Police Reforms: A Holistic Approach
Police Reforms: A Holistic Approach

QUOTABLES

‘I pledge to be a President who seeks not to divide, but unify; who sees not red States or blue States, only sees the United States.’ - Joseph R. Biden, President-Elect, United States of America

‘We have to rejig our representation in the United States. It was a little bit awkward, to send an 83 year old man, as Nigerian Ambassador to the United States.... We need more vibrant, more intellectually endowed and agile foreign policy decision makers....’ - Professor Akin Oyebode, Professor of International Law and Jurisprudence, former Vice Chancellor, Ekiti State University

COLUMNISTS

JOY HARRISON-ABIOLA
Joy Harrison-Abiola holds a Bachelor of Arts (BA) degree from Ondo State University and a Master of Business Administration (MBA) from Lagos State University. She is a Fellow of the Institute of Strategic Management Nigeria (ISMN), a member of the Association of Legal Administrators Illinois, and a member of the International Relations Committee (Africa). She is a leading Legal Management Professional, with over 21 years’ experience as a business professional. She works with Adepetun Caxton- Martins Agbor & Segun- ACAS-Law as the Practice Administrator. “FROM THE BACK OFFICE” explores what law firms need to do, to remain competitive and relevant in today’s business and economic climate, and will also look at ways to re-engineer and awaken the dynamics of the contribution of the Legal Management Professionals to better position them to provide practical solutions to the challenges facing law business.
Like Trump, Like Nigerian Politicians
And......

The Lagos Courts: Picking the Pieces

Gratitude
It has been truly wonderful and tremendously fulfilling years of both learning and imparting knowledge as the Editor of this esteemed publication. This year, I thank my humble self, my Managing Director, Eniola Bello, my Vice President, Prince Nduka Obaigbena (Publisher!) and all my dear readers who have been faithful to this great publication. This Day Lawyer; and I thank my dear knowledge as the Editor of this esteemed Publicati-
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Like Trump, Like Nigerian Politicians

Not have come to the fore as it has done over in American institutions, including the Police, may be graceful and maintain your dignity, even in defeat. ‘We’re gonna America great again!’ Trump is indeed, a loose canon. Even though he put everything at risk.....” How right she was.

How many Americans believe that Trump is undermining their democracy, just because the election did not go his way? He seems to have learnt a lot from Nigerian Politicians.

For those that are part-hearted, however, it is more complex. If the proceedings have been uploaded into the Judicial Information System (JIS) by the Court Registrars, then they should not be too difficult to reproduce, and once there is a venue for the courts to sit, the matters may be able to continue; the same applies to pre-trial matters - once the existing court processes have been made available and there’s a venue, they should be able to continue.

However, the proceedings have not been uploaded into the JIS. The matter of the venue has been a major challenge for the lawyers who have to be present at the court.

The consequences of the wanton destruction of the courts in a system that has already been adjudged to be dogged and slow, is disastrous, to put it mildly. Cases that have lingered for years, will drag on for even more years. A younger colleague was telling me how happy he is because he was able to get a Decree Absolute for his client a few days before the court burnt down; even though he was unable to get a certified copy of the original Decree, the divorce has been finalised. Sadly, many of us Lawyers were not that fortunate, in our own matters!

Dear Editor

Re: #ENDSARS Protests: The Warning This Time

A word indeed, is enough for the wise! I can say no more but to commend you for this courageous advisory to power. I just sincerely pray it’s not too late! The hound has tasted blood...
Effect of Blood Relationship of Prosecution Witness and Victim

Facts
On 31st May, 2007, the Appellant and a certain Tela alias Baba allegedly went to the house of one Bello Alalici (deceased) and attacked him, cutting him with a machete to death. While the attack was ongoing, the other members of the deceased’s household heard screams, and they went to the scene of the crime. Subsequently, the incident was reported to the Police, and the deceased’s wife, sister and mother made extra-judicial statements at the Police stations. The Appellant was later arrested, while his co-accused, Tela, ran away. The Appellant informed the Police that he was not at the deceased’s house on 31st May, 2007; he insisted that he was in his own house. Consequently, upon the incident, the Appellant and the co-accused (who was at large), were charged before the High Court of Taraba State for the offences of criminal conspiracy and culpable homicide punishable with death. At trial, the prosecution called the deceased’s wife, son, sister (the Appellant’s former wife) and mother as witnesses - PW1, PW2, PW4 and PW5 respectively, while the Appellant testified for himself and called two other witnesses. The trial court found the Appellant guilty, convicted him, and sentenced him to death by hanging. They cited the case of STATE v AJAYI (2016) All FWLR and stated that the benefit of doubt to the accused person should be given. They posited that the evidence of a single witness, if believed eyewitness account of the crime. He posited that proof must be convicted for an offence not likely committed by him. 

Issues for Determination
The following issues were considered for determination of the appeal:

1. Whether the Court of Appeal was right when it affirmed the conviction of the Appellant by the trial court solely on the basis of the evidence of PW5, who allegedly saved the Appellant at the scene of the crime.

2. Whether the Court of Appeal was right when it affirmed the conviction of the Appellant, after holding that the Appellant had raised the defence of alibi and the Police had not investigated the alibi.

Arguments
On the first issue, the Counsel for the Appellant contended that the Court of Appeal affirmed the testimonies of PW1, PW2, PW4 and PW5, the depth of the witnesses’ desire for the Appellant to be freed, and the fact that the trial court ought to have been wary in receiving the testimonies of PW1, PW2 and PW4, the depth of their bitterness against the Appellant could be felt, and therefore, the trial court ought to have been wary in receiving the testimonies of PW1, PW2 and PW4, the depth of their bitterness against the Appellant could be felt, and therefore, the trial court ought to have been wary in receiving the testimonies of PW1, PW2 and PW4. Nonetheless, the court held that he held the testimonies of PW5, who was an eyewitness, was sufficient to secure the conviction of the Appellant. The Court of Appeal therefore, dismissed the appeal, and this led to a further appeal to the Supreme Court.

On the second issue, the Appellant argued that although the general principle is that where the accused is fixed to the scene of the crime, there is no need to investigate the offence of alibi, the Supreme Court in the case of SANI v STATE (2015) 6-7 S.C. (PLD 1), however, held that the failure to conduct investigation created serious lapses in the conduct of presenting a case. Consequently, counsel urged the court to set aside the conviction of the Appellant and sentence. Responding, counsel argued on behalf of the Appellant that where there is sufficient evidence to fix an accused at the scene of the crime when the offence was committed, there is no need for the Police to investigate the accused. He cited the case of DEUVUNI v STATE (2016) LRCN (Vol. 257) 122.

Court’s Judgement and Rationale
Determining the first issue, the Supreme Court held that the fact that there is a blood relationship between a victim and the prosecution witnesses, makes the evidence unreliable, unless corroborated - OMOTOLA v STATE (2009) 7 NWLR (113) 148. Their Lordships held that the Court of Appeal did not find the testimonies of PW1, PW2 and PW4 unreliable because they are blood relations of the deceased, but that it re-examined the evidence on record and found valid reasons to disregard their evidence, and because of the depth of their bitterness against the Appellant. The lower court however, believed and accepted PW5’s account of the incident. On the Appellant’s contention that PW5’s testimony has material contradictions such as the difference in her real name and the name on her extra-judicial statement, the Supreme Court found that both names refer to one and the same person. Regarding the issue about PW5’s first extra-judicial statement, which the Appellant alleged was withheld by the prosecution; the Supreme Court held that parties and the court are bound by the record of the court. The court found that the said extra-judicial statement was not in the record of the court; therefore, the court cannot go outside its record to fish for evidence.

In respect of the Appellant’s contention that the crime occurred inside the Appellant’s room and PW5 could not have seen the Appellant, the Apex Court found that PW5’s testimony indicated that the crime occurred in the deceased’s room. Their Lordships concluded that the lower courts had found that the evidence of PW5 was credible enough to sustain the Appellant’s conviction, and the Appellant had failed to prove that her evidence is unreliable. In relation to the second issue, it was held that PW5, who was an eye witness, overwhelmingly demolished the Appellant’s defence of alibi, and there was no need for the Police to investigate same. Appeal Dismissed.

Representation
Dr. Hassan M. Liman, SAN with M.B. Usman, Y.D. Damo, Adama Amaranzi, F. Anari, and Faith Opeotuwa Obayomi for the Appellant.
Hamidu Ahmad (DFP Taraba State) with E.T. Adeniyi (SC, MOJ, Taraba State) for the Respondent.

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"THE FACT THAT THERE IS A BLOOD RELATIONSHIP BETWEEN A VICTIM AND THE PROSECUTION WITNESS, IS NOT SUFFICIENT IN ITSELF, TO MAKE THE WITNESS A TAINTED WITNESS, WHOSE EVIDENCE IS UNRELIABLE, UNLESS CORROBORATED"
The International Bar Association (IBA) and the International Bar Association’s Human Rights Institute (IBAHRI), has called on President Muhammadu Buhari to act to bring to book all police officers who have committed human rights abuses in connection with the #ENDSARS protest in Lagos State.

According to the Statement:

"In a statement by its Executive Director, Mr. Okechukwu Ngwaguma, RULAAC has received troubling information that Police operatives shot live bullets at peaceful protesters in Abuja and arrested five persons, including a 15 years old minor, who was covering the protest.

The Statement further added that "Executive Director, RULAAC, Mr Okechukwu Ngwaguma, called on the Federal Government to ensure that all police officers who used live bullets to disperse peaceful protesters in Abuja are brought to justice and that dead bodies were removed from the scene. The Nigerian authorities have reportedly denied there were fatalities, while the Army denying responsibility, stating the soldiers were not present at the scene. Videos of uniformed men opening fire on demonstrators as ‘fake news’.

The reported killings have been strongly condemned by the African Union, United Nations National Security Council, Antonio Gutierres, and the UN High Commissioner for Human Rights, Michelle Bachelet, who described the reported events as ‘premeditated, planned and co-ordinated’ attack on peaceful protesters.

IBA Director, Dr Mark Ellis, stated: "At a time of global injection of excessive and lethal policing methods, the situation in Nigeria is essentially disastrous. The security forces of any nation are meant to protect civilians, not harm them. Whether or not the rule of law is observed, the use of lethal weapons against peaceful urban protests is illegal, an abuse of power and a violation of human rights."

"Protestors have demonstrated their desire to release all arrested protesters; justice for all deceased victims of brutality; appropriate compensation for the families of the deceased; psychological evaluations for all disband SARS officers, prior to being redeployed; and an increase in Police salary, so they are sufficiently compensated for protecting lives and property of civilians, without resorting to bribes and extortion."

IBAHRI Co-Chair and immediate past Secretary-General of the Swedish Bar Association, Anne Ramberg Dr Jur hc, commented: "It is imperative that the Nigerian authorities engage with the will of the people in their call for Police reform and rights protection. We call on Nigeria to uphold its international obligations, including its citizens’ rights to security, dignity, freedom of expression and peaceful assembly. Article 21 of the International Covenant on Civil and Political Rights further calls for an immediate, independent and transparent investigation into the killings, and for the perpetrators to be held to account. Culprits guilty of crimes against civilians must be brought to justice, and the underlying issue of persistent violations by security forces and army personnel, must be dealt with urgently and decisively."

CBN’s Gross Abuse of its Regulatory Powers

According to Justice (A2J) has denounced the actions of the Central Bank of Nigeria, which on the basis of an order by the court’s order was made without warning. Additionally, the CBN has no power under the law, to act as a criminal agency or law enforcement arm of the government. That if any crime is alleged to have been committed by the protesters, their accounts should be frozen, a duly established law enforcement agency, for investigation; such agency could then take any action relevant to the investigation, including applying for a court order to freeze accounts. Additionally, it was stated that by directing the courts to be frozen in the absence of a criminal complaint, the CBN, which has no direct relationship with the account holders, usurped the powers of the enforcement authorities, and illegally made itself the accuser, investigator and prosecutor; and in so doing, acted well outside the parameters of its statutory powers. A2J also stated that the CBN has no international obligations, including its citizens’ rights to security, dignity, freedom of expression and peaceful assembly, as provided under Article 21 of the International Covenant on Civil and Political Rights.

The CBN Governor, Godwin Emefiele, also stated that the CBN has no no direct power to direct the freezing of accounts of anyone, on account of a civil protest.

National Assembly, Abuja and arrested five persons, including a 15 years old minor, who was covering the protest.

The Statement further stated that "At a time of global injection of excessive and lethal policing methods, the situation in Nigeria is essentially disastrous. The security forces of any nation are meant to protect civilians, not harm them. Whether or not the rule of law is observed, the use of lethal weapons against peaceful urban protestors in Abuja is illegal, an abuse of power and a violation of human rights."

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Engaging all the Voices in Your Law Firm

Today's column was to probe Law Firm’s Critical Growth Metrics (“CGM”), but, in the light of the current developments in our Nation-State, decided to take a moment. The drum is symbolic of the voice of people. Let us together, probe how we engage the voices in our law firms. An employee’s circle of influence – in sync with the firm’s vision. So, to become a bit clearer to me. The best leaders break silos within the firm can thwart the bottom line of the firm. Every member of the firm has alienated certain vital blocs within the law firm – the receptionists, communities and Nations are vulnerable, because the strength of a chain is the strength of the weakest link. If just one link is weak, the chain will break. Process, organisations, communities and Nations are vulnerable, because the weakest person or part can always damage or break them. Thomas Reid (1710–1796), a Scottish philosopher made an argument on the Scottish axiom does makes uncommon sense, teaching us that every part of the whole matters. The biblical narrative of Naaman’s leprosy, because an inconsequential slave girl to Madam Naaman showed that very few percentage of employees are fully engaged in most firms - in 2012, Gallup did a research, it took them a year and a half to compile the results, they examined 250 research studies, covering over 40,000 business units, at 192 organisations, spanning over 34 Countries. The findings were released in March 2013, showing that a whopping 70% of employees were either not engaged or actively disengaged. How do we create the conditions for engagement - the working and cultural conditions in which employees are recognized and valued and feel challenged by their work? Employee engagement has to be seen as a business driver, as a leadership challenge to take onboard and analyse the overall strategic planning process. This is a subject that the British Government took seriously enough to commission a study in 2008. As part of the Country’s effort to navigate a period of economic downturn, Rt Hon Lord Mandelson, British Secretary of State for Business, Innovation and Skills asked David Macleod and Nita Clarke two business and employee engagement experts to do a study on employee engagement and report how it can positively impact British business competitiveness and performance levels. The study was to promote how much a greater understanding of employee engagement can help shape the way leaders and managers in both the private and public sectors think about the people who work for them. For instance, do you people feel victimised in the threes of the Covid-19 pandemic and resultant economic meltdown, for instance, do you feel part of the solution? Employee engagement is about drawing out a deeper commitment from our employees.

"EMPLOYEE ENGAGEMENT IS BASED ON TRUST, INTEGRITY, TWO WAY COMMITMENT AND COMMUNICATION BETWEEN A FIRM AND ITS MEMBERS. IT IS AN APPROACH THAT INCREASES THE CHANCES OF BUSINESS SUCCESS, CONTRIBUTING TO FIRM’S AND INDIVIDUAL PERFORMANCE, PRODUCTIVITY AND WELL-BEING"

In good economic times engagement is the difference between good and great, while in bad economic times, engagement is the difference between sinking and having your people behind you in order to thrive. There are studies that show that very few percentage of employees are fully engaged in most firms - in 2012, Gallup did a research, it took them a year and a half to compile the results, they examined 250 research studies, covering over 40,000 business units, at 192 organisations, spanning over 34 Countries. The findings were released in March 2013, showing that a whopping 70% of employees were either not engaged or actively disengaged. How do we create the conditions for engagement - the working and cultural conditions in which employees are recognized and valued and feel challenged by their work? Engagement has to be seen as a business driver, as a leadership challenge to take onboard and analyse the overall strategic planning process. This is a subject that the British Government took seriously enough to commission a study in 2008. As part of the Country’s effort to navigate a period of economic downturn, Rt Hon Lord Mandelson, British Secretary of State for Business, Innovation and Skills asked David Macleod and Nita Clarke two business and employee engagement experts to do a study on employee engagement and report how it can positively impact British business competitiveness and performance levels. The study was to promote how much a greater understanding of employee engagement can help shape the way leaders and managers in both the private and public sectors think about the people who work for them. For instance, do you people feel victimised in the threes of the Covid-19 pandemic and resultant economic meltdown, for instance, do you feel part of the solution? Employee engagement is about drawing out a deeper commitment from our employees.

Sòrò Sòkè

There is a dignity you offer a man, a penesho you deliver to him when you give him his right of expression, when you let him know his voice matters. There is a richness it brings to the discourse. I grew up loving a good debate. And practicing before the mirror how to sòrò sòkè. Even now, I still practice because it does not come easy to me. The fierce Syrian Army Commander Naaman, was cured of his leprosy, because an inconsequential slave girl to Madam Naaman Sòrò Sòkè and Naaman listened. When voices are silenced, when you gag your employees, you deprive your organisation of the essence of their contribution. They still give, but not the whole of themselves, not the best of themselves. If they continually keep mum and are not engaged, you are encouraging to be drawn away by bigger salaries or better working conditions. So, to turn out to be all the more necessary.

People Engagement and the Bottom line

Who is responsible for your law firm’s revenue or turnover? To answer that question, we must ask an antithetical question. Who in your firm can influence the firm’s bottom line, for better or for worse? The Managing Partner? the Equity Partners? The HODs or the Lawyers? The COO or Practice Administrator; the Finance Director, Accountant or the Accounts team? These roles, though extremely important, do not encompass the entire value chain of a law firm. The list has alienated certain vital blocs within the law firm – the Para-legal or litigation clerks, the librarian, front desk, tea ladies, security personnel, etc. It is fundamentally unbalanced, it seems to be a footloose and feathered.” Communicated in colloquial English - “On the contrary, those parts of the body that are weaker are indispensable. It is on the other parts of the body that seem to be less important, turn out to be all the more necessary.”

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This article by Raymond Nkannebe chronicles some cases of Police brutality going as far back as 1973, evincing that the fact this problem did not just start in recent times with the Special Anti-Robbery Squad (SARS), but is a malaise that has plagued us for many years; culminating in the #ENDSARS Protest, which was simply an expression of years of accumulated grievances against the Police by citizens, especially the Youths.

Introduction

In the last few weeks, Nigerian youths filtered into the streets of at least 26 State capitals of the Federation, in condemnation of the history of Police brutality in Nigeria. And, there is nothing to suggest they are stopping soon.

In Rivers State, the youths, defied a ban on protests by the State Government and took over major roads in the State capital until the Governor himself, who had placed the ban, had to come out to address them. Also in the Federal Capital Territory, a similar scene played out. A ban against protests announced by the Abuja Federal Authorities on 15th October, was roundly disobeyed. As a matter of fact, the youths, took things to a different dimension as they blocked the terminal Airport road, leading to the cancellation of so many pre-scheduled flights due to traffic gridlock.

In a sense, these two incidents sum up the anger and frustration of the Nigerian youths, against the epidemic of Police brutality that they have been subjected to for too long. Interestingly, the menace of Police brutality has received a new lease on life, the intervention and condemnation of the Nigerian courts in a long line of cases.

Whether in aiding and abetting crime against their constitutional mandates; or the elevation of abuse of the fundamental right of dignity of citizens to State craft by their modus operandi; or in their being used to settle otherwise civil disputes by unscrupulous members of the society, and more often than not, their adversarial interaction in rich with chilling cases of the professional malfeasance of personnel of the police force, and the condemnation of the intermediate appellate court and the Apex Court in tow.

In this season of global attention to the notoriety of the Nigerian Police, it is sufficient to highlight some of the diverse interventions of the judiciary against the menace, with a view to giving more ideological vigour to the agitations of the youths who went out on the streets.

A Trip through the Cases

In Njovens & Ors v State (1973) LPELR-2042 (SC), the facts of which are mandragging, the four Appellants were the defendants at the trial court, but before Adama F. In the High Court of Ilorin, Kwara State on a nine count charge bordering on conspiracy to abet and abetting the commission of crime. The long and short of the case is that one Felix Daremouth, and 5 other criminals, robbed the then Barclays Bank Nig Ltd. Ilorin branch a total of Thirty-Five Thousand Pounds on the 13th day of April, 1971, and promised the sum of five thousand Pounds to the Appellants who were Police officers in consideration of concealing the robbery, and they received. After a protracted trial that eventually got to the Supreme Court, the Court acquitted them on counts one and two, for aiding and abetting the robbery of the bank.

If the circumstances of the Njovens case are not chilling enough, the conduct of the Police officers in Oyakhore v The State (2006) 15 NWLR (Pt.1000) 547 is particularly disturbing. The Appellant, and his accomplice, a Constable, did not only rob and murder their victims. They also set the bus in which they were travelling, ablaze. In venting its anger, the Police not only burned and killed their victims but also killed the wrong man. His defence, as usual, was that he did not shoot to kill. It bears stating that he had forced himself into the apartment of the victim who had refused to open the door for whatever reason, but met his untimely death at the hands of the trigger happy Police sergeant who clearly was after an easy kill. It is not only disturbing, but also a familiar refrain.

In Agbo v State (2004) LPELR-7388 (CA), we find an argument where the Appellant was a young Police constable of about 24 years. Following a short argument with the deceased, he pulled out a Beretta pistol loaded with seven rounds of ammunition and fired at the deceased, wounding him. In the course of the investigation, the Police officer was arrested, but the prosecution having a clean sweep of its case, the Appellant was found guilty of murder and sentenced to death by hanging. What adds weight to the case is that the Police officer was drunk at the time of the incident.

Interestingly, the menace of Police brutality has received a new lease on life, the intervention and condemnation of the Nigerian courts in a long line of cases.

Conclusion

This intervention will be incomplete, without mentioning the infamous #Aposix case. A case so emblematic of the Police menace in Nigeria involving the murder of six young civilians in the course of a team of the Police at a checkpoint on Gimbiya Airport road, leading to the cancellation of so many pre-scheduled flights due to traffic gridlock.

In Nwankwo v FRN (2015) LPELR-2439(CA), the Police was also at their worst behaviour. There, the Appellant, a Police officer was arrested before a High Court in Benin, where he was convicted in 2008 for a seven years imprisonment with hard labour for demanding the sum of One Million Naira from one Alexander Okiye, a person against whom criminal complaints were made, and eventually receiving the sum of Five Hundred Thousand Naira (N500,000) from him. It was a case that shed light on the rackets that are being run by Police officers across Police formations in the country, to line their pockets while intimidating suspects under investigation.

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One of the spinoffs and salutary effects of the nationwide #ENDSARS protests, is the urgent need for a holistic Police Reform in Nigeria. Every administration has paid lip service, to this rather crucial national concern. The social anguish which the abysmal performance of the Nigeria Police has occasioned, is the subject-matter of this Discourse by Olawale Fapohunda, Kemi Okeyondo, Professor Etannibe Alemika, Dr Benson Olugbuel, Okechukwu Nwaguma, Danladi Plang and Innocent Chukwuma, who suggest various ways in which the Nigeria Police can be reformed and repositioned, to better carry out its constitutional duty of securing the civil populace, without terrorising the very masses they are meant to protect.

A Frustrating Exercise

Olawale Fapohunda

For most justice sector reform advocates, writing about Police reforms or participat- ing in government inspired conversations on policing, has become a frustrating exercise. It is said to admit that over the years, we have simply had zero political will to undertake the far reaching reforms that are required to ensure that we have a Police that works in the interest of our citizens. I sympathise with the frustrations of those who complain that the tangible outcome of the #ENDSARS protests, appear to be limited to the establishment of Judicial Panels of Inquiry into rights abuse of some officers of the now disbanded Special Anti-Robbery Squad (SARS) across the States. While these panels are necessary for the purpose of reversing a culture of impunity that largely characterised the operations of SARS, they cannot by any stretch of imagination, be seen to be the vehicle through which sustainable Police reforms will be achieved.

After #ENDSARS: All Noise and No Action

There is palpable worry that the current hullabaloo about Police reforms may, at the end of the day, be just all noise and no action. Several truth commissions and government have argued that, Police reforms cannot be achieved in a day. That it will be a process and not an event. I agree. They say such is the enormity of the challenges facing our Police, that governments simply cannot face it in their time. I disagree. We simply do not have the luxury to remain frozen in our thoughts, about the enormity of what needs to be done. An important lesson from the #ENDSARS protests is that Police reforms is not simply a matter of law and order, but one that has direct and consequential implications on our economy. There is nothing that needs to be done about Police and policing reform in Nigeria today, that cannot be found in the reports of the many government enabled high level Commissions on Police, many dating back to at least 1999. Our reality is that all of these reports, are gathering dust on the shelves of all previous Commissions and Commit- tees on Police and policing reform in Nigeria. Some of these areas include (a) Limited capacity to collect and analyse preventive intelligence, especially pertaining to serious crimes. (b) Poor Criminal Investigation ability. This was identified as one of the reasons behind the under-reporting of crime in Nigeria. Unfortunately, the so-called premier investi- gation agencies like CID, were said to be underperforming. (c) Vacancies. The Nigeria Police continue to have huge vacancies. The reports noted that efforts to recruit, have largely been politicised. While even in those cases where recruitments were achieved, the process and quality of those recruited was said to leave a lot to be desired. The reports identified an under-strengthened Police Force as an immediate outcome of a poor recruitment policy. (d) Outdated arms and equipment. The reports stated that our Police Force continue to use obsolete equipment and arms, and lack the latest technology that would help in investigation and intelligence gathering. (e) Lack of proper training. The reports specifically noted that existing Police train- ing academies are poorly staffed, and often don’t have the necessary facilities in terms of equipment and technology. This is particularly regrettable, given that well-trained and moti- vated human resources are key to any Police Force’s success. (f) Poor Police infrastructure. The reports noted the unsatisfactory practice of housing Police stations in impoverished accommodation. (g) Police-Public relations. The reports noted that Nigerians view the Police as corrupt, inefficient, politically partisan and unresponsive. In fact, perceptions of the Police are largely based on citizens’ unhappiness with the manner Police handles complaints, particularly against abuse by its officers. An important addition that is missing, from all the reports, is that our Police are enabled to respond to the avalanche of social and technological changes, fuelled by the internet and the new social media that are fast changing the nature, intensity and the reach of crime, leading to unprecedented and frightening dimensions of lawlessness.

Mr. President must lead

In my respectful view arising from many failed attempts at Police reforms, transformative reforms in the Nigeria Police can only be achieved through deliberate presidential interventions. Previous ministerial interventions have always stopped at the level of the host Ministry. Currently efforts to saddle the leadership of the Nigeria Police with the responsibility of leading Police reform initiatives, is almost guaranteed to fail. The Police cannot reform itself. Similarly, the existing Police oversight institutions, the Ministry of Police Affairs, Police Service Commission and the Police Council, have all proved incapable of setting an actionable agenda for Police reform.

Mr. President must simply lead the Police reform initiative. As Mr. President, you should convene a review of the existing reports of all previous Commissions and Commit- tees on Police reform, including those of the Constitutional Conferences, with a view to identifying immediate to long term interventions areas. All these reports contain bold and practical proposals, that can form a working document for a Federal Government action plan for Police reform.

Olawale Fapohunda, Honourable Attorney- General, Ekiti State, Nigeria

Assessment of Police Reform in Nigeria

Kemi Okeyondo

Need to Revisit Community Policing

Police reform efforts have continued unabated until very recently, by international donors and national governments. The focus has been on oversight and adaptation of the programmes and other interventions, to suit our local context. Closely related to this, is that Police reform cannot take place in isolation of the broader governance reform, be it political or public sector.

The interventions we have experienced have been hinged on the introduction of Community Policing, one gets the impression that once a country or Police organisation embraces community policing, the challenges with the
Police Reform and the #ENDSARS Movement in Nigeria
Dr. Benson Olugbuo

Slow and Uncoordinated Police Reform
Police reforms in Nigeria, has been a winding journey in the hands of independent and uncoordinated efforts, to note that, the #ENDSARS protests took place during the year when the Nigeria Police Act, 2020 was signed into law by the President of the Federal Republic of Nigeria, Muhammadu Buhari. The truth is that, Police reform has been slow and uncoordinated, lack of political will and unable to meet with the yearnings and aspirations of young Nigerians who have borne the brunt of the excesses of police officers and men of the new defunct Special Anti-Robbery Squad (SARS). But in spite of various protests and agitation, Police brutality in Nigeria has been a subject of discourse and has continued to elude concerned authorities.

The call for the disbandment of the Special Anti-Robbery Squad (SARS), which will operate under the intelligence wing of the Nigeria Police Force, the institution continues to curry for itself an image of coercion, fear and intimidation. SARS, which will operate under the intelligence wing of the Nigeria Police Force, the institution continues to curry for itself an image of coercion, fear and intimidation. SARS, which will operate under the intelligence wing of the Nigeria Police Force, the institution continues to curry for itself an image of coercion, fear and intimidation. SARS, which will operate under the intelligence wing of the Nigeria Police Force, the institution continues to curry for itself an image of coercion, fear and intimidation. SARS, which will operate under the intelligence wing of the Nigeria Police Force, the institution continues to curry for itself an image of coercion, fear and intimidation. 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Police Reforms: A Holistic Approach

Professor Etannibi Alemlaka

Force to its original role as an intervention force that is highly trained, well-equipped, fully-barracked and appropriately deployed. Weapons acquired and used by the Police should be reviewed, assault weapons should be restricted to serious crime response teams, while Police on regular duties should bear self-protection and non-lethal weapons. The use of lethal weapons for the control of peaceful protests, should be prohibited. Police should be equipped with appropriate crowd control equipment and technology. Patrol should be adopted as the primary means of policing the cities, highways and communities instead of roadblocks where corruption and brutality often take place. Communication between patrol officers and vehicles properly coordinated, in control rooms, should be procured and efficiently maintained and utilised.

For effective, professional and accountable Police, Nigerians have a duty to respect and obey the law, respect the rights of other citizens, and assist law enforcement agencies.

The tribunal found that impunity remained a major problem in Nigeria. The tribunal noted with concern, the Police continued to abuse the rights of citizens, and to abuse their power, or due to lack of knowledge about human rights, or misuse of authority, or even sheer impunity. Sometimes, the plea of ‘accidental discharge’ was used as a cover up. Sometimes, the plea of ‘accidental discharge’ was used as a cover up.

A Historic Culture of Impunity

Between 2008 and 2011, NOPRIN, in collaboration with the National Human Rights Commission (NHRC), the Police Service Commission (PSC), the Public Complaints Commission (PCC) and the National Committee on Torture (NCoT), organised series of Public Tribunals on Police Abuse across the geopolitical zones of Nigeria. The tribunals were appointed by the President under the National Security and Civilian Rights Act to investigate allegations of Police brutality and misconduct. The tribunals heard over 1000 cases of Police brutality and other forms of misconduct. The tribunals found that impunity remained the order of the day, in many Police stations across Nigeria. This is unacceptable, in a democracy. Many Police officers involved in human rights abuses were left unpunished, while their victims were denied justice.

The tribunal identified some specific issues and concerns, which are similar to many of the issues and concerns we are still faced with today. That despite enormous efforts and resources devoted to police reform in Nigeria, patterns of Police abuse and misconduct persisted. In many cases, the order of the day, and political authorities lacked the will to implement genuine Police reform in Nigeria. Other findings include:

• The tribunal continued to treat police officers as citizens, not as public servants, by continuing to resort to torture as a tool of interrogation of suspects. Criminal suspects and others who challenge the Police to brutality, humiliation and degrading treatment.
• The right to be presumed innocent, was routinely disregarded.

Lack of Political Will: Barne of Police Reform in Nigeria

Okechukwu Nwaguma

No Genuine Commitment to Reform

In 2016, the World Internal Security and Police Index ranked Nigeria’s police as the world’s worst in a global survey of 137 countries, with an overwhelming 81% of respondents saying they did not give voice to a gripe in the past year. Many of these在家 happened at makeshift roadblocks set up by SARS officers, in order to extort, drive and passengers. The same year, Amnesty International found that SARS "perpetrated acts of torture and other cruel, inhuman or degrading treatment or punishment against detainees in their custody, on a regular basis." The problem is that, successive Nigerian governments lack genuine commitment to Police reform. They only pay lip-service to Police reform. Otherwise, why is it that successive administrations show penchant for setting up one or more Police Committees or Panels on Police Reform, only to shelve the reports and fail to implement the recommendations, despite the huge resources spent in the work of the various Committees? Setting up Government Committees, became a pastel to evade responsibility. It is said that when government does not want to do anything about any problem in Nigeria, it sets up a Committee. From the 2006 M.D. Yusuf-led Presidential Committee on Police Reform, to the 2008 Danmadami-led Committee, to the 2012 Parry Osyande-led Committee, to the 2014 Uwais-led Police Conference report which also touched extensively on the Nigeria Police, and many others, there is a surplus of reports and recommendations for Police reform. The problem is that government lacks the will to implement them. The reason for government right to abuses was left unpunished, while their victims were denied justice.

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...THE QUEST FOR DEMOCRATIC AND RIGHTS-BASED POLICING IN AN UNDEMOCRATIC POLITY WITH WIDE INEQUALITIES AND ABSENCE OF EFFECTIVE SOCIAL PROTECTION SERVICES, IS AN ILLUSION
The Role of Development Partners: The British Council

Danladi Plang

Funding Police Reform

Inadequate funding is one of the key concerns about Police reform. Although outside help is needed, the base of a Police reform rests with the Federal and State Government. iphone e. This point should not be under-estimated. No programme of funding for the Police will achieve a wholesome change or be sustainable, if it is conceived or imposed from above. Police have played a significant role, in pushing the agenda for justice sector reforms in Nigeria. They have broken through the bureaucracy, provided technical advice, as well as the financial resources for training and pilot projects. They have supported civil society groups with focus on Police reforms, and alerted the Federal and State Governments on the steps needed to maintain reform. A well functioning and trustworthy Police and broader justice sector, is not only important to individuals, but to the development of the nation. The British Council and Police Reform

The British Council has had a long and continuous relationship with the Federal and State Governments, in the area of Police reform. From its work with communities across Nigeria over many years, it knows the Police well; and to what extent reforms are needed, the basic responsibility for reforms rests with the Federal and State Governments, in other words, the basic responsibility for reforms rests with the Federal and State Governments, in other words, the basic responsibility for reforms rests with the Federal and State Governments, and the FCT, following capacity building of Magistrates, and orientation for Police DPOs, and it loses respect, the one commodity it the performance of the Voluntary Police Services (neighbourhood protection guards and vigilante groups) in Model Police Station jurisdictions. Community Accountability Forums have been set up, and have resolved nearly 80 local safety issues in the first year across six sites in Lagos, Kano and Enugu.

Others Areas of Intervention

Additional areas of intervention by the British Council on Police reform:


b. Introduction of “community-based policing” through working in over 130 Police stations.

c. Developed 82 Family Support Units;

d. Raised the capacity of 36 Voluntary Policing Sector (VPS) groups across six States and the FCT;

e. Supported the Police to create the central Complaints Response Unit (CRU);

f. The passage of the new Police Act to replace the 1945 colonial law;

g. Building capacity for the inspection of places of detention (including SARS) by Magistrates in line with ACJA;

h. Piloting the establishment of Statement Taking Reforms in Police stations in the FCT and Anambra and Lagos States, with audio visual facilities to deter the use of torture to obtain confessions;

i. Facilitated institutionalised Human Rights delimiter at Model Police Station, and thus ensure compliance to human rights provisions for all Nigerians.

Proposals for Police Reform

Provide the Police what they need

• Reform backed by resources: since the return to civilian rule in 1999, several Police Reform Committees have been set up. Among their recommendations, funding the reform has appeared consistently. However, the current decrepit state of most Police facilities across the country, shows either we are still not resourcing the Police well, or the resources are being misused. Nonetheless, it tells us that we have the police, but the resource sufficed political will to sustain Police reform. To get a better output from the Police, our input need to change significantly.

• Decentralise policing through resource allocation. The primary responsibility of the Police, is to serve the people by protecting their lives and property. The most important unit of the Nigerian Police to serve the majority of citizens, is the Police Division. Sadly, the divisions have been left to fend for themselves. The result is that, the type of service expected of the Police is never available; its integrity is brought to question; and it loses respect, the one commodity it needs to function.
Introduction

In difficult and trying times like this, such as we are presently experiencing in Nigeria, it becomes incumbent on patriots to be extremely circumspect, even adequately tactful, in making public comments on trending burning issues.

This is to prevent further pouring petrol, on an already blazing fire. I am trying to do this write-up after three earlier major outrages on the ENDSARS protests by deprecated, ignored, marginalised and repressed angry Nigerian youths.

This intervention is centred on what I call the “Lekki Tollgate Massacres”, that was watched live on TV, like a multi-screen drama was on Tuesday, October 20, 2020. I watched it live. Millions of Nigerians and members of the international community also watched it live, with their “korekoros - eyes.” We all watched, with awe, disgust and spine-chilling horror, how a platoon of about 10 military personnel, wearing combat fatigues, with vehicles flashing their multi-coloured lights, savagely invaded the tollgate. Unprovoked, they opened a hailstorm of hot lead bullets directly on defenseless, unarmed, innocent singing, dancing, sitting and flag-waving Nigerian youths, who had gathered in front of the tollgate, massively protesting. They were even singing the National Anthem; perhaps a reaffirmation of their belief in a reordered and regained Nigeria, where social justice, equality and freedom of expression, and an atmosphere of religious tolerance shall reign supreme.

Many questions: Who put off the CCTV Cameras, tollgate and street lights, including the street lights at the tollgate? Why? Why? Why? Do these make-belief theatricalities of “discovery” five days after Lagos Water Management Authority (LAWMA) had cleaned up the scene of accident; and after Governor Sanwo-Olu had himself toured the entire scene.

Fashola had said, “some subversive elements must have planted a camera there, while gingerly picking up the device with a handkerchief.” Many Nigerians accused Fashola of a ridiculous Netflix fabrication, stunt and attempt at a cover-up. Some described him as the new Sherlock Holmes, Raymond Reddington, Scooby Doo, Inspector Gadget, and such names to humour him.

The Army, Amnesty and Sanwo-Olu’s Brickbats

Since the Lekki Tollgate massacre, the Nigerian Army, Governor Sanwo-Olu and Amnesty have been engaged in an orgy of denials, finger-pointing, accusations and counter-accusations.

Amnesty reported that Army troops opened fire on peaceful protesters without provocation, killing at least 12. The Army had maintained that its troops were not at the site of the tollgate invasion. They also wonder why the Army had started commenting on what they observed.

Failed Attempts at a Cover-up

The video maker and narrator was making instantaneous commentaries, which were being replayed on television. Ernst Okokworo and Olu Fatoyinbo (all of blessed memory) had converged at the tollgate to peacefully protest. They were commenting on what they observed.

“Before the military invasion, how an eye witness near the tollgate had started commenting on what he observed.

Amnesty International later issued a strong report, citing an instant video footage which it said showed Army vehicles leaving the Bonny Camp barracks, and arriving at Lekki plaza shortly before shots were fired.

“Lekki Tollgate has all the traits of the Nigerian authorities’ pattern of a cover-up whenever their defence and security forces commit unlawful killings,” said Oasie Ojigho, Amnesty’s Nigeria Country Director.

Nigerian authorities still have many questions to answer: Who ordered the use of lethal force on peaceful protesters? Why were CCTV cameras on the scene dismantled?

Many people are still missing since the day of the incident, and credible evidence shows that the military prevented ambulances from reaching the severely injured in the afterglow, said a Judicial Panel set up by the Lagos State Government has been investigating the shooting. The panel is also investigating allegations of abuse against the Police unit, the Special Anti-Robbery Squad, known as SARS. Already, the Army, through its Brigade Headquarters in Lagos, has denied the panel access to its military morgue.

The widespread ENDSARS campaign had erupted in Nigeria first on the social media, in early October after a video circulated showing a man being beaten-up, apparently by SARS officers. The video was recorded in Lagos, and other major Nigerian cities. President Muhammadu Buhari’s government had agreed to disbanded the SARS unit but, the protests continued, with participants demanding sweeping reforms of the repressive Police, and action against increasing corruption.

Although the protests were largely peaceful, they later turned violent due to many factors. At least 56 people died across the country, according to Amnesty, which accused security forces of using unnecessary brutal force. It was on October 20 when the Lagos State government imposed a curfew and ordered everyone to stay at home, that the bloody mayhem occurred at the Lekki plaza. For two clear days thereafter, Lagos witnessed widespread violent rioting that also spread across Nigeria. In order to restore order in Lagos, Nigeria’s largest city with nearly 20 million residents, the Lagos State Government had, on October 20, 2020, imposed a curfew from 8 p.m. until 6 a.m. A Lagos police order why “the Lekki tollgate massacre was disastrous” is issued after midnight in a bustling city of nearly 20 million people, where commuting is always a nightmare. They also wonder why the tollgate concession management company, would switch off the lights. Was it to provide cover for the night soldiers to shoot defenceless Nigerian youths, who had no weapons, even for the sake of self-defense, was it at 9pm on Tuesday, 20th October, 2020? Did they for once think we are still living in the 70s of Fela Arikapulu-Kuti’s Unknown Soldier best seller? (To be continued).

THOUGHT FOR THE WEEK

“We’ve seen over time that countries that have the best economic growth are those that have good governance, and good governance comes from freedom of communication. It comes from ending corruption. It comes from a populace that can go online and say, ‘This politician is corrupt, this administrator, etc.’” (Ramez Naam)