintenance safety in Nigeria road.

3.8 Nigeria Customs Service (NCS) Protection of Nigerian Society

Nigeria Customs Service (NSC) is the agency with major responsibility for controlling all cargo and goods entering, existing or transiting through national territory. In this regard, NCS has a role in protecting Nigerian society and also securing international trade. In particular, customs supports the combat of:

(1)   Infraction to intellectual property rights
(2)   Illegal commercial activities and Import of fake and sub-standard goods.

(3)   Traffic of illicit drugs
(4)   Illegal trade in arms and ammunitions
(5)   Importation of pornographic materials
(6)   Money laundering and
(7)   Illegal trade in Cultural Artifacts and Heritage.

Additionally, NCS has an important role in securing the international supply chain and implementation of international obligations related to this function.

3.8.1 Statutory Functions

Customs generally play a pivotal role in the economic life of any country. There is hardly any sector of the economy that is not directly or indirectly affected by the activities of customs. The functions of the Nigeria Customs Service include, but not limited to the following:

(a)   Collection of Revenue (Import/Excise Duties and other Taxes levies)
(b)   Anti-Smuggling activities
(c)   Security functions
(d)   Generating statistics for planning and budgetary purposes
(e)   Monitoring Foreign Exchange utilisation etc.
(f)   Engaging in Research, Planning and Enforcement of fiscal policies of government,
(g)   Manifest processing
(h)   Licensing and registration of Customs agents
(i)   Registration and designation of collecting banks and
(j)   Working on collaboration with other government agencies in all approved parts and border station.

3.8.2 Legal Framework

The Customs and Excise Management Act (CEMA) cap 45, Law of the Federation of Nigeria, 2004 vests legal authority in the Nigeria Customs Service to act on behalf of the federal government of Nigeria in all customs matters. This is supported by various supplementary legislations, including:

- Customs and Excise (Special panel and other provisions) cap 45, law of the Federation of Nigeria, 2004.
- Customs Duties (Dumped and Subsidised Goods) Act cap 77 Laws of the Federation of Nigeria.
- Nigeria Pre-shipment Inspection Act No. 36 of November, 1979 further amended by Act No. 11 of 19th April 1996.

- Decree No. 45 of 1st June, 1992 as amended by Act NO. 77 of 29th August, 1993.
- Customs and Excise Management (Amendment) Act No. 20 of 2003 and
- The constitution of the Federal Republic of Nigeria, 1999.

SELF-ASSESSMENT EXERCISE

Discuss the role of Nigeria Custom Service in the protection of Nigerians from contraband goods.

3.9   The Nigeria Prisons Service

3.9.1 Establishment of a Prison

In Nigeria, there are many prisons created by the Law of the Federation and are classified. Act 1972 (Act No. 9) now governs the creation of a prison in Nigeria and section 2 (i) and (ii) states.

(i)   "The President of Federal Republic of Nigeria may by order in the Federal Gazette declare any building place in Nigeria to be a prison and by the same or subsequent order specify the area of which the prison is established"

(ii)   "Every prison will include (a) the grounds and buildings within the prison (b) any lock-up house for the temporary detention or of prisoners newly apprehended or under remand which is declared by the President of Federal Republic of Nigeria by order in the Federal Gazette be part of the prisons".

3.9.2 Definition

As a matter of definition a prison is a place delimited and declared as such by the law of the state and created 'to ensure restraint and custody of individuals accused or convicted of violating the criminal laws of the state. Civil prisoners such as debtors, prisoner-of-war and state detainees are also received and kept in the prison custody.

3.9.3 History of Modern Prisons

The evolution of an organised modern prison by Nigeria began with the advent of the British colonial Administration when it assumed responsibility of the administration of Lagos and organised prison system along British model as one of the early forms of administration of justice. As a result of this re-organisation, Broad street prison was established in 1872 but the Prison Ordinance that gave it legal backing came into force in 1876.

Frederick John Dealtry Lugard, the then colonial Governor, in amalgamated the Northern and Southern protectorates into present day Nigeria in 1914. Following the amalgamation, the prison ordinance of 1916 and prison regulation of 1917 were promulgated to ensure uniformity of prisons administration in Nigeria. The ordinance gave the Governor extensive powers to declare any building in any province a prison and to make regulations for prison administration. He was empowered to appoint the Director of prisons and other officials, who were to be responsible for general management and superintendence of the prison system. The Director of Prisons was in turn empowered to make standing orders for organisation, discipline, control and of general administration of staff and inmates of the Nigerian prisons.

3.9.4   Functions of the Prisons

The statutory functions of the prisons include:

(a) **Keeping Custody:** The prison is responsible for the custody of the final product in the criminal justice process. Maintaining custody involves carrying out measures to prevent escapes, such as erecting a high walls or chain link fence, placing armed guards, constant checks of cells, providing a system of passes for movements within the prison, constant surveillance, and such stringent measures which may be applied from time to time to prevent escapes, riots and so on.
(b) **Reformation:** These are activities carried out in the prisons targeted towards positive transformation of an inmate according to his societal needs.
(c) **Rehabilitation:** These are packages of tangible and intangible provision to a willingly reformed and legally accepted way of life on discharge.
(d) **Reintegration:** These are series of psychological activities aimed at correcting the lenses through which the government, society and individuals perceive a discharge inmate.

SELF-ASSESSMENT EXERCISE

Discuss the role of Nigeria Prisons Service in national security.

3.10 Inter–Agency Cooperation for Effective Crime Control in Nigeria

The circle of violence, the increasing and vicious nature of transnational, inter-state and intra state crimes emphasise the need to adopt the open system theory approach. The approach emphasise the close relationship between a system and its supporting subsystems. It works on the

assumptions that without continued input from the subsystems any system could run down. Security (including crime control) is a sub system of one or large systems and its linkages or integration with these systems affecting the mode of operations and level of activity of each sub-system. Therefore, for the system to survive all the subsystems need to work together for the mutual benefit of the system as a whole to achieve the desired goal.

Inter-agency cooperation should be predicated on the understanding that statutory responsibilities of the sub-units are unique to them and clearly preserved. Security agencies should carry out their functions and complement one another efforts. There is need for coordination and cooperation of all the security and law enforcement agencies for effective crime control in the country.

3.10.1 Resistance to Inter-Agency Cooperation

The factors that militate against inter-agency cooperation are as follows:

(a)   Most institutions select personnel to meet role requirements, train them to fill specific roles and socialise them with sanctions and rewards to carry out prescribed pattern. Thus, when it comes to change or role modification they show defenses.

(b)   Often, we assume that a system or sub-system can change without affecting the rest of the structure. The larger system can nullify local changes and vice versa. That is why it is pertinent to take the policing formation towards crime control holistically.

(c)   There is both an individual and group inertia; while individuals might change there is absence of complementary and reciprocal activities from others.

(d)   Interagency cooperation may be considered a threat to the expertise of certain agencies.

(e)   Interagency cooperation may threaten the established power relationship in the system, as often experienced over the control of decision making resources or information.

(f)   Cooperation may be seen as threatening certain groups in the system that profit from the present allocation of resources and reward.

3.11 Lack of Inter-Agency Relationship and Cooperation: The Effects

The following are some of the effects of strained relationship among security agencies in Nigeria:

(i) **Undermining of Professionalism** – By their training, officers and men of the security agencies are professionals charged with the security of the nation. However, when they clash among themselves, they become the very sources of the insecurity they are supposed to guard against! Consequently, their sense of ethics and professionalism is compromised.

(ii) **Undermining law and order -** whenever security agencies engage each other in unhealthy rivalry that leads to clashes, the law and order they are supposed to maintain will be jeopardised and criminals and vandals will have free day. All the clashes between the police and army/air force are usually followed by unprecedented arson and looting as experienced in the Ojuelegba saga.

(iii) Closely related to the above is the effect on the National Security and by extension the general welfare of the people. When the agencies charged with maintenance of law and order decide to turn the heat on themselves, it leads to a loss of Public Confidence in Public Institutions. Unless this is checked, it could lead a state of anomie where anarchy reigns.

3.12 Causes of Inter-Agency Clashes

(i) The feeling of superiority by one organisation over and above the other creates a sense of envy and jealousy which can blossom into violent rage at any time.

(ii) Indiscipline, arising from a false sense of superiority, ignorance, poor education and training, undermines esprit de corps among the security agencies.

(iii) Pecuniary interest arising from poor remuneration: when security personnel are not well paid, any opportunity to make extra income may pitch one group against the other.

(iv) Unhealthy rank comparisons between agencies often result in quarrels and fights.

(v) Lack of a common inter-service communication, which is required to ensure prompt command and control, hampers the quick relay of information among the services especially when clashes are in the formative stage.

(vi) Lack of effective command and control borne out of weak leadership engenders indiscipline at all levels. Thus the personnel do as they please, uncheck, because of the luxury of an unbridled freedom.

(vii) Undue interference in the statutory responsibilities of other agencies and inability to harmonise areas of cooperation and role intersection, lead to clashes.

(viii) Unnecessary and inordinate use of force by security personnel at the slightest provocation, is another potent cause of inter agency squabbles.

(ii)   Inability of the system to create appropriate sanctions for erring personnel after the clashes, prepares the grounds for further clashes.
(iii)   Inadequate barracks accommodation which compels military and other security personnel to live among the civilian populace and commute in public transport.

3.13 Towards Improvement of Inter-Agency Relationships

(i)   Improved welfare package is necessary for uplifting the morale of security personnel; if the officers and men of the security agencies are well remunerated, there will be less friction between them. Each will concentrate on their constitutional duties.
(ii)   The media too can help by toning down the reportage of such clashes so as to reduce tension and prevent escalation of such crises.

    1.   Retreat and Sport – effort at creating meeting points for all agencies as in retreat and sporting activities should be intensified. This will encourage social interaction and understanding amongst various agencies.
    2.   There should be joint training at all levels where officer and men can interact intellectually to better appreciate and understand each other for improved cooperation at all limits.
    3.   There should be clear and well defined communication links between the different hierarchies of the services, including the establishment of liaison officers in all the barracks and units at all levels of command to entertain complaints from aggrieved personnel of other services.
    4.   Encourage of unofficial interaction amongst personnel at all levels, especially in messes and other social events.
    5.   Mutual respect for one another with the belief that all services are performing different function towards achieving a common goal.

4.0   CONCLUSION

National Security which is the pre-occupation of any security agencies committed to the protection of a nation from all types of internal and external aggression, espionage, hostile intelligence service, sabotage, subversion and other inimical influences and crimes. It involves all measures taken to detect, assess and neutralise all threats to the security of a nation from subversive groups, hostile foreign agents and unpatriotic citizen. It is also the sum total of actions, measures, legislations and operational procedures put in place to protect the state and citizens from all internal and external threats as well as the

facilitation and propagation of its national interest. There cannot be a national security without a national interest. National security is aimed at protecting our national interest. National interest simply means the core objectives of any state, both internally and externally.

Finally, it has been observed that all security agencies are branches of the same tree and that a house divided against itself cannot stand. Security personnel are supposed to be united in purpose and avoid unhealthy rivalry for the overall benefit of the Nation. At the moment, inter-service relationship are far from cordial, but through the president directive for a quarterly retreat to review the state of relations between the agencies coupled with the recently established Armed Forces and security Agencies Games, it is envisaged that the gaps between agencies will soon be closed and the relationship improved. Above all, a seasoned police officer needs to know his duties, the level of interaction with other agencies, understand the ranking structure of other security agencies, have respect for other and be courteous and firm without compromising standards. "Esprit de corps should not be esprit de crime".

5.0   SUMMARY

In this unit, you have learnt:

- the need for inter-cooperation among the Security agencies in Nigeria
- the factors that militate against inter-agencies co-operation
- the effect of lack of inter-agency relationship and cooperation
- causes of inter-agency clashes
- the functions and statutes which set up the various security agencies among which are:- (i) Economic and Financial Crime Commission (EFCC)   (ii) Nigeria Immigration Service (iii) National Drug Law Enforcement Agency (iv) State Security Service (SSS) (v) Nigeria Security and Civil Defense Corps (vi) Federal Road Safety Commission (FRSC) (vii)Nigeria Custom Service (NCS) and (viii) Nigeria Prison Service.

6.0   TUTOR-MARKED ASSIGNMENT

1.   Discuss the history, acts and functions of the different security agencies.
2.   Discuss factors that militate against inter security co-operation.
3.   What do you understand by National Security?
4.   Discuss the need for inter-agency co-operation for effective crime control in Nigeria.

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**UNIT 2   HUMAN TRAFFICKING AND LAW
            ENFORCEMENT IN NIGERIA**

CONTENTS

1.0   INTRODUCTION

In this unit, we shall examine trade in human beings otherwise known as Trafficking in Persons (TIP). It is worthy of mention that trafficking in persons is slavery in disguise. Despite the formal abolition of slave trade and slavery by the League of Nations in 1926 mankind continues to find itself in exploitative circumstances, mainly for sexual, domestic or forced labour purposes. The concerted effort by our law enforcement agencies to curb these nefarious acts and the challenges they face will be focus on.

2.0   OBJECTIVES

At the end of this unit, you should be able to:

- explain the negative impact of trafficking in persons
- identify the national and global effort to combat it
- assess the performances of the task force on Human Trafficking
- identify the various Non-Governmental Organisation (NGOs) set up to combat this nefarious act.

3.0   MAIN CONTENT

3.1   International Convention on Human Trafficking

Trafficking in person has become threat to national and global security. It became a burning issue worldwide, requiring prompt and urgent remedy. Quite a number of international instruments preceded this

effort, but this was to come in more specific terms in the formulation of an international legal instrument in 2000 to specifically address the scourge. A UN resolution heralded the passage of the Transnational Organised Crime Convention (TOC) to address the issue of across-the-border crimes, with two supplanting protocols on smuggling of migrants and the protocol to "Prevent, Punish and Suppress the Trafficking of persons especially women and children" The passage of the protocol in Palermo, Italy in December, 2002, otherwise known as the Palermo Convention provided a benchmark for nations to get their bearing on domestic legislations against the crime: a situation that has positively provided a kind of uniformity in the criminalisation of the offense worldwide.

Article 3 of UN Protocol to the Convention on Transnational Organised Crimes states that

> Trafficking in person shall mean the recruitment, transportation, transfer, harboring or receipt of persons, by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation." Exploitation shall include, at a minimum, the exploitation, forced labour or service, slavery or practices similar to slavery, servitude or the removal of organs.

International Labour Organisation (ILO) Convention for the Elimination of the Worst forms of Child Labour 189 (1999) is another international instrument against trafficking for labour exploitation.

3.2   Nigeria: Country Profile and Government Response

Trafficking in persons is perpetrated across international boundaries or within national borders. These two forms of trafficking take place in Nigeria, which has been identified as a transit as well as a destination country, as victims from other African countries, particularly those of the West African sub-region are found in the country. The trafficking in person's report of the US State Department, July 2001, identified Nigeria as a source, transit and destination country for trafficked persons. The US Government estimates of 2003 indicated that some 800,000 to 900,000 men, women and children are trafficked across international borders annually; 75% of whom are for commercial sexual exploitation, whilst 25% are for forced labour, particularly domestic labour. In addition to these global scenarios, several cases of internal trafficking occur within the same country from rural to urban areas.

The status of Nigeria as a source, transit and destination point notwithstanding, the country's response to issues of trafficking has been quite commendable. Nigeria has been a pace setter in interventions against trafficking. This has been demonstrated by her prompt ratification of the Transnational Organised Crime Convention (TOC) and the domestication of the Palermo Convention into national legislation known as "The Trafficking in Persons (Prohibition) Law Enforcement and Administration Act, 2003". An agency was also established to enforce the law.

3.3   The Task Force on Human Trafficking Historical Antecedents

The Nigeria Police Force being the principal law enforcement organisation in the country is naturally positioned to intervene in issues of human trafficking. This intervention should translate into the prevention, apprehension, investigation and prosecution of cases of trafficking in persons. In retrospect, this mandate dates back to the coming into existence of our books i.e the criminal and penal codes.

The operations of the Task force on Human Trafficking were further expanded through a presidential directive when official and media attention was drawn to this modernised slavery. In 2001, eighteen (18) traffickers and thirty-three (33) Nigeria ladies were repatriated home from Conakry, Guinea, on a Nigeria Air Force Hercules C130 plane. The ladies were presented to Mr. President at the Presidential Villa in Abuja, following which a directive was given to establish more anti-human trafficking units both in the Nigeria Police Force and Nigeria Immigration Service. It was against this background that Mr. President expressed deep concern over the scourge which, apart from its negative social consequences, was becoming a source of serious embarrassment to the government and the people of Nigeria. Thereafter, several Nigerians were arrested and deported from Europe, Asia, the Middle East, and United States of America. The largest numbers of Nigeria women were trafficking to Italy and deported when arrested.

This Police Task Force on Human Trafficking expanded into twelve units across the country. Eleven units are in eleven states of federation considered as endemic, source or exit point: Ebonyi, Edo, Delta, Akwa Ibom, Cross River, Lagos, Oyo, Ogun, and Borno. Abuja, as a head unit, make up the number to twelve Police Anti Human Trafficking Units nationwide.

The Police Anti-Human Trafficking Unit is charged with:

(a)   Investigation and prosecution of cases of human trafficking and other related offence.
(b)   The interception at airport and land borders of deportees/victim of human trafficking.
(c)   Documentation, screening, voluntary medical examination and release of deportees to their state liaison offices, for the purpose of rehabilitation and reintegration with their families. The documentation and screening of victims of human trafficking is one of the most important methods of gathering information from the victims about how they left the country and their sponsors.
(d)   Liaising with known NGOs who are working on the rehabilitation of deportees.
(e)   Enlightenment of the public on the dangers and hazards of prostitution and modern slavery christened "human trafficking".
(f)   Liaising with other security agencies, ministries and embassies on matters relating to human trafficking.
(g)   Gathering of information on traffickers and their modus operandi
(h)   Working jointly with security agencies and ministries on the evaluation of victims of human trafficking.
(i)   Attendance at Interpol conferences, where joint actions are mapped out on the eradication of trafficking in person.

3.4   Collaboration

Collaboration with other stakeholders units has been progressive and impressive. Foremost Among these collaborators is National Agency for the Prohibition of Traffic in Persons and Other Related Matters (NAPTIP), which is the national focal point agency on all issues of human trafficking. The Nigeria Police is a proud partner in the progress of this agency with twelve policemen and women from the ranks of sergeant to deputy superintendent serving as pioneer operatives of the national joint investigation task force of NAPTIP. The police are also members of the quarterly National Consultative Forum of Stakeholders on Anti-Human Trafficking, organised by NAPTIP. Other international agencies and stakeholders with whom the unit collaborates include United Nations Office of Drugs and Crime (UNODC), United Nations Children Education Fund (UNICEF), International Organisation for Migration (IOM), International Labour Organisation (ILO), United States Agency for International Development (USAID), Ministry of Foreign Affair, National Intelligence Agency (NIA), Nigeria Immigration Service (NIS), American Bar Association, The Women Trafficking and Child Labour Eradication Foundation (WOTCLEF), an NGO founded by Mrs. Titi Abubakar Atiku in 1999, and IDIA Renaissance in Benin city.

SELF-ASSESSMENT EXERCISE

Highlight the objectives of the Police Anti-Human Trafficking Units.

4.0   CONCLUSION

Despite the proliferation of agencies charged with interventions in issues of Trafficking in Persons, the Nigeria Police Force remains a veritable tool in law enforcement because of its existing structure, geographical spread and universal acceptance. Worldwide, the police is known as the primary law enforcement agency in any country. Notwithstanding any lapse, therefore, its efforts at curbing trafficking can only grow from strength.

5.0   SUMMARY

We have been able to discuss the meaning, nature and prevalence of Human Trafficking in Nigeria. Mentioned was made on the various protocols made by the United Nations to combat Human Trafficking and Nigeria's Government response to eradicate it. We have also looked at effort of the Police Task Force on Human Trafficking in ensuring its total eradication.

6.0   TUTOR-MARKED ASSIGNMENT

1.   Why is it said that Human Trafficking is slavery disguise?
2.   Critically assess the impact of National Agency for the prohibition of traffic in persons and other related (NAPTIP) matters effort in combating Human Trafficking in Nigeria.

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**UNIT 3   ETHNIC MILITIA, YOUTH RESTIVENESS,
             RELIGIOUS INTOLERANCE AND LAW
             ENFORCEMENT IN NIGERIA**

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7.0   References/Further Reading

1.0   INTRODUCTION

In this unit, we shall examine the destabilising effects of Ethnic militia, youth restiveness and religious intolerance in Nigeria. We shall focus on the challenges facing police and others law enforcement agencies in combating this grievous phenomenon.

2.0   OBJECTIVES

At the end of this unit, you should be able to:

- explain the concept of Ethnic militias
- state the causes of Youth Restiveness
- describe what Religious intolerance is all about
- analyse what the Nigeria police is doing to curtail this ugly trend.

3.0   MAIN CONTENT

3.1   Ethnic Militias: What are they?

Ethnic militias are essentially youth based groups formed for the purpose of promoting and protecting the parochial interests of their ethnic groups, and whose activities sometimes involve the use of violence. Ethnic militia groups in Nigeria are not rebel movements. Their aim is not to capture political power, but they serve as social

pressure groups that seek to influence the structure of power in the country, and call attention to the deteriorating material condition or political deprivation and perceived marginalisation of their group or social environment. Indeed, these groups also perform civil functions of providing physical security for their community and undertaking crime prevention. The urge for self-defense and sometimes, proactive force and aggression form part of the profile of these groups.

3.2   Ethnic Militias in Nigeria: Explaining the Concept

From a strictly conceptual point of view, the generic term, ethnic militias is used in common Nigerian parlance to refer to any armed group based in any Nigeria's geopolitical regions, which claims to be fighting and defending some common ethnic or geopolitical interest, however narrow or hazy they may be. The international media has also come to associate the term with any group that engages in violent activities in the country. It is thus convenient for this paper to adopt the same nomenclature.

The term "militia" refers to an irregular or paramilitary group, usually made up of civilians who might have received some form of non-formalised or unofficial military training and are armed with small arms and light weapons. They are not members of a regular professional army, but can operate in the same manner because they have been trained to perform certain functions similar to the ones soldiers perform. Such functions could include providing homeland or territorial defense and security for a civil populace in times of war; especially when the professional military forces are engaged in the battlefront.

What is notable about the militias is that they, by and large, have no formal military training and their members carry and use arms illegally. This has been the main cause of the frequent friction between them and the state. Their establishment is not the product of common agreement or general ethnic consensus, even among the people and communities whose interest they claim to represent or defend. Rather, they were established and foisted upon the people who had no choice but to acquiesce. Consequently, their existence and activities could but not be legalised by the state. They have also been known to oppress members of the same ethnic groups whose interest they claim to be defending. The OPC and Bakassi Boys, for example, have been known to use extra-legal means in their activities, such as operating illegal detention centres, committing extrajudicial killings, etc., all in the name of instant justice.

3.3 Youth Restiveness

Youth restiveness is the omnibus term for a host of anti-social, and sometimes, downright criminal behaviours perpetrated by a sizeable proportion of youth in various communities around Nigeria. As the name implies, it is a combination of any action or conduct that constitutes unwholesome, socially unacceptable and unworthy activities of the youths in any community. As a virulent threat to peace, youth restiveness always leads to a near breakdown of law and order, low productivity due to disruption of production activities, apparent increase in crime rates, intra-ethnic hostilities, harassment of prospective developers and other sundry criminal tendencies.

3.3.1 Causes of Youth Restiveness

The causes of youth restiveness are legion and continue to increase every day, just as the miscreants who thrive on this misdemeanor **improve** on their talent for mischief**.** However there appears to be general consensuses, a few which are as follows:

(i)   **Youths want a piece of the action:** The notion appears to have gained ground that the youths resort to restiveness because of their perceived marginalisation by the selfish elders and leaders in the community. To get attention, partake in, or get their "share", they resort to confrontation with these community leaders culminating in the rampant threats to communal harmony in the better part of the country today.

(ii)   **Youths want to rebel:** The youths constitute a large army of the unemployed. Therefore, there is a tendency for them to look at their plight as the making of a cruel society that does not seem to care for them. Since the society places high premium on wealth and honours those who have 'made it' a strong negative feeling of dissent drives the youth to rebel against society. In consonance with this, the availability of drugs on street corners, predispose the youth to drugs use and deviant behaviours.

(iii) **Youths exuberance:** Very often, the youths are describes as full of youthful exuberance; a natural enthusiasm for life that has of late been channeled into unwarranted and socially unacceptable ventures that threaten the very fabric of society. Due to massive unemployment and poverty, the youth are especially vulnerable to the ploy of disgruntled community leaders, elders and politicians who recruit them as thugs for settling scores with perceived enemies. Consequently, these youths degenerate to severe misconduct bordering on outright criminality. The problem here is that, once idle youths get mobilised for nefarious

activities, they become uncontrollable and the communities are worse for it.

(iv) **Restive youth and oil companies:** In the Niger Delta, is also believed that the activities of some of the oil prospecting companies lead youth to restiveness. The coming of the oil companies they believe, destroyed their environment, disrupted production and economic activities, dislodged social structures without commensurate compensation and or programme of sustainable rehabilitation. The result is that while the oil companies make huge profits, nothing appears to change in the lives of communities. Low productivity, intra-ethnic hostilities, unemployment, poverty, prostitution and environmental degradation become their lot instead.

SELF-ASSESSMENT EXERCISE

Explain the causes of youth Restiveness in Nigeria.

3.4 Religious Intolerance

Religious intolerance is either intolerance motivated by one's own religious belief or practices. Religious intolerance and persecution have been common throughout history; and most faiths have been subject to it at one time or another.

In the last two decades, Nigeria has witnessed a series of major religious conflict which suggest that a religious divide separates Christians and Muslims, while long-standing intra-religious conflicts further divide the people. Evidently, therefore, religion has become a disruptive force in Nigeria. In the period under review, there have been more than a dozen serious religious riots, each claiming many lives and inflicting mass destruction on property and places of worship. Each riot was only ended through the intervention of the police or, and the military.

3.5 Police Action

Because the police has a sacred mandate to maintain peace, no matter whose ox is gored, it has no choice but to engage the militias, within the limits of its operational orders in the Niger Delta and indeed elsewhere around the country. The Nigeria Police Force could hardly afford to leave any stone unturned in its diligent investigation to discover the hideouts and arms caches of these groups, in order to arrest and prosecute them accordingly. Mention has been made already of the Joint Task Force (JTF). The JTF had a straightforward brief: arrest the criminal activities of the militant groups in the Niger Delta areas, restore law and ensure a secure and enabling environment for legitimate

socioeconomic activities of the citizens and oil companies in the area. The assignment was code named, Operation Restore Hope.

The JTF consists of five task groups: the Army, Navy, Air Force, Police and the State Security Services. Officers and men from these five groups are jointly deployed to the various locations within the JTF Area of Responsibility (AOR). The area of responsibility is defined by the operational directives issued by Defence headquarters (DHQ) in Abuja. Charged with the responsibility of coordinating the operational activities of the Joint Task Force, the JTF area of operations cover the entire Niger Delta area, which consists of Delta, Edo, Bayelsa, Akwa Ibom, Cross Rivers, and parts of Ondo and Imo. The flashpoints are mainly in Delta, Bayelsa and Rivers and most of the terrain is along the creeks and swampy areas.

4.0 CONCLUSION

This unit has broadened understanding of the militating effects of Ethnic militias, youth restiveness and religious intolerance. You should also have had deeper knowledge of the causes and dimension of all these three concepts. It is hoped that you will appreciate the effort of the police in stemming this ugly tide and understand the various challenges the police faced in bringing about a secure and orderly society.

5.0 SUMMARY

We have been able to discuss the meaning, causes and dimension of Ethnic militia, Youth Restiveness and Religious Intolerance. We have been able to see the approach adopted by the police in tackling this ugly trend.

6.0 TUTOR-MARKED ASSIGNMENT

1. Discuss ways in which the police can curb ethnic militias in Nigeria.

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UNIT 4   CYBER CRIMES AND LAW ENFORCEMENT IN NIGERIA

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1.0   Introduction
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1.0   INTRODUCTION

Cyber crime is a new breed of white collar offense that can be singular or ongoing and typically involves the theft of information, resource, or funds. Cyber criminals use emerging forms of technology to commit common-law crimes such as fraud and theft. Today, cyber crime in Nigeria has become a great concern to law enforcement officials, because it has cost consumers billions of dollars/naira. This unit will focus on various methods of cyber crimes and the challenges facing law enforcement officers in curbing it.

2.0   OBJECTIVES

At the end of this unit, you should be able to:

• explain what constitute cyber crime
• state types of cyber crime
• identify the challenges cyber crime poses to law enforcement agencies
• discuss the ongoing actions to curb cyber crime in the world.

3.0 MAIN CONTENT

3.1 Hi-Tech (Computer and Cyber) Crime

The benefits of modern technology are so numerous it is hard to imagine what life would be without it. Modern advances in health care delivery, transportation and communication, etc. make our days less stressful and society is all the better for them.

The digital or information age as it is called, has the universe in its grips and every nation, every profession, every section of the economy must keep abreast of the cutting edge or lose its place in the race for progress.

Accordingly, computers of various configurations are constantly emerging from research laboratories for use in information sharing and business transactions to ease decision making from industry. In banking and commerce, network operations ranging from online banking across time and space, e-commerce with credit and debit card authorisations, to automated cash counters have been the rave for quite a while. It is an important aspect of banking and commerce that more and more institutions and individuals are using these tools to reduce the time cost of business transactions and increase their efficiency.

The Internet–the great miracle of modern technology –magic grid of several computers networks around the globe has created this World Wide Web where virtually anything is possible. The great advantages of this most valuable invention is available also to the criminal fraternity of every country, every nation and every society in the world. The Internet enables every human activity to be conducted with relative ease and speed. One click on a mouse will send data to any part of the world in just a matter of seconds. International telephones calls can be made on the web for the cost of local connection. Regular radio and video broadcasts with audio and video conferencing are all available at low cost and very easy use. The volume of transaction that take place over this endless territory continue to grow at an astronomic pace and criminals have cashed on it to reap huge illicit returns from several nefarious practices.

Although network (Internet) transactions offer easy and efficient means of doing business, the risks are many and several unwary investors around the globe have fallen victim of its system pitfalls. To get an idea of the inherent dangers in the awesome, let us examine an electronic transaction (e-commerce), between a customer and a merchant. When a customer offers to purchase goods from a merchant over the Internet, he or she does not pay with cash or cheques; the account is settled by any of the following means:

(a)   Invoice/collect-on-delivery
(b)   Credit card (without encryption)
(c)   Credit card encrypted
(d)   Micro payment
(e)   Electronic direct debit (edd)
(f)   Smart card etc.

The transaction takes place over the Internet. Both the customer and the merchant are anonymous. They do not know each other and are not identifiable. The customer orders goods; the merchant does not have any information about the solvency of the customer, and payment time is uncertain. The customer does not have the security that the goods would be delivered. If payment of goods ordered is by collect-on-delivery, there is the risk of the customer providing incorrect information to the merchant, thus, the goods may not reach the customer and the merchant stands the risk of paying for delivery of the goods returned. If a payment is made by credit card without encryption, the risk exists to the customer that the privacy of the credit card data provided on the Internet may be abused and he has no guarantee that the merchant will deliver the goods. On the other hand, the merchant stand the risk of delivering goods only to discover later that the credit card data provided is wrong. There is the risk also of a third party gaining unlawful access to the customer's credit card data and using it subsequently to defraud the customer. Having observed the various risks associated with transacting business on the Internet, banking and financial institutions are working round the clock to put security devices like encryption, fire wall, gateway server etc., in place, so as to safeguard business on the Internet. While this is going on the criminal gangs are hard at work trying to break (back) these securities so that they might enter their chosen networks and cause a lot of damage.

Evidently therefore, criminals exploit these modern tools (computer and Internet) to commit hi-tech and cyber crimes. Hi-tech crime is the illegal use of information and communication technology against persons, property, organisation or networked computer system. However, cyber crime is the criminal use of computer network or systems and network for criminal purposes.

SELF-ASSESSMENT EXERCISE

What is Cyber Crime?

3.2   Unauthorised Access and Interception

Hacking involves access without right to a computer system or network. The target of the offense is a computer system or network; the latter

consisting of two or more interconnected computer systems. "Access" means entering the whole or any part of the system and the programs of data it contains. The method of communication does not matter. It can be by a person accessing a computer directly at close range or indirectly from a distance, for instance by satellite link, or through other computer systems.

Interception is ", interception", without right and by technical means, of communication to, from and within a computer system or network. The target of the offence is any form of computer communication. Most frequently it concerns data transfer via public or private telecommunications systems. The communication can take place inside a single computer system, between two computer systems belonging to the same person, two computers communicating with one another or a computer and a person. Interception by technical means relates to "listening" to the content of communications, to the procuring of the content of data either directly, through access and use of the computer system, or indirectly through the use electronic eavesdropping or tapping devices.

Time Theft refers to the misuse of a computer or computer network system with intent to avoid payment. This offence normally falls within traditional criminal legislation covering offenses such as false accounting, dishonestly obtaining services or deliberately avoiding payment. Large devices computer service companies or networks provide automatic billing devices for users so that proper accounts may be kept and payment made.

3.3   Alteration of Computer Data

Logic Bomb involves the alteration of computer data or computer programs, without right, by the insertion of a logic bomb. Logic bomb is a logic device input by criminals and is triggered when a computer performs a specific task (for example when a payroll account is run). When triggered, the device becomes active, and runs a small program which has a detrimental effect on the performance of the computer or computer network. The effects may vary: the computer may stop completely, all screens may go blank, or data may be deleted. Another form of logic bomb is often referred to as a 'Time Bomb', because it becomes active at a preset date and time. The aim of the offence is to alter data or programme and impair their use, thereby compromising the integrity or confidentiality either of the system itself or of the product of the system.

Trojan horse describes the alteration of computer data or programs, without right, by the insertion of a 'Trojan Horse'. As its name implies,

a Trojan horse is a hidden programs in computer system. The aim is to alter or modify data programs. It is often used by criminal hackers to leaves a 'backdoor' in the protection of systems that allows access with a secret code. As the protection of computer is generally controlled by system utility programs, these have to be altered by inserting a Trojan horse.

Virus: The alteration of computer data or computer programs, without right, by the insertion or distribution of a computer virus. A computer virus is a computer program, or part of a computer program that alters data or programs and compromises the integrity of the system. Computer viruses have become very common because the transfer of an infected file from one computer to another (often by means of a diskette) causes the virus to replicate. There are hundreds of different types of virus each with its own characteristic, but all viruses alter either data file or programs within computer. The effects of viruses vary from minor inconvenience to the complete destruction of data and programmes.

Worm involves the alteration of computer data or computer programme, without right, by the transfer, insertion or distribution of a computer worm into a computer network. It is a logical device (a computer program) which is designed to travel through computer networks and corrupt or alter computer data base. They occur infrequently and are not as common as viruses.

3.4 Computer (Related) Fraud

Computer related fraud offenses are usually covered by the common criminal law definitions of fraud and can be prosecuted as such. The offender's objective may be either to obtain financial gain for himself or simply to cause his victim serious loss. Computer fraud offenses differ from ordinary fraud in the way that criminals take advantage of modern computer technology and network systems.

Cash Dispensers: Relates to fraud and theft from cash dispenser systems. Cash Dispenser Systems (also known as Automated Teller Machines or ATMs) are usually owned by banks or similar financial service organisations and use encrypted computer networks. Access to an ATM is usually by a token or card that requires the input of a Person Identification Number (PIN). Frauds have occurred in "cloning" or duplicating these card or tokens or by intercepting the communication links.

Computer Forgery: The criminal offense of forgery is covered by traditional law in most countries. However, the type of forgery referred to here involves fraud and theft related to computer systems by the

creation of forged devices or the fraudulent alteration of software and hardware. Forgery of the software of computer system occurs for example, when data is input to replace other data and to represent the original for a fraudulent purpose. A modern version of forging signature, it can also apply to the creation of data on microchips – a common example is the falsification of electronic serial numbers (ESNs) of cellular or mobile telephones.

Forged devices can be produced as the output from computer systems. Modern technology, particularly the development of laser colour printers, is capable of copying documents that were previously very difficult to produce. The obvious example is banknotes but there have been other cases of financial documents like bills of lading and bearer bonds.

Gaming Machines: Modern gaming machines are computer-controlled with a program run from a microchip. These chips are developed by software companies at a substantial cost and are vulnerable to theft, alteration and unauthorised reproduction.

Input/Output/ Program Manipulations characterise fraud and theft by means of false input or output, to or from a computer system or by manipulation of programs. False input into computer databases is a common way of committing fraud. False output is less common and is usually related to the production of false documents or printouts. There are broad categories of computer program:

(i)   Software that is written for the commercial market and is generally available for purchase.
(ii)   Software that is obtained as above then customised or changed to a particular use.
(iii)   Unique software that has been written specifically for a given purpose and is not available for sale or distribution.

Means of Payment (Point of Sale) are open to fraud and theft by manipulation or alteration of data. These systems are usually found at retail outlets (e.g. shops and stores). They are usually the property of financial services companies such as banks which protect the systems by identifiers and transfer accounts on encrypted telecommunication lines.

Telephone Phreaking involves access without right to communications services by infringing protocols and procedures. Telephone phreaking can be described as the misuse of telecommunications service in various ways. Sometimes the act is committed to avoid high telephone bills, sometimes to prevent eavesdropping. The latter may give rise to problems in police investigations.

An example of telephone phreaking is "boxing". Boxing is the general term for the use of (electronic) equipment to manipulate telephone exchanges. The boxes generate sound to which the telephone exchange responds, for example by releasing telephone lines or switching off the charging meter. Another example is the misuse of cellular telephones (e.g. car phones) there is no need for a physical connection and conversation can easily be tapped using scanners. It is also possible to reprogram a cellular phone; the reprogrammed phone can then be used by the offender and calls will be charged to rightful owner.

3.5   Unauthorised Reproduction

Computer Games and other software: A computer program is a set of instructions capable, when incorporated in a machine-readable medium, of causing a machine with information processing capabilities to indicate, perform or achieve a particular processing capability to indicate, perform or achieve a particular function, task or result. The reproduction, distribution or communication to the public, without right, of a computer program protected by law is an offence. Many countries have incorporated this offence in their criminal laws and generally speaking both source and object codes are protected.

3.6   Computer Sabotage

Hardware Offense: This crime involves the input, alteration, erasure or suppression of computer data or computer programs, or interference with computer systems with the intent to hinder the functioning of a computer and/or telecommunication system. It is far wider in scope than what would be called "damage to computer data". It covers any kind of interference with a computer system, including the input of false data or the unauthorised input of data to obstruct the functioning of systems. It covers any kind of physical damage to the computer including such acts as disconnection of the electric power supply. Computer hackers frequently sabotage computer systems by interfering with system files.

Software Offense: What occurs in this instance is the erasure, damaging, deterioration or suppression of computer data or computer programs without right. Unlike damage to property, which results in the object in question becoming unfit for the purpose for which it was originally intended, the specific nature of the damage to computer-held data means that it is more a matter of altering the quality of the information in stored data and programs, and thereby reducing their potential usefulness. The erasure of data is the equivalent of the destruction of a physical object. "Damaging" and "deterioration" refer in particular to the alteration of the information content of the affected data and programs so that their potential usefulness is reduced.

SELF- ASSESSMENT EXERCISE

Mention five types of cyber crime.

3.7   Challenges to Law Enforcement

There are lots of problems to be faced with cyber crime especially in the area of law enforcement.

The first problem is jurisdictional; the internet is a borderless expanse of space, so when a crime is committed on the internet the question arises as to which national legislation should be used to investigate and prosecute the case.

There have been cases of credit cards stolen from Europe, then skimmed (that is the data on the magnetic stripe was read with special machine) and transferred via the internet to Asia. The data was loaded onto a counterfeited plastic card, and used. The whole operation was done in two days. The police were faced with a puzzle: which country's law should apply in the investigation of this case? This is a simple example of what law enforcement agencies are facing in the investigation of cyber crime.

The second difficulty is the simplicity of the network. The internet is easy to use and its speed is tremendous. With click on a mouse from anywhere in the world, digital data can be loaded, transferred, deleted, and altered in seconds. Crimes are committed and the criminals can use the speed of the system to destroy evidence before been traced, law enforcement agencies are slowed down by the bureaucracy   of having to go through the process of Commission Authority through diplomatic channels.

The third problem is the anonymous of the users of the World Wide Web, as the internet is also known. Criminals on the internet are difficult to trace in view of the fact that the users of internet are anonymous. User normally gets on to the network with user ID and password without necessarily identifying himself specifically. Sometimes, criminals impersonate other people by using the password of such persons to enter network for criminal purposes without the knowledge of the genuine user. The ubiquity of the internet gangster is such that sometimes, even the Internet Service Providers (ISP) themselves find it difficult to trace and identify the origin of crime on the Internet.

The fourth challenge comes from money laundering and tax evasion. Electronic banking and commerce (as the Internet trade is also known) afford ample opportunities for criminals to launder funds derived from

fraudulent activities and evade payment of tax on taxable goods bought or sold, because records are not kept for tax regulators to verify.

The fifth is that of encryption. While encrypted information prevent third parties from getting access to information that is not means for them, criminals use the same means to conceal evidence, with evident consequences for law enforcement agents who have to decrypt such evidence before they can make any headway in their investigations.

Cyber crime is a new wave of illegality confronting the law enforcement agencies of the world. The modus operandi of cyber criminals is different from those of conventional thieves and fraudster. Therefore, it is a new area of crime that many law enforcement agencies are ill-equipped to deal with. The rapidity of innovations in the computer industry also makes it extra difficult for investigators to catch up with criminals who exploit the net for their nefarious ends. Consequently, law enforcement agencies must establish a regime of constant training and retraining for their operative, who must also be equipped with the full tracking of cyber crime.

3.8 Ongoing Actions

Evidently, the challenges of cyber crime cannot be tackled on a national basis. No other issue requires a more globally coordinated action than this. It is therefore encouraging to see that a number of multinational initiatives have been taken for this purpose.

The Organisation for Economic Cooperation and Development (OECD) took a lead in the field of encryption and is trying to establish an international standard. The World Trade Organisation (WTO) offers a forum to discuss the problem of electronic commerce. The council of Europe is preparing a European Convention on Information Technology Crime, which could become a good model for other regions or a global convention. The G-8 countries identified the problem of "Hi-Tech Crime" as one of the most significant problems to deal with in the present times.

Interpol is closely monitoring this problem, particularly in the last several years. A working group of experts was set up and efforts were made to enhance the expertise in member countries. Training courses were organised for computer crime investigators and training materials were published for ordinary police officers as well as for computer crime specialists. Also, various conferences were organised so that best practices can be shared.

4.0 CONCLUSION

Whatever the problems confronting the police force through this new brand of criminal activity, it is impossible to prevent the growth of the network society, bearing in mind all the benefits and possibilities it can bring to world civilisation. We should equally realise the risks involved, which can be minimised. Preventive measures should be put in place, to control the possibility of abuse, and human and financial resources invested in finding the means of controlling cyber crime.

5.0 SUMMARY

In this unit, we have been able to discuss the meaning, nature, pattern and problems of cyber crime. We also dwelt extensively on the types of cyber crime and the challenges the law enforcement agencies are facing in an attempt to curb it.

6.0 TUTOR-MARKED ASSIGNMENT

Proffer suggestions on how cyber crime can be curbed.

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