

Crime And Policing In Nigeria:

Challenges & Options

Edited by

Etannibi E. O. Alemika & Innocent C. Chukwuma



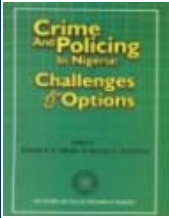
NETWORK ON POLICE REFORM IN NIGERIA



CRIME AND POLICING IN NIGERIA: CHALLENGES AND OPTIONS



**Etannibi e.o. ALEMIKA
Innocent c. Chukwuma**



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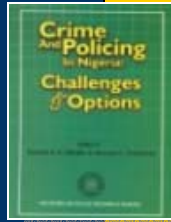


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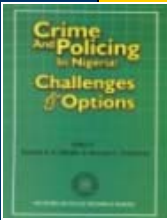
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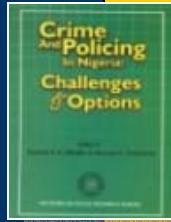
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ACKNOWLEDGMENT

This publication is a compilation of the proceedings of the National Summit on Crime and Policing in Nigeria, organized by the Network on Police Reform in Nigeria (NOPRIN) and the Nigeria Police Force (NPF) in April 2004. The publication and the summit that preceded it would not have been possible without the support and contributions of many organizations and individuals too numerous to list here. However, a few of them deserve prominent mention.

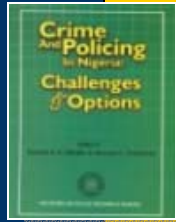
We are grateful to the John D. and Catherine T. MacArthur Foundation, for generously funding the holding of the summit and for the publication of the proceedings in book form.

We commend the Nigeria Police Force for their partnership with NOPRIN in the organization of the summit and particularly for ensuring the participation of senior police officers from the rank of Commissioner of Police and above throughout the duration of the summit, which enabled rich interaction and building of understanding between them and representatives of civil society groups in the country.

We thank the president of the Federal Republic of Nigeria, Chief Olusegun Obasanjo, for accepting our invitation to declare the summit open and for sending the Secretary to the Federal Government, Chief Ufot Ekaette, to represent him during the opening ceremony of the summit.

We appreciate the efforts of the resource persons that presented papers during the summit and the facilitators of the sessions. The details of specific papers presented are all contained in the table of contents and names of their writers indicated.

Finally, we commend the personnel of NOPRIN, NPF and CLEEN Foundation, who worked tirelessly to ensure that the summit was successful. They include, Adeola Bello, Programme Officer of NOPRIN; Chris Olakpe (DCP), Force Public Relations Officer; Solomon Arase (ACP), Principal Staff Officer to the Inspector General of Police; Femi Oyeleye (ACP), Deputy Force Public Relations Officer; Alex Stevens, then Deputy Director of CLEEN Foundation and Kemi Asiwaju, Programme Manager, Police Accountability.



PREFACE

Increase in violent crime and delinquency, has become a common feature of countries in transition. The literature has attributed this development to the uncontrollable nature of change in its formative stage, demobilization or dismantling of repressive security apparatuses used by previous authoritarian regimes in controlling crime and the unequal socio-economic opportunities brought about by economic liberalization programs (Shaw, 2001; Shearing & Kempa 2001).

Nigerian experience has not been different! The first four years of transitional democracy in the country witnessed perceived and real increase in violent crime and disorder, so much so that safety and security issues ranked very high among citizens priority concerns. Public commentary on police performance in crime prevention and crime control was adverse. However, the comments dwelt very little on solutions to the crime problems and focused heavily on police deprecation.

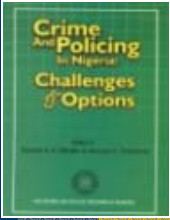
In response to this situation, The NGO Network on Police Reform in Nigeria (NOPRIN) in collaboration with the Nigeria Police Force and support from the MacArthur Foundation, organized a well attended four-day National Summit on Crime and Policing in Nigeria, at the Abuja Sheraton Hotel and Towers, from April 26-29, 2004.

The objectives of the summit were to:

- Bring together stakeholders on safety and security in Nigeria to discuss ways and means of responding to the upsurge in crime and questions about the appropriateness of policing strategies in the country.
- Provide an opportunity for the presentation of expert ideas on the causes of the rise in violent crime and delinquency in Nigeria and create an avenue for the critical analysis of their submissions
- Evaluate policy responses as well as current steps taken by government and law enforcement agencies in responding to the increase in violent crime in Nigeria and make recommendations on how to improve on them
- Identify priority areas of focus for stakeholders on justice, security and safety in Nigeria in order to enhance policing and effectively counter the spate of violent crime and delinquency in Nigeria.
- Collate and publish the presentations and proceedings of the summit in a book form that would serve as a resource document for the drafting of the Nigeria Strategy on Crime Prevention.

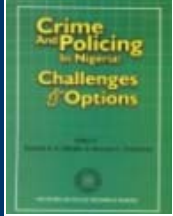
This publication brings together in one volume the proceedings of that summit. It is divided into three sections. Section one focuses on addresses delivered during the opening session of the summit by such dignitaries as the President of Federal Republic of Nigeria, Chief Olusegun Obasanjo, Senate President, Chief Adolphus Wabara, Federal Attorney General/Minister of Justice, Chief Akin Olujimi among others. The second section dwells on papers presented during the plenary sessions while the third and last section provides the appendices.

Our hope is that stakeholders on crime and policing in Nigeria would find this publication useful in developing



strategies and intervention programmes aimed at improving peoples' perception of safety and security in the country.

Etannibi E. O. Alemika And Innocent C. Chukwuma



Welcome Address

Tafa A. Balogun, CFR, NPM, fwc
Inspector General of Police,
Nigeria Police Force

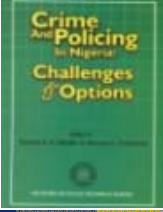
It is with great pleasure that I on behalf of the management team of the Nigeria Police, welcome you all to this important *National Summit on Crime and Policing in Nigeria*, organized by the Nigeria Police Force and the Ministry of Police Affairs in collaboration with the Network on Police Reform in Nigeria (NOPRIN) and supported by the John D. and Catherine T. MacArthur Foundation. The objective of this Summit is to bring stakeholders on safety and security in Nigeria together to review priority issues in crime and policing, with a view to recommending ways in which the current efforts of the police and government can address those issues most effectively.

It would be recalled that on our assumption of office in March 2002, we immediately unfolded what we called an *8-Point Programme of Action* that formed the thrust of our leadership of the Nigeria Police. This, we believe to be expedient, because prior to our appointment, the Force had been groaning under the heavy burden of public distrust, accusation of brutality and corruption. Since then, we had relentlessly and faithfully pursued this agenda which includes:

- Massive onslaught against robbers, gruesome murder, assassination and other crimes of violence. **"Operation for Fire-for- Fire"** was adopted as a methodology;
- Fast and decisive crisis/conflict management;
- Comprehensive training programme, conducive for qualitative policing;
- Serious anti-corruption crusade, both within and outside the Force;
- Robust Public Relations necessary for the vision of **"People's Police"**;
- Community partnership in policing, the modern approach all over the world;
- Inter-Service/Agency cooperation at all levels, and
- Improved conditions of service and enhanced welfare package for all officers, Inspectors and Rank and File;

Massive Onslaught Against Violent Crimes.

Firstly, we launched the **"Operation Fire-for-Fire"** in order to curtail the activities of criminals who were then holding sway over the land. With the support and assistance of the Federal Government and other agencies both local and international, we have been able to make appreciable impact in combating violent crimes, especially armed robbery in the country. In order to check the proliferation of arms, which have been identified as one of the major factors behind violent crime in Nigeria, we inaugurated a Task Force in March 2004 with the duty of recovering illegal arms and ammunition. The Force is happy to report that in the past one month (March/April 2004) about 1,000 of these weapons have been recovered nationwide. Similarly, we have recorded a breakthrough in checkmating trans-border criminal activities by smashing a major cross-border armed robbery and car-snatching network led by one Hammani Tidjani, a Nigerian national operating from Cotonou, Republic of Benin. Hammani Tidjani and many of his cohorts are in our net facing trial for



various cases of armed robbery of exotic vehicles, killing and maiming of their victims in Nigeria.

On crime prevention, we have done a lot through vehicular and foot patrols, surveillance, decoy methods and raiding of criminal hide-outs. Our crime detective delivery capability has also been tested and proven to be effective. We have through meticulous investigation exposed the killers of Chief Bola Ige, former Minister of Justice in December, 2001 at Ibadan; Barrister and Mrs. Igwe in September 2002 at Onitsha; Alhaji Isiaku Muhammed in September, 2002 in Kano, Sir Theodore Agwatu in February 2003 in Owerri; Chief Ogbonna Uche also in February 2003 and Dr. Harry Mashall in March, 2003. We have also gone far in the investigation of the killing of Chief A. K. Dikibo in February, 2004 as well as the attack on the convoy of the Benue State Governor, Chief George Akume which led to the death of Engr. Andrew Agom. At the appropriate time, the public will be briefed of the findings of our investigation. But suffice to say that we have made substantial progress.

Fast and Decisive Crisis Management

Pursuant to Section 214 of the Constitution which recognizes the existence of only the Nigeria Police Force, we moved in fast to dislodge ethnic militias that had constituted themselves into parallel Forces, and whose activities had become a major threat to the unity and stability of the country. The militia groups in this category include the Bakasi Boys, Movement for Sovereign State of Biafra (MASSOB), Oodua People's Congress (OPC) Arewa People's Congress (APC) and Egbesu Boys.

Comprehensive Training Programme:

To sharpen professional skills and acquire knowledge for enhanced performance of duties, most of our officers are exposed to local and overseas training. This is part of our capacity building programme and is an ongoing process. We are continually exploring avenues for further training assistance especially from friendly foreign countries.

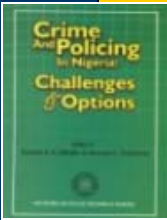
Serious Anti-corruption Crusade Within and Outside the Police Force

Our approach to tackling corruption, which we call the 'monster with eleven ugly faces', is the initiation of a counter-corruption crusade within and outside the force. This has led to the arrest and dismissal of many officers and men of the force over corrupt practices. Many of you may have read on the pages of newspapers or watched our parade on television of these corrupt police officials who bring a bad image to policing and whom we rightly think have no place in the Nigeria Police. We are also making efforts to check the illegal mounting of road blocks so as to curb the extortion of money from commercial road users.

Robust Public Relation

In our commitment to improve police relationship with the general public, we have introduced the "Sir" culture whereby policemen now address members of the public with Sir, and ensure prompt attention to persons in need. We also have in place public complaints bureau that handles reports of incivility to members of the public. I should say that we are enjoying the best of times with the Nigerian public.

Community Partnership in Policing



One of the principal goals of our administration is to transform the Nigeria Police from being a widely feared and despised organization to a friendly and service-driven institution that works in close partnership with the communities it serves. The strategy that we have designed for realizing this lofty objective is among other things *Community Policing*, which is aimed at moving the police closer to the community and the community closer to the police. It is our intention to formally launch the implementation of this scheme in the course of this Summit. As you will hear later, this concept of community policing will ultimately permeate every aspect of our policing function, so as to achieve public confidence and satisfaction in the quality of service we deliver. Community policing requires that the police work in partnership with the citizens of Nigeria to ensure safety and security for all.

Inter-Service/ Agency Cooperation

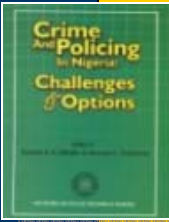
The relationship between the Police and other services is more cordial than ever before. This is because of the enormous efforts we have put in trying to raise the level of interaction both at official and unofficial levels with other services. This has led to greater improvement in the sharing of information on crime and criminality in the society.

Improved Conditions of Service

Undoubtedly, improved welfare and working conditions for police personnel is essential for their effectiveness in checking criminal activities. We are therefore determined to set the pace in the provision of welfare for our men. To implement this goal, we introduced a police insurance scheme to compensate policemen who die or are disabled while in the line of duty. Similarly, officers and rank and file who have stagnated on the same position for several years have been promoted. Regular promotion exercises have been restored, even as we are working to ensure that no police officer remains in one rank for more than four or at most five years without promotion. In order to boost the morale of our men, salaries, pensions, gratuities and benefits are being paid promptly and new institutional guarantees have been introduced to take care of complaints and fears. Now, officers and the rank and file are more willing to make the necessary sacrifices and take great risks to combat crime effectively because of the impressive welfare package they now enjoy. While appreciating the massive support and assistance being given to the police by President Olusegun Obasanjo and the Federal Government of Nigeria, the Nigeria Police however needs further assistance in the areas of logistics and funding. I hope too that this summit will examine the basic requirements of the Nigeria Police for enhanced performance.

I must reiterate that security is capital intensive and the responsibility can hardly be shouldered by government alone. All stakeholders - private individuals, corporate bodies, NGOs, mass media, religious organisations, etc, must contribute in one form or the other to the policing of the country. It is through collective efforts in policing the country that we can attain maximum security, peace and tranquility which are essential pre-conditions for growth and development of any society.

Lastly, we must say that it has been a difficult task providing satisfactory police services in the country. Our administration however, remains committed to our goal of transforming the Nigeria Police Force into an effective and efficient service organization, working in close partnership with the community it serves. In this regard, we are grateful to civil society groups, donor agencies, academia and other stakeholders who have been lending their support to our cause. In particular, we want to use this opportunity to express our sincere

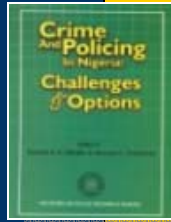


appreciation to the Network on Police Reform in Nigeria (NOPRIN) and the Macarthur Foundation for working with us and supporting the holding of this summit. We also extend our gratitude to the Access to Justice Programme of the Department for International Development (DFID) especially the Police Advisor of the body in Nigeria, Mr. Blair Davies, and the British Council for their support to our community policing programme.

It is our hope and expectation that this Summit would be a resounding success, and that the knowledge that will be achieved through prominent resource persons and participants at this summit will be of lasting benefit to the Nigeria Police and the country as a whole. Specifically, our expectation is that the recommendations that would be proffered will also touch on the following important issues:

- Ways of encouraging members of the public to freely supply or give the police information on criminal activities in the society;
- Ways of improving Inter-service/agency cooperation in information gathering and sharing on crime and criminality;
- Appropriate national crime reduction policies and programmes;
- Ways of improving Police funding;
- Reduce potency of Section 308 of the Constitution of the FRN 1999 granting certain elected officials immunity against prosecution for criminality and which has been used as shield by some for perpetration of crimes, and
- Any other suggestions that will enhance police delivery capability and capacity building.

Finally, while wishing you all useful deliberations, I would like to say once again, welcome and thank you so much for coming.



Welcome Remark

Innocent Chukwuma

National Coordinator

Network on Police Reform in Nigeria (NOPRIN)

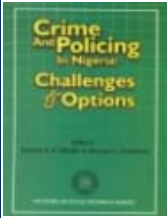
On behalf of the 32 member-organizations of the Network on Police Reform in Nigeria (NOPRIN), I wish to join the Inspector General in warmly welcoming you all to this National Summit on Crime and Policing in Nigeria, being organized by the Nigeria Police Force in collaboration with the Network on Police Reform in Nigeria, and support from the Macarthur Foundation.

As the Inspector General of Police rightly pointed out in his remarks, this summit is being organized to enable stakeholders on safety and security in our country to review current steps being taken by the police and the government in responding to priority crimes and issues in policing Nigeria, with a view to recommending strategies for improving on them.

In recent times, concerns have been expressed by well meaning Nigerians about the security situation in our country, given the reported killings and attempted assassinations of some prominent politicians, which captured media attention for weeks on end. The situation was not helped by the reported slow pace of work by security agencies in either arresting the perpetrators or in successfully bringing them to justice. However, perception of increase in violent crime and the attendant rise in feeling of insecurity is not peculiar to Nigeria and the police should not feel very defensive about them. The literature has shown that countries in transition from a repressive past experience dramatic rise in violent crime and delinquency, although whether transition itself is the cause is still a subject of scholarly debate.

However, what differentiate societies in transition from one another with regard to increase in common crimes and disorder are the policies and strategies that have been adopted by the governments to address them. Countries that have invested more in social crime prevention and in finding peaceful solutions to their political problems through transparent processes, appear to have managed rise in criminal deviance and discontent better than others. In Nigeria however, it would appear that rise in crime has essentially been seen by policy makers as a security problem without necessary appreciation of its social and political dimensions. This perhaps informed the mono-causal response of government to crime, which has focused essentially on increasing law enforcement capacity as if that approach by itself would bring down the level of crime and reduce feeling of insecurity in the country. Unfortunately, the literature has shown that the more police you have, the more crime would be discovered and not necessarily solved, and the more the citizens would complain about the intrusive behaviour of the police because of more regular contacts. There is also the argument that Nigerian government's policy responses to crime have been more punitive and repressive than preventive and rehabilitative.

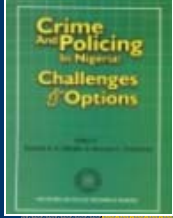
There is therefore the need for governments at all levels to invest more in social crime prevention and in finding peaceful solutions to the discontent arising from the 2003 general elections and the recently conducted local council elections. These would complement the efforts of the police in improving safety and security in our country. Policing a deeply divided society where a majority of the citizens are either unemployed or unable to feed



properly through honest work is certainly one of the, if not the most difficult jobs in the world. Let us not make any mistake about that.

This summit is therefore being organized by the Nigerian Police Force and NOPRIN to generate policy options that would assist the government and the police in enhancing citizens' safety and security in Nigeria and also in evolving a more accountable and service oriented police in the country. To assist us in doing that, we have assembled some of the best hands our country can boast of on the subject and have also invited our brothers from Ghana, Liberia and South Africa to share their experience with us, which would provide a global perspective on the issues. Our hope is that this summit would mark the beginning of a more collaborative relationship between the police, civil society and other stakeholders on crime and policing in country in service of our people.

We thank the Macarthur Foundation for providing the funds that enable the organization of this summit.



Opening Address

Chief Olusegun Obasanjo, GCFR
President of the Federal Republic of Nigeria

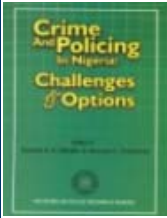
I am delighted to be with you this morning on the occasion of the opening ceremony of the four-day national summit on *Crime and Policing in Nigeria*. This workshop symbolizes the commitment of the Nigeria Police Force to collaborate with civil society in the country in meeting the safety and security needs of our people.

This Administration is totally committed to ensuring the safety and welfare of the people as one of the fundamental principles of state policy, through a disciplined, well trained, properly equipped, responsive and people-friendly Police. It is in recognition of this that the Nigeria Police needs to partner with civil society in order to be empowered with innovative ideas and fresh perspective on crime prevention and control. Such partnership will also engender trust and confidence between the Police and the communities they serve, which are important prerequisites for the sustainability of democracy in Nigeria.

The Nigeria Police is by law charged with the responsibility of preventing and detecting crime, preserving peace and order and enforcing all laws and regulations. The duties placed on the Police are indeed overwhelming. The task is even more daunting in a growing democracy like ours, presently confronted with challenges of nurture and sustainability of the democratic process. Given the magnitude of the challenges facing the Nigeria Police, it is encouraging to note the willingness of the Police authority to work with other stakeholders in order to properly address issues of crime and policing in Nigeria.

This administration identifies the Police as one of those important institutions that the Nigerian society cannot do without. For this reason, since its inception, this Administration has taken serious steps towards improving the morale of officers and men of the Nigeria Police and increasing their capacity to satisfactorily combat crime and apprehend criminals, whose activities constitute a serious danger to the lives and properties of innocent citizens. Such measures include, improved welfare packages and logistic support in the areas of transportation, communication and procurement of arms and ammunition to mention a few.

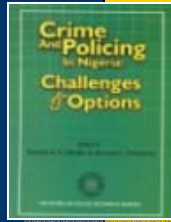
Similarly, it was in consideration of the urgent requirement for the improvement of the security situation in the country that this Administration approved and directed that forty thousand (40,000) personnel should be recruited every year to boost the strength of the Nigeria Police. It is my hope that very soon, Nigeria will meet the United Nations recommendation of one Policeman to four hundred people. I am aware that this directive is being implemented. I have however, cautioned that the recruitment exercise should be carefully carried out to ensure that only candidates who are educationally, morally, physically and mentally qualified are recruited. It is therefore, heartwarming to note the promptness with which the Police authority responded to my call for the sanitization of the Force of undesirable elements by embarking on a revetting and screening exercise for Police constables recruited from 2000 to date. I sincerely hope that the exercise will successfully rid the Nigeria Police of miscreants hiding under the guise of the Police uniform to perpetuate unlawful activities.



I have been informed that this summit is being organized by the Nigeria Police Force in collaboration with the Network on Police Reform in Nigeria (NORPRIN), which comprises thirty-two (32) Civil Society Organizations collaborating on Police reform in Nigeria. I hope, in the course of this summit, participants will be inspired by this laudable initiative. I use this platform to encourage other organizations to embark on worthwhile initiatives like this, in order to enhance our citizens' perception of safety and security. In particular, I look forward to this summit spearheading the task of producing a national crime prevention strategy for our country, which would network the activities of both state and non-state actors in crime prevention and control.

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

Thank you and God bless you all.



Opening Remark

Senator Adolphus Wabara

President of the Senate of the Federal Republic of Nigeria

The role of the police in any human society cannot be over-emphasized. Every society needs a strong and effective police force to maintain law and order, to promote peace and harmony and to secure lives and properties. So the police force is not only central to individual self-actualization, but also to social cohesion, economic development and democratic consolidation.

There is no gainsaying the fact that since 1861 when it started with 30 men as the Consular Guard of the British Consul of Lagos, the Nigeria Police has performed more than average, despite its many limitations. Our police force should be commended and should be encouraged with the necessary wherewithal for efficient operations.

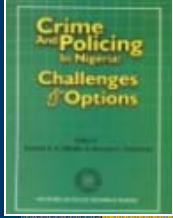
It is also important, however, that we continuously examine our strategy for crime prevention and policing in this country. I know that the immediate backdrop to this summit is the recent breakdown in security in the country. And I am happy that we are seizing this opportunity to do a critical appraisal. But I must also add that we do not have to wait for moments of widespread insecurity before we engage in such a process. Just like the society itself, our concept of policing and crime prevention must be evolving with time and must be elastic enough to accommodate best practices from other parts of the world.

The enormity of this task is underscored by the fact that the provision of security is one of the main functions of the state. A state that cannot protect the lives and properties of its nationals is not entitled to their loyalty, it is well on the way to becoming a failed state. We all know that the implications of this are too grave to even contemplate.

This is why it is very gratifying to note that this summit is organised to help improve the operations and the service delivery capacity of such a vital organ of the state. I must say that I am impressed by the range and depth of the topics slated for discussion. I have no doubt that given the expertise and experience of the resource persons here gathered, the police force and the nation will be the better for it.

On this note, I wish you fruitful deliberations.

Thank you all and God bless.



Keynote Address: Crime AND POLICING IN NIGERIA

Chief Akinlolu Olujinmi, SAN, F .C.I. Arb.

Attorney-General and Minister of Justice Federal Republic of Nigeria

Crime and Policing

Criminality is part and parcel of human nature and society. That is 'why no society can claim to be completely free of crimes. But the types of criminal behaviour tend to follow the pattern of social and economic development of a given society. It is therefore not unexpected that a society at a low level of development tends to experience an upsurge in the rate of violent crimes such as armed robbery, politically motivated killings, the use of illegal weapons, ethnic and religious clashes and the like. What is worrisome, however, is that the police which are meant to be the antidote to criminality appear to be getting overwhelmed by the phenomenon. The criminals appear to be ahead of the police such that the latter now only react to the commission of crimes and usually after the offenders might have left the scene. What is even more worrisome is that, rather than evoke confidence and hope in the public, the appearance of our policemen often conjures to the public a depressing feeling of fear and mistrust. I believe one of the major objectives of this summit is to tackle the problem of the pervasive negative perception of the police by a large segment of the public. Without attempting to pre-empt the eminent resource persons here gathered, it seems pertinent to observe that the dismal image of the police accounts for the non-cooperation by the public who are often reluctant to volunteer useful information to the police. Yet, the tasks of crime prevention and detection as well as prosecution of offenders cannot be successfully performed without the cooperation of the public.

Other allegations leveled against the police include arbitrariness in the exercise of its powers of arrest and prosecution, corruption and perversion of justice, use of crude techniques of investigation, collusion with criminals and incessant cases of accidental discharge of lethal bullets. It is hoped that the drastic steps already taken by the Inspector General of Police to deal with these complaints will soon begin to yield the desired results. To my mind, there is need to sustain the present campaign to rid the police of bad eggs and to attend to the welfare of the personnel in a more proactive and systematic manner. Equally, the laudable campaign for the recovery of illegal weapons must be pursued to its logical conclusion, to bring about a drastic and significant reduction in the spate of violent crimes in the country.

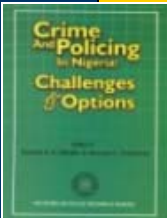
In addition to the complaints earlier referred to, there are institutional constraints, which contribute to the uncomplimentary image of the police and thereby undermining their capacity to deliver efficient crime control and policing services. These include inadequate manpower, lack of expertise, lack of adequate equipment, low level of education, low morale, shabby appearance, lack of training facilities and poor conditions of service of the average policeman.

Further, there is the vexed issue of a unified and centralised police in a federal structure. In order to tackle the problems that may be associated with the constitutionally prescribed one-police structure, the present government has increased the number of zonal commands from seven to twelve. That notwithstanding, the agitation for the establishment of state police appears to be unrelenting in some quarters. To my mind such agitation is no more than a metaphor meant to depict the dissatisfaction of the proponent of state police with the

federally controlled police force. At best, such agitation is often motivated by short-term considerations and at worst, by considerations of lust for power. One recalls the case of a former Governor who, during his tenure as Governor published a book in which he argued forcefully in support of state-controlled police. However, a few years later when he became a Minister, this same former Governor, perhaps owing to better exposure and wider outlook, became an advocate of a federally controlled police. Whilst there may be reasons to demand for a reform of the present system, the solution does not lie in the establishment of state police. From the experiences of the different models of policing in the First Republic and Second Republic, it ought, by now to be understood that both systems are susceptible to vices of power. Thus, this summit should endeavour to generate practical ideas on how to foster greater cooperation between the Executive Governors of States and the Police Commissioners. It cannot be over emphasised that there is need to provide for adequate mechanisms which will guarantee a harmonious working relationship between police commissioners in the states and the Governors of these states. Happily, there are already instances of such mutually beneficial relationships in some states.

One is impressed *by* the comprehensive agenda set for this summit as well as *by* the calibre of chairmen of sessions and other resource persons. The themes to be addressed are highly topical and relevant to the current search for better crime control and policing regime. These include 'crime and policing "in transitional societies'. It seems that the critical challenge for our country in this respect includes that of completing the transition from a militarised society to a genuine democracy where the police would no longer see itself as an agent of repression but as a servant of the civil populace, and of the rule of law. We must endeavour to complete the transition from a strictly 'law and order society' to a 'just and equitable society'. This may require a critical reformulation of the "underlying philosophy" of our crime control and policing. It is preposterous to demand compliance with the standards of democratic policing from an organization birthed in colonial circumstances and imbued with the mentality of an 'occupation force' and then socialised in a militarised setting without first subjecting that organisation to thorough and far reaching reforms. This summit gives us an opportunity not only to begin the process of rethinking the philosophy that underpins policing in this country but also to find ways of reorienting our law enforcement personnel in the tenets of democratic policing.

It is gratifying that this summit also intends to deal with the issue of responding to priority crimes, opportunistic crimes, financial crimes, trans-border crimes, ethno-religious violence as well as the proliferation of illegal arms. There is no doubt that these are grave threats to our young democracy. They undermine the security and stability of our society while jeopardising sustainable development and the rule of law. These offences demand not necessarily brute force but creativity, tact, sound education, commitment and high motivation on the part of law enforcement personnel as well as proper funding. The irony of our situation is that the criminal network that perpetrates these heinous crimes is often better funded and better equipped than the law enforcement agencies. This summit must come up with ideas about how to effectively fund law enforcement notwithstanding the meagre resources that Government can afford to provide. The trend in some jurisdictions is to devote a substantial part of the forfeited proceeds of crime towards the funding of law enforcement agencies. There are provisions in some of our laws on forfeiture. In dealing with the sub-theme under consideration, I urge this summit to make recommendations as to how these provisions can be applied to take the profit out of crime through forfeiture of



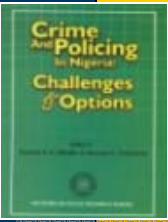
crime proceeds and how some of the proceeds can then be legitimately channeled into law enforcement.

Other sub-themes of the summit include 'priority issues in policing in Nigeria and promoting and measuring effectiveness of the police'. I think one of the critical challenges here is how to make police officers internalize the standards for law enforcement, which are embodied in the United Nations Code of Conduct for Law Enforcement Officials and other international instruments. It is also important to establish clear guidelines and channels for securing police accountability to the public. Furthermore, the summit will consider the issue of community policing, the complimentary role of civil society and informal policing structures as well as the role of the business community and private security outfits.' The importance of this sub-theme lies in the fact that policing the society is too important to be left to any single agency no matter how well equipped. There is no doubt that the effectiveness of the police is directly proportional to the cooperation and support they enjoy from the community. We can no longer take this cooperation for granted. This summit will raise our awareness of the challenges involved and make practical suggestions for strengthening police-public cooperation and community involvement in policing.

The final sub theme is no less momentous. Recognising that the police cannot be 'an island unto itself', it shifts the focus of the summit to issues of inter-agency cooperation, information gathering and sharing. One of the problems of law enforcement in this country has been the lack of effective coordination amongst the various agencies of state security and law enforcement. The presentations and discussions of this sub theme should help to resolve some of the challenges in this aspect of crime and policing.

Let me conclude by urging the organisers to ensure that the discussions of the subject matter of this summit do not end here. Apart from issuing a communiqué and publishing the proceedings and presentations in book form, it may be necessary to consider establishing a small group that can follow up on the implementation of the key points that may be agreed at this summit. You will all agree that we have never lacked ideas in this country but the critical challenge is how to translate our great ideas into practice for the betterment of our society.

Let me once again thank the Inspector General of Police and other organisers of this summit for the opportunity to present this keynote address. I wish you all very fruitful deliberations.



OVERVIEW OF POLICING IN NIGERIA: PROBLEMS AND SUGGESTIONS

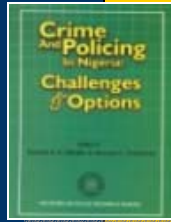
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Introduction: The Context

There is no doubt that, since the mid-seventies, Nigeria has been experiencing what is referred to in criminological literature as a “crime-problem” i.e. when crime, in terms of incidence and seriousness, passes from the normal or tolerable level to the pathological and becomes a “social problem”. In other words, crime has become not only ubiquitous but has reached a Frankenstein dimension. In actual fact, the incidence and sensational press reporting of assassination, armed robberies and big-time fraud only serve to undermine the required appreciation of the enormity of the burden on the average citizen in terms of so-called “common” thefts, burglaries, assaults, by the working and under classes, and petty-frauds by artisans and middle-cadre workers. The cost and consequences of the crime problem for the population and the government are a reality. For the population, the cost and consequences are manifold: in addition to the material loss and/or personal distress caused by actual criminal victimization, there is the debilitating reality of the population’s unquantifiable but costly expenditure of energy and scarce resources on anxious fear of, and precautionary care against potential criminal victimization--fear and care that must arise out of feelings of insecurity and helplessness and out of a situation they must have assessed as probably hopeless. This cost of precaution is one major indication of the population’s perception of the reality of the situation: it should suffice to consider the amount of money and energy expended now-a-days, particularly in urban and semi-urban areas, on the security of a house or a car (!!!), not to mention the inconveniences and curtailment of freedom of movement suffered. For the government itself, there is the cost in terms of credibility. Government’s enjoyment of public confidence depends (in part, at least) on some apparent effectiveness in preventing/controlling criminal victimization of its population and thereby increasing that population’s feeling of security with regard to their individual persons and property.

From about 1970 to date, the government’s response under the different Administrations has hardly varied: routine and conventional policing/law-enforcement, justice administration, and offender-imprisonment that manifest a lack of appreciation of the



character of the problem; well-intentioned “reforms” of control measures and agencies as well as their operational modes via laws, decrees and edicts that appear to lack the benefit of hind-sight and/or the wisdom of foresight; declaration of war against criminals of all types through a set of laws and decrees that were considered “draconian” in their penal provisions by some but accepted by the crime-beleaguered majority as necessary; and forceful paramilitary and “fire-fighting” approach (e.g. patrol by mobile police, check-points, gun-battles with criminals, etc).

These “varied” responses have one thing in common (in addition to their relative ineffectiveness and occasional counter-productiveness): the absence of the established knowledge that most wars are won (and most crises effectively and efficiently managed) with more of brain than of brawn and the sober reflection required by a rational consideration of the long-run over the short-run implications. Thus, government perception of the problem of crime and its effective/efficient control has been narrow, legalistic, synonymous with, and limited to, “crime” and “criminal” as legally-defined and adjudged by the police and the courts – and which perception has resulted in “law and order”/paramilitary response to the problem of crime in the country.

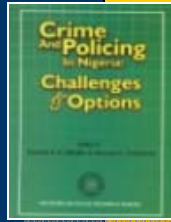
This government perception is reflected in its general and particular policies and responses towards crime, criminal and victims of crime as well as towards issues and agencies dealing with these and in the failure to recognize the relationship, policy-wise, between the problem of crime/delinquency and matters such as rural-urban migration or youth-unemployment, between unjust laws unjustly or selectively enforced and administered on the one hand and the aggravation of the crime problem on the other.

One of the most crucial factors responsible for the foregoing perception is the absence of a coherent, articulated crime-prevention and crime-control policy and/or a coordinating body for overall planning on the matter over four decades after independence. That is, one of the major problems of crime-prevention and crime-control in Nigeria is that there is no coordination (let alone a coordinating body) of the objectives or strategies of the four major conventional instrumentalities responsible for crime-control: law making; policing/law-enforcement; administration of justice; and offender-correction. This is also the case for the myriad of sporadic governmental efforts (reforms here and there, decrees and edicts, commissions and tribunals, etc); they suffer the adverse limitation of lack of pre-planning and post-implementation evaluation.

Yet, because law-making, policing and law-enforcement, administration of justice, and correction of offenders are only “sub-systems” of one whole system (i.e. the criminal justice system), a “systems approach” is suggested for its planning, organization and operation. And such an approach would definitely enhance the useful notion of planning for crime-prevention and crime-control in the context of development planning guided by the framework of national social development policy.

United Nations experts on criminal justice policy have articulated the point being made here more clearly as far back as 1984:

A dynamic perspective of the interrelated activities and functions in such areas as legislation, law-enforcement, the judicial process and treatment of offenders, may prove useful in ensuring coherence and consistency between national planning and



crime-prevention and criminal justice planning... the establishment of a planning entity, with the participation of representatives of the community, different subsystems of the criminal justice system, and other interested institutions—capable of coordinating local and national crime prevention and criminal justice policies—could be of special value in establishing priorities, improving resource allocation, and evaluating the success or failure of existing programmes.

The foregoing context partly explains the continuing less-than-optimum performance of the police in policing criminality in the country and ironically its being unfairly held responsible for our crime-problem – despite the fact that it has over the years, been divested of many of its original policing/law enforcement responsibilities. For samplers, intelligence gathering and analysis are now the responsibility of the State Security Service (SSS) and the Office of the National Security Adviser (NSA) with regard to security and public order; control of crimes of corruption, fraud and related practices are now virtually under the auspices of Anti-Corruption Commission (ICPC) and the Code of Conduct Bureau/Tribunal; organized crime in being handled by the Economic and Financial Crimes Commission (EFCC), the National Drug Law Enforcement Agency (NDLEA), the Customs Department, the Central Bank of Nigeria (CBN), and the National Deposit Insurance Corporation (NDIC); and even traffic crimes/ offences are essentially under the purview of the Federal Road Safety Commission (FRSC).

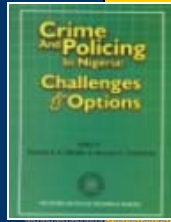
The same context is also partly implicated in the continuing dissatisfaction of the generality of the population with the police despite some improvements in inputs efforts and output in the past two to three years. In terms of inputs and efforts, police-population ratio has been improved (discounting quality); Mobile-Force squadrons, motorized patrol and check-points have been increased; and there have been efforts to improve morale by massive promotions to offset past stagnation, by provision of relatively substantial death insurance and by sending hundreds on local and overseas training.

With respect to output, during the same past two or so years, the police can claim enhanced performance in at least two areas which are of public concern: assault on armed-robbery (see Table below) and on extortionist policemen (about 700 of them have been caught and dismissed). The Force can also claim performance with trans-border criminality and recovery of illegal arms/ammunitions and the fact that suspects have been arrested for many of the high profile assassinations, public cynicism about the latter notwithstanding.

Assault on armed robbery: 2001 compared with 2003

Dimensions	2001	2003	Percentage Increase: 2003 over 2001
Suspects arrested	5,232	8,200	58.6%
Robbers killed in combat	821	3,100	277.5%
Firearms recovered	1,031	3,451	240.6%
Ammunition recovered	13,452	30,653	127.0%
Stolen vehicles recovered	603	1,220	102.3%
Policemen killed in operation	23	58	152.1%

Source: *Calculation from police raw-data*



Unfortunately for the police, armed robberies and high-profile assassinations do not account for up to ten percent of reported criminality in the country (even by the most liberal estimates), let alone of total criminality which is an unknown “X”. No doubt, these contribute significantly to the feeling of insecurity in the general population and, therefore, the negative assessment of police performance. However, it is the “remaining” ninety percent of experienced and/or reported criminality by the average citizenry that significantly determine police performance and image in the eyes of the population. That is, those so-called “common-crimes” such as theft, burglary, assault, simple robbery, etc that brings the ordinary citizen into direct contact with the “ordinary” constable/corporal/sergeant, as victim/complainant, witness, suspect or arrestee. Consequently, notwithstanding the highlighted “disabling” context, the divestment of the police of responsibility for certain kinds of criminality, and its recent enhanced input and improved performance in assaulting armed robbery and extortionist practices, policing by the Force should be considered in terms of effectiveness and efficiency as experienced and/or assessed by the average citizen or the generality of the Nigerian population.

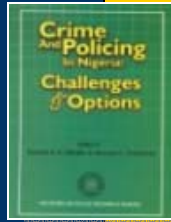
By “effectiveness”, I am referring to the ability of the Force to successfully perform its assigned tasks; and by “efficiency”, I am referring to its capacity to perform its functions with the least amount of “waste”, in terms of time, material, personnel public goodwill, and lives. To start with, what are the objectives of policing in modern society? What are the main yardsticks for measuring successful policing? To what extent has the Nigeria Police Force been effective and efficient in policing Nigeria over the years? What are the identifiable problems or obstacles in the way of effective/efficient policing in the country? And what policies and measures can help to improve the situation?

Objectives and importance of policing

The central objective of policing is 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. And this central objective is a summary of the following sub-objectives which are prerequisites to that of security:

- To prevent, control and combat criminality wherever and by whoever;
- To maintain public order and peace;
- To render assistance and service to all citizens needing or requiring security; and
- To favourably symbolize the law and the government by always upholding the rule of law.

From these central and sub-objectives of policing, the importance of policing to society and to citizens’ perception of the government (which the Police Force is seen as representing) cannot be overestimated. This importance becomes clearer when one considers the following:



- Policemen are the government officials most proximate to crime, temporally and procedurally, and are the leading figures in crime prevention/control and in the law-enforcement process;
- Policemen's honesty, integrity and observance of procedural laws in handling offenders and non-offenders have deep implications for the citizens' perception of fairness and justice and for the degree of respect the average citizen has for the law;
- Being highly visible (compared to courts or prisons) and being the primary or main government authority legally authorized to use force on citizens, policemen's behaviour affect the citizens' opinion about their government.

Major yardsticks for measuring successful policing

In a social-scientific context, the criteria for measuring successful policing are as follows:

- *EFFECTIVENESS* (e.g. fewer or reduced criminal victimization; 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).
- *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 citizen ratings of specific aspects of police conduct such as honesty, integrity, courtesy and fairness).
- *EQUITY* (i.e. with reference to egalitarian distribution of "protection" to all sections of the population).
- *EFFICIENCY* (i.e. with reference to cost-and-benefit analysis of "protection" output relative to monetary, human and material in-put).

However, when the above are translated into their ordinary meaning, the value and worth of a police force can be determined by:

- The amount and quality of protection it offers the citizens as a whole; and
- The degree of confidence and cooperation it enjoys from the average citizen.

Effective and efficient policing in Nigeria: Inadequacies, problems & obstacles

Judged by the yardsticks outlined, it has long been clear to a majority of Nigerians that the Nigeria Police Force falls short of optimum performance. There is abundant official and research confirmation of this assertion, apart from information in the daily newspapers, and there is no need to "prove" the non-optimum performance of the Nigeria Police Force in the present contribution. Rather, what is needed is the identification of the major inadequacies, problems and obstacles that are responsible for the situation. And these may be grouped into three categories: material inadequacies; human problems; and obstacles external to the Force.

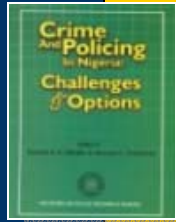
Material inadequacies:

Material inputs in terms of funding, crime-prevention/control, detection, investigation, traffic-control and accident-prevention, communication and data-gathering research needs are not only inadequate but are unrealistic as well. The authorities of the Nigeria Police Force have always provided the technical details of these material inadequacies, even if sometimes exaggerated for obvious reasons. For example, between 1994 and 2003, the amount of funds actually released to the police relative to its request for capital vote ranged from 0% for 2003 to 9.5% in 1998; and for overhead costs, amount released ranged from 4% in 2003 to 5% in 1998 and 2002. Yet, the Force is supposed to cover a population of about 120 million Nigerians, spread over more than 926,000 square kilometers of land.

Human problems:

Had the quality of the human or personnel resources of the Force been optimum, the material inadequacies might have been partially ameliorated. In other words, the Nigeria Police Force has human problems that not only aggravate its material insufficiencies, but are also of tremendous adverse import on its general performance from one day to the next. The following are the major factors responsible for this category of problems:

- The colonial origin and heritage of the Force which continue to influence the selection, training and orientation of a majority of policemen;
- Improper, inefficient and, sometimes corrupt and nepotistic methods of recruitment (bad enough to require a re-vetting exercise for those recruited in the last two or so year);
- Insufficient length of training-period and attention in training recruits for the "rank and file";
- Lopsided emphasis (in training curricula) towards "drill", para-military work, and "mechanistic" teaching of law and police-work;
- Exposure of recruits to only "professional police officers" and only in exclusive police institutions;
- Existence of "deviant" but durable "police sub-culture" which moulds the "working personality" of new constables;
- Discourtesy, non-challant attitude to reports of citizen complaints, dishonesty, corruption, abuse or misuse of the authority to arrest, detain or use force by a substantial number of policemen on the streets, in the station, etc;
- Organizational emphasis on "episodic" raids and "temporary" successes instead of systematic beat; and the scape-goating of the so-called "bad-eggs" instead of engaging in systematic re-orientation of policemen;



- Offensive aggression, potentially and actually, manifested by the reputation ("notoriety" is better word) and "macho" conduct of the Mobile Police (e.g. suppressing rather than managing riots and demonstrations);
- The adverse effects of the last two factors in producing a negative public-image for the Force;
- The adverse effects of the last three factors in fostering a poor police-community relations;
- Discouraging salary, conditions of service, rank-mobility, promotion criteria and procedure for the "rank and file", recent efforts to improve the situation notwithstanding;
- Insufficient usage, if at all, of outside help (e.g. research) because of police traditional obsession with "security" and a "know-all-about crime" mentality.

Other obstacles:

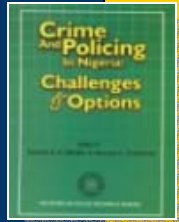
This category includes the following:

- Absence of an overall crime-prevention/control policy, body and planning;
- Political interference and the feeling of accountability by the Force to the "government of the day" rather than to the rule of law and the people (i.e. a carry-over from the colonial period and the succeeding military regimes);
- A materialistic, greedy, corrupt and indisciplined socio-economic environment (i.e. a society gets what police force it deserves); and
- The burdensome character of our inherited legal system (from the substantive and procedural law through justice-administration to offender-correction) which has never been meaningfully or social-scientifically reviewed to make justice "real" rather than "technical", and speedy rather than delayed.

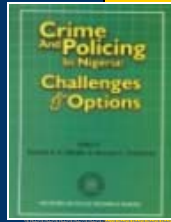
SUGGESTIONS

Implied in the foregoing problem-identification are suggestions which should help enhance the policing scene in Nigeria. The suggestions here are directed particularly at behavioural and attitudinal re-orientation (through appropriate selection criteria, proper and adequate training and considerably improved police salary and conditions of service) to achieve a long-lasting solution.

- 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 tests in addition to the normal educational, physical and medical requirements);



- 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);
- Increase the length of training of recruits to a minimum period of 18 months;
- Make training conditions humane (e.g. there is no need for any form of physical brutalities) to minimize inculcation of unwholesome inhuman dispositions into police personnel;
- Training curricula should considerably emphasize (in addition to practical police work) knowledge about our society; the importance of the policeman's community-service role; the meaning and use of initiative and discretion; the position of citizens as consumers of police work; the supremacy of the rule of law; the type of ethics to be internalized by policeman and the cruciality of the observance of human rights;
- Trainees should be exposed to lecturers and teachers from outside the Police Force (e.g. guest-lectures from Universities, Trade Unions, other occupational associations and Student Unions);
- Intensify internal re-organization of the police to revitalize and enforce, on a systematic and continuous basis, rules concerning police courtesy, response to (and handling of) citizen reports or complaints, use of only necessary force, observance of the legal and other rights of citizens, including offenders;
- Establish/ensure systematic and regular (foot/motorized) 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;
- Refurbish/establish a target-oriented squad for corruption in the Force;
- Mobile Police (MOPOL) should be categorically divorced from the Nigeria Police Force and constituted as a separate organization 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;
- 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 a mentality of an isolated "army of occupation";
- 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 I.G.P. The Corps should be responsible for investigating and resolving citizens' complaints against policemen and for publicizing the findings of same, among other responsibilities;



- Establish Citizens Monitoring Organization (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";
- Develop 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);
- Selection of Inspector General of Police (I.G.P.) should be guided by professional competence rather than "politics", "sycophancy" or "docility";
 1. Once appointed, an I.G.P. 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 ICPC;
 2. The Inspector General of Police (I.G.P.) should be accountable to the public on crisis-generating conduct by any policemen;
- The salary, 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 e.g. 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;
- The Federal Government should undertake a realistic survey, in and outside Nigeria, to determine the actual material "routine" requirements (not including armoured vehicles) of a desirable, effective and efficient modern police force and provide the needed funding on a regular basis;

Concluding remarks

Policy and orientation-wise, the Federal Government should start looking at the country's crime-problem within the context of the whole of the inherited colonial legal and criminal justice system and its total socio-economic and political environment, rather than narrowly as a police problem. That is, in addition to the need to appreciate the historical and developmental problems and obstacles in the way of effective and efficient policing/law-enforcement in the country and attend to these, there is the need to appreciate the fact that policing/law-enforcement is only a sub-system of the criminal justice system, the latter itself being only a part of the larger social system (See Appendix 1).

It is also important to know that there is no "quick-fix" to the problem of policing. Even if all the suggestions offered could be implemented with a magic wand, they will not yield results "over-night" as the problems and obstacles involved date back to the 1930s. In other words, considering the historical and complex nature of the problems and obstacles in the way of effective/efficient policing and law-enforcement in the country, the present governmental and police leadership should conceptualize its policy options now, start executing these soonest, and expect results in phased-terms (short, medium, and long - see

APPENDIX II).

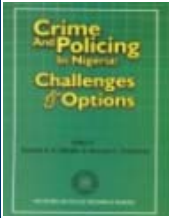
In the meantime, though, the professional police leadership, at this point, has to be "activist" or at least be pro-active about policing in general, not just about armed robbery and assassination. It cannot be business as usual. For example, provision and deployment of personnel and equipment should be directly related to types of crime, their locational concentration and the level/degree of public/governmental concern (See APPENDIX III).

Unfortunately, after all is said and done, I am convinced that there is hardly anything to be said in this Summit that has not been said before, even at Presidential Fora specifically called for the purpose. I am here for the usual "fellowship". That is, except for NOPRIN, the consulting NGO and its funding organization – MacArthur Foundation, this Summit may arguably be considered another "repetition" of the "ritual" of Conferences/Seminars/Workshop on "police and crime-control" for the higher echelons of the officer-cadre who interact more with each other than with the members of the general public who experience and assess policing. A practical "down-to-earth" Workshop with Inspectors/Sergeants/Corporals, in batches all over the country, would have been more productive in terms of improved policing than this Summit could ever produce.

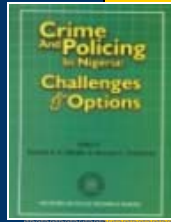
Finally, while we must continue to be critical of the Force and its leadership in order to achieve improved policing, we need to be objectively hesitant in putting all the blame for our crime-problem on them. Objectively, whatever accusing fingers are pointed should be spread around. What with our archaic judicial system and officials that, more often than not, delay and deny justice and fill our prisons to the brim with "awaiting-trial" detainees and, thereby, unwittingly compound our crime problem? What about our prisons that can neither correct nor reform most of their wards and only return many of them to us more criminalized than when they went in? And what about the impact of the nature and dynamics of our economy; our "democratic" politics or our elite/leadership ethos? These "items" are beyond the control of the police. For instance, while it is difficult to fault the policing-wisdom and leadership-determination of the current IGP's Eight Point Strategy, the reality of these matters can only be disabling, even with the best of intentions. To bring the point being made here home, two illustrations, (using the increased incidence of violence and the routine police corruption/extortion at check-points) should suffice.

The status of democracy in Nigeria today indicates a substantial absence of democratic culture: insincere and fraudulent "democrats" as political party leaders and party operatives; vote-buying, vote-rigging or vote-allocation; harassment, physical intimidation, thuggery, arsons, and assassinations, etc. Each of these manifestations of the non-entrenchment of democratic culture (not the fault of the police, one should add) is causally-related to the phenomenon of increased incidence and seriousness of violence in the country.

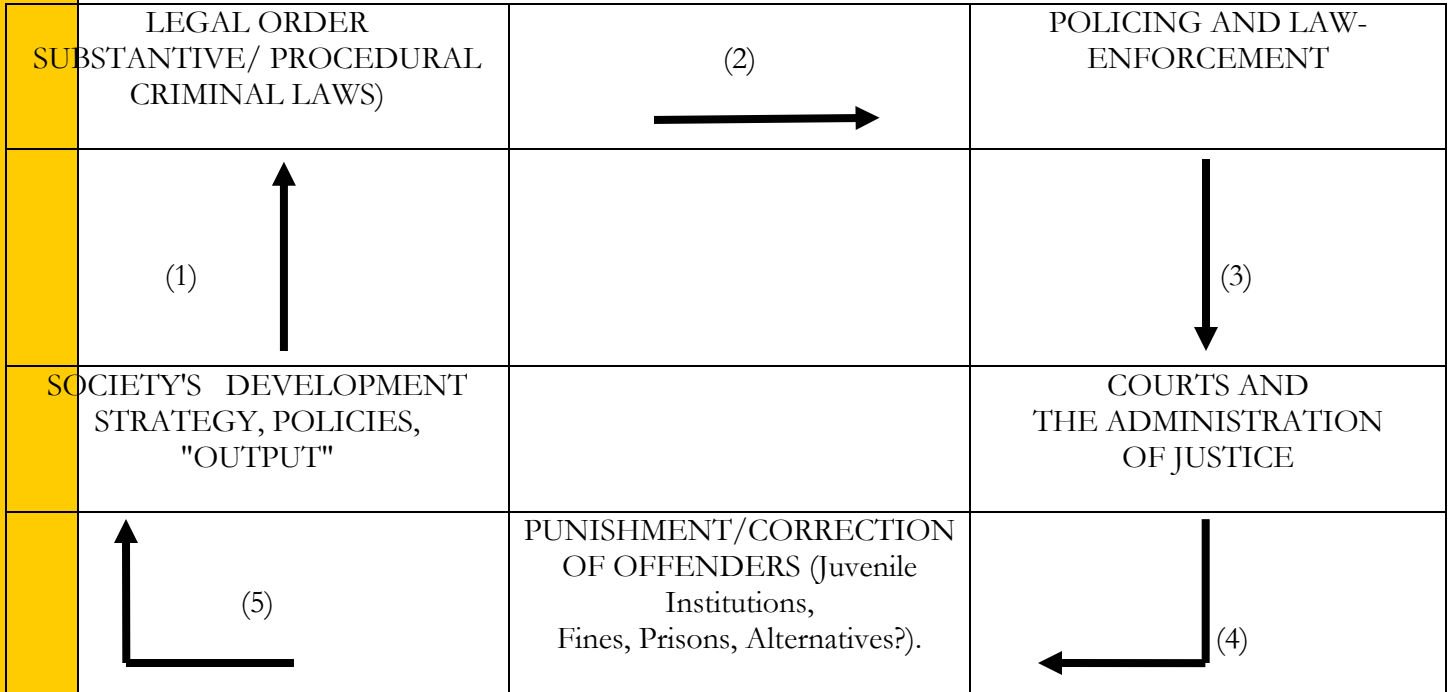
With respect to the ubiquitous N20.00 bribe/extortion at check-points, among other "locations" and "occasions" requiring higher denominations, one would be surprised if this were not so – going by established tenets of socialization and cultural transmission. One can therefore safely predict that as soon as the elites in general, and political and governmental office-holders in particular, cease their corrupt practices, deliberate mismanagement/misapplication of funds, use of governmental funds for non-governmental purposes, direct stealing, or unwholesome use of "Ghana-Must-Go" bags with the help of



their police orderlies –as soon as these things cease (by human force and/or divine intervention), “the N20.00 phenomenon at check-points will also cease”.



APPENDIX I: POLICE AS ONLY A SUB-SYSTEM OF THE
CRIMINAL JUSTICE SYSTEM



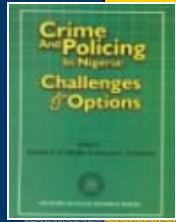
Appendix II: Sample of policy options for phased results

A. For "immediate" results

- i) Institute FGDs (Focused-Group Discussions) for all Inspectors, Sergeants and Corporals at all LGA Headquarters for the purpose of attitudinal and behavioural re-orientation.
- ii) Institute systematic/regular foot-patrol (with batons, torch-lights, and walkie-talkies as operating equipment).
- iii) Adequately re-furbish mobile patrols with sufficient quality vehicles and arms to counter armed robbery/violent crime.

B. For "medium-term" results

- i) Establish a system for the regular collection, collation, analysis (and publication) of comprehensive information on known offenders, their victims, their socio-economic characteristics, location/patterns of offending, etc.



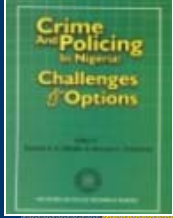
- ii) Re-work the recruit training-curricula to be more "social-scientific" and re-train the rank and file, accordingly, in batches at various location in the country.
- iii) Re-work the salary-scale of the rank and file along the lines of horizontal-progression.
- iv) De-centralize policing in the country e.g. perhaps via institution of ward-level community-policing with well-defined jurisdictions.
- v) "Rehabilitation"/training/usage of "brilliant" armed-robbers.

C. *For "long-term" results*

- i) In-school recruitment of a proportion of policemen/women and police officers i.e. through Secondary Schools and Tertiary institutions, respectively.
- ii) Phasing-away of "barracking" i.e. encouraging police personnel, as a matter of policy, to reside in the community among ordinary citizens.

Appendix III: Type of crime and police personnel/equipment required for deployment

S/N	Type of Crime/ Criminal Victimization	Direct/Immediate Victims	Level/Degree of Public Concern	Required of the Police
1.	Common Crimes(Theft, Burglary, Assault/Street fighting, etc)	Mostly the Working-Class Nigerians	Low (Feeling of helplessness)	Foot Patrol (with durable Kit)
2.	Violent Crime (Armed - Robbery, Assassination)	Mostly Middle-Class Nigerians, but occasionally the power elite	High (Senationalisation and feeling of insecurity)	Motorized Patrol (with adequate automatic weapons and communication gadgets)
3.	Elite Crimes (Corruption, 419, etc.)	The Economy (and the morality and morale of the polity)	Low (Feeling of powerlessness)	Specialized corps of Detectives (with professional background in Accounting/Banking/C omputers)



When did the Police Become (Y)our Friend?: Changing Roles of Civil Society in Promoting Safety and Security in Nigeria

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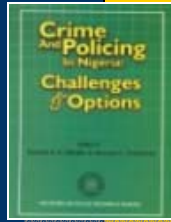
Even now, after more than three decades of independence, the Police see themselves as existing for the government of the day and wealthy members of the society in much the same way as the colonial police existed mainly for the interest of the colonial government and its European personnel.¹

Our Police *or* Your Force

The entitlement of human beings and communities everywhere to take such measures as they see fit to safeguard themselves against threat perceptions enjoys considerable antiquity as old as human society. Human safety and security are thus human rights with a value of their own and an instrumental function in the construction of human contentment and prosperity. This right pre-dates the institutionalization of the police and other uniformed institutions, which in turn post-dates the emergence of the contemporary State system and notions of sovereignty. Notionally, the institutionalization of the Police created a collective mechanism for the management of this right within modern state systems without necessarily diminishing the capacities of either individuals or organized civic communities to appropriate or deploy residual policing functions and entitlements. Thus it is possible to distinguish between police as an institutional noun and policing as an atomized verb in which every individual shares both roles and benefits.

Modern notions of statehood and sovereignty emerged as a response to perceived threats of anarchic violence in post-medieval Europe. Social scientists and legal theorists of different hues, including naturalists, realists, neo-realists and positivists, have for the most part thus theorized the State as that entity that enjoys a monopoly of both legitimate force (violence)

¹ Centre for Law Enforcement Education & National Human Rights Commission, *Policing a Democracy: A Survey Report on the Role and Functions of the Nigeria Police in a Post-Military Era*, 5 (1999)



and legitimate coercion in the social space.² It could designate lawful and unlawful behaviour, prescribe incentives or sanctions for different forms of conduct as it deemed befitting, and in this way, engineer the evolution of civic ethics embodied in the law and backed by the instruments of coercion such as the courts and the Police.³

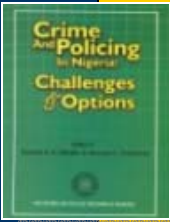
As instruments of the modern State system, whose origins are widely traced to the Peace of Westphalia (1648), the “police and military social spaces have only been distinct since the sixteenth century, and they have only been institutionalized separately since the nineteenth century.”⁴ The successful deployment of these supposed institutional monopolies have been dependent on advances in bureaucratic and management practices, information collection and management, and in the mechanisms for the exercise and arbitrating abuses of legitimate state authority. Internally, this monopoly obliges the State to protect its inhabitants in return for their habitual obedience. Externally, the State is entitled from its peers in the community of (other) States, to respect for its domestic prerogatives, populations and territory. The Police and internal security services emerged in response to the former imperative while the armed forces were created in response to the latter. As a historical fact, the evolution of policing practices has closely followed the evolution of authority mechanisms within States from authoritarian to more legitimate and accountable forms of expression of the will of the people.

The territorialisation of security and the symmetrical division of internal and external security responsibilities between the Police and the Armed Forces was, however, not always watertight or sustainable. Fragile state systems evidenced in both violent conflict and state collapse; enhanced international commerce; advances in information and telecommunications technologies; national and international migration; and territorial developments in globalization and regionalization, including the establishment of zones of facilitated factor mobility such as the European Union or, closer home, the Economic Community of West African States (ECOWAS), have all combined to reinforce the

² Yousef Cohen, Brian Brown & A.F.K. Organski, “The Paradoxical Nature of State-Making: The Violent Creation of Order”, *75 American Political Science Rev.* 901 (1981).

³ For a critique of the limits of this theory, see Robert Nozick, *Anarchy, State, and Utopia*, (1974)

⁴ Didier Bigo, “The Möbus Ribbon of Internal and External Security(ies)” in Mathias Albert et al, *Identities, Borders and Orders: Rethinking International Relations Theory*, 102 (2001).



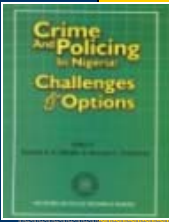
permeability of national borders and create threat perceptions that transcend national borders. As a result, “although the street-corner criminal and the foreign enemy used to belong to two separate worlds and continue to be seen as different, the idea that police officers, customs officers, gendarmes, intelligence agencies, and the army all share the same enemies is gaining more and more support.”⁵ In particular, this could create a perceived polarity in the minds of the public against the Police and other uniformed institutions.

While the State remains dominant in the governance of the social space, it is not the only significant actor there. A multiplicity of lawful, sovereignty-free actors⁶ such as local communities, ethnic or sub-national groups, multi-national corporations, bureaucracies, transnational identity networks, trade unions and associations, civic and cultural associations, academic, professional and alumni networks continuously interact in framing and shaping human behaviour. Quite apart from these lawful non-sovereign entities, unlawful entities such as national and transnational criminal networks of different hues also increasingly compete for attention in the social spaces of different countries, including Nigeria’s. Different elements of this rich diversity of non-sovereign social actors have different and complex relationships of co-existence, co-operation, competition, conflict and challenge with both the State and human societies that comprise it. The police exist and are deployed to monitor and manage these relationships.

This paper argues that the capacities of Nigeria’s police in monitoring and managing the social space in the nation are disappointingly sub-optimal and will continue to remain so into the foreseeable future unless a new relationship of honest and genuine inter-dependence is built between the government and the governed and between the police as an institution of government and the civil society as those from whom government derives its legitimacy. To establish the basis for this argument, it is necessary to take a brief look at the history of the Police in Nigeria.

⁵ *Ibid.*, 96

⁶ Concerning the interaction of sovereigns and sovereignty-free actors, see, James Rosenau, *Turbulence in World Politics: A Theory of Change in World Politics*, 36 (1990).



When did the Police Become (Y)our Friend?

A full story of the evolution of Nigeria's Police has been done by other authors,⁷ and is beyond the remit of this paper. The evolution of the Police is, however, relevant for an understanding of its dominant institutional traditions and of how those traditions may or may not be responsive to closer police-civil society collaboration. On any reading of its history, the predominant influence in shaping the history, institutional traditions and doctrines of the Police in Nigeria, has been the context of both colonial dictatorship in which it was formed and of post-colonial dictatorship in which its Nigerian leadership took over from their colonial predecessors. Neither of these contexts, it is submitted, prepares the police institutionally to take the civil society seriously in the business of protecting Nigeria and Nigerians.

The establishment of what is today known as the Nigeria Police Force was driven by a confluence of colonial commercial, political and strategic interests. The first Police institution was constituted in a 30-person Consular Guard under the authority of the then Governor of British West Africa in October 1861. Another major milestone was the establishment of the constabulary for the Colony of Lagos in 1879, with the first Commissioner of Police being appointed in 1896. In the territories of Northern Nigeria, the Royal Niger Company (the forebears of the United African Company (UAC) PLC) established the Royal Niger Constabulary in 1886. In both the Colony and the Protectorates, the rationale for the establishment of these Police institutions was to advance European colonial commercial and strategic interests against those of the "natives". The main role of these police units was to put down organized expressions of "native" discontent, the first recorded such incident being the Epe uprising of 1863.

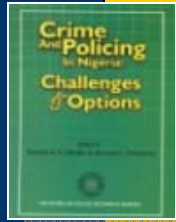
From these humble beginnings, several Police formations mushroomed with the increasing sophistication of colonial administrative arrangements. By 1900, the Royal Niger Constabulary had become been split into two units comprising a Northern Nigeria Police Force and Regiment respectively. In the South, there were initially a Police Force for the

⁷ For an account of the evolution of the Police in Nigeria, see, Tekena Tamuno, *The Police in Modern Nigeria 1861-1965* (1970); Sam Nwanze, *In Thy Hands Oh God: The Man, the Cop, The Preacher* (1999); Centre for Law Enforcement Education & National Human Rights Commission, *Policing a Democracy: A Survey Report on the Role and Functions of the Nigeria Police in a Post-Military Era*, Chs 2-3 (1999)

Colony and a Police Force and Regiment respectively for the Protectorate, with the Police Force of the Colony later merging into the Southern Nigeria Police Force. With Amalgamation in 1914, two different Police Formations were maintained for both Northern and Southern Nigeria. In 1930, the colonial government established the Nigeria Police Force under the leadership of an Inspector-General. However, regionalization of Police formations remained.

Section 4 of the Police Ordinance of 1943 which revised the Ordinance of 1930, and which was more-or-less re-enacted by the Police Act of 1967 (under the regime of General Gowon), defined the functions of the Police in Nigeria as: prevention of crime, apprehension of offenders; preservation of law and order; due enforcement of all laws and regulations; and the performance of such military duties within and outside Nigeria as may be required of them under law. The laws and commands that the Police were required to enforce were, of course, colonial legislation, subsequently supplemented by mostly military legislation. Their powers under the Police Ordinance made this plain enough. Neither the applicable laws nor their training and skills, gave the Police much discursive latitude besides force. In the then existing context of a politically dis-empowered “native” population, the Police were a blunt force for the control of expressions of organized or popular local anger under the command of a European Inspector-General. This imperative shaped their discursive cultures (or lack of them) as well as their internal operational doctrines.

It is important to appreciate the social and institutional psychology of the personal power and influence created by this context and its consequences for accountable and civil policing. Membership of the colonial Police Force conferred indescribable power and privilege underpinned by a distinctive uniform. It created in the surrounding population a perception of closeness to the colonial regime, and of power among (and against) the local community. To the “natives” against whom the Police were trained, this was very much unaccountable power. It was easy for the Police personnel that wished to do so, to run a protection or influence peddling racket for a fee or for nothing if they wished. This explains the abuses for which different units of the colonial Police – from the constabularies to the Native Authority Police - were famous.



Installed to command a force comprising largely “native” people whose “dialects” they did not understand, the senior European officers at the top of the Police pyramid needed for their own sakes to run a very tight ship in which discipline was maintained by fear. It therefore suited them to run an institution animated by a culture of blunt and unquestioning “Force” in which Constables and Officers alike from among the “natives” enjoyed no latitude for discretion or communication with the “native populations”. The “natives” in the Police simply took orders from their European superiors and were made to count themselves lucky for doing so. In time, the “native” police personnel may, indeed, have grown to copy the manners and habits of these European officers some of whom would easily have their career patrons and role models. This would have discouraged the establishment of any culture conducive to peaceable, proactive or discursive engagement with local communities. In this way, it is easy to see how the habits of the colonial Police management and institutionalization would have survived and shaped the absence of non-coercive discursive traditions in the Police.

Moreover, colonized societies lacked a civil society. By definition, civil society can only be constituted by a civic population capable, by themselves, of levying political consequences through electoral or other processes of alternance, for the decisions of their government. Colonized peoples such as we had in colonial Nigeria, being subjects of a foreign sovereign, in Nigeria’s case, the British Crown, were in no position to exact accountability for the acts, omissions or abuses of the colonial Police. Rather than friends, the Police existed to be feared and avoided.

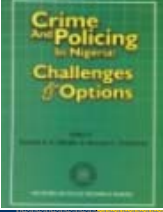
With the attainment of independence in 1960, it would not have been out of place to expect that this could have changed. Such change would, however, have required fundamental transformation in the laws, practices, doctrines and structures of Nigeria’s inherited colonial police force. This did not happen and, nearly 44 years after independence, has yet to happen. Rather:

The government that succeeded the colonial authority found it more convenient to retain all the colonial structures of coercion in dealing with the people. Therefore, instead of a major re-organization of the Police Force that would have included a

review of the body of laws governing Police activities in the country, what was witnessed was a ceremonial transfer of allegiance from the British Crown to the Federal Republic of Nigeria and a change of their former crests bearing the symbol of the British Crown to the Federal Coat of Arms. All other features that made the colonial Police widely feared and despised were left untouched. This has continued till date with limited review except perhaps, exacerbation that occurred during the 29 years of military dictatorship in the country.⁸

Military rule was no less dictatorial and even more deleterious than colonial government. Like colonial rule, the military did not come to power to build civil society or non-coercive policing. The local government reforms of 1971-78 eliminated the final vestiges of local police (in the even much more despised Native Authority Police) creating a truly unified federal police structure, to parallel the unified structures of the Armed Forces. Three major consequences of prolonged military rule - among many - for institutional policing practice were the consolidation by transference of the command mentality of the ruling armed forces to the Police and the elimination of any civil ethos that had been carried over from the civilian interregnums in post-independence Nigeria. In the language of the military dispensation which still rules the average Nigerian mind-set in or out of uniformed institutions, every thing had to be done “with immediate effect”. In addition, the institutional confidence of the police was damaged in comparison to the Armed Forces whose welfare and conditions of service had to be addressed by successive military rulers eager to anticipate (and prevent) the next coup or by senior military officers eager to purchase the fealty of putative coupists for an incubating putsch. In the calculation of successive military rulers, the Police had to be made to lack the capacity for a coup while retaining a residual capacity to put down any popular unrest, in much the same way that they had done under the colonial regimes. Speaking in Owerri in March 1988 on the consequences of this history for the discursive traditions of the Police, former Inspector-General of Police, Ibrahim Coomasie, lamented, that “men and women of the Police Force have been serving under a harsh political environment, torn between military authoritarianism and civil society, so much so

⁸ Centre for Law Enforcement Education & National Human Rights Commission, *Policing a Democracy*, *Ibid.*, 10-11.



that they have lost their civil traditions.”⁹

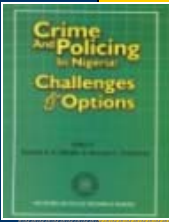
In perhaps the most authoritative ever survey of policing needs and perceptions in Nigeria carried out in 1999, the National Human Rights Commission and the Centre for Law Enforcement Education found that a clear majority of Nigerians (including a clear majority of Police Officers interviewed) believed that Nigeria’s Police were adversely beholden to colonial mentality and practices, adversely affected by prolonged military rule, and inadequately trained for policing in a post-dictatorship Nigeria.¹⁰

By way of a summary, the Police, like the law that it is meant to enforce, was instrumentalized by both colonial and post-colonial dictatorships in Nigeria. This bred an “us” vs. “them” polarity in civil society-police relations, forestalled the evolution of internal discursive practices or doctrines in Police relations with the civil society, and bred a cynicism about the state, government, and, logically, the Police as the best known face of the government. While policing needs continue to grow, the institution of the Police is held in low regard and does not earn or receive habitual co-operation from the people. Instead society constructs parallel arrangements to meet these ever-growing security needs, as can be witnessed by the boom in both vigilante arrangements and the private security industry. It is not far-fetched to assert that rather than mutually beneficial engagement. As a consequence, the relationship between vast swathes of Nigerian civil society and the Police is characterized by mutual antipathy, mutual avoidance, and, where necessary, mutual corruption.

It is therefore not surprising that when the Police as an institution makes the public relations assertion that the “Police are your friend”, the average, working Nigerian would probably wonder “when did that happen”? An honest analysis of the evolution of the Police clearly indicates that there is nothing in its over century old history to prepare it in fact to act as the friend of the average Nigerian. Rather than assert it, friendship of the Police with Nigeria’s people has to be earned. Earning this friendship entails an acceptance of debilities arising from this long history of oppressive policing. It means forging an institutional commitment to building a different policing culture and philosophy. In effect, the claim that the Police are

⁹ Cited *Ibid.*, 26.

¹⁰ *Ibid.*, Ch. 3.



your friend can be converted from an illusory assertion of fact to a statement of aspirational philosophy, a call to arms and to a new age in discursive policing. This requires, firstly, an assessment of the new topology of policing in Nigeria coupled with an isolation of the areas in which civil society partnerships can be sustainably built.

Whose Safety; What Security?

The safety and security topology is much more sophisticated today than in the past. Advances in the industrial mechanisms and population growth have put untold stresses on the environment, poor infrastructure and health and safety oversight mechanisms. As a result, the spectrum of safety and security needs includes such questions as industrial and civil safety (including management of political contests and monitoring of the exercise of constitutional rights), economic, communications and general infrastructural security, different kinds of accidents and related rescue operations, environmental security, and identity security, and more sophisticated mechanisms of intelligence that places a premium on prevention of safety and security crises rather than post-hoc detection of and responses to them.

These different forms of security needs exert different responses in terms of the capacities, discursive cultures and resource allocation for policing. Concerning capacities, this rich diversity of policing needs requires different kinds of skills, training and response capacities for which our Police is currently unprepared. Contrary to current practice, not all situations require the blunt force of the reactive police deployment. At present, not much attention is given to mostly cost-free communication as a policing tool in the community. More often than not, our police continues to be deployed mostly as an instrument of coercive operations rather than as an instrument for facilitating peaceful transactional life or co-existence. The transition from the former to the latter orientation a transformation in institutional doctrine and training as well as a more careful analysis of symmetry between policing resources and the safety and security needs of different communities. In addition, it also requires us to prioritize safety and security institutions services as charges on Nigeria's national appropriation and to ensure closer operational co-operation between them.

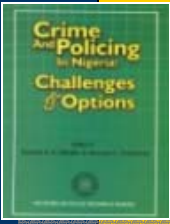
Safety and security policy in any society is shaped by a combination of factors, including the



practices of the institutions and actors in governance, politics, identity, police, society and crime. The interaction between policing, identity politics and governance is particularly critical to understanding the relationship of civil society and policing, especially, in a multi-ethnic society like Nigeria where a unitary Police institution does not always respond to the variety of safety and security needs across the fault lines of escalation and engagement between sub-national groups. In the course of time, these fault lines have become exacerbated by such factors as enhanced transactional opportunities (facilitated by internal migration), failures in national politics that lead to an entrenchment of sectional identities, and resulting collective resentment from a shared civic ethics grounded in legality and due process. Such a scenario leads in turn to a securitization of identity, in which people are more likely than not to entrust the fulfillment of their security needs to informal sub-national organizations. Viewed from this perspective, the emergence of ethno-religious vigilante arrangements such as Bakassi Boys, OPC, the *Hisba* Committees, etc, in different parts of Nigeria in the past half decade reflects an underlying trend in civil society's engagement with unresponsive safety and security policy.

As a related point, it follows that the processes of creating political nationhood and constituting and legitimating political power are similarly essential for an understanding of civil society's attitudes to both crime and policing. Where political power lacks popular legitimacy, its holders are often likely to instrumentalise the Police, valorize security, dispense with public safety, and prioritise "public order". In consequence, they undermine the institutional and operational credibility of public institutions in general, and, in particular, those public institutions that have safety and security responsibilities. Arguably the biggest damage to the credibility of Nigeria's Police institutions is the pervasive sense of a culture of impunity, especially, for the well to do, their children, their associates and their mistresses.

Any analysis of the topology of safety and security in Nigeria must acknowledge the tendency towards the securitization of identity in the face of an instrumentalized Police institution that enjoys low popular credibility. As a result, there are spatial trends in the variety of actors in Nigeria's safety and security market. In addition to the formal Police institution and identity-based, informal policing networks, there are also commercial security service providers, mostly located in anonymous urban contexts, engaged by the multi-



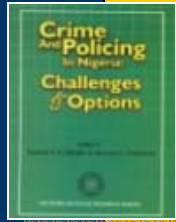
nationals or by wealthy Nigerians and staff of inter-governmental organizations (like the United Nations). In urban as in rural areas, there are neighbourhood vigilante and security arrangements. Mostly in urban areas, also, there is deregulated, informal market in menial security services provided by the so-called *Mai-Guards*, who are in fact hardly trained and generally very poorly paid. In reality, the major contribution of this informal market to the national safety and security calculus is that it provides some form of paid employment to persons who could, otherwise, be more easily lured into anonymous urban criminality. In the rural areas where social organization is built around familiarity rather than urban anonymity, and intrusiveness rather than dis-engagement, the *Mai-Guards* are not so ubiquitous. Quite apart from all these, the government often deploys the Armed Forces and other uniformed services for internal security and policing purposes. In the perception of the average Nigerian, therefore, all uniformed services are involved in some form of policing.

In Case There is the Will....?

Let us be clear - the Police in Nigeria are called upon to do a most difficult job. They suffer sever constraints of inadequate training, poor appropriations, political interference, and resulting debilities in personnel, traditions, materiel and morale. Every year, a significant number of Police personnel lose their lives on duty. Their families and survivors struggle along without hardly any acknowledgement or support from the society.

In my judgement, a majority of Nigerians are aware of these facts and crave for a world in which they can truly co-operate with and share the toils and tasks of policing. But public perceptions of the Police are shaped not by the nature of the job the Police are called upon to execute but by the way in which the personnel of the Police are perceived or seen to undertake their roles in many cases denigrating the law, endangering the citizens and blotting the institutional reputation of the Police that they represent.

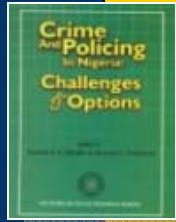
The Police are not just passive recipients of legal commands. They are active participants framing security needs in any society. Through its institutional choices and priorities in the allocation of policing resources, the Police critically contributes to shaping popular understandings of crime, safety, security, law and order. Similarly, attitudes in civil society are not such that they cannot be affected by professional and compassionate policing. Both the



Police and the civil society need one another.

A policy of engagement based on mutual dependency is both cost-efficient and goal-oriented. An operational philosophy founded on such a policy would give primacy to public communication skills as the most important safety and security tool in the arsenal of the Police. *Public communication* here is quite different from *public relations* or image laundering. What is called for is not the bolstering of the Public relations department of the Police but the provision of those skills to every police officer that would enable him or her to communicate with a mature public rather than seek to order us around or threaten us with the uniform or instruments or coercive violence bought with our petro-dollars. *It is also necessary to wean us all – Police and civil society alike – of the colonial and military fallacy that the average Nigerian is congenitally criminal and impervious to our own safety needs. This will not be easy. Such change, if we could engineer it, could transform the Police into primary and trusted purveyors of safety and security skills and needs in the community.* Given the country's limited resources, this would place the Police for the most part in the role of being strategic advisers and facilitators to individuals and communities in the provision and fulfillment safety and security needs. Crime prevention and intelligence-based policing would replace detection and enforcement action as the primary modes of police engagement. Enforcement-oriented Police intervention would thus be limited to a narrowly defined set of situations in a changed context in which the civil society would, as a result, be more favourably disposed to provide support and habitual co-operation to the Police.

Currently , civil society interaction with the Police is done mostly on a cash-and-carry basis. Those who can pay for it, individuals as well as companies, get Police protection. The point needs to be made that there is nothing necessarily wrong in principle with requiring payment for Police services. It is wrong, however, to create an internal market in Police services where a few rich individuals and multi-nationals purchase strategic Police resources which are then diverted to the detriment of the public. This practice has a tendency to reinforce the perception of the Police as corrupt. *It should be possible to establish a public Fund into which all non-state donations and contributions to the Police can be paid. This fund could be constituted as a public trust. The management and distribution of its proceeds could be overseen by members of the civil society working in collaboration with the Police.*



It is possible to isolate several other areas in which civil-society Police collaboration can be mutually beneficial. The media is a major actor in this matrix of safety and security actors and policy. As should be the universities and social science research institutions. It is in the nature of the news enterprise that both airtime and print space is accorded to incidents and events rather than trends. Violent crime makes compelling news, especially when the victims (or perpetrators) are notorious, powerful, popular, numerous or a combination of some of these. Without diminishing the importance of focusing on violent crime, a concentration on it could detract from the need to reflect a more coherent and true picture of crime trends in the country. For instance, domestic violence is for different reasons the most un-to-under-reported crime in the country, in all likelihood more pervasive than most if not all forms of violent crime. Whether or not this is indeed the case can only be revealed by a proper crime survey. A crime survey can be conducted and institutionalized between the Police, the Media and the Universities or research institutions. Crime surveys can assist the credibility of the Police with the public and give the Police useful intelligence pointers.

Skills training is also another area in which the Police and civil society can collaborate. Obviously, the Police are the best judges of where the training needs exist internally. ICTs, electoral crimes, white collar (economic) crimes, and crime prevention are some areas in which training collaboration between civil society and the Police could provide quite fruitful.

There could and should be closer collaboration between the Police and other non-public sector security service providers, including, particularly, neighbourhood vigilantes. In rural and riverine areas where Police units are few and sparing, neighbourhood vigilantes and similar informal policing units are essential providers of the safety and security. There is scope for Police assistance in training and co-ordinating the operations of such neighbourhood formations in collaboration with community and town unions or other civic associations where they exist. This will be a departure from the usually passive or logo-centric forms of public relations employed the Police.

Ultimately, the success of any Police institution requires a Police body that enjoys public credibility. Such credibility, in turn, depends on effective, credible and independent oversight of the Police. Former Inspector-General, Ibrahim Coomasie admitted during his tenure that

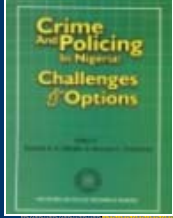
the Police had “a tainted image” which is “aggravated by the unwholesome behaviour of some of the men (and women)”.¹¹ Like all institutions, the Police tends to be inward looking in acknowledging malfeasance committed by its own members against non-members of the force, and in making reparations to the victims of such abuse and malfeasance. In their 1992 report on the Nigeria Police, the Human Rights First (then known as the Lawyers’ Committee for Human Rights) concluded:

A disturbing aspect of police abuse in Nigeria is the impunity enjoyed by violators. The Nigeria Police Force does not discipline or sanction its officers for violating fundamental rights. On occasion, Police authorities have set up internal Police Force boards to investigate allegations of excessive force to allay public pressure. However, according to Nigerian human rights lawyers, internal Police boards of inquiry have never resulted in disciplining of Police officers that violate human rights.¹²

This still largely reflects public perceptions even if the reality. Rather than undermine the Police, evidence of an open response to such situations enhances public confidence in the Police. The Police and the civil society can collaborate in ensuring the effectiveness of independent oversight mechanisms. For this purpose, it is, therefore, essential for the operational credibility of the Police in Nigeria that the Police Service Commission succeeds and is seen to be independent of the Police. Both the Police and civil society have a self interest in making this work.

¹¹ See Etannibi Alemika, “Police-Community Relations in Nigeria: What Went Wrong?” in CLEEN & National Human Rights Commission, *supra*, 87.

¹² Lawyers Committee for Human Rights, *The Nigerian Police Force: A Culture of Impunity*, 9 (1992).



3

Border Security and Transborder Crimes: The Nigerian Experience in Comparative Historical Perspective

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Introduction

The menace of cross-border armed banditry, violent automobile theft, and human trafficking has in recent years drawn public attention to the well known problem of policing Nigeria's international boundaries. As is now so well known, transborder violent crimes, with special reference to armed automobile theft in the south western States of Lagos, Ogun and Oyo became so prevalent that the Federal Government was compelled in 2003 to officially close the border with the Republic of Benin to compel the neighbouring foreign jurisdiction to effectively cooperate in arresting the trend through the apprehension of culprits who have for so long taken advantage of the asylum provided by their own side of the inter-sovereignty boundary. In Nigeria's Northeast, the problem of armed banditry is similarly known to have occasioned a special resolution of the Senate, sponsored by Senators from the affected constituencies, calling on the Presidency to mount diplomatic pressures on Cameroon, Chad and Niger, identical to measures taken in respect of the Republic of Benin, to deal with the unbearable problem of armed bandits operating from bases widely believed to be located in the adjacent border areas of the neighbouring countries.

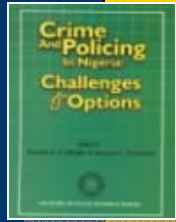
Two national seminars, one in Yola in 1999 and the other in Sokoto in 2001, organised by the Nigerian Institute of International Affairs (NIIA, Lagos) on the theme of cross-border armed banditry, demonstrate that, far from being limited to the Northeast, the menace of cross-border violent crime was also a major security problem encountered in such Northwestern border States of Jigawa, Katsina, Zamfara, Sokoto, Kebbi and Niger. Evidence of spread further south, into Southwestern Nigeria, has been found in grave incidents that have been recorded in and around Imeko-Afon Local Government Area of Ogun State, with special reference to the Iwoye incident of 2002.

More recently, the exposure of the phenomenon of illegal importation of Beninese children into Ogun State has added the issue of human trafficking to the already congested security situation beclouding the Nigerian border areas. Add these waves of violent crimes to the new global concerns about terrorism and the more familiar older issue of contraband business transaction, including those in narcotics and small arms, to appreciate the special complexity of the challenges posed to policing along and across our international

boundaries. The diplomatic approach, recently adopted for the southwestern states vis-à-vis the Republic of Benin and strongly advocated in the Senate resolution for Northeast vis-à-vis the Republics of Cameroon, Chad and Niger, is indicative of the need for law-enforcement in the border areas, to be more creative and imaginative.

The purpose of this paper is broadly three-fold. The first as already indicated is to present the critical incidents of violent crimes involving the asylum use of all our borders with Benin to the west, Niger to the north, Chad to the northeast, Cameroon to the east, and Equatorial Guinea to the southeast. Thus rather than a piecemeal approach, a policy instrument should be adopted, which takes into account the ubiquitous nature of the problem of border security and transborder crimes. The second purpose is to emphasise the historical perspective of the wider Nigerian comparison by drawing attention to the waves of armed robberies, including the now commonplace experience with violent auto-thefts, which have gripped much of the Southwest (especially the adjacent Lagos and Ogun States) since the end of the Civil War and are known to have been stimulated by a thriving market for the stolen goods both internally within Nigeria and, perhaps more importantly, in neighbouring inter-African jurisdictions of Benin, Togo, Niger, Mali and Burkina Faso (Asiwaju, 1987). The historical perspective will also draw attention to the non-violent antecedents and wider border criminal networking provided by the established tradition of cross-border business in contraband goods, a tradition as old as the borders and one that will continue to thrive for as long as the sovereign states defined by the borders continue with policies that treat the boundaries and borderlands more as factors of sovereign separation, isolation and rivalry than of inter-sovereignty overlap and interdigitation that call for co-operation.

Thirdly and finally, the essay will draw attention to the global level and context of the comparison. This third purpose will be served by the inclusion of some details in respect of the U.S.-Mexico border and borderlands as the best available magnifying glass for viewing border problems world-wide with special reference to law-enforcement generally and policing in particular. This three-level comparative reflection is demanded by policy-making which calls for as full knowledge as possible of the subject. The wider Nigerian comparison is important in order for public decision makers to bear in mind the wider national context of the worrisome events in the Southwest and the Northeast and the need for a comprehensive policy measure. The global level is to suggest the possibility of lessons that may be available in the historical experience of other parts of the wider world of borders and border-related crimes, lessons in the success as well as failures of such other areas of the world, especially those of the older nation-states (e.g. the member-states of the European Union) which, has faced our kind of problems for a much longer time and have found increasingly successful solution to them. To ensure proper focus, the discussion of the empirical data will now be prefaced with an x-ray of the special challenges posed to policing by borders or international boundaries, and the posers therein for a new capacity –building effort.



The Problem

For an agency like the Nigeria Police Force, created, structured and maintained for the singular purpose of enforcing nationally determined laws within a territorially defined area of sovereign jurisdiction, international boundaries, including their closely inter-related borderlands (i.e. localities and communities in close proximity to the borders), pose special challenges on account of the following inter-woven peculiarities, among others:

i. **Boundaries, as legal limits of the area of a sovereign jurisdiction,**

- Place severe restrictions on the police and related agencies of the state on the one vis- a-vis the other side of particular boundaries and
- Offer asylum: to criminals and delinquents who seek escape from the side of the border where a breach has been committed

ii. **The nature and character of borderlands as inherently bifurcated constituencies,** often characterized by cultural or ethnic ecumenes or communities with significant extensions or continuums in the area of an adjacent foreign jurisdiction. The relevance of this, further underscored below, is the cover provided for criminals, including spies for states on the other side of the borders.

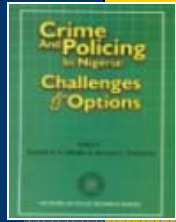
iii. **A transborder location and orientation of borderlands** that make for ill-adaptation to nationally determined laws and law-enforcement and call, instead, for a transborder collaborative regulatory and enforcement regime, not so well known to national policing system

iv. **Conflict of laws that calls for urgent harmonization:**

- a. Between indigenous African Customary laws and the inherited European Metropolitan system operating on the distinct sides of given boundaries, and
- b. Between the divergent European Metropolitan traditions obtaining on the different sides of any of the given boundaries (e.g. the Anglo-Saxon tradition of Common Law in Nigeria and the contrastive Latino (French or Spanish) Tradition of Civil law in neighbouring countries.

v. **Proneness to crime, compounded by:**

- a. Functions / malfunctions of boundaries as creators / facilitators of vice, arising from an unusual permissiveness resulting from the fact that what is forbidden on one side may be what is allowed on the other side of the same border;
- b. Special attraction for clandestine transaction arising from the usual enforcement of the barriers functions and the resultant flourishing of significantly different economies and markets that make illegal exchange irresistibly profitable; and finally



- c. The disposition of boundaries, together with their camouflaging borderlands, as lines for quick escape, explored as much by refugees, genuinely running away from oppression and insecurity of life, as by smugglers, gun runners, rebels fighting government on the other side, and violent criminals such as armed bandits and robbers escaping with their loots (e.g. automobiles snatched from the owners at gunpoint)

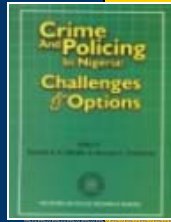
- vi. **Multiplicity of Law-Enforcement Agencies and Processes:** (e.g. the parallel operations of the Police, Immigration Service, Customs Department, Port Health, Drug Law Enforcement, State Security Service) on the side of Federal States such as Nigeria (and also the United States of America) and the simpler but more efficient institutional centralization obtaining in Centralist states such as Nigeria's neighbours. Institutional multiplicity breeds intra-systemic conflicts to the advantage of the breach of law (e.g. the manifestation of the unending quarrel between the Police and Immigration Service in the handing of the problem of human trafficking and massive child abuse involving Beninese businessmen importing children into Ogun State of Nigeria).

- vii. **Peripheralisation and marginalisation** arising from familiar distance and remoteness of boundaries and borderlands from national and sub-national centres of mainstream socio-economic life.

- viii. **Infrastructural discontinuities:** arising from the strategic neglect in socio-economic development planning based more on essentially outmoded nation-statist than wider regional integrationist ideology. Borders and Borderlands are areas of bad roads, if roads at all; they are marked by absence of standard health services, educational intuitions and industrial development. Because of this strategic neglect, the areas in focus are also those that have provided sites for establishment of poorly managed forest reserves that now provide cover and hideouts for cross-border bandits (e.g. the Northeast and Southwestern border areas)

- ix. **Massive Abuse of Human and Peoples Rights:** arising from all kinds of unenlightened restrictions imposed on the generality of the **strangely innocent** border citizenry, and making border areas a virgin field for the intervention of human rights groups, especially those committed to the defence of rights to freedom of movement and of association, to say nothing of the rights of social and economic development as well as protection from police brutality and wider border enforcement irregularities and official corruption.

- x. **Inadequacy of Awareness About Existing Legal and Diplomatic Instruments** (Provisions of Several Bilateral and Multilateral Agreements, Protocol and Treaties) that could be invoked to reduce, if not eliminate, incidents of abuses or to proactively facilitate the genuine functions of law-enforcement institutions, including the



forging of desirable collaboration with counterparts agencies across the borders, beyond mere informal interactions. (This point underscores the recommendation, inserted in a later part of this paper, for a special capacity building for the police).

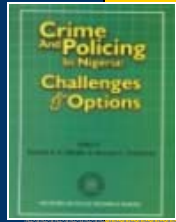
The Comparative Historical Focus on Nigeria

The U.S.-Mexico Borderlands Insight:

While the subject of transborder crimes has been the focus of research attention in many parts of the nation-state world, including the oldest in the area of present-day European Union, the best known concentration has been on the U.S. - Mexico border and borderlands for the obvious reason of its spectacular character as the most prominent “where North meets South”, bringing into boldest relief the questions and issues of *difference* or contrast that delineate cross-border relations. A researched publication, significantly titled “the border as locator and innovator of vice” (Bowman,1994) has provided us with the U.S. - Mexico illustration of an experience that is shared across the wider world of nation - state territory and boundary: namely, that, through its age-long roles and functions as institutionalisation of difference (in policy and political regimes), a boundary - between sovereign states as well as one between sub-sovereignties such as states within Federation like the United States of America - tends to take on the roles and functions of creator and sustainer of “crimes”. The arguments, based on a comparative study of the so called “sin business” (prostitution, gambling and other forms of “adult entertainments”) on the U.S. - Mexico border for the one level of the analysis and those across the Nevada - Utah interstate boundary within the U. S. for the other, are unassailable and can be easily replicated structurally or contextually, *though* not in matters of minute details, for Nigeria in respect of relations both across and within the nation’s territorial framework.

Other studies of the U.S. - Mexico border have pointed to a greater degree of comparability and applicability to Nigeria. Two studies stand out in this respect: the seminal studies of “Vehicle Theft Along the Texas - Mexico Border” by Michael V. Miller (1987) and the earlier essay on “The Border Underworld” by Peter A. Lupsha (1985). Here again, the detailed contents may not and cannot be the same in both the U.S. and Nigeria; but the contexts and perspectives are so similar, if not identical. The special relevance to the current problem in Nigeria’s Southwest is particularly easy to see in the “vehicle theft” study, in view of the author’s well informed categorisation of this aspect of cross-border criminality as falling within “the binational context of predatory crimes” or, more broadly, “violent or property offences”.

The phenomenon is the same on the U.S.-Mexico border as on the Nigeria - Benin border: for just as vehicles taken by organised gangs disappear on the U.S. side only to reappear either in dismantled parts or in units on the Mexican side, so are Nigerian automobiles, so often taken at gunpoint or the killing of their owners in Lagos, known to have been taken across the border into the Republic of Benin and, from there, to Togo, Niger, Mali and Burkina Faso. Also as in the case of the U.S. vis-a-vis Mexico, vehicles, like other stolen



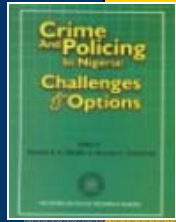
property, once taken across the Nigerian border, are very difficult to recover, even when they have been found in the neighbouring countries, due to insurmountable obstacles put in the way of such recovery by differences and discontinuities in the legal systems and law-enforcement procedures, the common-law tradition on the one side and the sharply contrastive civil-law system on the other, to say nothing about the more fundamental issue of the mutual assertion of sovereignty. In both situations, the informal often prove more useful than the formal procedures for recovering stolen property. In Nigeria, as in the U.S., differences in the legal systems vis-a-vis the adjacent countries (Benin, Niger, Chad, Cameroon and Equatorial Guinea in the one case; and Mexico, in the other) have ensured the protection and safety for those who offend against Nigerian state and created as well as sustained havens for them in the adjacent foreign jurisdiction(s).

Lupsha's essay on "the border underworld" draws attention to a particularly instructive aspect of cross-border criminality which, though based on the U.S. - Mexico border and borderlands data, cannot and must not be ignored by those engaged in policy studies of the Nigerian situation. Lupsha underscores the notion of crime as a matter of behaviour; he, therefore, argues for the special role of the environment which must be understood in its totality and for its interconnectedness. With special reference to the U.S. - Mexico borderlands, this analyst presents us with the main environmental features that stimulate an over-all culture of crime: a border; dramatically asymmetric economies, including the monetary systems; separate and parallel legal systems; different perceptions and interpretations of law; and, generally, mutually opposed perceptions and recognitions of rights and wrongs. As Lupsha further submits, "while all borders can create havens for the criminal element, borders [like the one between the U.S. and Mexico, and, relatively, those between Nigeria and each of its neighbours] possessing great differences in income, material well being, and wealth become natural points of crime and illicit exchange..."

A major aspect of Lupsha's presentation on the U.S. - Mexico border, which must attract our attention in Nigeria, is the emphasis placed on the factor of the inherent interconnection between the so-called "border underworld", on the one hand; and, on the other, what he has categorised as the "upper world players" in the so-called "legitimate" sector of the society. The distinctions and the interdigitations are especially easy to see, for example, in the activities of organised narcotics traffickers and organised illicit cargo transporters on the one hand; and, on the other, financiers made up of businessmen, professionals and bankers who provide the capital for underworld business operations. The role of bridge is performed by "contractors who work as middlemen", linking "border underworld" with "upper world players".

The picture is then presented of the U.S. - Mexico borderlands, as window on the wider world of the border phenomenon, characterised by an involvement of whole communities, especially in and around the borders. Lupsha's relevant observation is worth quoting extensively. He notes that:

The involvement of the legitimate business and commercial sectors in the



cross-border economy of contraband naturally involves that community with the corrupt and the criminal. Given limited available economic investment opportunities in U.S. border communities and capital scarcity on the Mexican side, contraband has historically been the life's blood of many border communities. This, in turn, helps create a climate and culture of permissiveness, participation with, or at least a tolerance of, contraband and smuggling among border political and economic elites. Such tolerance is then reflected in the actions and attitudes of law enforcement that become conditioned and acculturated to operating in a world where smugglers and contrabandists play, directly and indirectly, an active role in daily commerce and economic exchange.

Since "the involvement of the legitimate business and commercial sectors... with the corrupt and the criminal" affects both sides of the border and has been found to have deep historical roots, then the complexity of the problem must begin to dawn on anybody concerned with a search for solution to the problem of cross-border criminality, including the predatory sub-category focused in this essay.

The U.S. - Nigeria Comparison:

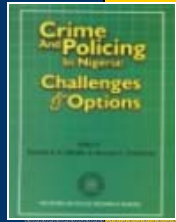
The justification for the preceding discussion is in the obvious comparability of the U.S. - Mexican case with the Nigerian situation and the implied applicability of the findings of existing studies of the one case to the problems raised in the other example.

Since there is already a substantial material in print on the wider subject of comparability of African and other regional historical experiences (notably those of Western Europe and North America) in respect to the history, structure, functions and problems of inter-sovereignty boundaries, it will suffice in this essay simply to draw attention to the essentials of the argument as they apply to the more specific issue of cross-border crime and criminality in Nigeria vis-a-vis each of the proximate countries.

With particular reference to the U.S. - Mexico border and borderlands, unarguably the most problematic and, therefore, best researched single international boundary in the world, the Nigerian situation exhibits so much similarity of structure, functions and problems that makes it clearly suicidal for policy analysis and policy making on the latter to ignore the scientific data on the former.

There are so many points of the comparison, which point to a replication of virtually every aspect of the U.S. - Mexico border and borderlands situation on each of Nigeria's international boundaries. These include:

- Observable asymmetry of territorial or/and population sizes;
- Disharmony in the sizes of the economies: the dramatic contrasts in resource endowments (human and material) and relative levels of development;



- Incongruity in the monetary systems;
- Discontinuities in legal traditions, as between an official adoption of the Anglo - Saxon Common Law regime in Nigeria and the Latino/Civil Law practices in the French - and Spanish - speaking neighbouring countries;
- Contrastive Constitutions: e.g. Nigeria's federalism in juxtaposition with the centralism of each of the proximate countries;
- Mutually opposing socio-economic policies;
- Distinct official cultures (e.g. the Anglophone versus francophone expressions) with the implied typical opposition mentalities of the political elites on either side of the borders and an over-all back-to-back relations across the borders; and finally,
- The spill-over effects of internal conflicts and tensions, especially noticeable on the eastern northeastern borders with Cameroon and Chad, as shown in the flow of refugees (e.g. Chadian into Nigeria and currently Nigerians from Taraba State into Cameroon) and proliferation of small arms. (e.g. from Niger Delta into Akwa-Ibom and Cross River States and probably into the Bakassi Peninsula, disputed with Cameroon)

The significance of these contrastive regimes and established tradition of policy disharmony, on the Nigerian side as opposed to the other sides of boundaries “shared” with neighbouring countries, is in the strong convergence of support they lend to the overall culture whereby what “we” forbid is almost always what “they” permit. The asymmetry in the economies and the tradition of mutually opposed policy-making created have continued to sustain contraband and fraud as dominant characteristics of the border economy in Nigeria vis-a-vis the neighbouring countries, in a manner so similar, if not identical, with developments on the U.S. - Mexico border.

Discontinuities in the legal traditions, as between the colonial inheritance of the British Common Law in Nigeria and the French or Spanish Civil Law in the adjacent countries, plus the dependent difference in the interpretation of the law and the perception and recognition of rights and wrongs, have provided criminals asylum situations on the different sides of the Nigerian boundaries. We have, for example, made references to identical difficulties encountered in Benin, Togo, Niger, Burkina Faso and so on by owners of Nigerian stolen vehicles found in those countries, as by owners of American stolen automobiles in Mexico, difficulties that are sequel to obstacles placed by parallel legal and policing systems.

Policy Recommendations

Appreciating the Structural Nature of the Problem

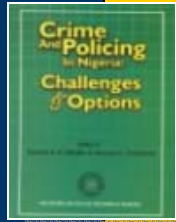
Given the special nature of border regions as environments whose main delineating feature is the presence an inter-sovereignty boundary, meeting the obviously unique challenges posed to policing requires the prior appreciation of the structural character of the problem at hand. Short of asking for the impossibility of boundary elimination, there must be a determination, based on a larger policy vision and commitment, to reduce (if not eliminate) the risks of conflict posed by the borders while maximizing the opportunities for international cooperation presented by them.

Policing along and across our international boundaries must, therefore, require a capacity to learn very quickly from the experience of the older parts of the nation-state world, notably Member-States of the European Union, long engaged in what we are only beginning to do with regards to wider regional cooperation and integration processes and commitment to democracy, good governance, rapid economic development, and social welfare of the people.

Policy Task Areas:

Accordingly, policing for border security and control of transborder crimes must reckon with four principal task areas as follows:

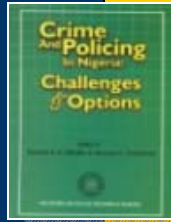
- The multidimensional nature of state interests in border security and the resultant multiplicity of the specialized institutions that have been created to cope with the diverse issues involved, a situation that calls for a more effective institutional coordination than is now in evidence;
- The inherently internationalized nature of locality along and across the inter-sovereignty boundaries, compelling cooperation and collaboration with policing agencies on every other side of our international boundaries;
- The delicate and complex nature of fundamental human rights that stand to be protected in the border areas, rights, especially, of the innocent peasant majority to freedom of movement and association which, for the border local communities, vitally include movement and association across the boundaries, in view of strong and close kinship ties with the other side of each of the borders between Nigeria and her neighbours.
- The imperative of a special development focus, aimed at the accelerated improvement of border regions as areas characterized by generalized infrastructural discontinuities (access roads, health and educational facilities, potable water and electricity).



Action Plans for the Nigeria Police Force

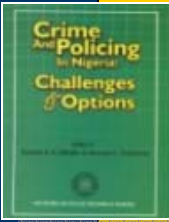
With special reference to the Nigeria Police Force, with foremost responsibility for law-enforcement in the nation, including areas along and across its borders with proximate foreign jurisdictions, these four task areas must translate into certain specific action plans. These will include:

- (i) The challenge of coordination with specialized border-enforcement agencies, notably: the Enforcement Unit of the Customs Service; Immigration Service; Port Health; the Intelligence Community, especially the SSS.
- (ii) Capacity-building for collaboration and cooperation with law-enforcement agencies of the adjacent foreign jurisdictions.
- (iii) Capacity-building aimed at understanding and respecting human and peoples rights in the border areas, even when engaged in border security and law-enforcement.
- (iv) The imperative of collaborative relationship with the local community, in consideration of roles and functions of the latter as willing or unwilling hosts to cross-border crimes and criminals.
- (v) Capacity-building, including training programmes abroad, aimed at appropriate exposure to the comparative experience of other older parts of the nation-state world, especially the Member States of the European Union, which provides the model for our own African Union and ECOWAS.
- (vi) The initiation and/ or support by Nigeria for the creation of new regional-integration-friendly mechanisms at the level of both the Economic Community of West African States and the African Union, equivalent to such European Union border security institutions as the European Border Police, European Police College, and the EUROPOL (These were creations of the European Union Treaty of 1993 popularly known as the Maastricht Treaty, reinforced by the Schengen Agreements and more recently comprehensively enshrined in the Amsterdam Treaty of 1999, whereby member states of European Union adopted a common Justice and Home Affairs Agenda to deal with problems and issues of internal security).
- (vii) The imperative of specialized transportation and communication equipment, in view of the generally difficult borderlands terrains, including on water (lakes, creeks, lagoons and open sea), mountain ranges and ravines as, for example, on the eastern border with Cameroon.



- (viii) Appreciation of the Nigeria Police Force as indeed other Border-Enforcement Agencies as both beneficiaries and catalysts for Border Region Development, especially as provided for in the new law for Border Communities Development Agency.
- (ix) The recognition of the critical role of fundamental research and the dependant demand for research support for the development of police science and police studies in our tertiary institutions.

These predominantly capacity -building recommendations are dictated by the demand for suggested institutional innovations and the requirement for a new breed of high-calibre personnel for policing Nigeria's inherently internationally bifurcated border regions and consideration of a new age of avowed policy emphasis on transborder cooperation and wider regional integration as well as a commitment to democracy, good governance and concern for the social welfare of the people, including those in our widely neglected border regions.



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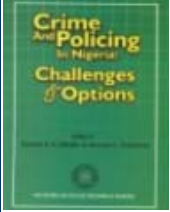
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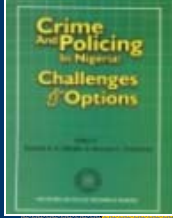
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THE IMPACT OF POLICE CHECKPOINTS ON CRIME AND COMMUNITY IN NIGERIA

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Introduction

Policing in Nigeria, like what obtains in other countries of the world, is an arduous and risky task. It is a truism to say that rain or shine, the police are perennially at work and often at odd times and in places of danger. Apparently, theirs is not an enviable employment, but a vocation for selfless people who derive fulfillment in doing their work of protecting life and property against offenders, thereby maintaining public order. Against this background, the plan of this paper is to examine the checkpoint phenomenon, regarded as an intrinsic and integral dimension of police powers to stem criminality in Nigeria. It is our view that this examination shall involve our understanding of the constitutionality of checkpoints. Thereafter we shall look at the effects of checkpoints on crime and community.

Constitutionality of Checkpoints

There is no gainsaying the fact that a checkpoint does not simply find itself in (a) position; it exists as a barrier put in place by some person(s) or manned entrance where inspections are carried out. In consequence, any person(s) can use a checkpoint legally and legitimately to serve the purpose for which it is mounted. For instance, the entrance of a private thoroughfare or premises may have a checkpoint to regulate ingress or egress. Generally, however, the public tends to associate the word “checkpoint” with the police. But police checkpoints are normally found on highways and other public places. Private driveways, entrances or premises are usually not places where the police set up checkpoints, unless the private owner so permits. Such consent is as good as a legal authority for the police to use the private property.¹ Otherwise, private ownership of property entails an entitlement to the right of privacy guaranteed and protected by the Constitution². Interestingly, however, the same Constitution allows the derogation from this right if that is necessary for public order.³ And the police have the duty to maintain public order. Accordingly, police checkpoints on private property is permissible in law, but by virtue of a warrant⁴ or under the doctrine of necessity.⁵

On the whole, the police have the constitutional prerogative of policing Nigeria. For this reason, the Police Act,⁶ an enabling statute under the Constitution, provides as follows:

¹ See *Ghani v. Jones* [1970] 1 QB693; *McGowan v. Chief Constable of Kingston-upon-Hill* [1969] Crim. L.R. 38; *McAdle v. Wallace* [1964] Crim. L.R. 467; *Entick v. Carrington* (1765) St. Tr. 1029; 95 ER 807. For further reading see; GOS Amadi, *Police Powers in Nigeria*, 2000, chap.6

² Constitution of the Federal Republic of Nigeria, 1999, s. 37

³ *Ibid.* s. 45(1)(a)

⁴ Criminal Procedure Act, Cap Laws of the Federation of Nigeria 1990, s.107, *et seq.* A warrant issued to search premises implies, it is submitted, mounting a checkpoint therein if that is necessary to detect and prevent crime.

⁵ See *Thomas v. Sawkins* [1935] 2KB 249; *Smith v. Shirley* (1846) s CB 142; 136 ER 58; *Handcock v. Baker* (1800) 2 Bos & P; 126 ER 1270

⁶ Cap Laws of the Federation of Nigeria 1990

The Police shall be employed for the prevention and detection of crime, the apprehension of offenders, the preservation of law and order, the protection of life and property and the due enforcement of all laws and regulations with which they are directly charged...⁷

Arguably, section 4 of the Police Act is as omnibus as it is elastic. In this regard, we submit that the police checkpoint is an inherent aspect of the section, being a means of detecting and preventing crime. However, the section is a general provision, stating the nature of employment of police officers,⁸ without specifying how such employment should be carried out. Consequently, another enabling law, the Criminal Procedure Act, gives the police the power to arrest under diverse circumstances.⁹ But nowhere does the Criminal Procedure Act provide in categorical terms that the police should mount checkpoints. The Police Act also has no such clear-cut provision. Even so, as we have earlier stated, the power to use checkpoints is apparently derivable from section.

Checkpoint as Stop and Search Location

If we leaf through the extant penal statutes in Nigeria, we may not find where the phrase “stop and search” is used to give authority to the police to mount checkpoints. The law currently in operation, and which is an inheritance from the English common law, is that of “arrest and search.” This means that a person cannot be searched without first being arrested.¹⁰ But in “stop and search” arrest is normally dispensed with, and the checkpoint provides an ideal location where a person can be searched after being stopped.

⁷*Ibid.*, s.4

⁸Police Officers are members of the Police Force established by the Police Act: Criminal Procedure Act, s.2(1)

⁹*Ibid.*, s.10, which provides for arrest by a police officer without warrant. For further reading, see GOS

Amadi; *op.cit.*, chap. 3.

¹⁰Criminal Procedure Act, s.6(1)

It seems that “arrest and search” is subject to section 4 of the Police Act, which apparently gives the police the discretion to determine the method to use in detecting and or preventing crime. One such method is the use of checkpoints. At all events, whatever manner the police use in doing their work under section 4 of the Police Act, such means must not be tainted with illegality. For instance, the use of torture, harassment or intimidation is not a lawful or even legitimate method of detection and prevention of crime. The implication here is that the section can only accommodate lawful means of solving the crime problem. It is on this score that we can comfortably explain the use of the checkpoint, which entails in fact “stop and search.”

At this point it is important to differentiate between “*arrest* and search” and “*stop* and search.” Whereas “search” in the two phrases mean the same in law and in fact, this is not so with “arrest” and “stop”. Although “arrest” has no statutory definition yet, case law defines it as “the beginning of imprisonment.”¹¹ We are not aware at the time of going to the press of any legal definition of “stop.”

Again, “arrest” follows a certain procedure. A police officer making an arrest shall actually touch or confine the body of the person being arrested, unless by word or action, he submits to the custody of the police officer.¹² This is not so with “stop”, and this means that a police officer may use his discretion to determine not only whether or not to stop a person but also the method of stopping him. Whatever the police officer does in this regard is subject to the police powers of preventive justice.¹³

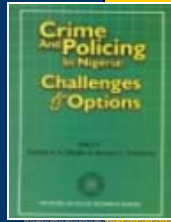
A person sought to be arrested, except he is in the actual course of the commission of a crime or is pursued immediately after the commission of a crime or escapes from lawful custody, has the constitutional right to demand from the police officer the reason(s) for his arrest.¹⁴ Thus a person sought to be stopped finds himself in a legal dilemma: if he refuses to stop, the police may disapprove of his behaviour; if he stops the police would say that he is not under arrest, yet he is not free to go. This problem seems to arise from the fact that neither the Constitution nor any enabling penal enactment uses the word “stop” in relation or as a prelude to search or detention. Yet the police employ “stop” as a practical and functional means of detection and prevention of crime. This being the case, it is reasonable that a person “stopped” should be informed as to why his movement was put to an end.

It is important to note that since “stop and search” go together, then every “stop” is done with a view to searching or doing other inspection. In other words, “stop” alone, without concurrent search is invalid; indeed it is indefensible because no one has any right to stop another just for the sake of doing so.

¹¹*Christie v. Leachincky* [1947] AC 573, at 600; *Asemota v. Yesufu* [1982] 3 NCLR 419

¹²Criminal Procedure Act, s.3. For further reading, see GOS Amadi, *op. cit.*, chap. 2

¹³*Ibid.*, chap. 4, in particular pp. 119-122



¹⁴Criminal Procedure Act, s.5; the Constitution, s.31; *Ikonne v. C.O.P.* [1971] QB 367, at 370;

Anakwe v. State [1969 1 All NLR 133; *Christy v. Leachinsky* [1947] AC 573

On the other hand, “arrest” is valid in itself provided it complies with the law of arrest described above. This means that a search may not be necessary or carried out after an arrest. In the end, whereas “arrest” or “arrest and search” can take place anywhere any time if a police officer has reason to do so,¹⁵ the law is yet to clearly say so with “stop” or “stop and search”. If a police officer on beat has reason to suspect that a person has committed or is committing crime, the law says that the suspect should be arrested, and if the need arises, search him.¹⁶ Stop and search in these circumstances become irrelevant, if not unlawful. Essentially, the law in this regard creates a balance between police powers of arrest and search and the right to individual liberty in our criminal justice.

This brings to mind the legal consequences of “stop” or “stop and search.” Since, unlike arrest, the law has neither the definition of “stop” nor the procedure of putting it into effect, there seem to be nothing like lawful or unlawful “stop”. A person who is stopped by a police officer has a right to move on,¹⁷ unless he is categorically made to understand that his movement is under check.¹⁸ Such “stop” may be regarded as constructive arrest, albeit unlawful, more so when the person stopped has no other means of continuing his movement without harm or threat to harm to himself or property. On this score we have a convergence of legal consequences of civil litigation against unlawful imprisonment¹⁹ and or criminal prosecution against deprivation of liberty,²⁰ resulting, as it were, from invalid stop or invalid arrest. Finally, on this matter, it is interesting to note that section 29 of the Police Act has this to say:

A police officer may ***detain and search*** any person whom he ***reasonably*** suspects of having in his possession or conveying in any manner anything which he has reason to believe to have been stolen or otherwise unlawfully obtained.²¹

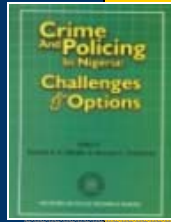
This provision does not employ the term “stop,” but uses instead the phrase, “detain and search.” Notwithstanding this semantic difference between the words, “detain” and “stop”, the practical effect of either term is that a person detained is “stopped” and a person “stopped” is detained. The reason for this is not far to seek: you cannot detain one without first stopping one and you cannot stop one without detaining one, even for a fleeting second.

¹⁵Criminal Procedure Act, s.10(1), for further reading, see GOS Amadi, *op. cit.*, chap. 3

¹⁶*Ibid.*, chap. 2

¹⁷See *Donnelly v. Jackman* [1970] 1 All ER 987

¹⁸*Ibid.*, *Collins v. Willcock* [1984] 1 WLR 1172, at 1178; *R v. Inwood* [1973] 2 All ER 646; GOS Amadi



op.cit., p. 184

¹⁹*Iyere v. Duru* [1986] 3 NSCC 1215: see Richard Clayton and High Tomhnson, *Civil Actions Against the Police*, 1987.

²⁰Criminal Code, s.365; *Edo v. C.O.P.* [1962] 1 All AILR 92

²¹Emphasis added.

A juxtaposition of section 29 of the Police Act and section 10 of the Criminal Procedure Act, referred to earlier, brings to the fore an apparent conflict as to the procedure the police may adopt in dealing with a suspected offender. The latter Act provides ten different situations under which the police may on reasonable grounds and without warrant effect arrest. A provision, which is similar to section 29 of the Police Act, says that a police officer may arrest “ 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 thing”.²²

A complement to section 10 is section 6(1) of the same Criminal Procedure Act, which provides that whenever a person is arrested by a police officer, the latter making the arrest may search the former. It is evident that from these provisions that while the Criminal Procedure Act provides for “arrest and search” as we have earlier observed, the Police Act provides for “detain and search.” We now know that arrest is the beginning of imprisonment,²³ but “detain” seems yet to be given a legal definition. This notwithstanding, arrest involves detention, and a valid arrest is a valid detention, meaning, therefore, that detention is also imprisonment. But it is an unlawful imprisonment if it stems from detention without arrest.²⁴

An examination of section 29 of the Police Act, clearly shows that its scope is severely limited. First, having regard to the conjunctive word, “and”, joining the powers of “detain and search” in the provision, then the powers are complementary. By virtue of the section, neither “detain” nor “search” can severally be put into effect by the police. Both powers must be used concurrently, implying that detention lasts as long as the duration of the search or vice versa. But a further detention after the search is unlawful.

Secondly, the section applies only to stolen property or any property unlawfully obtained. Property here refers to moveable, animate or inanimate objects, and these qualify as “anything” in the section. For this reason, the provision does not extend to any other crime and the police in that respect have no powers to “detain and search” persons involved in non-theft crimes, such as murder.

And, thirdly, the powers to “detain and search” are preceded by reasonable suspicion, without which a police officer may not act under the section. The courts agree that the issue

of reasonable suspicion is objectively ascertainable,²⁵ and this is so with section 10(1) of the Criminal Procedure Act dealing with arrests and section 6(1) in respect of searches.

²²Criminal Procedure Act, s.10(1)(d)

²³*Christie v. Leachinsky* [1947] AC 573, at 600; *Asemota v. Yesufu* [1983] 3 NCLR 419.

²⁴*Edu v. COP* [1982] 3 NCLR 219; See further GOS Amadi, *op cit.*, chap. 8, in particular pp. 193-195

²⁵*Ogor v. Kolawole* [1985] 6 NCLR 534, *Shaaban Bin Hussein v. Chong Fook Kam* [1969] 3 All ER

1626; *Oteri v. Okorodudu* [1970] 1 All NLR 195; *Durubelkel v. Roberts* [1944] 1 All ER 326; *Chinski v. Mclvor* [1962] AC 726; *Boulos v. Queen* [1954] 14 WACA 543; *Lister v. Perryman* [1870] LR 4HL 521

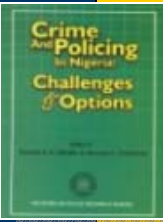
With all this limitation in section 29 of the Police Act, it is submitted that it is an enabling law for the “stop and search” operations. The police can invoke the provision to stop and search any person anywhere any time provided they are mindful of its limitations. But it seems the section is not a good law for the mounting of checkpoints, unless such checkpoints are confined only to detaining and searching persons reasonably suspected of having stolen property in their possession or if such property is unlawfully obtained.

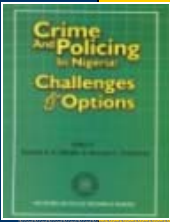
In the light of the foregoing analysis of section 27 of the Police Act, it is suggested that the police operate under section 10 of the Criminal Procedure Act. As long ago as 1957, Duffus J stated that the police powers of arrest were “very wide”,²⁶ and indeed wide enough to embody section 29 of the Police Act. Besides, section 4 of the same statute defines the nature of police work, which may be difficult to perform without the powers of arrest and search, detain and search, and mounting of checkpoints. At a checkpoint these powers can be exercised, but such exercise of power must take due cognizance of the liberty of the individual. This approach is essential to prevention and detection of crime.

Necessity of Police Checkpoints

Our attempt thus far is to establish that the law supports the mounting of checkpoints, even if impliedly. Our argument is that section 4 of the Police Act is omnibus enough, in the absence of specific enactments or provisions to the contrary, to permit the setting of checkpoints. The nature of the operation of checkpoints shows that the phenomenon is a nomenclature for “stop and search.” This also is implied in “detain and search” of section 27 of the police Act. At the police checkpoint arrest normally follows stop and search, if the search yields any incriminating material(s).

Against this background, the necessity for mounting checkpoints stems from the provisions in section 4 of the Police Act. The crime situation, more so where there is a crime wave, may necessitate the setting up of checkpoints at various locations within the area. The police have the discretion to determine places to put up checkpoints to combat crime.





Checkpoints are no more than a legal and legitimate method, which the police may adopt, if they so believe such approach will enable them perform their work effectively and efficiently. The necessity for checkpoints, however, should and cannot be used to circumvent the law, such as employing them to deliberately slow down traffic and obstruct the highway, or extort money from motorists.

²⁶ *IGP v. Ogbomo* [1957] WRNLR 200, at 201

Effects of Checkpoints on Crime

A fundamental theory of criminology is that the fear of apprehension tends to deter offenders from engaging in criminal activity, at least as long as the dread of arrest lasts.²⁷ This is a psychological thesis, which is practicable in our everyday existence: a child is not likely to take a piece of meat in a soup pot if he knows that he would be seen. Even among lower animals, a goat, for instance, is not likely to eat a piece of yam if some person is present. In the same vein, would-be offenders have the tendency to avoiding checkpoints or police officers on beat for fear of being detected or apprehended.

Evidently, people who have criminal intent tend to do whatever is practicable to avoid detection by the police or private persons. We dare argue, therefore, that the foremost impact of checkpoints on crime is the psychological infusion of fear of detection and or arrest into those who nurse criminal tendency. This tends to deter offenders and in consequence control crimes.

Notwithstanding this theory of fear, it is not impracticable for certain offenders, who by nature or nurture are adventurous, to dare the police on beat or at checkpoints. What may account for this daredevilry is what we call “criminal-optimism”. Two factors may generate criminal-optimism. The first is the offender’s understanding of police behaviour, which sometimes tends to accommodate infirm of purpose and or lax approach to duty.

The second factor is the offender’s reading of police strength concerning their number and or (better) equipment. If the offenders outnumber police officers at a checkpoint or on beat, the likelihood is that the police may be outmatched. Similarly, if the offenders are better equipped, the tendency is that the police may be out-done.

A remedy against criminal-optimism lies in equipping the police so adequately as to meet the exigencies of a crime-prone society. But more important, criminal-optimism may be contained if the police are diligent in their duty and faithful to their uniform. This was what

led to the deflation of criminal-optimism in *R v. Okoye*.²⁸ In that case the accused persons informed a police officer that they wanted to break into the Railway strongroom and offered a share of the booty to them. The police agreed with the plan, but with the intention of catching the thieves red-handed. Indeed, they were so apprehended while breaking into the strong room.

²⁷See, generally, S. Shafer, *Introduction to Criminology* 1976; Hall Williams, *Criminology and Criminal Justice*, 1982; Ian Taylor, *et al The New Criminology*, 1973, Mike Maguire *et al.* eds. *The*

Oxford Handbook of Criminology, 1997. Sue Titu Reid, *Crime and Criminology*, Fourth ed.

²⁸[1950] 10 NLR 103

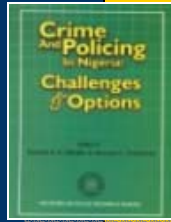
Okoye is a typical case of a futile criminal-optimism. Our law reports and newspapers are replete with cases where the police have remained dutiful at checkpoints or on beat. This has led to the detection of offences, ranging from common theft to gun-running and traffic in drugs and human beings. One such case of detection at a checkpoint was the discovery of the head of the little boy, Ikechukwu Okoronkwo, murdered and beheaded, which led to riots in Owerri and thereafter the celebrated “Otokoto trials” in Imo State.

In the final analysis, when criminal-optimism fails, the offender is once more faced with the fear of detection or arrest. He may then avoid checkpoints where he does not abandon his criminal behaviour. A good example of avoidance of checkpoints involves offending motorists, in particular commercial drivers, who make detours to get to their destinations. The inconvenience, financial or otherwise, of using circuitous routes to avoid checkpoints may deter offending motorists from continuing in their criminal behaviour.

Effects of Checkpoints on Community

Communities in Nigeria which most of the time experience the presence of checkpoints are urban. Rural areas hardly have checkpoints. But in exceptional circumstances when serious crimes are committed in rural communities the police may mount checkpoints there to ferret out the offenders. Again, checkpoints may be set up in villages where there is reasonable information that offenders have fled or are fleeing to the up-country to avoid detection or arrest.

Strangely enough, experience has shown that the presence of checkpoints in rural communities tends to create apprehension rather than relief in the people. A major factor for this feeling emanates from the portrayal of rural areas by criminal statistics as apparently crime-free zones. The up-country people have the tendency of settling disputes, including



criminal cases within the cultural norms of restitution and reconciliation. The implication is that offences and offenders may not be reported to the police. Indeed, in some rural communities any member risks the cultural punishment of ostracism if he reports an offence to the police without first giving the community an opportunity to resolve the problem. The exception here is mainly in regard to the serious crime of murder. In this instance, villages may go out of their way to seek and inform the police about the killing.

Evidently, when offences or offenders are not reported to the police and the latter has no information to suspect any breach of the criminal law, there will be minimal or no official criminal statistics which the police need to police any given environment. Accordingly, police presence may not be required in such apparently crime-free localities. And since this seems to be the situation in rural communities, the sight of checkpoints may be regarded as ominous by the people, hence their apprehension.

It is not within the scope of this paper to delve into the legal competence of rural communities to conduct criminal trails; but we need to inform that it is trite law that only a court or tribunal has the competence to try criminal offences.²⁹ This notwithstanding, the resolution of criminal matters within the cultural principles of restitution and reconciliation seems to solve the crime problem in rural communities than the arrest and persecution of offenders in urban areas.

This brings to mind the apparent high incidence of criminality in urban communities, where checkpoints are a rule rather than exception. It does not fall within the realm of this discourse to examine criminological theories behind crime surge in our towns and cities. But suffice it to say that the rural-urban migration involving mainly unemployed youths, tend to congest the towns and cities with no commensurate facilities to cope with such population explosion. This creates a situation, which tends to nurture unwholesome behaviour with its attendant criminality.³⁰ The police as a result have to do their duty. In pursuit of this duty, checkpoints abound in our inter and intra – city highways

Unlike our rural communities where checkpoints tends to cause apprehension, people in towns and cities feel a sense of relief, believing in the fact that the presence of the police is a source of security. This indeed is the foremost impact checkpoints have on the urban community. This impact means that the environment where checkpoints are mounted are secure, since the theory of fear will operate on would-be offenders to avoid being detected or arrested. The ultimate impact of checkpoints is that they enable the police to maintain law and order for the safety and well being of the community.

Effectiveness of Checkpoints

Although we have argued that checkpoints may create fear and have a deterrence effect on criminally-minded persons, the persistence of crimes in communities seem to show that this mode of policing is not foolproof. Nonetheless, this does not mean that checkpoints are ineffectual; they have effect as we have earlier put forward. Yet this effect may be affected

by certain factors, which, interestingly, are mutual opposites. For instance, if doing **X** entails effectiveness of checkpoints, then the absence of **X** means the opposite. Similarly, if **Y** characteristic favours effectiveness of checkpoints, then the absence of **Y** brings about the opposite. It is in this light that we shall discuss the factors for or against effectiveness of checkpoints.

(a) Factors Affecting Effectiveness of Checkpoints

Factors for or against effectiveness of checkpoints fall into two broad classes: human and material. Of these two, the human element is more crucial since invariably it determines the material factor because it is man that makes and uses materials and never vice versa.

²⁹The Constitution 1999, s.36(4); *Babatunde Olarewaju v. Afribank Nigeria Plc* [2001] 13 NWLR (pt.

731) 691, at 703-4; *Garba v. University of Maiduguri* [1986] 1 NWLR (pt. 18 550; *Olaniyan v. University of Lagos* [1985] 2 NWLR (pt. 9) 599.

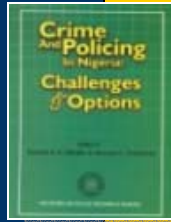
³⁰See note 27, *supra*.

(i) The Human Factor

The police are human beings who are not without failings. At the beginning of this discourse we did recognize that policing is an arduous and risky work. There is nothing as noble as putting one's life on the line to preserve life and property. Noble work attracts noble character. Accordingly, individuals who voluntarily take to this employment should be people of excellent character. Noble character entails the subjugation of the base instincts that generate human failings, which tend to becloud the mind concerning firm and fair policing.

Firm and fair policing means that the police should carry out their duties without fear or favour, affection or ill-will and in accordance with the prescription of the law. But a firm and fair police officer does not come out of the blue. He is the person who by training should be physically, intellectually and spiritually attuned to the vocation of policing. Police officers who have a due mixture of these characteristics are likely to put the checkpoint into effective means of maintenance of law and order.

Defining these characteristics, we state that physically, a police officer should be strong enough to withstand situations which require reasonable endurance. Intellectually, a police officer need not be a genius, but he should be adequately educated to comprehend the nature of his work and the limitations of his knowledge, while appreciating the complexities of the human person he is policing. Spiritually, a police officer need not be a saint, but he should be philosophic enough to distinguish between good and evil in whatever disguise and do what is right and proper under the law. These are the essentials of police personality.



We define police personality, as the ability of a police officer to appreciate situations and contain them in accordance with the law.³¹ Police personality may be adequate or deficient. An adequate police personality is the human factor that favours a satisfactory approach to police work, and for that reason the effectiveness of checkpoints. Conversely, a deficient police personality is the human factor that militates against the effectiveness of checkpoints, and indeed other means of pursuing police duties.

(ii) The Material Factor

More important as the human factor, it seems that the material factor tends to make or mar the human factor. Police work requires that officers and men of this calling should be well-trained, and continually

³¹The idea of police personality originates from the discussions I had, many years back, with my late

father, J.O. Amadi, Esq, a colonial police officer and a lawyer.

so in order to enable them acquire police personality. Police work demands that officers and men of this profession should be well-equipped and continually so in order to enable them contain the incidence of crime and the sophistry of today's criminality. And police work requires that officers and men of this noble trade should be well remunerated and continually so in order to insulate them from material temptations that may make them mortgage their honour and integrity.

It is lamentable to see police officers in threadbare uniform, worn out shoes and ill-equipped manning checkpoints. Arguably, their unkempt presence affects their psychology and also the police personality. The consequence of this material deprivation is that the human element tends to depreciate to such a level where police officers may out of frustration man the checkpoints in a manner that is less than satisfactory to the law and the community. This tends to develop mutual disrespect and sometimes outright antagonism between the police and the people.

Ideally, the police should be courteous to the people. Indeed, courtesy is professionally an aspect of police code of conduct. It generates respect from the people and goads them to encourage the police to do their work. This breeds the right situation for mutual respect and cooperation between the police and the people, and as well creates conducive atmosphere for detection and prevention of crimes at checkpoints and elsewhere in the community.

Inherent Problems at Checkpoints

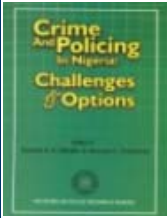
The checkpoint provides an appropriate public venue for the exhibition of police personality. At the checkpoint the police are comparable to the proverbial beautiful masquerade that dances in the open, making it possible for the public to give a critical judgment of its performance. The expectation is that a beautiful masquerade should dance delightfully. But that may not always be the case, for the masquerade invariably will manifest the dancing style of the person behind it. If the masquerade dances badly, that indeed is an abuse of its beauty; but that does not affect its beautiful presence. To avoid further abuse, it is expected that the organizers of the dance will ensure that the next time around a beautiful dancer will fall behind the beautiful mask.

Essentially, our preceding analogy is no more than that the police uniform is a beautiful dress, and those who wear it are expected to possess the police personality commensurate with the beauty of the uniform. It is the police personality that determines the policing style that generates the problems at checkpoints. As we have earlier argued, this police personality may be adequate or deficient. It is the deficient police personality that produces the problems, which are mainly abuse of power, corruption and incivility.

Abuse of power concerns the intentional, negligent or reckless application of the law in the guise of maintaining law and order at the checkpoints. Our print media³² are replete with accounts of such abuse of police powers, in particular powers of arrest, detention and search. More worrisome is the use of excessive force to effect arrest, which on many occasions has resulted in deaths or grievous bodily harm.³³ This indeed is the most serious problem at checkpoints. It is so serious that some members of the public at the scene of the incidence sometimes turn into a mob, taking the law into their own hands, and meting out instant (in)justice to the police officer(s) perceived to have allegedly released the fatal or ghastly shots. Lynching the police officer if he is unfortunate to be caught and or damage or destruction of police and even private vehicles or property are usually the punishments given by the mob. Barbaric as these may be, they are the regrettable consequences of the exhibition of deficient police personality in policing the community.

Another inherent problem at checkpoints is corruption. Ordinarily, this is moral depravity. The law against corruption is to ensure that the enforcement of the law is done correctly and rightly. But this is without prejudice to legal interpretation of corruption or corrupt practices which will depend on the wording of the law creating the offence and the nature of the act alleged to be corrupt.³⁴ However, we can state certain obvious act of corruption at checkpoints, which is demanding or extorting money from motorists in lieu of search or in disguise of inspecting vehicle documents. This indeed is a rampant a problem all over the country.

Finally, another inherent problem, which apparently is less pronounced than the first two, is incivility of police officers at checkpoints. This involves verbal abuse or use of lewd jokes, harassment or intimidation of people passing through the checkpoints. In fairness to the



police, such abuse may be a reciprocal act as a result of uncooperative and or contemptuous attitude of motorists. But we hasten to say that police officers with adequate police personality may have a way of handling such impatient members of the public.

Essentials of Managing Checkpoints

In addition to what we have thus far discussed, checkpoints will have the desired impact on crime and community if there is a coordination of their use within the state and throughout the federation. There exists in the Nigeria Police Force (NPF) a command structure,

³²E.g. *Insider*, No. 17, April 26, 2004, pp 14-15; *Daily Sun*, Thurs. April 22, 2004; P.2; *NewAge*, Thurs.

April 22, p.3; *The Comet*, Tue. Nov. 26, 2002, p. 16; *The Guardian*, Fri. April 23, 2004, p. 64
³³*Amayo v State* [2001] 8 NSCQR 431; *Uzoka v. State* [1990] 6 NWLR (pt. 195) 680; *Ibe v. State* [1993] 7 NWLR (pt. 304) 185; GOS Amadi; "The Defence of Accidental Discharge in the Trial of

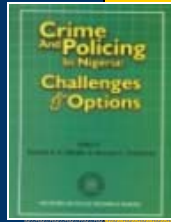
Police Officers for Murder," [1997] *NJLS* 11, pp. 27-38; *Police Powers in Nigeria, op cit*, pp. 50-65

³⁴See *biobaku v. Police* (1951) 20 NLR 30 *Police v. Abolot* (1958) WRNLR 181.

with the Inspector-General (I.G) at the apex and the Divisional Police Officer (DPO) at the base. But the DPO, being the minimal level of the command structure is in the local government area of every state, including the Federal Capital Territory, Abuja. At the head of the State Command structure is the Commissioner of Police (CP).

The command structure is a professional set up, as opposed to the control structure, which is a political phenomenon. At the apex of the control structure is the Nigeria Police Council (NPC) headed by the President of the Federal republic of Nigeria, and at the base is the State Command, headed by a CP. The IG is the only police member of the NPC. There is the tendency for the control structure to have undue influence on the command structure, which disposition may affect police operation to detect and prevent crime under the command structure. For instance, the NPC is chaired by the President and the IG is his appointee by virtue of section 215(1) of the Constitution. The IG may be put in an invidious position to carry out the directions of the President which to all intents and purposes contradict his professional duties and in breach of the Constitution.³⁵ Herein lies how the control structure can unduly influence the command structure.

It is against this background that an effective management of checkpoints and other means of maintenance of law and order should be under the charge of the command structure, devoid of any influence of the control structure. Political manipulation of the command structure tends to frustrate the efforts of police officers in their work of crime detection and prevention. This brings to mind the public misgivings about the apparent proliferation of checkpoints by the different command structures within the hierarchy of the police force.



³⁵For further reading, see GOS Amadi; *op cit.*, chap. 1

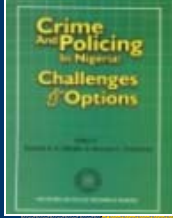
If checkpoints are to have any meaningful impact on crime and Community, then the need for the various command checkpoints to exchange and coordinate intelligence cannot be over emphasized. The various checkpoints should have supervisors, i.e. superior police officers whose duty is to supervise discussion and documentation of experiences in respect of crime detection and prevention. These data collection and collation should include the type of offence committed or about to be committed, the sex, age and trade or profession of suspects, their behaviour towards the police, their reaction to their apprehension and interrogation. The same intelligent documentation or data collection should be extended to the community where the checkpoints are set up so as to ascertain the attitude of the people towards the impact of stops and searches on crime in their midst.

CONCLUSION

All this while, we have endeavoured to discuss the effect of checkpoints on crime and community against the background of the law of stop and search. We have seen in the process that the powers of stop and search as embodied in section 4 of the Police Act tend to bring about the desired effect if conducted by officers who have adequate police personality. There is the need for further research, in particular field research, since the crime problem is more practical than theoretical.

In the final analysis, it is a truism to say that the police require courage and candour, professionalism and proficiency to police society. Such characteristics project the police as the gold, sought after by the people. Accordingly, we see the police as the gold, not necessarily the salt of society. Salt may lose its taste, but people can still eat food that requires no salt. But if gold should rust, what will iron do?³⁶

³⁶See, generally, Police and Criminal Evidence Act 1984 (UK) Code of Practice for the Exercise by Police Officers of Statutory Power of Stop and Search, 2003; Nick Bland, *et al*, *ManagingThe Use and Impact of Searches: A Review of Force Interventions*, Home Office (UK), Police Research Series Paper 132, 2002



PROLIFERATION OF ILLEGAL ARMS AND ETHNO-RELIGIOUS VIOLENCE IN NIGERIA

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Introduction

Perhaps, apart from the scourge of HIV / AIDS, no other issue has attracted more attention and concern from the international community than the proliferation of illegal arms in recent times. During the Cold War all efforts at disarmament were centred on eliminating the proliferation of nuclear, chemical and biological weapons. Since the end of the Cold War, the world has come to a shocking realisation that most of the injuries and deaths recorded in internecine conflicts are caused by small arms and light weapons and not by weapons of mass destruction. John Keegan, a respected historian observed that:

Nuclear weapons have since 9 August 1945, killed no one. The 50, 000,000 (Fifty million) who have died in war since that date have for the most part, been killed by cheap, mass produced weapons and small calibre ammunition, costing a little more than the transistor radios and dry cell batteries, which have flooded the World in the same period. No one knows precisely how many small arms and light weapons are in circulation, but experts estimate that military style firearms may number about 500 million. (*Awake*, 2001 : 5).

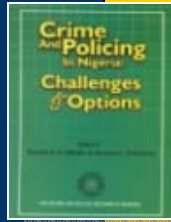
Attempt at curbing the proliferation of small arms is problematic. This is more so because while some countries are advocating their confiscation and destruction, others encourage their manufacture, sale and distribution, and see the trade as a legitimate business through which their citizens make a living and sustain their economy.

It is estimated that 3 billion dollars worth of small arms and light weapons are transported across national borders legally every year (*Awake*, 2001:7) with the figure increasing in geometric progression. Different regions perceive the issue of the proliferation of small arms and light weapons differently. The availability of small arms and light weapons fuel intra-state conflicts, ethno-religious violence, cause instability and undermine development. As was stated by Cukier (2001: 1):

The proliferation of small arms also contributes to a culture of violence and a cycle that is difficult to break. Violence fuels insecurity; insecurity fuels violence. The negative consequences of the proliferation and misuse of small arms are an impediment to economic development, provision of health and education services as well as the development of effective governance and democracy.

It is obvious that the proliferation of small arms and light weapons poses a significant threat to democracy and governance as well as to security and stability.

In Africa, small arms and light weapons have been held responsible for conflicts and death of large population in Burundi, Rwanda, Sudan, Liberia, Sierra Leone Democratic Republic of Congo and many other countries. Similarly, they are used by criminals who terrorize



residents of Lagos and Johannesburg. Fleshman further highlighted the destructive effects of small arms thus: "In July 2001, the US government estimated that small arms are fuelling conflicts in 22 African countries that have taken 7 to 8 million lives. In Africa guns are not just the weapons of choice but weapons of mass destruction". (Fleshman 2001:2).

Sources of Illegal small Arms

Information available through the recovery of arms by the Nigerian Police and from other security agencies indicate that the sources of the small arms in Nigeria are mainly the following:

i. *War-torn countries in the West African sub-region.*

Nigeria is virtually surrounded by countries with large-scale internal armed conflicts where there has been a proliferation of small arms. Nigeria has played host to refugees from such countries and has sent the police and military personnel on peacekeeping mission in some of the countries. Some illegal small arms force their way into Nigeria through the refugees who later sold them for an equivalent of US 100 dollars. Obasi (2002:77) stated that Nigeria's involvement in the wars in Liberia and Sierra Leone "has provided the Nigeria black market with a ready source of assault weapons". Quoting another report he added,

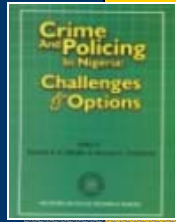
ii. *Smuggling*

Owing to a vicious and growing sense of insecurity and prevalent criminality in the country since the early 1990s, Nigeria has been plagued by a massive proliferation of guns through uncontrollable smuggling. The Nigerian Immigration Service reported that gun running has become very lucrative. Smuggling constitutes the greatest source of illegal arms in Nigeria. There are about 1000 illegal smuggling routes, which form a network of roads around Idi- Iroko in the Egbado area of Ogun State. Patrolling the area effectively is difficult. (Obasi 2002:7). The exact number of weapons smuggled into Nigeria is impossible to estimate. However, some examples of seizures and recoveries made by the Customs Service and the Police since 1998 may cast some light on the enormity of the subject matter.

* In May 1998, a smuggler was arrested at the Seme border by a combined team of Customs and Police operatives with 15,412 live cartridges packed in 15 wooden boxes. The smuggler confessed to having passed 20 of such boxes with 1000 pieces of live cartridges each. (*Post Express*, Lagos, Nigeria. 11. August 1999; p.16).

• On 26 July 1999, six Ghanaians were arrested at Lagos Bar Beach by Nigeria Customs Service men in possession of 96 sacks containing smuggled guns and 72,500 live ammunition. (*This Day* Lagos, Nigeria 24. July. 1999. p .5)

• On 2 November, 2000 the Lagos State Commissioner of Police, Mr. Mike Okiro at a press conference, disclosed to newsman that on 31 October 2000 two Nigerians (Chibuzor and Abuchi Okonkwo) and a Ghanaian (Seth Tabro) were arrested at Seme while attempting to smuggle into Nigeria 7,950 live cartridges all concealed in packets of fruit juice. On interrogation the men confessed that they



had crossed into Nigeria a total of 11,725 live cartridges between June and September 2000 (Obasi 2002:73).

Apart from the border with Benin Republic, another major corridor through which arms are smuggled into Nigeria is the Niger Delta. Warri has been acknowledged as 'the hub of gun trade in the Niger Delta'. Gun trading is not a new phenomenon. It has been known that foreign sailors used to trade in some quantity of arms through Warri. Using fast boats smugglers cruise to the ships anchored in the high seas and buy the guns. Some prominent men in the community buy these guns and resell them to the youths (Obasi 2002:75).

The Northeastern part of Nigeria shares boundaries with Niger Republic, Cameroon and Chad Republic. There is a large scale of smuggling of arms into Nigeria through this frontier and is a spillover effect from the internal conflicts in Chad, Niger and nearby Sudan. Guns come into the country with ease through Adamawa, Borno and Yobe states because the vast border region is not effectively patrolled by Nigerian Customs and other security agencies (Obasi 2002:75).

Another point of entry for smuggled arms into Nigeria is the international airports. On 20 March 1993, a Maiduguri based businessman, Alhaji Abba Abdulkadir and a Lebanese, Mr Hassan were arrested with 44 automatic pistols and 1000 rounds of live ammunition at the Aminu Kano International Airport, Kano (Obasi 2002).

Local Manufacturers:

Local arms manufacturers constitute another source of small arms in Nigeria. These local manufacturers whose workshops are located in remote areas produce single and double barrel guns for hunters and night watchmen and local pistols and revolvers of various kinds for armed robbers, assassins, vigilante groups, militias and those seeking self protection from robbers.

The Nigeria Civil War:

The Nigerian civil war provided a source for the proliferation of small arms in Nigeria. At the end of the civil war, most of the arms both in Biafra and in Nigeria disappeared into the civil society. Many soldiers carried arms (including captured arms) from the war fronts to various parts of the country (Ojo 2003:31).

Defense Industries Corporation:

The Defense Industries Corporation (DIC), a government owned factory, was established in the mid-1960s to produce small arms and ammunitions. The Corporation produces Belgian FNF AL 7.6 mm rifles. Italian Beretta BM-59 BM 7.62mm rifles and M95 0.9mm pistols and ammunitions under license (Obasi 2002:69). These guns are officially assigned to Nigeria's military, police and other paramilitary services.

Security Agents:

Another source of small arms in the arsenal of illegal owners, and the most worrisome, is the sale or loss of such arms to underworld men by security agents (Obasi 2002:78). Mike Okiro, then commissioner of police in Lagos contended that "most of the guns recovered from robbers and traced to the police are those that were taken away when a policeman is killed ...

Last year (2000) about 29 police officers were killed in Lagos by robbers; their arms were also taken away by the robbers” (*Post Express on Sunday*, Lagos, Nigeria, 29 July 2001 page 33). Similarly, on 2nd December 2001, President Olusegun Obasanjo indicted security agents for supplying arms and ammunition to warring factions. According to him “most of the ammunition we have found in wrong hands have come from security agencies... the police, the military... only recently, we found that 3000 rounds of ammunitions were sold here in Abuja by the police and in 10s by the military”.

Multinational Corporations:

Multinational corporations especially oil companies operating in the chaotic Niger Delta area contributes to the proliferation of arms. According to Obasi (2002), people believe that Shell Petroleum Development Company (SPDC) of Nigeria imported the arms used by various factions within oil producing communities.

The proliferation of illegal arms in Nigeria has been a challenge to the law enforcement agencies. Police records show that between 1990 and 1999, 12,000 people were arrested in different parts of the country in possession of prohibited firearms. In Aba, it is estimated that one in ten adults in the town owned a gun either for self-defense or for criminal purposes. In Lagos more than 6,000 rifles and pistols as well as about 20,000 rounds of ammunitions were seized by security agents between 1996 and 1999 (Obasi 2002:80).

Role of illegal arms in ethno-religious violence in Nigeria

When there is a war or armed conflict between nations, it is possible to trace the source and calibre of weapons used in the execution of the war. When it is an internal conflict involving ethnic or religious differences, it becomes almost impossible to trace the source of the arms used. It is easier to determine the causes of intra-state conflicts than establish the suppliers of the weapons used by the fighters.

Nigeria is one of the countries bedeviled by sporadic internal conflicts. A number of factors are responsible for these conflict-inducing situations. If these causes are properly identified and controlled, there could be a reduction in the proliferation of illegal arms among the communities. As was pointed out by a research report from the National Institute of Policy and Strategic Studies (NIPSS) Kuru published in 2003, some of the causes of conflict within Nigeria have to do with "the nature of uneven development; lopsided distribution of or access to resources; which followed the pattern of the spread of religion in polities, especially under Colonialism".

The material foundation for clashes and conflicts were erected by the colonial masters, who sponsored differential socio-economic development in different geo-political zones exclusive to different religious adherents. Okiro had argued that:

Historically politics and governance in Nigeria had been hinged on ethnicity. The British colonialists had employed ethnic division in their divide-and- rule policy to subjugate Nigerians and prevent them from organizing a common front for independence. The early nationalists borrowed this nefarious and negative tendency from the colonial administrators and founded politics and nation-building .on ethnic platforms and aligned themselves to their tribal roots for political sustenance and survival. Subsequently the three major ethnic groups of Hausa/Fulani, Yoruba, Igbo became antagonistic, suspicious and competed vigorously and dangerously with each

other for the acquisition of the national political power While these big three (Hausa/Fulani, Yoruba, Igbo) were fighting for supremacy and domination of the political landscape, the minority ethnic groups were struggling for survival and even engaged each other (ethnic minorities) in violent fights for economic or political reasons. (Okiro 2003:89).

The Warri conflict, which will be dealt with in detail later, is a sad case of a continuation of the colonial divide-and-rule strategy deliberately grafted into the Nigerian indigenous political system. This system resulted in the emergence of numerous ethnic militias, which are being used to propagate the cause and interest of their ethnic groups, and generated ethno-religious conflicts where illegally acquired weapons are used.

Between 1993 and 2002, Nigeria recorded more than thirty (30) communal conflicts where illegal arms were freely used. A few examples will suffice to x-ray the devastating effect of the proliferation of illegal arms.

Tiv/Jukun conflict:

This conflict reported by NIPSS (2003) was believed to have started with a clash between a Tiv and a Fulani man on a farm. This clash escalated into full-blown hostilities between the Tivs and Fulanis in Wukari Local Government Area, which claimed 22 lives, 49,264 herds of cattle and 2,226 houses. The conflict later spread to include the Jukuns against the Tivs, and engulfed six local government areas. A detachment of soldiers was deployed to the area to restore peace, but in a bizarre twist of events, the peacemakers (soldiers) were massacred by one of the warring factions.

Niger Delta:

It is presumed that the Niger Delta harbours the greatest number of illegal arms in Nigeria and the youths hold sway, intimidating, killing, maiming and kidnapping. The youths constitute themselves into ethnic militias. The youths in furtherance to their Kaiama Declaration staged a demonstration in Yenagoa, Bayelsa State. The police confronted them and this led to exchange of fire, and both sides suffered heavy casualties. The youths retreated and later attacked many security posts in the town; seizing police arms and ammunition; killed soldiers and police officers as they went along. A few more examples of the activities of the youths in Niger Delta recorded by Okiro (2003:64) showed the proliferation and use of illegal arms by youths in the area.

- On 20/6/99 youths from Oporoma in Southern Ijaw Local Government, Bayelsa State, abducted two workers of Wilbros Oil Prospecting Company at gunpoint.
- On 30/6/99 at Choba, Rivers State, one Anes Brens a Dutch and employee of Wilbros (Nig) Ltd. was kidnapped by four armed youths.
- On 04/11/99, nine Police Officers including an Area Commander and a Divisional Police Officer (D.P .O) were killed by youths in Odi, Bayelsa State. A few days later three police officers and three soldiers were murdered.
- On 09/8/99, two Britons, D.G Wells and K.C Millan were kidnapped by youths in Delta state.

The proliferation of arms in the Niger Delta region has been held responsible for the bloody conflicts among the three major ethnic groups in the area- Ijaw, Urhobo and Itsekiri who are contesting for political or economic power. In less than a week 100 Itsekiris were killed and 20 towns razed by the Ijaw youths (Vanguard 26/3/03). This is one side of the story. When there are, no wars to fight the arms find their way into the hands of robbers who terrorise people on the highways and in the cities. An AK-47 rifle sells for an equivalent of 100 dollars (Obasi 2002: 75).

OPC/Hausa clash at Mile 12, Ketu, Lagos

The disagreement between the Yorubas and the Hausa traders over the control of the Mile 12, Ketu market led to the crisis in which the Odua People's Congress (OPC) took sides with the Yorubas. During the clash, illegal arms were used leaving 114 people dead and property worth hundreds of millions of naira destroyed (Punch 19/1/2000).

Religious conflicts in Kano:

The ancient city of Kano has been hit by several ethno-religious conflicts. However, in the 'Reinhard Bonke Riot' of 1991, there was overbearing evidence that illegal firearms were used.

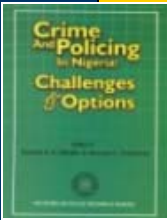
Attempts to curtail proliferation

The proliferation of arms has continued to pose an intractable problem for the international community. The United Nations set up a Panel of Governmental Experts on Small Arms, chaired by Mitsaro Donowaki in 1997. According to Donowaki, the issue is so grievous that: "Rather than taking the roundabout way of developing temporary measures, ways and means to prevent and reduce the excessive and destabilizing accumulation of such weapons have to be found urgently" (Obasi 2002: 143)

The ECOWAS member states went beyond mere transparency in dealing with arms. The ECOWAS moratorium that was hatched in Mali in 1993 was adopted in the 25th -29th November 1996 conference in Bamako, Mali. The moratorium called on interested states to declare a moratorium on the "import, export and manufacture of light weapons" (Obasi 2002: 127) Nigeria is signatory to the ECOWAS moratorium. Back home in Nigeria efforts have been made to retrieve illegal firearms from the public. The Inspector-General of police in February 2004 advised Nigerians in possession of prohibited firearms to surrender them within 30 days. The public were encouraged to inform the police about people in possession of illegal firearms. In July 2000, the Federal Government set up a 12 member National Committee on the proliferation and illicit trafficking in small arms and light weapons (NCPTAW). In July 2001, 428 rifles, 494 imported pistols, 287 locally made pistols and 48 Dane guns valued at over 50 million Naira were destroyed publicly (Obasi 2002:83) Also in September 2001, State Commissioners of Police were stopped from granting licenses to all categories of firearms. Similarly, on 21 September 2001 the President directed the then' Attorney General and Justice Minister to draft a bill proposing a 10-year jail term without an option of fine for anyone caught with illegally obtained fire arms.

Factors militating against gun control

In spite of the attempts made by the government and various security agencies to recall or retrieve illegally acquired and prohibited firearms from the Nigerian public, not much success was achieved. Certain factors, including the following, are responsible for the failure.



Uncooperative attitude of the citizens

Members of the public are reluctant to provide the security agencies with information on illegal possession, location and manufacture of illegal arms.

Porous borders

Nigeria's borders are porous, extensive, and difficult, if not impossible to be effectively covered by the security agencies, with inadequate facilities at their disposal.

Dearth of modern equipment

Security agencies stationed at the borders do not possess the required equipment that can detect arms when being smuggled through a recognized border post.

Prevalence of internal conflicts

Communities that are prone to attack and perennial conflict arm their youths in preparation for an attack or self-defense.

Self-defense

Due to general sense of insecurity some people have acquired arms, supposedly for self-defense against armed robbers.

Criminal Activities

Those who acquired prohibited firearms for criminal activities like armed robbery would never surrender such arms as long as they are in the nefarious trade.

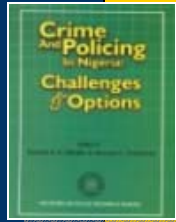
Conclusion

Proliferation of illegal arms has been a source of concern for the international community. The United Nations made concerted efforts to curb the spread, accumulation and use of such arms. In conformity with the dictates of the United Nations and ECOWAS moratorium, certain policies were put in place to curtail the circulation of illegal arms in Nigeria. However, these attempts have not achieved the desired results. Something therefore needs to be done to address the situation.

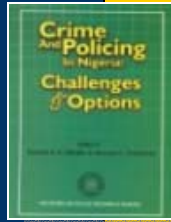
Recommendations

In order to control illegal distribution, acquisition and use of prohibited arms, the following measures should be taken.

- i) Government should address the issue of poverty, social inequality, and lopsided development among social, ethnic and religious groups to avoid situations that create communal clashes and the acquisition and use of illegal arms;
- ii) the indigene/settler syndrome should be eliminated and anybody born in any place within Nigeria or who has lived in such a place for at least five years should be given the status of an indigene;
- iii) The police and other security agencies involved in border patrols should be well equipped and funded to be able to confront arms smugglers and border bandits;



- iv) The federal government should be more decisive in controlling the border with its neighbours within the sub- region to check the influx of prohibited arms;
- v) The Reports of past Commissions of Inquiry into such major communal conflicts like the Zangon Kataf, the Warri and others should be reviewed by government and implement the white paper reports. Any individual or group identified to have aided or abetted the conflict or to have supplied arms to any of the warring groups should be punished to deter others;
- vi) Government should create employment opportunities to put youths off illegal weapons, and
- vii) The proposed bill on the 10-year jail term for anyone caught with illegally obtained firearms should be passed.



POLICING STRATEGIES FOR TACKLING CRIMES AGAINST WOMEN AND CHILDREN

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Introduction

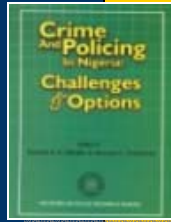
The "vulnerable groups" in the society, when their number is finally tallied constitute a clear majority - the women, children, elders, and disabled persons. Thus may explain why the term "minorities" under which they were formerly subsumed in human rights lexicon has now been restricted to ethnic and religious minorities. Our attention shall be focused, in this paper, on two groups of vulnerable persons - women and children. The challenge of tackling crimes against women and children has heightened with technological advances such as the computer, satellite television and home videos and improved communication through satellite phones, faster and better air, sea and land travel. The improvement in satellite television, for example has brought new cultures and practices to everyday viewing thereby facilitation imitation and learning of diverse criminal behaviour. Modern computers are also great facilitators of prostitution and child sexual abuse.

At the opposite end of the spectrum of challenges are neo-cultural factors such as kidnapping for ritual purposes (or as some have suggested, for the purpose of trafficking in human parts), and the problem of unemployed urban youth (*almajiris/area boys*).

More challenges abound in the area of the laws governing the criminal victimization of women and children. These laws range from the Constitution¹, relevant criminal² and penal³ codes, criminal procedure laws⁴; and increasingly international⁵ and regional conventions.⁶ There are many instances of conflict between the Constitution and the local enactments⁷ on the one hand and between local and international legislation on the other⁸.

As we shall unfold in the course of this paper, policing strategies for dealing with crime against women and children must be cognizant of these challenges and be willing to fashion novel approaches. Such new approaches should consist of technologically updated policing methods; placing equal emphasis on preventive methods as currently placed on combative methods; increased specialization of police personnel and the creation of new (specialized) units concerned with crimes against women and children. The sociology of female victimization is aptly summarized in the Preliminary Report of the United Nations Special Rapporteur on Violence Against Women.⁹

The ideologies which justify the use of violence against women (are based) on a particular construction of sexual identity. The construction of masculinity often requires that manhood be equated with the ability to exert power over others, especially through the use of force. Masculinity gives man power to control the lives of those around him especially women. The



construction of femininity..... often requires women to be passive and submissive, to accept violence as part of a woman's estate.....¹⁰

Although men are or more likely to be victims of index crimes¹¹, women disproportionately experience crimes like rape, prostitution, defilement, abduction, and domestic violence. The status of children in the face of power and authority wielded by adults translates into the fact that in general, young people have higher rates of victimization than older people. For example, fifty percent of rape victims in an American study were aged between 10 - 24 years.¹² In recent times, young people also face myriad forms of victimization, loosely termed as child abuse incorporating the crimes of abandonment, neglect, child battering, sexual abuse, and child labour.

In as much as the ability of states to uphold women's rights (and those of children) is reflected not only in the content of the law but also how it is interpreted (by the courts) and administered (by law enforcement agencies) the police have a responsibility to be creative and proactive in respect of the strategies which they adopt to deal with criminal victimization of women and children¹³. Suggestions in this regard are proffered for consideration as these crimes are considered in different segments, hereafter.

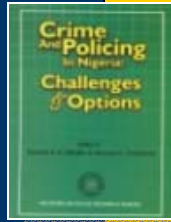
Rape and other sexual assaults.

Rape

Rape is the unlawful carnal knowledge of a woman without her consent or with her consent, if such consent is obtained by fraud, duress or any form of intimidation.¹⁴ The magnitude of the rate of the offence of rape is yet to be thoroughly assessed in Nigeria as indeed many other countries. It is a crime that assaults women's psychology and physiology with repercussions that often dogs the victim for life¹⁵. Apart from low reportability of rape, the ratio of successful prosecutions is as low as one in four hundred to take a South African sample¹⁶ This can be traced to incompetent and biased handling by a male-dominated police force which fails to investigate, collate and collect available evidence, both medical and circumstantial.

A large portion of the blame for the low rate of successful prosecution of rape must be placed on poor legislation based on male-chauvinist paradigms. For example, lack of consent of the victim to sexual intercourse is the central issue in rape. Often times, the only way a woman can successfully demonstrate lack of consent is to have fiercely fought the assailant to the point of sustaining grievous injuries. Where the victim is over-awed by violence and threat of harm and she submits, this is taken as evidence of cooperation by a male-dominated judiciary conditioned to think that women mean the opposite of what they say.¹⁷ Secondly, there is the additional hurdle of the requirement of independent corroboration of the evidence of the prosecution.¹⁸ Thirdly, a rape that is not reported within a short time of its occurrence is likely not to be successfully prosecuted based on the attitude that a woman would "instinctively report" the incident as soon as it happens.¹⁹

Barring these technical difficulties, the greatest singular factor in the prosecution of rape is the negative attitude of the police to complainants. Researches in South Africa, Zimbabwe²⁰ and Namibia²¹, Brazil²² and the United States²³ indicate that police often tease complainants with various insinuations, laughing as they recount their obviously traumatic experiences.



Consequently, the first step in any policing strategy towards tackling rape cases is to train persons 'within the force on how to deal with rape complaints based on available psychological and sociological expertise. The police administration itself would need to deploy more female trained personnel²⁴ and in addition use more senior police officers²⁵ in receiving complaints from victims. Indeed the time is right for the police in Nigeria to designate specialized stations as *women victim centres* similar to what obtains in South Africa, the United States, Brazil and other countries. Such centers, in addition to being manned by specially selected personnel are equipped with medical facilities for immediate treatment (medical and therapeutic) of the victims of rape and other sexual offences. Such centers allow for testing and collection of vital evidence which may aid the subsequent prosecution of the offender²⁶ and are staffed by sensitive personnel attuned to the fears and needs of victims of sexual offences. With the establishment of such centres more are encouraged to come forward to press charges against the perpetrators.

Apart from receiving complaints from rape victims and victims of other sexual offences, the women victim centres could also act as information centers on rape issues and where vital data are disseminated. For example, women need to know that rape occurs within primary group contacts in an average of 48% of cases. Primary groups include close acquaintances close neighbours, close friends and boyfriends. Only 42% of rapists engage complete strangers.²⁷ Such information would help the vulnerable persons to avoid situations in which they may be victimized.

Awareness of rape victimization will also enable police officers recognize that the prevalence of the crime amongst acquaintances does not justify treating rape as a private domestic or family issue²⁸ when it does occur. The practice of rejecting complaints of rape on this and other male-centred grounds has been compounded by the high rate of withdrawal of complaints even after it has been made to the police. Some countries have passed legislation making it mandatory for victims to report cases of rape or defilement but research has shown that even with such laws, the victims perception of the attitude of personnel receiving complaints was still the highest consideration in deciding whether or not to report to the formal agencies.

Sexual Offences Against Children

Nigerian law²⁹ as well as intentional³⁰ and regional conventions³¹ have paid necessary attention to sexual predation of children, both male and female. Under Nigerian law, the offences of defilement, indecent assault against male and female children, abduction and incest attract varying penalties.³² Criticism of the provisions on sexual offences against children abound. Why are they so many, with several of them often conflicting? Why is there differentiation on the basis of gender when the crime of indecent assault on both sexes is equally reprehensible? Why not consolidate the myriad offences under the broad offence of "gross indecency"³³ or "unlawful sexual interference"?³⁴ Whatever the legislative inadequacies, they may be obviated by imaginative policing strategies. Like rape, there is a tendency to under report incidents of sexual abuse of children mostly to save them the stigma and trauma attendant thereto.³⁵ However, the serious dimensions of the problem from a global perspective are becoming manifest. The Catholic Church in the United States for example, has come under intense criticism for condoning homosexual victimization of church boys by priests, thus allowing such victimization to continue unabated. The Catholic

Church is consequently facing various civil suits and has had to take action by defrocking some of its priests.

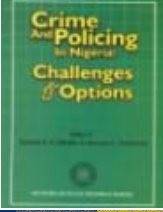
Apart from the churches, research in Ghana has shown the prevalence of sexual abuse of children in the school environment primary and - secondary schools.³⁶ There is reason to believe that the Nigerian situation is no better. Indeed, policing strategies have to include Nigerian tertiary institutions - colleges, polytechnics and universities where endemic cultism and unethical conduct by school authorities has made sexual depredation on females virtually routine.³⁷

Policing strategies that may be adopted to deal with sexual offences against children include a mandatory requirement that school authorities, churches and other affected institutions report cases of defilement, indecent assault on male and females, incest, abduction and related offences to the police.³⁸ To facilitate this and improve reportability, the police would need to create specialized units to handle such complaints.³⁹ Such units must be located in and around the likely *locus* of such crimes and definitely outside the normal police stations. With proper education and image projection, this new specialized centers will win the trust of victims, relatives and the informal policing systems to which they normally revert when the crimes occur. Therefore, policing strategies ought to recognize the potential social dislocation occasioned by sexual perversion of children⁴⁰ and pursue a policy of aggressive investigation and prosecution. The legislature might need to beef up existing laws to take cognizance of the variants of sex, abuse of children and mandate, in addition to criminal sanctions against perpetrators, the institution of civil liability not only for offenders but for schools or other institutions which condone the criminal acts by informal intervention.⁴¹

Prostitution/sex trafficking

Who is a prostitute? "A woman who offers sex in exchange for money" could be a ready answer. She may be found in cheap brothels in the many slums and ghettos that dot our urban environment. Society can also easily identify as a prostitute the loudly dressed girl hanging around popular hotels or strategic street comers at odd hours of the day and night flagging down unwary motorists for a "ride". Not easily classifiable is the college student who is willing to sell her *sexual* favours to the highest bidder like the common prostitute but who is saved from such tagging because she does not openly solicit, and because she carries a student identity card and lives in the hostel or even with her parents. Yet others describe themselves as models, actresses, bankers, or indeed any other legitimate profession to cover their true profession.⁴² Understanding this typology is important to policing strategy since it makes police officers aware that a number of persons who can rightly be described as prostitutes cannot legally be policed, but a marginal few who by virtue of their minority status find themselves being policed.⁴³

The society is often deceived into believing that prostitution is a "victimless offence,"⁴⁴ because the seller of sexual favours has met with a person willing to pay for such favours. Since there is no coercion of any sort, nobody is aggrieved. However, prostitution carries with it a whole lot of criminal baggage. In many countries of the world, prostitution is controlled by organised crime syndicates.⁴⁵ It is a complex "industry" involving strings of brothels, pimps and those who live on immoral earnings, corruption of law enforcement personnel through regular pay-offs, corruption of politicians and local government and city



officials, the exploitation and coercion of women and girls into prostitution which often involves physical assaults, blackmail, terror and intimidation.

Prostitution oils other criminal enterprises, drugs, property offences (those who patronize prostitutes are vulnerable to having their pockets picked or violently taken) armed robbery (prostitutes are invariably gangsters molls, confidants and receivers of stolen property).⁴⁶ It is therefore confounding that Nigerian law takes a somewhat lenient attitude towards the practice. Indeed, there is no offence of prostitution *per se*. What is proscribed is "loitering or soliciting" for the purpose of prostitution, and under both the Criminal and Penal Codes, this is punishable with imprisonment for one month (in case of a female) and up to two years in the case of a male.⁴⁷ For pimps who live on the immoral earnings of prostitutes, the penalty varies from one to two years imprisonment.⁴⁸ For those who run brothels, the punishment is equally light and suggestions are actually being made that they should not be punished at all.⁴⁹

Persons who procure others for the purpose of prostitution or to enable a third party to have carnal knowledge (sexual intercourse) with them are liable to imprisonment for two years.⁵⁰ Police strategies in dealing with this offence may admittedly have been conditioned by such lukewarm legal prohibition. Presently, police strategy consists of ignoring the problem entirely except for the purpose of financial and sexual gratification by some of its officers on their occasional raids of brothels and notorious locations of the prostitutes.

Now the equation has changed drastically and dramatically over the past few years Nigeria has suddenly become aware, with the constant wave of deportation of Nigerian girls from Europe, that prostitution has become a lucrative international enterprise. The estimated yearly income is \$12 billion, second only to drug trafficking. Virtually unheralded, a 20th century slave trade had begun with an estimated 70,000 - 100,000 women trafficked yearly from Africa to destinations in Italy, Belgium, Holland, Spain, France and Germany. It was estimated that 70% of those trafficked from Africa are from Nigeria with Italy being the usual destination.⁵¹

Available, evidence reveals, that contrary to the misconception that girls "voluntarily" engage in prostitution and are not coerced by the pimps⁵², many are indeed tricked and lured into international prostitution by promises of work abroad by Nigerians who have "made it" there and need trusted hands to run their legitimate enterprises in these countries. A successfully exported girl sells for about \$12 - 15000 to a European based Nigerian "madam" and the unfortunate sex-slave is expected to sell her body in order to buy her freedom from madam for \$50,000.

Now that it is becoming an international embarrassment for Nigeria and a cultural stigma against the ethnic group from where these girls are predominantly sourced, the strategies of the policing agencies should be better articulated. Whilst the Federal government works closely with the concerned foreign governments to ensure proper repatriation of the prostitutes and with international and local non-governmental agencies for their resettlement, the Police need to focus on the recruiters, procurers and traffickers of these women who have their various agents in the recruiting areas. There is ample need, for example, for police authorities to establish a task force/unit on female trafficking yet under

the Edo State Police Command. Such a task force needs to investigate the modalities of recruitment, profile of recruits and their location and (since they operate with forged documentation) those responsible for procuring or facilitating the forged documentation.

Recognising the international character of the trade, such a task force/unit would need to work closely with the International Police (Interpol) and the governments of countries in the sub-region which could be used as alternative exit routes by the female traffickers. Given the inter-relatedness of many of these offences that peculiarly victimize women, the unit or task-force on women and children trafficking could function under the broad departmental framework of the earlier proposed *women victims' centres*⁵³ to be established for receiving complaints from rape victims.

Aside from such combative methods, such a unit on prostitution and sex trafficking, would have an educational and informative mandate. Working with local and foreign non-governmental and community-based organizations such as CARITAS and WOTCLEF they can educate potential victims about the usual lies and schemes of recruiters and procurers. In view of the fact that there is evidence of some social tolerance of prostitution and get-rich-quick schemes of procurers amongst the Edo ethnic group in Nigeria, police strategy must include liaison with informal policing agencies such as traditional rulers and family heads to reverse such social conditioning. In sum, police strategy of coping with prostitution and allied offences should change drastically. "Our less privileged sisters who cannot give gloss to their own activities should not be subjected to further humiliation of indiscriminate policing and ensuing exploitation."⁵⁴

Domestic violence and femicide

The Sociology of Domestic Violence:

Domestic or family violence is one of the most insidious *forms* of violence against women. It is prevalent in all societies. It is violence that is directed against a woman because she is a woman or that affects women disproportionately. It includes acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty. Gender-based violence infringes many rights of women including the right to life, freedom from torture, liberty and security of the person.⁵⁵ Domestic violence as used in this paper is limited to incidents of "spouse battering" or more truthfully "wife battering" as women have been known to be the victims of this phenomenon, in at least 90% of cases.⁵⁶ Domestic violence is also often used to encompass violent acts against children in the domestic setting but this aspect is being left for discussion in a subsequent section of this paper on child abuse.

From the outset it should be recognized that one of the greatest flaws in dealing with female victimization in the domestic setting is the absence of a specific legislation on the problem in all its contemporary manifestations. Such legislative intervention has been put in place in many other countries - United States, South Africa and Mauritius, for example.⁵⁷ The importance of such legislation is that it will show the political commitment of the state to eradicate the problem. In addition, modalities for enforcement are likely to be spelt out whilst various ramifications of the problem will be explored and resolved. Without such legislation, prevention of domestic violence and specifically victimization of women will be stultified.

The present general criminal law provisions against assault, grievous assault, etc., are inadequate in domestic violence incidents. The Nigerian Constitution has also not paid any particular attention to the problem in the manner, for example of the Brazilian Constitution.⁵⁸ Many causes of domestic violence have been identified ranging from the psycho-social (man's innate desire to exert control over the female specie)⁵⁹: to the cultural (alleged custom of chastising women for the purpose of correcting them, or female social subordination common in the Southern African States)⁶⁰; to the ecological (breakdown of traditional values arising from urbanization and urbanism).⁶¹ Other predisposing factors include alcoholism and drug-taking by perpetrators, economic deprivation, jealousy, influence of family and relatives.⁶² Whatever might be the causes of domestic violence, there is evidence that the problem has become endemic in Africa. A 1998 survey in Ghana revealed that one out of three women reported having been physically abused by a current or recent partner.⁶³

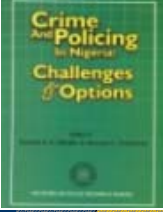
International surveys of the problem covering 1986-1993 found the following percentages of abuse by male partners: Tanzania 60%, Uganda 46%, Kenya 42%, Zambia 40%, United States 26%, South Africa 35%.⁶⁴ Research conducted amongst eleven major ethnic groups in Ethiopia reported an alarming rate of "almost every man".⁶⁵ All the men in the sample research conducted across the five Southern African States of Botswana, South Africa, Swaziland, Zambia and Zimbabwe admitted to hitting their wives.⁶⁶ In Nigeria, a study done by Women in Nigeria (WIN) on domestic violence confirms its prevalence in Samaru-Zaria, Edo, Akwa- Ibom and Kano States.⁶⁷ The issue of domestic violence has since attracted popular media attention with the spate of acid attacks mostly by disgruntled husbands and lovers. The pathetic case of Hauwa, a teenage "wife" who had her legs chopped off by her septugenarian husband for refusing to accept him and persistently running away⁶⁸ also impacted on the public consciousness and dramatised more than any seminars the evils of domestic violence.

Femicide

Increasingly, experts are linking the failure to tame domestic violence with appropriate legal procedures to the burgeoning rate of female homicide (femicide) based on alleged provocation of husbands, lovers and other intimates by their victims. The pathology of femicide reveals that women are often killed by persons standing in close primary relationship with them such as husbands or lovers. The motive usually is unbridled passion (jealousy, hatred, revenge). Many femicides have their origins in domestic violence and wife-battering which has gone unreported in the past and which has subsequently emboldened the perpetrator to be even more brutal than on previous occasions thereby leading to the death of the female victim. The penchant of the police to refuse to press charges on grounds that it is a domestic or "private" affair has been identified as a key factor in the perpetration of the offence.

Policing Strategies for Domestic Violence

Even without the luxury of adequate enabling statute(s), the police may adopt several strategies for reducing the crime. The most basic strategy is an attitudinal change in the police administration which recognizes domestic violence as an important crime needing urgent formal intervention rather than "domestic solutions". A violent criminal is no less a danger to society because his usual or common victim is his wife or wives. A violent domestic environment has serious implications not only for family life of those concerned



but for society at large.⁶⁹ A violent domestic environment is usually indicative of a structurally intact but broken home due to family tension.⁷⁰ This ultimately has a negative effect on the children who may themselves be prone to violent criminal careers arising from defective upbringing.⁷¹

The Police should be willing to record and process reported incidents to act as deterrence. They should willingly receive the complaints, respond to them, arrange necessary medical treatment, provide temporary shelter for the victims and inform them of their legal rights to press charges and also seek civil redress: All too often, such functions have been left in the hands of voluntary organizations engaged in activities against domestic violence. There should be active state intervention to initiate and catalyse the processes of seeking succour and redress. Such duties may need to be performed by a specialized unit of the Police operating under the aegis of the earlier proposed women and children victims centres that should be established in the various police commends to specially handle the usually delicate cases of women victimization of which domestic violence is a part. The purpose of such a department is to create a corps of specialists within the Police Force who are well-trained and equipped to handle matters concerning these especially vulnerable groups of women and children. The Committee on the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) has made a similar recommendation that "appropriate protective and support services should be provided for victims" It also recommended gender- sensitive training for judicial and law enforcement officers and other public officials.⁷²

Police have been known to resent the fact that many victims are unwilling to press charges once police step in. After initial investigation, victims are apt to drop their complaints due to family pressure and the intervention of informal policing groups. To meet this challenge, some countries have implemented strict "no drop" policies concerning complaints of domestic violence.⁷⁵ Once the complaint is made and investigated the victim is not allowed subsequently to withdraw the complaint. Whilst some women complain about this lack of discretion which they claim undermines their right of self-determination, the practice is justified on the grounds of public policy as the harm resulting from domestic violence transcends the victim.⁷⁶ Police at all times need to interact with several non-governmental and community-based organisations to achieve educational and therapeutic objectives for victims and potential victims of domestic violence. Some of these organizations include the Legal Research and Resource Development Centre (LRRDC), Women Centre for Peace and Development in Nigeria (WOSED) Federation of Women Lawyers (FIDA); Women's Rights Advancement and Protection Alternative (WRAP A) Women in Academics (NA WACS) and many others.⁷⁷

Child abuse

Abortion, Abandonment, Infanticide Child Neglect:

Sexual abuse of children has been discussed in our first segment under the caption of "Sexual Offences Against Children".⁷⁸ This segment focuses on child abuse of a non- sexual character - pre-natal victimization (abortion) child abandonment, infanticide, child labour, child trafficking and kidnapping.

A "child" may be simply defined as any person under the age of majority which the Nigerian Constitution sets at eighteen years. Childhood thus encompasses an infant, adolescents and other young persons. Child abuse may be defined as:

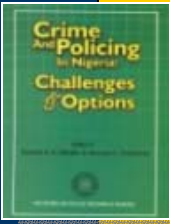
the international, unintentional or well-intentional acts which endanger the physical, health, emotional moral and educational welfare of the child... it includes... child marriage, child labour, child battering (severe) consistent verbal suppression of the child, child trafficking, child abandonment, street children, malnutrition and indeed physical abuse and neglect... .⁷⁹

The causes of child abuse have been identified as including poverty; family factors, (such as absentee parents, broken homes, large family size); and mental disorder or imbalance. One may also add lack of good governance and hitherto, political stability, to the list of causes. Child abuse may be said to begin even from conception, in the form of abortion or attempted abortion which is why abortion is criminalized.⁸⁰ The social factors that precipitate abortion namely: pre-marital sex and teenage pregnancy also contribute to child abandonment and infanticide. Usually "child abandonment" is a euphemism for infanticide, as many of the abandoned children die on the refuse dumps, pit latrines and roadsides where they are put.

If an unwanted child is not abandoned outright to die, such a child might be the victim of child neglect in later years. A neglected child is one who is not given proper nutrition, formal and social education and a proper home environment. In time, such a child, growing up in an urban environment might swell the ranks of *almajiris* or "area boys". The *almajiri* is a practice in which parents send their very young children away from home and entrusted to itinerant clerics, mostly strangers, who roam far and wide, with the intention of imparting Koranic knowledge. Such children are in all cases employed as beggars, they live in dehumanizing conditions, suffer deprivations and are neglected. Some may never see their parents again.⁸¹ The so-called "area boys" are unemployed, mostly homeless urban youth, roaming the streets begging and often-times extorting money and other property from passers-by. It is widely suspected that many of these boys engage in more serious criminal activity under the cover of darkness or whenever the opportunity presents itself. Even as perpetrators, they remain victims, of a cold, dehumanizing environment which has predestined them to a life of savagery and criminality. Is responsibility for resocialising these youth the exclusive duty of the Social Welfare department and the non-governmental organizations? Do the Police have a role outside simply arresting and prosecuting them? Some recommendations will be made, but let us quickly examine other dimensions of child abuse.

Child Labour, Child Trafficking, Ritual Kidnapping:

Endemic poverty in Africa has made the engagement of children in all forms of work virtually necessary. Yet the dangers of child labour are apparent - their educational careers are compromised, thus making them vulnerable to economic incapacity; they are exposed to all kinds of physical and sexual abuse in the process of hawking wares on the streets at all times of the day or performing dangerous tasks in industries, public and private employment. Legislative intervention in many states outlawing child labour, street trading, hawking and allied offences, have remained dead letters.⁸² The demand for child labour as rural, manual domestic and sex workers has spawned an international trade in children which has grown to



the point where international law had to take cognizance of the practice. Now law enforcement agents (police and navy patrols) have been sensitized to the horrors of this trade and have been making more arrests of culprits and liberating the child victims.

The dimensions of the threat posed by kidnapping of children for ritual purposes (and some say human parts trafficking) will have to be assessed more critically. The writer's personal observation is that this practice has been very rampant for some time, even before the famous Otokoto and Clifford Oji incidents.⁸³ The persistence of people getting missing and never being found indicates the high rate of kidnapping for ritual and other purposes. A large percentage of missing persons are children and young persons. This is kidnapping with a deep social dimension, a persistent belief that human beings can be used to make money or achieve some other nefarious ends. Only a determined strategy by the Police that targets the personnel in this barbaric trade including the charlatans who demand human sacrifice and human parts for their fetish trade will suffice.

Policing Child Abuse:

The first policing strategy should be the education of the members of the Force on these crimes that target child victims. With specialization, appropriate procedures will be created to improve and encourage reporting and subsequent action on victims' complaint. The non-governmental and community based organizations usually have the requisite skill and personnel (or are able to mobilise them) to assist in education and sensitizing the police. Thus, collaboration with them is indispensable to effective policing strategy in the area of child abuse and other forms of victimization of vulnerable groups.

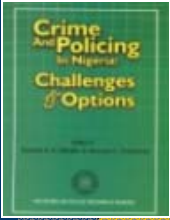
It is possible to fit policing of child abuse within the larger context of other policing strategies of vulnerable groups. The suggested women victims centers consistently championed in this paper can be expanded to handle children's victimization. For this purpose, they may be designated as women and children victim centers and as a department of the police organization. Alternative children victim centers could be established independent of women victims in line with the current attitude of separating women and children issues.⁸⁴

The Constitution has blazed the trail in erecting a separate stream of criminal justice for juveniles in line with international human rights law. Our Criminal legislation also adopts this format of separation of adult and children's issues. It is time policing strategy clearly and openly adopts this dichotomy.

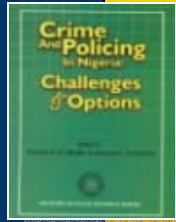
Conclusion

The peculiar crimes committed against women and children demand new policing strategies that shift the emphasis from methods of combating the manifestation of criminal behaviour to a preventive orientation that is willing to use educational and community-interactive processes to reduce victimization. There might be some long term reduction in crime rates against women and children if the police were able to establish better relation with the public and increase public trust in them so that more crimes were reported.

The creation of a special unit of whatever designation to handle complaints by women and children victims of rape, prostitution, domestic violence, sex trafficking and child abuse will fit that overall aim. Such departmentalization/specialization need not be the subject of

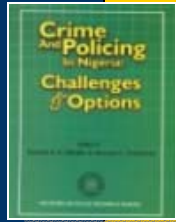


legislative but administrative action. The special units system will fall in line with governmental structure which has itself created special departments/ministries for women. Such departmentalization will boost training of personnel who will develop skills in the handling of complaints of female and children victimization.

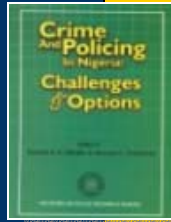


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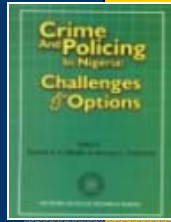
1. The *Constitution of the Federal Republic of Nigeria*, 1999.
2. Criminal Code, Cap 77, Laws of the Federation of Nigeria (LFN) 1990.
3. Penal Code (Northern States) Federal Provisions Act Cap 345, L.F.N. 1990.
4. Criminal Procedure Code (as amended) Cap 14 Laws of Northern Nigeria 1965.
5. See for example: Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) adopted 18 Dec. 1979, entered into force 3 Sep. 1981; G.A. Res. 34/180, 34 UN GAOR, Supp. (No. 46), UNDOC *A/34/46* at 193 (1979); Convention on the Rights of the Child, adopted 20 Nov. 1989, entered into force 2 Sept. 1990, G.A. Res. 44/25, 44 UN GOAR, Supp. No. 49, UN Doc *A/44/49*, at 166.
6. See for example: Inter American Convention on the Prevention, Punishment and Eradication of Violence Against Women (33 Int. Leg. Mat. 1534 (1994).
7. There is for example the patent conflict between Section 55(1) of the Penal Code (applicable in the Northern States) and Section 42 of the 1999 Constitution which stipulates equality between men and women.
8. Even though, Nigeria ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) on 13th of June 1985, that Statute is not yet domesticated into Nigeria law.
9. Commission on Human Rights, E/CN.4/1995/42, 22 Nov. 1994.
10. Paragraph 64 of the Preliminary Report of the Special Rapporteur on Violence Against Women
11. Conklin: *Criminology* McMillan Publishing, 1981, p. 304.
12. *ibid.*
13. C. Watts, S. Osam, et. al (eds.) "The Private is Public: A Study of Violence Against Women in Southern Africa" in C.G. C. G. Bowman & A Kuenyehia *Women and Law in Sub-Saharan Africa*, Sedco Publishing, 2003, p.479.
14. The definition of Rape has been criticized as being "gender-biased" by A. Atsenuwa: "Better Protection for Women and Children Under the Law" in Y. Osinbajo (ed) *Women and Children Under Nigerian Law*_Fed. Min. of Justice, p. 17. and .I. Okagbue: *The Reform of Sexual Offences in Nigerian Criminal Law*, Nigerian Institute of Advanced. Legal Studies, 1991 pp. 11-12.



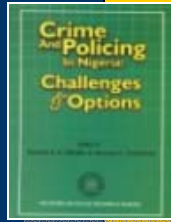
- Contrast: The Namibian Combating of Rape Act, No.8 of 2000 which adopts a gender-neutral definition.
15. A. Atsenuwa: ibid p. 18.
 16. P. Andrews: "Violence Against Women in South Africa: The Role of Culture and the Limitations of the Law" 8 *Temple Polito & Gv. Rts. L. Rev.* 1999; p. 425, 447.
 17. See: A Atsetnuwa: "Better Protection" op. cit. p.19.
 18. See: I. Okagbue: Reform of Sexual Offences, etc. op. cit. p. 12.
See: also A Armstrong: "Consent in Rape Cases in Swaziland: A Woman's Right to. Decide", 4 *Zimbabwe L. Rev.* 1986. p. 112 - 115.
 19. One can add the problem of corroboration to the list of difficulties in prosecuting rape. Under many criminal laws, the accused cannot be convicted on the uncorroborated evidence of the prosecuting
 20. C. Nyamu & J. Gathii: "Towards Reform in Law on Rape and Related Sexual Offences in Kenya" in: K Kibwana (ed.) *Women and Autonomy in Kenya: Law Reform and the Quest for Gender Equality*_Claripress, 1994.
 21. M. Anderson: "Rape in South Africa" I *Geo. J. Gender & Law*, 2000, p. 789.
 22. Americas Watch: *Criminal Injustice Violence Against Women Brazil*; 1991.
 23. Ibid.
 24. In Brazil, Women Police Stations have been established since 1985, whose personnel consist entirely of women. (see note 22 above).
 25. The practice in Nigeria is to use senior police officers for sensitive assignments, .for example, taking confessional statements from accused persons - see: R. v. (1957) 2 F.S.C. 24.
 26. See: note 20, supra.
 27. See: J. Conklin, op. cit. pp. 305 - 306.
 28. See: T. Meron: *Human Rights Law-Making in the United Nations*, 1986, p.60; see also: E. -5chneider: "The Violence of Privacy" 23 *Conn. L. Rev.* (1992) 973 @ 974; C. Mckinnon: "Torture: A Feminist Perspective on Human Rights" in: K. Mahoney and P. Mahoney (eds) *Human Rights in the Twenty-First Century*, 1993.
 29. For example: The Children and Young Persons Law (CYPL) of Lagos State, Cap 26, 1973.



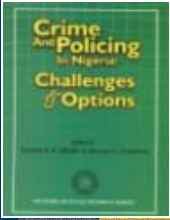
30. Convention on the Rights of the Child, adopted 20 Nov. 1989, entered into force 2 Sept. 1990, G.A. Res 44/25, 44 UN GOAR, Suppl. (No. 49), UN Doc A/44/49 at 166, 1989.
31. African Charter on Human and Peoples Rights, adopted 27 June 1981 entered into force 21 Oct. 1986, OAU Doc CAB/LEG/67/3 Rev. 5.
32. Under Section 360 of the Criminal Code, indecent assault on a female attracts 2 years imprisonment, indecent assault on a male attracts 3 years imprisonment.
33. Compare "grave sexual abuse" as contained in S.138(c) (1) of the Tanzanian Sexual Offences Special Provisions Act, 1998.
34. as suggested by A. Atsenuwa in "Better Protection etc" *op. cit.* note 16, supra.
35. *ibid.*
36. D. Coker-Appiah and K Cusack (eds); *Breaking the Silence and Challenging the Myths of Violence Against Women and Children in Ghana: Report of a National Study on Violence* Gender and Human Rights Documentation Centre, 1998. pp. 67 - 70.
37. G. Akingbehin: "Sexual Harrassment in the University Environment: A Criminological Perspective" in A. Ibidapo-Obe & F. Falana (eds) *Law, Society and Change in Nigeria: Dr. Akinola Aguda Memorial. Essays* 2004 Forthcoming.
38. Human Rights Watch: Scared at School: Sexual Violence Against Girls in South African Schools, 2001 p.1 - 2.
39. *Ibid.*
40. H.N. Don1i: "Socio-Legal Consequences of Child Abuse" in Y. Osinbajo (ed) *Women and Children under Nigerian Law*, *op. cit.* pp. 153 - 154.
41. See: Davies v Monroe County Board of Education 526 U.S. 629 (1999). Gebser V; Lago Vista Independent School District, 524 U.S. 274 (1998).
42. See A. Atsenuwa *op. cit.* note 16 for a typology of prostitutes. 43. *ibid.*
44. J. Conklin *op.cit.* pp. 2, 4, 25.
45. *ibid.* *op. cit.* pp. 317 - 321.
46. *ibid.*
47. Section 224 of the Criminal Code.
48. Section; 225(A)(of the Criminal Code.



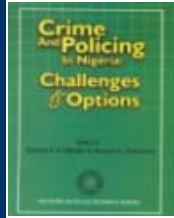
49. Stipulated penalty is six months. See Prof. Okagbue's comments in I. Okagbue: "Reforming Sexual Offences"... etc. *op. cit.* p.33. 50. Section 223 of the Criminal Code.
51. See: Africa News, March 282001 with Caption "Girls for Sale" reproduced in C. Bowman and A Kuenyehia *Uwomen and Law. etc. _ op. cit. pp. 420 - 426.*
52. Professor Okagbue asserts that "such evidence as is available however suggest that the relationship between a prostitute and her pimp is entirely voluntary and operated to mutual advantage: " (I. Okagbue: "The Reform of Sexual Offences etc), p.33. For the statistics on sex-trafficking and its financial returns to the perpetrator, see note 51, supra.
53. For example "at Sunnyside police station in Pretoria, the first specialized unit in the country was established in 1995 to deal with case of violence against women." (see: Human Rights Watch: *Violence Against Women in South Africa: State Response to Domestic Violence and Rape* (1995) pp. 74 - 83).
54. A. Atsenuwa: "Better Protection. .. etc" *op cit* note 16, supra p. 25.
55. Paragraph 6 of the General Recommendation of the CEDAW Committee on Violence Against Women (General Recommendation No 19, Eleventh Sess. No. 1, 1992 UN Doc A/47/38, I Int. Hum. Rt. Rep. 25 (No.1, 1994).
56. . America Watch: *Criminal Injustice: Violence Against Women*,1991 at p.12.
57. See for example: Prevention f Family Violence Act No. 133 of 1993 and the Domestic Violence Act No. 116 of 1998 (South Africa); Protection from Domestic Violence Act No.6 of 1997 (Mauritius).
58. See specifically: Art 226, paragraph 8 of the Constitution of Brazil, 1998.
59. C. Watts, S. Osam & E. Win (eds) *The Private and the Public: A Study of Violence Against Women in Southern Africa* *op cit.* pp. 11 - 13.
60. See also: A Armstrong: *Culture and Choice: Lessons From Survivors of Gender Violence in Zimbabwe*" *op. cit* pp. 6-10, 20 – 22
61. *ibid* .4. See also: A.V. Atsenuwa (ed) *Women's Rights as Human Rights The Nigerian Experience*, L.R.R.D.C., 1995 p. 49; M. Atinmo: "Socio-Cultural Implications of Wife Beating Among the Yoruba in Ibadan, Nigeria" in F. Oyekanmi (ed) *Men Women and Violence in Nigeria*,1997, p.111.
62. A. Armstrong; *ibid*.
63. R.O. Ofei-Aboagye: "Domestic Violence in Ghana: A Initial Step" 4 *Colum. J. Gender & Law* (1994) pp. 1,3,5, 11.



64. N. Neft and A.D. Levine (eds) *Where Women Stand: An International Report on the Status of Women in 140 countries*, 1997, p. 154.
65. G. Gopal and M. Salim (eds) *Gender and Law: East Africa Speaks*, 1998, p. 144.
66. C. Watt et al. (eds) *The Private and the Public: A Study of Violence Against Women in Southern Africa*, *Op. cit.*, pp. 11-13.
67. See: S.F. Saros: "Spouse Abuse: A Study of Samaru - Zaria, Kaduna State, Nigeria" in: E. Robson (ed.) *Breaking the Silence: Women Against Violence*, 1993, p.70.
68. D.H. Donli: "Socio-Legal Consequences of Child Abuse" *Op. cit.* p. 142.
69. *ibid.*
70. S. Glueck and E. Glueck, *Unravelling Juvenile Delinquency*, Harvard University. Press, 1959, pp. 307 - 350.
71. J. Conklin: *Criminology*, *op. cit.* p. 489.
72. See: Recommendation 24(b) of General Recommendation of CEDAW Committee on Violence Against Women (UN Doc A/47/38, I Int. Hum. Rt. Rep. 25 (No.1, 1994).
73. J. Conklin: *Criminology*, *op. cit.* p.489.
74. Americas Watch: *Criminal Injustice: Violence Against Women in Brazil*, 1991, p.12.
75. as in San Diego, California.
76. C. Hanna: "No Right to Choose: Mandate Victim Participation in Domestic Violence Prosecutions", 109 *Harv. L. Rev.*, 1996, pp. 1849, 1862 - 64.
77. A.A. Odah FEF/WIN Beijing +5 Impact Assessment (195 - 2000) Friedrich Ebert Stiftung, 2001 pp. 56 - 62.
78. See: p. 8, *supra*.
79. African Network for the Prevention and Protection Against Child Abuse and Neglect (See: H. N. Donli *op. cit.* p. 133).
80. See: A Ibidapo-Obe: "The Rights of the African Child: Culture and Internationalism in Conflict?" in A. Ibidapo-Obe & T.F. Yerima (eds.) *Law, Justice and Good Governance: Essays in Honour of Hon. Justice J .A. Ajakaiye* Petoa Educational Publishers, 2003, p. 112 at 114
81. H.N. Donli, *op. cit.* p. 132.



82. *ibid.*
83. The *Otokoto* incident involved the kidnapping of a young boy who was dismembered and buried in the premises of one of the accused named Duru: Clifford Oji was arrested in Lagos for cannibalism after being found in possession of human parts, some of which were being barbecued on a grill.
84. The *Guardian* Newspaper of April 22 2004 reported the separation of youth affairs from the Ministry of Women Affairs and its Constitution as a separate department under the Minister for Special Duties (See pp. 1 and 2).



CRIME STATISTICS AND INFORMATION MANAGEMENT IN NIGERIAN JUSTICE AND SECURITY SYSTEMS

Etannibi E. O. ALEMIKA

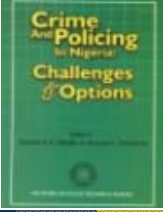
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Introduction

Several criminal justice, law enforcement, intelligence and security agencies exist in Nigeria to guarantee personal safety and security of property. However, the level of effectiveness and efficiency of these agencies is unsatisfactory due to several constraints that are internal and external to the organizations (Kayode 1976; Odekunle 1979; Alemika 1993, 2003; Alemika and Chukwuma 2000). One of such factors is that nearly all of these organizations operate without reliable statistics and information (Ojomo and Alemika 2003). Lack of reliable data and statistics has adversely affected the ability of the police to achieve high clearance rates, effective prosecution and high conviction rates. Due to lack of reliable criminal intelligence analysis, the prosecution department, courts and prisons are congested. Inmate population statistics in the Nigerian prisons during the past one and half decades show that between three-fifths and two-thirds of inmates were being remanded awaiting trial. Overall, the absence of reliable and valid information management systems within each of the criminal justice and security agencies has inhibited the nation's capacity for crime prevention and control. It has also undermined the effectiveness of measures deployed against threats to security and safety in the country.

The problem of lack of reliable and valid statistical and information management is not peculiar to the security, law enforcement and judicial agencies. It is an endemic problem that plagues the country's entire economic and political institutions. For example, Nigeria does not have reliable and valid statistical information on the size and composition of her population or on other vital issues like employment/unemployment rates; foreign and domestic debts; petroleum output, export, theft (bunkering) and import; foreign trade; poverty rates; etc. Is it therefore any wonder that nothing seems to work as planned or expected in Nigeria? Things do not work as planned simply because planning is characterized by guesses, and ignorance of relevant socioeconomic and political parameters for policy formulation, implementation, monitoring and evaluation.

The objective of this paper is to provide a broad overview and analysis of the importance of statistical and information management systems within the country's criminal justice, intelligence and security agencies. Furthermore, the paper provides an outline of statistical and information systems that are needed by the agencies. In our discussion, greater emphasis has been given to the Nigeria Police Force and criminal statistics because the Force remains the country's general purpose public policing agency as well as gateway to many other legal and security agencies. However, the assumptions that underline the analysis of police criminal statistics apply generally to all the core criminal justice and security agencies (police, State Security Services, courts and prisons), special state policing and law enforcement agencies (National Drug Law Enforcement Agency, Economic and Financial Crimes



Commission; Federal Road Safety Corps, Human Trafficking Prohibition Agency) and quasi-law enforcement agencies (Immigration Service and Custom Service).

Information and Statistical Management

Information and statistics are sometime used interchangeably. Although the terms are closely related, they are distinguishable. According to Aguolu (1989: 8) information may be viewed as “embodying interrelated or structured data which are required to enable one react knowledgeably as well as to take appropriate decisions”. Statistics are numerical descriptions of data (events, things, persons, etc.). Sellin (in Sellin and Wolfgang 1978: 11) defines criminal statistics as:

... uniform data on offence or offenders that can be expressed in numerical terms, (2) derived from records of primary official agencies, (3) classified, tabulated and analysed to demonstrate inter-group relationships, and (4) published periodically according to a uniform plan ... within criminal statistics definite classes can be recognized. For various purposes it may be useful to classify such statistics according to administrative area (municipal, county, state, etc.), procedural stage (arrest, indictment, prosecution, conviction, etc.) or dominant unit of tabulation (offense, offender).

Information and intelligence are derived from analysis, interpretation and evaluation of data (events, things, persons and actions which may or may not be expressed numerically) and statistics. The three terms – data, statistics and information – may be seen on a continuum from data to statistics and information. Practically, information is the product of analyses of data and statistics on people, events, actions and conditions. Ojomo and Alemika (1993: 624) define information as “data and statistics that are collected, analysed and interpreted as tools for planning, decision-making, and for monitoring, and assessing the implementation of plans and decisions in order to determine and improve the degree of functional performance”. Modern economy and politics depend largely on information, which is why it is now assumed by many people that development is now driven by information as a form of knowledge. The significance of information has been underscored by McAlpine ((1975: 1) who suggested that it is a “resource for political, social and economic life. It permits people and their societies to solve problems, achieve precision, acquire accuracy, control property and act in the environment”.

Crime Statistics and Information Management in Nigerian Justice and Security Agencies

The various law enforcement and security agencies in the country have not developed appropriate statistical and information management system required for planning, effective operations, monitoring and evaluation of activities and personnel. As a result, citizens find it difficult to hold the government, elected officials and public officers accountable for (a) how well they perform the functions assigned to them; (b) how they use resources allocated to them; (c) how they relate to or process their clients (for example victims, suspects, defendants, remand and convicted inmates, etc.), and (d) whether or not they are able to identify or detect prospective or emerging threats to security and safety, and prevent the threats or control them from escalation when they occur. In essence, the current state of statistical and information management in Nigerian criminal justice and security systems is inadequate for planning, operations, prevention and control of threats to safety and security. This inadequacy contributes to the ineffectiveness of the agencies in spite of the enormous

energy exerted, sacrifice made and deprivations experienced by personnel in carrying out their functions with a view to realizing the objectives for which they are established.

The capacity gained by the police and prisons services, in the past, in respect of criminal statistics production and information procession has declined over the past two decades. Up to the mid-1980s both the Nigeria Police Force and the Nigerian Prisons Service regularly produced and published annual reports that provide meaningful if even limited data and statistics. The Report by the police contained data on arrest, cases prosecuted or under investigation, establishment and strength of personnel; discharges and discipline of personnel. These data were sometimes disaggregated by states. Similarly, up to 1986, the Nigerian Prisons Service also produced and published its annual report with information on inmate population disaggregated by states, age, sex, offence, remand/convict status, first offender/prior convicts; religion etc. In addition, data on custodial death, vocational training, prison industries, inmate earnings and discipline etc. were included. Although the scope of data and the quality of their analysis were inadequate, they nonetheless provided indication of the activities, performance and problems of the services. At present the police and prisons do not publish these reports on regular basis. For example between 1987 and 2000 the Prison Service did not publish its report¹³. Although drafts were produced for the years, they were not published. Official explanation for this was 'lack of fund'. The Nigeria Police Force failed to publish its Annual Report since the early 1990s.

The official explanation of lack of fund for the publication of Annual Report is not convincing because drafts of these Reports were produced for many of the years and both services have Printing Department. Therefore, explanations for the failure have to be sought beyond lack of fund. There are several reasons why the Nigerian criminal justice and security agencies lack of capacity for effective information management for planning, operations, monitoring and evaluations. The more significant ones are: (a) a historical legacy that views crime statistics as mere product of activities without additional values; (b) emphasis on operational performance as basis for promotion meant that officers outside general duty do not really commit themselves to the job, and lack of appreciation for non-operational duties as well as poor supervision by superiors compound the apathy; (c) inadequate understanding and appreciation of the role of criminal statistics and intelligence management in effective and efficient delivery of services by the police, judicial and prisons; (d) institutional apathy towards information management by government agencies in the country generally, and (e) lack of necessary skills and resources for statistical and information management. But even more fundamental than these reasons is that successive governments in the country loathe accountability. Therefore, statistical and information management systems that will enable the public to assess their performance were not developed. Even when data and statistics are collated, they are treated as secret documents, locked up and rarely used by government officials and agencies for policy formulation, programme design and evaluating and improving performance.

There is a relationship between the country's unaccountable system of government and absence of statistical and information management systems in government departments. A reliable statistical and information system can only exist under a democratic government

¹³ The Service published a Report for 2000; however, it has not sustained regular and timely publications since then.

characterized by transparency and accountability. During the protracted military rule and the current “civil” rule dominated by retired military and paramilitary personnel with uncivil temperament, resources are arbitrarily allocated; budgetary provisions and actual disbursements are not rationally related to needs, resulting in under-funding of many critical agencies while some departments are saturated with funds that they cannot effectively manage except to embezzle through a variety of scams. Related to the problem of authoritarianism in Nigeria is also the anti-intellectual disposition of the top-ranking government officials which is manifested in the neglect of statistical and information sector as well as in the decisions that led to the progressive and deterioration of the country’s educational system. Under the military led by General Olusegun Obasanjo (197-1979), policies and actions that were inimical to the country’s educational development were introduced. They include increases in fees paid in tertiary institutions, deployment of soldiers into secondary schools to maintain ‘discipline’; decreasing funding of tertiary educational institutions; repression of students and lectures by means of dismissal of progressive and radical students and extrajudicial killings of students on protest demonstrations. The regime discouraged universities from building additional hostels to match rapidly increasing student population¹⁴. These decisions and actions significantly contributed to the crises that subsequently emerged in the university system – overcrowding in lecture halls and hostels; inadequate funding for the purchase of books, journals and other learning resources; brain drain among lecturer to foreign universities and other sectors within the domestic economy; overall indiscipline among students due to poor learning, teaching and living environment resulting in diverse vices, including cultism. Authoritarian regimes as have been experienced in Nigeria are anti-intellectual, and exhibit hostility or apathy towards educational, research, statistical and information development. Because Nigerian despotic regimes, especially after 1975 were not subject to accountability, they did not produce statistics and information that may shed light on their activities¹⁵.

The discussion so far should not be read as implying that the criminal justice and security agencies do not compile some information on threats to safety and security, reported crimes, cases sent for legal advice, cases under trial, judgment and nature of sentence, incidences of disorder, etc. However, the compilations are grossly inadequate, irregular and inconsistent. Crime statistics produced by the Nigeria Police Force are often inaccurate and sometimes incomplete due to administrative and technical problems that can be addressed but are not¹⁶.

¹⁴ The policies and actions of the then military government eroded academic staff confidence and commitment, led to the development of off-campus accommodation that in part led to gross indiscipline, and caused deterioration of academic and non-academic facilities.

¹⁵ It is on record that the present government has been very hostile to the release of statistics that reflect adverse economic and social conditions in the country even by international, foreign and UN agencies. For example in 2003, the statistics that 70% are leaving below poverty was contested by government. It was reported that the government was making available 200 million naira to the Federal Office of Statistics to conduct a survey to disprove the figure. Incidentally, it was the same organization that was commissioned by a UN organization to implement the survey that produced the disputed statistics. The government is also currently designing new computational methods that will provide favourable economic and social statistical estimates such as GDP, capacity utilization, unemployment, economic growth, poverty rates, etc. These buttress the argument that unaccountable governments are hostile to the production of reliable and valid statistics that may be used to monitor and evaluate their activities.

¹⁶ The statistics sometimes do not include returns from some state commands that fail to submit their crime returns promptly. And because crime statistics are often now computed on demands by government or the Inspector-General of Police in order to make pronouncements, rather than on an institutionalized basis, the

Nigeria police crime statistics contained very limited range of data. They are limited to a few variables like type of offences, age and sex of offenders. Data and statistics on victims, context of crime, victim-offender relationship, and the means by which crime became known to police and actions taken, clearance rate, etc. are not available. Existing inaccuracies in police crime statistics go beyond the traditional deficiencies (dark figure¹⁷, grey figure¹⁸, single entry¹⁹ for multiple crimes and classification of crimes²⁰) that have been widely discussed in criminological literature.

Prison statistical report in Nigeria contains a range of information on the prisoners, their social background (religion, state of origin, age and sex), criminal record (recidivism, type and length of sentence, offences) and conditions in prisons. It also contains administrative information such as staff training, revenue generation in prison farms and industries, etc. However, it does not contain information on employment and marital status, place of residence (urban/rural) before imprisonment. Because of the captive nature of inmates, the prison can be used by society to generate information on social, economic, political, legal and cultural factors that facilitate or inhibit criminality. The information, though not representative of offender population, can be used for crime prevention and control within a broad socioeconomic and political development planning framework (Adeyemi 1993).

Judicial statistics are produced for various jurisdictions (state courts, Federal High Courts, Court of Appeal and the Supreme Court). A comprehensive and integrated reporting system for the judiciary is yet to be developed for the country. The data provided in many of the reports pertain largely to number of cases under prosecution or concluded, judgments, type of sentences and sex of suspects. However, the courts can compile data and statistics that will inform government about case management, access to justice, problems of criminal justice administration (delay, overcrowding of judicial and prisons systems, facilities, type of and alternative sentences). The information can guide law-making, enhancement of access to justice and promotion of the rights of victims and suspects/criminals within the criminal justice system.

Given the nature of its operation, access to the reports of the State Security Services is not granted to the public. It is therefore difficult to access it. Nonetheless, limited contact with the Service indicates that its preference is for narrative reports rather than a statistical one.

crime statistics produced are often inconsistent as they depend at any point on the number of state commands that have submitted returns, the diligence of officials to locate all returns from files, and the competence of compiling officers to ensure accuracy.

¹⁷ Dark figure refers to crimes that have occurred but are not detected by victims or public or detected but not reported to the police for a range of reasons. Such reasons include the seriousness of the crime, victims' perception of the likelihood of police being able to detect and facilitate the sanction of offenders – where property is involved to recover same, relationship (nature of police-public relations), access to police and justice, etc.

¹⁸ Grey figure refers to the crimes that are detected and reported to the police but are not recorded, often because they were resolved informally without the invocation of the criminal justice process.

¹⁹ The problem arises when an offender committed several offences in a single crime incident, e.g. murder, rape, robbery, assault, etc. The normal practice is to record the most serious offence in crime statistics report, although the offender will be charged and prosecuted for the various offences.

²⁰ Classification of crime in police report does not often take account of severity, thus assaults involving hospitalization and minor ones are classified together; theft of millions of naira are grouped together with theft of a few hundred naira.

First, there are weekly, monthly and yearly reports by every command of the Service, from the Local Government Area to the State Command and to the national level. The Service also produces incidence and threat reports. Incidence reports offer information on particular events such as conflicts, visit of the President to a state, or important celebrations. Similarly, threat (analysis) or intelligence report deals with emerging issues and conditions that may lead to conflict in the future if not adequately handled. One of the major problems with the reporting system of the Service, as far as can be discerned from distance, is the lack of depth. The report of the Service should contain qualitative and quantitative information on conflicts, casualties from conflicts, and threats to security. Furthermore, such report should be situated within rigorous and professional analysis of the country's economic, political and social conditions, especially as they impact on different communities. It is unlikely that any of the Nigerian security and intelligence agencies can provide a fairly accurate report of the number of violent conflicts and casualty from such conflicts since 1999. But there are foreign government agencies (subversive and espionage intelligence agencies, research institutes and researchers funded by governments) are tracking those conflicts and sometimes using them to manipulate political and economic life in the country in order to promote their own national interests against Nigeria's sovereign, security and developmental interests.

The National Drug Law Enforcement Agency (NDLEA) does not yet produce annual reports in which it provides data on its operations and administration. Nonetheless, the Agency has tried to occasionally release data on arrests, seizures, prosecution, convictions, Nigerians imprisoned abroad for drug-related offences, etc., through its in-house magazine – *Drug Salvation Force*. What the organization still needs to do is to develop a comprehensive system of data collection and analysis for institutionalized annual reporting system (Alemika 1998).

Criminal Statistics and Intelligence Management

Democracy rests on accountability and transparency while economic development planning requires statistical and information data-bases. There is widespread perception within and outside Nigeria that the country has an endemic problem of insecurity to person and property. Frequent incidence of ethnic, communal, religious and especially political conflicts involving loss of lives and destruction of property, most of which could have been prevented if there had been reliable information and intelligence management system, fuels the perception. It is intriguing that many nations that are far less safe and more insecure and violent than Nigeria, especially the United States of America, frequently warn its citizens of insecurity in the country. But the Nigeria government often has no coherent response and rebuttal to such subversive declarations by foreign governments because it does not maintain reliable data and statistics on crimes.

Foreign investors point to the assumed high level of crime and insecurity as disincentive to investment in the country. Nigerians themselves exhibit intense fear of prospects of being victimized. Unfortunately at present, due to inaccurate population statistics for the country and unreliable crime statistics, it is not possible to accurately analyse the pattern and probability of victimization for the nation's population and groups. The extent of fear of crime and insecurity is used as an indicator of the presence, responsiveness and the effectiveness of security agencies to protect the citizens. However, the government has not developed mechanism for surveying level of fear of crime and other related important

concerns like access to justice, especially by the poor; integrity and transparency of law enforcement, security and judicial officials; and relevance of existing laws to the safety and security concerns of the population. These concerns cannot be addressed without reliable statistical and information system that permit the monitoring and evaluation of the resource-input, operations management and performance of the nation's criminal justice, intelligence and security agencies.

The critical question is what sort of statistical and information framework are required for effective policy formulation and implementation, operations and administration, and for the monitoring and evaluation of these activities within the security and justice system in Nigeria? Different frameworks can be designed. But there are basic principles common to a good statistical and information system. A reliable criminal and intelligence system must produce comprehensive coverage of relevant data; ensures adequate storage, contents of the data-base(s) should be easily retrievable and secured from destruction, and protected against unauthorized access and manipulation. The system of data collection, processing, analysis and reporting must be effective and efficient.

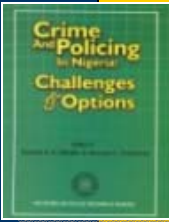
For effectiveness and efficiency in information processing and utilization, an information management system policy must be formulated, implemented and periodically reviewed. An information management policy at the minimum will involve the following elements:

- 1) Identification of data needs
- 2) Identification of sources of data
- 3) Collection of data
- 4) Data cleansing or editing
- 5) Establishment of a data-base system to facilitate storage, retrieval, analysis and processing or transformation of data to information through information technology such as computer automation.
- 6) Media for evaluating the quality of information produced by the system,
- 7) Utilization of statistics and information for problem-solving, decision-making and planning,
- 8) Assessment of the cost-benefit of the information system in terms of contribution to more or less effective decision-making, planning, problem-solving and overall performance
- 9) Protection of security, integrity, privacy and concurrency of information and in data base management (Ojomo and Alemika 1993: 624-625).

Once an information management policy has been adopted, appropriate environment and resources for its implementation has to be introduced. Information management, according to Adeyemi (1989: 227) entails:

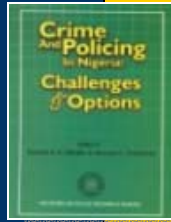
... the utilization of spatial, material, equipment, and human resources to identify, generate, process and store information for eventual retrieval and dissemination for use by individuals or groups who require such data for attaining their respective objectives... In recent times, modern information technology has been used to enhance information management in the areas of storage, speed of access, retrieval and dissemination.

Information management poses several challenges, including (a) reliability and validity of data, statistics and information fed into and produced through the system, (b) access to and



dissemination of the statistics and information produced by the system, and (c) protection of security, integrity, privacy and concurrence of information data-base. The latter challenge is very critical in criminal justice and security systems because the activities of their personnel necessarily intrude into citizens' life and privacy. If the integrity, security and privacy of information on citizens in information data bases of security and intelligence agencies are compromised, the rights of citizens may be eroded. Schneiderman (1977: 29-30) describes the nature of the challenges associated with security, privacy, integrity and concurrency of data base information.

These four terms collectively describe the delicate problems of ensuring that a data-base management system protects the valuable information in the data-base from intentional or unintentional malice, incorrect operations and improper disclosure. Security is generally, taken to refer to physical protection of the data-base from external threats of destruction, alteration or copying. Integrity includes the protection from internal software or hardware errors, incorrect data and consistency. Privacy is the protection from improper disclosure of information and is closely tied to legal issues. Concurrency refers to the problem of providing multiple simultaneous accesses while ensuring the integrity of the data-base and preventing deadlock. The central problem in concurrent processing is guaranteeing efficiency and the correctness of results when multiple updates are in progress without locking large portions of the data-base.



Design of criminal statistical and intelligence system should address the critical issues of comprehensive coverage, reliability, accessibility, security and accountability (so that the rights of citizens are safeguarded). Tables 1 and 2 provide an example of some elements required for reliable and efficient statistical and information management system in Nigeria’s criminal, intelligence and security agencies.

Table 1: A Framework for Statistical and Crime statistical and Intelligence System

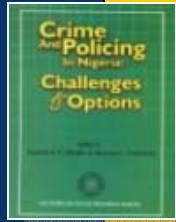
Spheres of Activities	Sources and utilization of data, statistics and intelligence: NPF; SSS; NDLEA; EFCC²¹	Courts	Nigerian Prisons Service
<i>Management</i>	<ul style="list-style-type: none"> • Policy • Implementation • Inspectorate 	<ul style="list-style-type: none"> • Policy • Implementation • Inspectorate 	<ul style="list-style-type: none"> • Policy • Implementation • Inspectorate
<i>Operations</i>	<ul style="list-style-type: none"> • Intelligence • Proactive and prevention activities • Reactive activities and outcomes 	<ul style="list-style-type: none"> • Input (cases registered for prosecution) • Processing (trial, bail, adjournment, etc.) • Output (judgment, sentence) 	<ul style="list-style-type: none"> • Input (admissions) • Processing (treatment, education, employment, care/counseling) • Output (discharge, custodial deaths, executions, rehabilitation measures.
<i>Finance</i>	<ul style="list-style-type: none"> • Recurrent budget proposal, appropriation, release; utilization, audit, appraisal; • Capital budget proposal, appropriation, release; utilization, audit, appraisal; • Grants and gifts. 	<ul style="list-style-type: none"> • Recurrent budget: proposal, appropriation, release; utilization, audit, appraisal; • Capital budget: proposal, appropriation, release; utilization, audit, appraisal; • Grants and gifts. 	<ul style="list-style-type: none"> • Recurrent budget: proposal, appropriation, release; utilization, audit, appraisal; • Capital budget: proposal, appropriation, release; utilization, audit, appraisal; • Grants and gifts.
<i>Personnel Administration</i>	<ul style="list-style-type: none"> • Personnel required • Appointments • Deployment, transfers • Promotion • Discipline • Public complaints against officials, investigation, disposition, communication with complainants • Discharge, disengagement 	<ul style="list-style-type: none"> • Personnel required • Appointments • Deployment, transfers • Promotion • Discipline • Public complaints against officials, investigation, disposition, communication with complainants • Discharge, disengagement 	<ul style="list-style-type: none"> • Personnel required • Appointments • Deployment, transfers • Promotion • Discipline • Public complaints against officials, investigation, disposition, communication with complainants • Discharge, disengagement

²¹ Nigeria Police Force (NPF); State Security Services (SSS); National Drug Law Enforcement Agencies, (NDLEA) and Economic and Financial Crimes Commission (EFCC).

<i>Materials, Stores and Supplies</i>	<ul style="list-style-type: none"> • Requirements • Acquisition • Supplies • Audit • Appraisal 	<ul style="list-style-type: none"> • Requirements • Acquisition • Supplies • Audit • Appraisal 	<ul style="list-style-type: none"> • Requirements • Acquisition • Supplies • Audit • Appraisal
<i>Training</i>	<ul style="list-style-type: none"> • Institutions • Programmes • Personnel • Facilities 	<ul style="list-style-type: none"> • Institutions • Programmes • Personnel • Facilities 	<ul style="list-style-type: none"> • Institutions • Programmes • Personnel • Facilities
<i>Statistics, Research and Development</i>	<ul style="list-style-type: none"> • Statistical and Research output • Social and economic statistics • Information Technology • Policy and Programmes Development • Monitoring and Evaluation 	<ul style="list-style-type: none"> • Statistics and Research output • Social and economic statistics • Information Technology • Policy and Programmes Development • Monitoring and Evaluation 	<ul style="list-style-type: none"> • Statistics and Research output • Social and economic statistics • Information Technology • Policy and Programmes Development • Monitoring and Evaluation
<i>Partnership and Community Relations</i>	<ul style="list-style-type: none"> • Inter-security agency • Other government agencies • Business • Community • Mass Media • CSOs/NGOs • Foreign security agencies • Foreign governments 	<ul style="list-style-type: none"> • Inter-security agency • Other government agencies • Business • Community • Mass Media • CSOs/NGOs • Foreign security agencies • Foreign governments 	<ul style="list-style-type: none"> • Inter-security agency • Other government agencies • Business • Community • Mass media • CSOs/NGOs • Foreign security agencies • Foreign governments

The framework is for illustration purposes. Development of such a framework should involve extensive consultation among the agencies who are the primary generators and users of the statistics and information; criminology, penology and criminal justice scholars/researchers; specialists in information technology especially software development and data base management, statistical analysis, etc. Relevant data, statistics and information must be generated for continuous policy development, implementation, monitoring, evaluation, transparency and accountability.

The content of Table 1 is only illustrative of the range of data that are already available through the daily operations of the country's criminal justice and security agencies. But the data are not properly collected and stored so that they can be efficiently retrieved. Furthermore and very important is the fact that the management of the various agencies do not realize the need for such data to be properly collected and analysed and utilized for the formulation, implementation and evaluation of policies, programmes, decisions and activities. The government also does not create incentives – rewards and punishments – for the development of reliable statistical and information system that can be used for planning, efficient allocation of resources and accountability by governmental institutions.

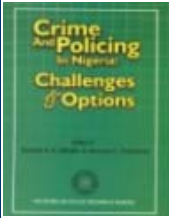


One of the humiliations that Nigerian experts encounter in international scientific, academic, professional and business fora is the recurring observations that there are no reliable statistics on any issue in Nigeria and that government officials do not respond to request for data and statistics. For example, INTERPOL currently publishes crime statistics of various countries on its web page. However, Nigeria is conspicuously absent while several smaller and less endowed countries in Africa have their criminal statistics posted there. What further compounds the problem of data and statistics in the country is the reluctance of agencies to grant researchers access to their records. Researchers can develop research instruments (forms or schedules) to classify and code information from such records. Such data can be analysed to explain several issues and problems that confound the agencies (Alemika 1998). The Nigerian criminal justice and security agencies should realize that they cannot be effective without the use of rigorously analysed data, statistics and information for their policies, planning and operations.

For effective crime prevention and control, and promotion of safety and security through effective law enforcement, intelligence gathering and analysis, police criminal statistics should contain the following records:

- All crimes reported to or known by the police;
- All crimes reported to the police and for which suspects were arrested, prosecuted and convicted;
- All crimes for which suspects were arrested and for which no charges were filed or for which charges were filed but withdrawn by police or suspects were discharged for want of diligent prosecution;
- All crime incidents involving multiple offenders as well as suspects who committed multiple crimes;
- Classification of crimes – “common” crime, occupational/professional crime, organized crime; violent, personal and property crime, etc;
- Social background (age, sex, education, employment status, occupation, income, marital status, residence, religion, ethnicity) of suspects;
- Social background (age, sex, occupation, employment status, income marital status, religion and ethnicity) of victims;
- Classification of victims (individual, government agencies, business organization, etc.);
- Criminal history of suspects (prior arrest, prosecution, conviction and sentences);
- Context of criminality (location, time, weapon and mode of operation, relationship between suspect and victim, influence of alcohol and drug);
- Length of detention before arraignment, whether or not police granted bail pending arraignment; duration of trial and number of adjournment.

These data will, for example, facilitate diverse analyses pertaining to types, extent, pattern, socio-economic sources and contextual dimensions of criminality and police responses. As at present, police crime statistics in the country are not adequate for reliable analyses of these aspects of criminality. Crime prevention and control measures cannot be effective without these data and the statistics and information that can be derived from them. Table 2



elaborates the type of operational data that criminal justice and security agencies need to collect for rigorous statistical analysis to generate information to develop policies, plan and operate and to assess the effectiveness and efficiency of agencies, their personnel and activities.

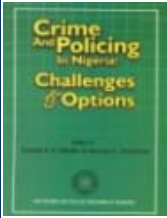
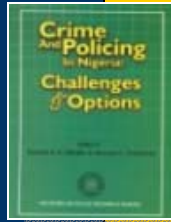


Table 2: Operational Statistics and Information for Intelligence, Security and Justice Organisations

Security and Justice Agency	Required Operational Data and Statistics
<p>Police</p>	<p><u>Crime and criminal statistics</u></p> <ul style="list-style-type: none"> • Crimes reported or known to the police • Crimes for which suspects were apprehended, charged, prosecuted, discharged, convicted, sentenced; • Victims' background (age, sex, occupation, employment status, education, residence, criminal record (if any); • Suspects' background (age, sex, occupation, employment status, education, residence, marital status, criminal record (prior arrest, prosecution, conviction); • Crimes with multiple suspects and suspects with multiple charges/indictments; • Crime contexts – location, time, victim-suspect relationship, nature of victim (individual, social group, business organization, government agency); • Call for assistance by citizens in distress and responses to the call for assistance; • Missing persons; <p><u>Action and Performance</u></p> <ul style="list-style-type: none"> • Clearance, indictment and conviction rates; • Period between arrest and arraignment; • Use of force and firearms – death and injury of suspects and officers; • Bail granted or denied by police; • Number of adjournments and at whose instances; • Duration of trial; <p><i>* Much of these are applicable to the National Drug Law Enforcement Agency and the Economic and Financial Crimes Commission, and even the newly established Human Trafficking Prohibition Commission.</i></p>
<p>State Security Services</p>	<p><u>Intelligence</u></p> <ul style="list-style-type: none"> • Analysis of threat that may arise from government socioeconomic and political policies, programmes, decisions and actions; • Threat analysis of responses or reactions by groups to government policies, decisions and actions; • Nature, time, location and target of threat; • Level of seriousness of threat; • Is threat in the short, medium or long term? • Is the effect of threat, if executed, of short, medium or long duration? • Action and referral to other agencies <p><u>Events (conflicts and crises)</u></p> <ul style="list-style-type: none"> • Location (where) • Time (when) and duration (how long) • Causes of conflict • Nature of conflicts/crisis – military, armed banditry/militia, political, economic, ethnic, religious, cultural, scientific or technological; mineral resources, natural disaster, etc.; • Casualty (death, injury, missing, hostages, etc.) and losses (property and other resources); <p><u>Interventions</u></p> <ul style="list-style-type: none"> • Government (executive actions), security agencies, non-governmental domestic agencies and agents, foreign agencies and governments; • Post-conflict assessments of pre-event intelligence; intelligence utilization, crisis management and interventions.
<p>Courts</p>	<p><u>Intake/Input</u></p> <ul style="list-style-type: none"> • Cases instituted for FIR (first information report – Northern States); • Cases instituted for trial or prosecution; • Background (age, sex, occupation, employment status, marital status, prior criminal record,



	<p>etc.) of suspects;</p> <ul style="list-style-type: none"> • Charge(s) and number of accomplices; • Type of victim (individual, group, government agency, business); • Victim-suspect relations • Number and background of witnesses; • Prosecution – police, state counsel or private; • Defence – private, government contracted or court appointed/legal aid; <p><u>Process and Output</u></p> <ul style="list-style-type: none"> • Date of commencement of trial; • Bail granted or denied, and conditions of bail; • Number of appearances and adjournments (and at whose instances); • Judgment (discharge; discharge and acquitted, convicted); • Sentence(s); • Date of conclusion of case; • Appeal?
<p><i>Nigerian Prisons Service</i></p>	<p><u>Intake/Input</u></p> <ul style="list-style-type: none"> • Inmates' admissions; • Background of inmates (age, sex, occupation, employment status, education, residence, marital status, drug use/abuse history; health status, criminal record (prior arrest, prosecution, conviction); • Date of admission; • Classification of inmates: remand/convict/detainees, etc. • Sentence; <p><u>Process/Intervention</u></p> <ul style="list-style-type: none"> • Training and education, care and counseling; • Welfare (arranging visits, contacts), religious activities and recreation; • Infractions and discipline; • Health – morbidity and mortality; • Accommodation and feeding • Prison industry and farms – employment, production and revenue and remunerations to inmate producers; • Discharges – from remand; on payment of bail/fines, completion of sentence, pardon/clemency, execution of capital sentence; • Escapes, protests, riots and related deaths and injury.

Crime and Victim Surveys as Components of National Crime and Security Information System

Even under the best circumstances, official crime and justice statistics will not for various reasons produce adequate data and statistics for the development and implementation of policies that will produce optimal effectiveness and efficiency. Some of the reasons are that being official statistics, they reflect more the activities and responses of the agencies in relation to the problems brought to their attention out of the universe of such problems. The data and statistics are also subject to manipulation by the police and government for political, budgetary and other purposes.

Criminologists have long realized that official crime statistics are compromised by what in their technical jargonizing they refer to as dark and grey figures as well as manipulation. The problem is more serious at the level of the police which is the gateway between society and

the criminal justice system. However, once suspects are brought within the criminal justice system, statistics become increasingly accurate provided that technical errors are eliminated. Unfortunately, at those levels, crimes and criminals are increasingly screened out of the system making them far less representative of their manifestations in society. As a result of these problems or inadequacies, two important methods for estimating crime levels and public evaluation of laws, crime and conflict levels, safety and security, access to justice, conduct and performance of criminal justice agencies and agents in society have been designed by criminologists and sociologists. The two methods are crime survey and victim survey.

Crime survey is also called self-report by criminologists. It involves the study of a sample of the population as regards the types and number of crimes they committed during a particular period, usually during the past year - whether or not detected or reported to the police. This type of survey is undertaken using the questionnaire method of data collection in order to ensure anonymity of respondents and thereby enhance reliability of information. The approach was initially developed by criminologists who used it to determine the extent to which suspects arrested by the police are representative of the population of offenders in general. It was also used to analyse the reliability of criminal statistics and whether they represent biases on the part of the police in terms of law enforcement practices, especially arrest and prosecution, of offenders from various socio-economic and political groups.

It has been learnt, using the approach, that the police criminal statistics do not accurately reflect the extent and distribution of criminality in society and among the people from various socioeconomic, political and demographic backgrounds. In essence, police crime statistics under-estimate the extent of crime as well as distort the pattern and distribution of criminality among groups in society. The problems vary across crimes. More serious crimes tend to be reported more than minor crimes and to that extent police statistics on minor crimes are less reliable than those pertaining to serious crimes such as murder and robbery. The problem is that people do not detect all crimes that they were victims. But also important is that victims may report minor criminal victimization to the police. Whether or not people report crimes to the police depends on a range of factors: (a) whether they think the police will recover either lost property or apprehend offender and make him/her to face the law; (b) whether or not they have access to police; (c) whether reporting to police will involve further inconveniences, such as attendances at police stations and courts as witnesses; and (d) the nature of the relationship between the police and the public. These are issues of police efficiency, accessibility and relationship with the police. Unfortunately the public rating of the Nigeria Police Force on these issues is poor (Okonkwo 1966; Tamuno 1970; Kayode 1976, 1993; Alemika 1988, 1993a, 2003b; Ahire 1993; Rotimi 1993; Lewis et al 2001) due to historical factors and temporal political and institutional constraints (Alemika and Chukwuma 2000). Crime survey suffers several weaknesses. A typical questionnaire from crime survey contains more question on minor crimes with which the respondents are more comfortable while there is tendency to avoid questions on more serious and sensitive crimes. The method depends on the respondents' willingness to provide reliable response. But respondents tend to underreport serious crimes that they committed. They may also forget some or report crimes outside the period covered by the study. Nonetheless, the approach usually provides a broader view of the extent and pattern of crimes in society as well as the safety and security concerns of the citizens. Crime survey therefore complements official crime statistics.

Victim surveys, the second and an alternative approach, attempt to obtain a reliable picture of the extent and pattern of crime in society through victimization report. This is the opposite of the crime survey. It asks respondents about their experience of criminal victimization during a specified period, usually a year. The assumption is that if people are less likely to report their criminal conduct, they are nonetheless more likely to report crimes committed against them. It has been discovered that this approach generates comparable data as the crime survey. But it also suffers some of the weaknesses associated with crime surveys such as inability of respondents to accurately remember criminal victimization events involving them. Respondents may also misreport the timing of their victimization: exclude events that occurred during the period covered by the study or include reports of events that occurred before or after the period covered by the survey.

The value of information from surveys can be illustrated using the by results from the Afrobarometer²² surveys²³ conducted in Nigeria in 2001 and 2003. Among nearly ninety questions on various aspects of society including the economy, politics and associational life, respondents were asked of their experience regarding crime and conflict. Their responses are presented in tables 3-6.

Table 3: Perceptions of Crime, Safety and Security

<i>Over the past year, how often (if ever) have you or anyone in your family:</i>	Never	Just once or twice	Several times	Many times	Always	Don't Know
Feared crime in your own home? 2003	61	22	13	2	2	0
2001	62	21	13	3	1	0
Had something stolen from your house? 2003	65	22	10	3	0	0
2001	75	12	10	2	1	0
Been physically attacked? 2003	80	13	5	1	1	0
2001	76	13	8	2	1	0

The data in table 3 show that in 2003, 17% of the respondents were frequently afraid of the likelihood of being victimized in their own homes; 13% actually had something stolen from their homes, and 7% suffered physical assault.

Nigeria has witnessed several violent communal and ethno-religious conflicts between 1999 and 2004. But how prevalent are these conflicts from the perception of Nigerians? Table 4 provides answer to the question. The data show that 3% of the respondent frequently experienced conflict in their own family; 12% frequently experienced conflicts within the community where they lived, and a significant one-third of the respondents frequently

²² The Afrobarometer Network is a consortium of social scientists from 16 African countries and the United States that conducts public opinion surveys on attitudes towards democracy, markets, civil society, and other aspects of development, engages in capacity building for survey research, and disseminates survey results to a wide array of users. The African countries covered are Botswana, Cape Verde, Ghana, Kenya, Lesotho, Malawi, Mali, Mozambique, Namibia, Nigeria, Senegal, South Africa, Tanzania, Uganda, Zambia and Zimbabwe.

²³ The respondents were selected through multi-stage, stratified, clustered area approach which produces a proportional representative sample.

to agree/strongly with one.

Crime and victim surveys are now undertaken either annually or every two years by several national governments (United Kingdom, United States of America, etc.) as well as by public and private research institutions (e.g. Institute of security Studies in South Africa). The three sources (official criminal justice and security statistics, crime and safety survey and victim survey) are now used in many countries as bases for a comprehensive statistical and information system. Such a system provides reliable knowledge on safety and security that can enhance policy development, implementation, monitoring and evaluation. The three sources complement each other and provide more reliable and comprehensive information on crime, conflicts, safety and security concerns of citizens, and public evaluation of the process, efficacy and outputs of criminal justice agencies. Obviously, this is the direction that the Nigeria should follow. But the critical question is how will Nigeria develop and sustain capacity for a comprehensive statistical and information system on crime, conflicts, safety and security? The next and final substantive section of this paper offers a proposal in this respect.

Capacity Development

The development of capacity for reliable and efficient criminal justice statistical and information system in Nigeria will require diverse resources and measures – political will, institutional building, inter-agency cooperation and coordination, administrative commitment, expertise, information technology hardware and software; reliable energy, communication and transportation infrastructure, and attractive conditions of service. It is worthwhile highlighting how these resources will impact on the development and institutionalization of the capacity.

The discussion above indicates that there are two major sources of data and statistics on crime, conflict, safety and security in society. These are official statistics and surveys (crime and victims). At the national level, all the three sources of information have to be coordinated and synthesized for analysis and publication so that information produced can be used by government, businesses, groups, communities and individuals as basis for co-production of security and safety with criminal justice and security agencies. The proposal for capacity building is discussed below.

Official Statistics

Several measures need to be taken for the development and institutionalization of capacity for effective management of official criminal statistics and criminal/security intelligence analysis in the country's criminal justice and security agencies. Some of the required measures are as follow:

- The policy-makers and leaders of the criminal justice and security agencies need to be sensitized to the need for reliable data, statistical, criminal and intelligence management system in their respective organizations and for all the organizations as a national system. In order to achieve this goal, the government, civil society organizations, academic institutions and experts as well as international and foreign agencies (assisting with funds and other form of assistance for the reform of the security and judicial system in the country) should create opportunities for the

sensitization of relevant officials through workshops and seminars, funding for pilot projects and training;

- The consciousness about the significance of reliable data and statistics for effective performance will need to go beyond the policy-makers and leaders. Therefore, a curriculum on criminal justice and security statistical management should be developed for all entry-level courses and subsequent staff courses in the various training schools and staff colleges of the agencies and services. The development of syllabi for the courses can be supported or funded by the government, individual services, or NGOs drawing on expertise within the security and intelligence agencies, and Nigerian academic institutions (especially criminologists, computer software development and data-base management professionals);
- The agencies need assistance to develop appropriate questionnaires, forms and charts that can be used to collect information from suspects, offenders, convicts, complainants, victims, secondary sources (such as newspapers and magazines, electronic communication media, etc.) and for the documentation of the routine activities of personnel of the respective services so that they can be subjected to analyses with minimum difficulties. A system-wide co-ordination is necessary to allow a flow of information and better case and information management across agencies. For example if a suspect, **Mr. X.** is arrested for murder, the police might give a case number 7777. When the case is sent to the Ministry of Justice for legal advice, that Department will give the case its own department case number but also make provision for the case number of the police. When the case goes on trial at the High Court and on appeal at or before the Court of Appeal and the Supreme Court, the same thing is done – a department case number is allocated to the case but the original police case number is also recorded. If the suspect is convicted and sentenced to imprisonment²⁵, the remand or committal warrant to the prison as well as the official prison record for the convict should retain initial police case number in addition to the prison allocated record number. This system for example will, in a computerized or automated system-wide information management network environment allow the case to be traced throughout the entire criminal justice system using the police case number. This will enhance case management and subsequent criminal intelligence. It will also aid research and criminal justice administration and address concerns like prior criminal records (arrests, prosecution, conviction and sentence) especially if the identification is further linked to or matched with finger print data base of all convicts of serious crimes. Developing the instrument for data collection requires the expertise of criminologists, computer software and data-base and management professionals as well as the practical knowledge of the personnel of the organizations. Funds will be needed for the development of pilot projects in each of the security and criminal justice organisations;
- Training of personnel is critical to the development of capacity in criminal statistical system. However, the best approach to ensuring institutionalization is to have civilian and operational staff complement. However, civilian professional and technical staff should drive and operate the work of information management within the security and criminal justice agencies. Not only does this accords with global

²⁵ My position is that the state need not be a murderer in order to teach a citizen that it is bad to kill and I therefore does not support the cruelty associated with the current routine use of capital punishment in the country's statutes.

development where police and security officials are increasingly being divested of non-enforcement and operational functions to enable them concentrate on their core duties but it also solves the problem of officers considering their deployment to non-operational duty as punishment and therefore attend to such duties with resentment. For the success of the programme, very good working conditions and attractive benefits should be provided in order to attract and retain professional criminology and social science researchers, computer software and data-base management professionals, statistical analysts and data entry technicians. Furthermore, professional development and relative career autonomy should be enjoyed by staff in the department.

- Infrastructure and facilities such as computer hardware and software, communication (including reliable and secure internet access), transportation, reliable energy source to complement erratic public energy source, office and residential accommodation, etc. will be required.
- The functions of a Research, Statistical and Information Management Directorate in each of the agencies will be the collection, organization, analyses, production, publication and dissemination of criminal justice statistics, incidences of violent conflicts and other information outlined in tables 1 and 2 on regular basis.

The government and private sector organizations (especially banks) as well as international NGOs (MacArthur Foundation, Open Society Institute, Ford Foundation, etc.) and foreign government agencies (e.g. DFID and USAID, Embassies) that are currently supporting criminal justice and security sector reform can fund pilot project(s), especially in the Nigeria Police Force, in the areas of (a) designing questionnaire, forms and charts for data collection; (b) developing appropriate software and data-base management system; (c) training police staff in using the materials and equipment; (d) equipping the research and statistics department at the national and state command levels with computer hardware and software including accessories for processing and production of more reliable statistical and information system

Crime and Victim Surveys

Crime and victim surveys require expertise in social survey data collection and analysis methods. The development of capacity in this respect is not strictly that of the criminal justice and security systems. There is capacity for the conduct of such survey in the country using expertise available from the country's universities, social science research institutes, social science research and advocacy based NGOs, the Federal Office of Statistics and the National Population Commission. However, the capacity and expertise will have to be mobilized, co-ordinated and deployed. There are several ways that these can be done. Two scenarios are provided as follow:

- The government may establish a National Crime and Victim Surveys Panel, chaired by an expert in social science survey method applicable to crime, justice and security fields. Members should be drawn from the academia, social science research institutes, justice and law enforcement reform NGOs, Federal Office of Statistics and the National Population Commission. The Panel will have overall responsibility for the surveys. However, it could and should contract the technical assignment of conducting the survey (data collection, analysis and report) to a credible survey research organization either in the universities or social science research institute or

in the private sector. This approach may be appropriate as a pilot project for three years – that is such a Panel exists for three years and conducts two annual surveys. This still leads us to problem of institutionalization.

- A second scenario will be for the government to request a university or a social science research institute (e.g. Nigerian Institute for Social and Economic Research NISER) with strength in social science survey research to create a Centre for Crime and Victim Surveys. The Centre should have its budget approved directly by government in order not to under-fund it. But the staff shall be employed as regular academic and professional staff of the university or research institute. The advantage of this is that it immediately creates a prospect for institutionalization and an environment conducive to intellectual work and challenges.

The conduct of the survey need not wait for the government process outlined here. Private sector organizations, for example a consortium of banks which yearly declared billions of naira in annual profit can fund such surveys by funding the establishment of a specialized centre indicated above. Similarly, international NGOs (such as MacArthur Foundation, Open Society Institute and Ford Foundation) or foreign government agencies (e.g. DFID/Access to Justice and USAID) that have demonstrated interest in and are funding programmes for reforming the country's criminal justice and security agencies can also fund the establishment of such agencies, if even on agreement for a five years²⁶ after which the Centre may be expected to generate its own resources from government or non-governmental sources. Alternatively, and this is also quite appropriate in the present context, these international NGOs and foreign government agencies may fund an NGO with demonstrable interest and capacity in Justice and Law Enforcement Sector Reform to conduct a round of survey with its results widely disseminated as a pilot study to provide baseline data and to demonstrate the importance of crime and victims survey in generating information and knowledge on all aspects of crime, conflicts, safety and security, and criminal justice and security administration in the country.

National Framework for Capacity Development and Institutionalisation

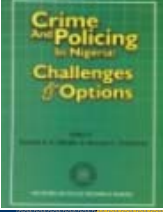
The strategies outlined in the discussion under the official statistics and surveys above are appropriate in the short-run. But in medium and long-terms a comprehensive national framework for the development and institutionalization of capacity for crime, conflict, criminal justice and security information management must be evolved. In addition, the country must address its problem of lack of reliable information in all aspect of the country's social, economic, political and cultural life. To do this will require constitutional, legislative, institutional and infrastructural development as follow:

- There should be a constitutional provision that makes the conduct of census compulsory every ten years after the next census (once again scheduled for 2005), failing which any government responsible should be impeached.
- Freedom of Information law should be enacted without further delay. The legislative lukewarm and executive hostility to a draft FOI Bill, sponsored by a coalition of civil society organizations, in the National Assembly merely show the contempt which the rulers have for citizens, importance of information, accountability and transparency in government. FOI laws are designed primarily to give effect to the

²⁶ During a five year period, the Centre should be obliged to produce and publish three rounds of crime and victim surveys.

- full import of citizenship in a democratic society (which are that power belong to citizens; elected officials are representatives of the people and owe the electorates the obligation to explain how and why they use the mandate given to them by providing information on all aspects of government policies, operations and actions), FOI laws promote transparency and accountability and ultimately good governance and democracy;
- There should be a law prescribing that at least 5% of annual budget in each of the recurrent and capital expenditure categories of every government agency should be spent in producing and publishing comprehensive and reliable data, statistics and information on the major functions and activities of the agency. Such Reports should be taken into consideration during budget hearing or defence and budgetary allocation by the National Assembly. For example, if an organization failed to produce and publish its Report for a previous year within nine months into a new year, its leadership should be subject to serious sanctions, including loss of tenure, for undermining accountability and the rights of citizens to know what their government and elected officials are doing on or in their behalf, and with public resources ;
 - With specific respect to the criminal justice and security information management, capacity will be best developed and institutionalised if a National Crime Prevention and Control Commission is established for the following purposes:
 1. Policy development and co-ordination for all the criminal justice and security agencies in the country;
 2. Developing a system of reliable data, statistical and information management in each of, and across, the agencies in the nation's criminal justice and security system;
 3. At least on annual basis, conduct (either directly or through agents), produce, publish and disseminate official and survey data, statistics and information on crime, conflicts, security, safety, crime and criminal justice administration, including experience and perceptions of citizens regarding them.
 4. Develop, support and fund scientific criminological, legal, social science and policy research that will enhance the knowledge and practice of crime prevention and control, conflict prevention and resolution, criminal justice and security administration;
 5. Develop, support, organize and fund training programmes, workshops, seminars, and conferences that will enhance the knowledge and practice of crime prevention and control, conflict prevention and resolution, criminal justice and security administration;
 6. Publish, support or fund the publication of books, journals, reports, or production of programmes on radio and television or other electronic media (films, multimedia, etc.) that will enhance the knowledge and practice of crime prevention and control, conflict prevention and resolution, criminal justice and security administration;

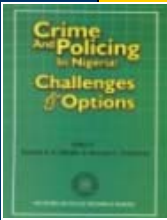
The Commission should be of the A Grade Status and its budget should be directly appropriated by the National Assembly. For the Commission to attract and retain qualified staff, its conditions of service should at least be comparable to those in the universities and



research institutes. Its principal focus should be the development of statistics, information, policies and programmes for crime prevention and control, and for the enhancement of safety and security, based on criminological and social scientific theoretical and empirical knowledge. The Commission should collaborate with existing legal institutions like the Nigerian Institute of Advanced Legal Studies National Judicial Institute and the Nigerian Law Reform Commission so that comprehensive approach to the guarantee of safety, security and justice can be developed and sustained in the country.

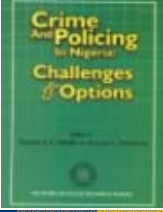
Conclusion

Rational and effective criminal justice, intelligence and security administration systems are critical to the nation's quest for democracy, good governance and economic development. There has been effort by the Nigerian government and NGOs, with the support of foreign governments and international non-governmental agencies, to reform Nigeria's law enforcement, judicial and security agencies. However, appropriate attention has not been given to the development of the capacity of these agencies to develop reliable and valid statistical and information systems for planning, operations, monitoring and evaluation. In most cases, reform programmes have been designed *without relevant facts* and relying on cross-national transplantation of models. It is most likely that the reform programmes will be largely ineffective, and may thereby reinforce the wrong notion that nothing works in Nigeria. But nothing works anywhere if planning and operations are based on guesses rather than reality captured by statistics and information. The development of information management capacity by Nigerian criminal justice and security agencies requires legislation to create obligations for data, statistical and information management in public service organizations generally and especially the criminal justice and security organisations; sensitization and awareness among leaders and staff of the agencies; political will and support from government and assistance by international NGOs and foreign government agencies in order to provide required resources and measures for the development and institutionalization of data, statistics and information management.



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INTEGRATING EMPIRICAL RESEARCH IN THE PLANNING AND TRAINING PROGRAMMES OF THE NIGERIA POLICE: OPTIONS AND PROSPECTS

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Introduction

The police exist to serve the people. It is therefore important that police activities should be people-oriented and reflect public interest. Their activities should meet the expectations of the people whom they serve. This is the way by which the police can win the critical public support that they so much need for effectiveness and efficiency. Without the support of the people, police work will be unbearably tedious and hazardous. It is necessary in this regard for the police to know what the people's needs, expectations, concerns and perceptions of the police are. But, how can we know what the people want? How can we know what is happening to the people? How can we know how they are affected by crime? How can we know the "true" extent of crime? Answers to these questions are best obtained through empirical research. Unfortunately, not much of the desired large-scale organized research on crime is taking place in Nigeria now. In comparison with the developed countries, there have been relatively fewer large-scale researches on crime, crime victims, the police and the criminal justice system in Nigeria.

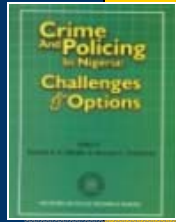
What is research?

'Research' in a simple sense can be defined as the 'process of acquiring knowledge' - the process of knowing more about or understanding a phenomenon. Focus in this paper is on empirical (scientific) research. A scientific research is usually logical and empirical/demonstrable. It is based on systematic and reliable procedures - using the scientific method, which is deliberate (planned) and objective. The planned aspect of research can be demonstrated with the use of a research design - which serves as a guide for the research. It is necessary to plan in advance what is to be done, rather than taking things as they come, and a good researcher keeps to the research plan. The empirical research we are discussing in this regard can benefit from the methods of research in the social sciences.

Uses of research in policing and crime control

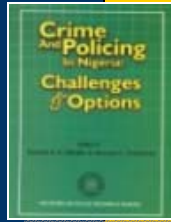
A question we may ask at this point is: What is the relevance of empirical research to policing and crime control? Empirical research can be useful for policing and crime control in various ways.

1. Enhancing our understanding of crime - where, when, how, why, who, what, etc. Criminologists are usually interested in knowing more about crime: How many crimes are committed? Why do people commit crime? What is the impact of poverty and unemployment on crime? Does the incidence of crime change with the political climate? Which types of crime are more prevalent? Who are the criminals? Where do most crimes occur? Who is more likely to be victimized? etc. These are questions that are best answered by empirical research rather than guesses or intuition. Indeed,



knowledge of research in this regard is often used by the police to advise the public about dangerous spots or what to do to avoid or reduce the risks of victimization.

2. Monitoring changes in crime rate, including the incidence, trend and pattern of crime. In this regard, crime studies can be equated with surveillance studies/sentinel studies in public health.
3. Estimating the true extent of crime. Empirical research can serve as a basis for assessing the adequacy of police and other official records of crime. This way, empirical research can also serve as a reliable source of information about crime, rather than having people rely on the media for information.
4. Pinpointing the exact location of crimes such as armed robbery, burglary, etc. Information generated in this regard can be useful for rational allocation of police personnel and resources.
5. Assessing police efficiency and effectiveness: Empirical research can also be used to assess the efficiency and effectiveness of the police in crime control. Through empirical research, the activities of police teams, patrol teams, etc. can be assessed. Empirical research can also be used to assess police response to distress calls, the number of crime cases known to the police, the number of arrests made, the number of successful prosecution, etc. By knowing how they are faring, the police authorities can, on their own, use this information for self-assessment and accountability. The knowledge gained from empirical research in this regard can also be used to improve police efficiency and effectiveness in combating crime - deployment, etc. Questions that may be asked about some issues that have generated interest recently include: Would an increase in police personnel lead to an increase in police efficiency? What impact has the recent increase in the number of police officers from about 110,000 to 310,000 had on police performance? Would an increase in patrol lead to a decrease in crime rate in a particular community? Are police officers posted to their areas of origin more effective than those posted to other places? We think about these questions often. However, we need empirical research to reach a useful conclusion. Police performance and efficiency can be improved by making use of empirical studies for guidance on deployment.
6. Measuring public perception and attitude to the police. This can also be used to assess the extent to which the police is meeting the expectations of the people and in achieving the objective of being a "friend" of the people. Empirical research can be useful as a barometer for public opinion and feeling about crime and policing. Empirical research can also throw more light on various aspects of crime, including:
 - i) The fear of crime: What are the concerns of the people about crime? To what extent do they worry about crime? Which crimes do they fear? Which crimes are of more serious concern? How often do crimes occur? Do they worry about crime? Are the streets safe? Which areas do they fear to go?
 - ii) The effects of crime: How does crime affect behaviour, lifestyle, etc.? What are the costs of crime?



- iii) Avoidance behaviour: What do people do to avoid victimization - avoid going out after dark? Stay away from certain streets and areas? Go by car rather than walk? Go out with someone rather than alone?
- 7 The findings of empirical research will be useful for researchers and students of criminology who may want to do some work in this area.
 8. From the police perspective, empirical research can be useful in understanding the problems of policing and crime control. What factors affect police efficiency and effectiveness? What resources are needed and what is available to the police? What is the level of motivation among police personnel?
 9. Knowledge of empirical research can be useful to the police for information gathering - an important aspect of police work - by enhancing their information gathering skills. Knowledge of research can also enhance the skills of police and law enforcement officers in the recording of information.
 10. Knowledge of research will also be useful for police officers to enable them make sense of research findings and also to be able to critically appraise researches and to organize/commission researches.

Sources of crime information

There are two major sources of crime information: Official Statistics and Unofficial Statistics. We can add media reports as the third source of information. Crime statistics usually contain statistical data on crime, including information on the level, trend and distribution of crime in a given locality at a given time. Crime statistics also usually provide information about the characteristics of criminals, the victims and indications about the propensity to commit criminal acts and to be victimized.

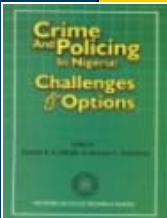
Official Crime Statistics are so called because they are generated largely by official agencies or organs of the government. Official Crime Statistics can be further broken down into three types:

- i) police records which provide information on crimes known to the police, and arrests made;
- ii) court records which provide information on the number of people tried or convicted; and
- iii) prison records which provide information on the number of people incarcerated at a particular point in time.

The police records of crime are usually considered to be the most comprehensive and most reliable of the three types of Official Crime Statistics.

The unofficial crime statistics are mainly of two types:

- i) Self-Report Studies; and
- ii) Victim Surveys



These studies are usually conducted by the government agencies or some commissioned agencies or researchers.

Official crime statistics

In the United States of America, criminal statistics are provided mainly by the Federal Bureau of Investigation (F.B.I.) in its annual publication known as the Uniform Crime Reports (UCR). Apart from this, the Federal Bureau of Prisons also publishes the National Prisoners Statistics which contain figures on incarceration in America. The Uniform Crime Reports (UCR) in the United States of America started in the 1920s. The Reports and are usually data and statistics forwarded to the FBI by various law enforcement agencies across the country. Crimes reported in UCR are divided into two broad categories: Part I offences and Part II offences. Part I offences are also generally known as Index Crimes because they are used as indices of the crime situation. The justification for using them as Index Crimes is because the offences are generally considered to be serious. Consequently, they are also more likely to be reported than other crimes. There are eight offences in the Part I category, including: violent crimes/offences against the person (comprising murder and non-negligent manslaughter, forcible rape, robbery, and aggravated assault) and serious property crimes (comprising burglary, larceny-theft, motor vehicle theft, and arson).

Part II offences are the less serious crimes including: other assaults; arson; forgery and counterfeiting; fraud; embezzlement; stolen property; vandalism; weapons; prostitution and commercial vice; sex offences (including adultery, fornication, incest and intercourse with an insane, epileptic or venereal diseased person); gambling; offences against the family and children (including desertion, non-support, neglect and abuse); driving while intoxicated; liquor laws (illegal manufacture and sales); disorderly conduct (disturbing the peace, disorderly conduct, illegal prize fights); vagrancy; miscellaneous (including abduction, abortion, blackmail, bribery, and 'suspicion'); curfew and loitering law violations; runaway (for juveniles); and narcotic drug laws.

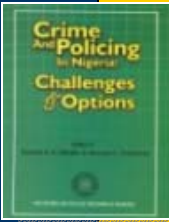
A major source of British criminal statistics is the publication under the same title *Criminal Statistics*, published by the Home Office. The British General Household Survey (G.H.S.) also usually contains information about crime.

Crime Statistics in Nigeria

In Nigeria, the main source of information about crime is the *Annual Abstracts of Statistics* published by the Federal Office of Statistics using both police and prison records. The Nigerian Police classification system comprises two broad categories of crimes/offences, viz: Serious Crimes; and Minor Crimes and Offences (FOS, 2001: 186-187).

Serious Crimes

The "serious crimes" include: murder (including attempted murder); manslaughter; felonious wounding; assault (including rape and indecent assault and unnatural offences); other crimes against persons (including child stealing, slave dealing, suicide and kidnapping); armed robbery and extortion; burglary, house breaking and store breaking; larceny; forgery and currency crimes; other crimes against property; bribery and corruption.



Minor Crimes and Offences

"Minor Crimes and Offences include: false pretence/cheating; unlawful possession and receiving stolen property; arson; perjury; other minor crimes; gambling; breaches of peace; escape from custody; local Acts; and other offences.

The Measurement of Crime

It is usually desirable to relate the number of crimes in a given area to the population of the area, with the crime rate being calculated per 100,000 persons in a given area as follows:

$$\text{Crime Rate} = \frac{\text{Total Number of Reported Index Offenses} \times 100,000}{\text{Total Size of Population in Reporting Area}}$$

This gives an indication of the incidence of crime for every 100,000 people in the population and also an indication of the risk level in the population. With this formula, crime rates can be computed for specific offences (such as rape, auto theft, murder, burglary, robbery etc.), as well as for categories of offences (such as property crimes, crimes against the person, etc.) or for all crimes taken together. In this regard, it is also desirable to take into account the relative vulnerability of various segments of the population in calculating the crime rate. For instance, it may be erroneous to calculate the rate for forcible rape (an offence that is largely committed against females) using the total population (including males and females) or to calculate the rate for car theft using the total population when it is clear that it is not all members of the population that have motor vehicles.

Strengths of Official Crime Statistics

A major strength of Official Crime Statistics is their scope/coverage (usually very broad and wide-embracing). The statistics are believed to be reliable because they are from official agencies which deal with crime control, and are usually verifies/confirmed.

Weakness/Limitation of Official Crime Statistics

In spite of the scope and acclaimed reliability of Official Crime Statistics, they are also generally acknowledged to be inadequate indices of the actual crime rate. Crimes known to the police constitute just a small fraction of the actual number of crimes committed. This is because the police rely largely on crime reports by the public. However, for various reasons, it is not all crimes committed that are reported to the police by victims, observers and members of the public. Also, for various reasons, it is not all crimes reported to the police that are recorded by the police.

Problems of Official Crime Statistics in Nigeria

A major problem in the utilization of official crime statistics in Nigeria is that of access: Official statistics on crime in Nigeria are not easily accessible by the public. Where available, they are not current or up-to-date. For instance, the main avenue for accessing statistics on crime is the *Annual Abstract of Statistics* published by the Federal Office of Statistics using police and prison record. The last edition of the publication is the 2001 edition which contained information about year 2000. It is difficult to get an update on this. Efforts to get current information from police units are usually impeded by bureaucratic procedures.

Usually, information contained in official crime statistics may not be comprehensive enough for various research purposes. This is not peculiar to Nigeria. However, it is pronounced in

Nigeria because of the relative dearth of information about other aspects of crime beyond the incidence. There is usually no information about the characteristics of the offenders (age, sex, etc.) and the victims.

The state of crime in Nigeria

We may now ask what Official Crime Statistics in Nigeria indicate. Table 1 indicates that the incidence of crime in Nigeria has been decreasing steadily from 258,655 cases in 1996 to 163,397 cases in year 2000. This gives a good and promising image of the Nigeria Police. However, this positive assessment should be considered alongside issues that affect the reporting and recording of crime.

Table 1 also gives an idea about the efficiency of the police. Again, the assessment as indicated in police records is positive as the proportion of cases prosecuted by the police has been steadily increasing since 1996 from 35.7% to 53.2% in year 2000. However, it should be noted that this is just an indication of cases prosecuted and does not give an indication about the success/outcome of the prosecutions.

Table 1: Cases/Offences Reported to the Police

Year	Cases Reported	Cases Prosecuted	Cases prosecuted as % of cases reported	Cases Pending Investigation	Cases Closed
1996	258,655	92,237	35.7	132,047	13,020
1997	234,992	100,284	2.7	104,831	11,004
1998	217,553	94,898	43.6	96,065	9,626
1999	197,429	87,728	44.4	89,498	8,533
2000	163,397	86,911	53.2	65,535	10,740

Source: the Nigeria Police Force (published in FOS, 2001:185).

Table 2: Number of Armed Robber) Cases Reported to the Police

	No. of Cases
1996	2,182
1997	1,814
1998	1,692
1999	2,235
2000	2,347

Source: Nigeria Police Force (published in FOS, 2001: 198).

Table 2 presents information about the incidence of armed robbery in Nigeria, indicating a curvilinear relationship - decreasing from 1996 to 1998 and assuming a steady increase since then. It will be necessary for criminologists to proffer explanations for the observed trend of crime. Current information is not readily available, but could the trend be related to political change? Are more crimes likely to be committed (or reported or recorded) in a democratic setting than in a military setting?

The three leading states for armed robbery incidents according to official crime statistics are Lagos, Anambra and Delta; while the least prone states are Bayelsa and Zamfara (FOS, 2001:198).

Table 3: Number of Vehicles Stolen, Recovered and Not Recovered -1995 -1998

Year	Number of Vehicles Stolen	Number of Vehicles Recovered	Percentage Recovered	Number of Vehicles Not Recovered
1995	3,181	1,752	55.1	1,429
1996	4,718	2,765	58.6	1,953
1997	5,386	2,672	49.6	2,714
1998	2,355	1,056	44.8	1,299

Source: Nigeria Police Force (published in FOS, 2001:201-205).

Table 3 can also be used to assess the efficiency of the police. This presents a different impression from the one given in Table 1, suggesting that the effectiveness of the police in recovering stolen vehicles has been reducing.

Unofficial statistics

As a result of the criticisms of the official criminal statistics, other methods of assessing the crime rate, which can also serve as bases for assessing the reliability of official statistics have been introduced. These are namely:

- 1) Self-Report Studies; and
- 2) Victim Surveys.

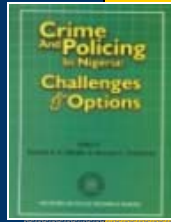
Official Crime Statistics, Victim Surveys and Self-Report Studies should be considered as complementary rather than alternative sources of crime information.

Self-Report Studies

Self-Report Studies (SRS) are usually conducted among sections of the population by asking a sample of respondents through anonymous questionnaires whether they had committed some criminal acts within a certain period of time. Self-Report Studies have often indicated that more crimes are committed than are known by the police. For instance, some studies have shown that over 95 percent of crimes committed by upper income people are not known to the police. Many crimes committed by people in exclusive institutions (e.g. schools and colleges, army/police barracks, etc.) are also usually not known to the police.

Victim Surveys

Victim Surveys are usually conducted among a sample of individuals, households or business organizations or other bodies or units in a given location by asking them if they had been victims of any crime in the recent past, usually one year prior to the interview. Respondents who answer in the affirmative are asked further questions to elicit information on the specific nature, time, location, losses and effects of victimization, as well as the identity/characteristics of the offenders. From the victims' reports it is believed that a more realistic idea about the incidence of crime can be obtained, since crimes are usually committed against some people or bodies (the victims). The victims surveys have also generally shown that more crimes are committed than are known by the police.



Victims Surveys also usually cover issues about public concern about crime, fears of crime, responses to crime, the effects of crime, etc. It is pertinent to note that periodic Victim Surveys are now conducted in the developed countries such as the United States of America, Great Britain, Holland, Australia, Canada, etc. For instance, the U. S. Bureau of Justice Statistics has been conducting National Crime Victimization Surveys (NCVS) in the U.S. since 1972. In Great Britain, the British Crime Survey (BCS) is now conducted annually, with over 40,000 interviews of persons aged 16 years or above. The United Nations has also been conducting worldwide crime surveys since the early 70s. The UN studies, though global, are usually limited in terms of national coverage.

There has been no national crime survey in Nigeria, while the few studies of victimization that have been conducted in Nigeria have been limited in scope, content and geographical coverage. The Nigerian National Paper for the 7th United Nations Congress on Crime Prevention and Treatment of Offenders (GFRN, 1988:74) noted that what is available on the victims of crime in Nigeria is "nothing more than a scratch in terms of geographical scope, information item, coverage and analytical refinement". Unfortunately, the situation has not improved much since then.

Limitations/Weaknesses of Victim Surveys and Self-Report Studies

The limitations of Self-Report Studies and Victim Surveys include:

- They are usually not confirmed. This casts aspersions on the reliability or validity of some of the claims/reports.
- They are usually based on small sample sizes that limits their generalizability for larger populations;
- These studies are subject to faulty recalls by respondents. Respondents may forget and thereby under-report some crimes, especially those that were considered minor. The respondents may also give false information or exaggerate their reports; and
- As earlier noted, there may be some discrepancies between the respondents' conception of a crime and the legal definition, thus creating discrepancies between the figures obtained from these studies and the official statistics. A peculiar limitation of the victim surveys is that such surveys are not applicable to the so-called 'crimes without victims'.

Media reports

Media reports also constitute useful sources of information about crime, but with limited reliability. The media get their information about crime from various sources, including: the police, and from the public (victims, witnesses, etc.). Generally, media reports also suggest that the incidence of crime is much higher than is reported in Official Crime Statistics. However, media reports of crime have often been criticized as being exaggerated (deviance amplification) and sensational. They are also criticized for "creating a moral panic" among the people. We may recall some official responses to media reporting of crime in recent times. It has been noted that reports about the crime situation in Nigeria discourages foreign investors and segments of the media have been blamed for this. However, beyond the criticism about the effects of media reports, the key question should be whether or not the media provide an accurate report of the crime situation and events.

Empirical problematique

Definitional Problem

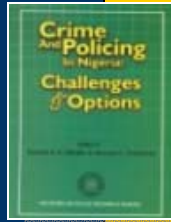
Perhaps the first problem with the measurement of crime and therefore, criminal statistics, is the problem of the definition of the concept 'crime'. What is a 'crime'? Who is a 'criminal'? Answers to these questions are important for an understanding of what the criminal statistics mean. The definition of crime varies with time and space. An act that was defined as a crime in the past may be decriminalized in the future and vice versa. Similarly, an act that is defined as a crime in one country may not be so defined in another country. Various definitions of crime have been given by scholars. For our purposes here, we shall adopt the definition cited by Reid (1979:5) which defined crime as "an intentional act or omission in violation of criminal law (statutory and case law), committed without defense or justification and sanctioned by the state as a felony or misdemeanor." This legal definition gives an indication of various factors that must be considered before an act can be classified as a crime. However, as some scholars have noted, this is sometimes at variance with the popular definition. Some acts that are defined by law as criminal may not be so defined by the public (for instance gambling and prostitution, street-trading, street begging, etc.). Similarly, some acts may be considered abhorrent, undesirable and criminal by the public which may not be so considered by law. However, it may be argued that since it is the legal definition that is used officially for the processing of offenders, this should be the only relevant definition. In spite of this, the popular definition of crime is still important especially for the assessment of criminal statistics that are compiled from surveys of victims and the self-report studies. The implication of this is that if the public's conception of crime differs from the official conception, their reports of such acts will differ and therefore affect the comparability of such studies and official crime statistics since they are reporting different things. It is believed that this will, in part, account for the gap that is usually found between 'crimes known to the police' and the victim surveys and self-report studies.

Measurement/Classification Problem

Another important issue in the study of crime relates to the problem of measurement and classification. How should we measure crime? The first problems in this regard relates to the unit of analysis - who to study. Who should we study in order to get a good idea about the incidence of crime (victims or offenders)? Studying the offenders would mean focusing on those unfortunate to have been arrested and incarcerated. How valid would information from this source be? In studying drug trafficking, who should we study: the couriers or the drug barons? In unraveling puzzles on assassinations, who should we focus on: the person who pulls the trigger or the person who sent him (the big boss who operates in the background)? It is easier to identify and deal with the former category of individuals than the latter and that is what is often done in the criminal justice system. However, the problem persists.

The classification system used has implication for the content of official crime statistics. Questions in this regard include:

- i) If a victim is murdered while being dispossessed of his car, how will this be recorded - a violent crime or a property crime or will it be doubly classified into the two categories?
- ii) If a gang of armed robbers robbed a house and two members of the gang also raped the same woman, how many incidents will be recorded robbery and rape? How many rape cases will be recorded - one or two?



- iii) If a gang of armed robbers robbed a block of six flats going from one flat to the next, how many cases will be recorded - is it one robbery incident or six?
- iv) If a man pulls a gun and robs four people together, will that be recorded as a single case or as four cases? How this will be recorded is likely to vary with police units, and the circumstances. If the cases are reported separately, the incident is likely to be recorded as separate offences. However, if they report together, the incident is likely to be recorded as one single case.

Under the UCR system, only the most serious offence is reported as an index offence. Relevant question in this regard is: Who determines which of two or three offences is most serious? If a lady is raped during an armed robbery attack, which is more serious: the rape or the robbery? England and Wales uses the one-victim, one-crime rule, while the U.S. and Canada use the one-operation, one-crime rule. Again, this has implications for the content of OCS and for comparisons between Official Crime Statistics and Victim Surveys. Which measurement/classification system is used in Nigeria?

Time Dimension and Research

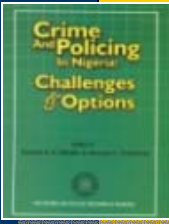
Survey methods can be further broken into two main types, according to their time span. viz: (i) **Cross-Sectional Studies**; and (ii) **Longitudinal Studies**. Should the study be conducted several times over a period of time (Longitudinal Study) or only once - at a particular point in time (Cross-Sectional Study)? Decisions in this regard will be affected by the purpose of the study: what we want to find out, as well as the financial resources available. Longitudinal studies are used for trend studies - to measure change (e.g. in the crime level) over a period of time. Cross-sectional studies are one-off studies which are conducted at a particular point in time. With some limitations, cross-sectional studies can be conducted to study changes in events over time (e.g. asking people to recall past events or comparing the findings of different cross-sectional studies, and sometimes by studying different generational groups at the same time).

Which Research Method?

Which method(s) of data collection should be used for a study of crime? There are two main methods of collecting research data" namely: (i) **Survey methods**; and (ii) **Non-survey methods**. The survey method of data collection is one which entails a direct contact between the researcher and the subjects, and during which the researcher asks questions, which are answered by the subjects. The non-survey method, on the other hand, is one in which data are collected about subjects without necessarily asking them questions. The non-survey method major may not entail direct contact between the researcher and the subject. Survey methods of study are more popular in crime and victimization studies.

When to use the Survey Method

Which of these two methods of research should a researcher use? Survey methods of data collection are especially useful for the study of non-observable (such as opinions, attitudes, preferences or dispositions - e.g. attitudes towards the police, perceptions of the police, etc.). Surveys are also useful for the study of some past events which cannot be replayed (e.g. crime incidents). In this case, respondents may be asked to recall such events or activities (e.g. a study of the experiences of crime victims). However, survey methods are only applicable for studies in which subjects are available for interview. Thus it cannot be used for the study of direct murder victims. This is one of the limitations of survey methods.



Surveys are also usually conducted among matured or reasonable respondents or subjects. Thus, surveys will be of limited use in the study of crimes committed against children or mentally unbalanced persons. In order to determine which of the two methods of data collection to use in a study, the researcher should identify the nature of the required information and the characteristics of the subjects.

NON-SURVEY RESEARCH METHODS

Four main non-survey methods: Experimental research, Observation, Case Studies and Focus Groups Discussion will be discussed here.

Experiments

Experiments are usually conducted in what is referred to as 'contrived' or artificial environments such as laboratories as opposed to natural environments. Experiments are not very popular in the Social Sciences, because of the belief that contrived environments may affect the behaviours or phenomenon being studied. This is the main limitation of experiments as methods of study. However, a major strength of experiments is that they are the best method of establishing causality between two or more variables, and they offer maximum control over extraneous (such as environmental) factors which may affect the study.

Observation

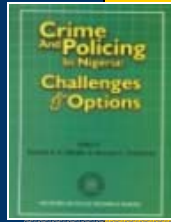
This entails observing events as they occur. Interest in this regard is on systematic rather than chanced observations. For instance, a researcher on the police could observe police officers in the performance of their duties, e.g. on patrol or at the police station, in their interaction with suspects and offenders, etc. The observation method usually involves sight data collection, but may also be used in smell and sound studies.

The advantages of observation method include the following:

- i) The method is especially useful for the study of non-verbal behaviour, since the researcher records not what other people say, but what actually happens.
- ii) It enables the researcher to study events in their natural environment.
- iii) It enables the researcher to record events as they occur, rather than relying on fallible human memory.
- iv) It is suitable for studies in which subjects cannot express themselves or report their behaviours meaningfully, such as in the study of children, mental patients, or when there is a language communication problem.

The disadvantages on the other hand include the following:

- Observation studies are more difficult to quantify
- The researcher has little control over the situation or over extraneous factors which may affect the study.
- This study can only be conducted when the event that is the focus of the study takes place.
- Observations are more subjective, because the experiences and observations are peculiar to the observer.



- Difficulty of gaining entry: Since the objective is to study events as they take place in their natural environment, the researcher may need permission to gain access to some places, especially private activities or environments.
- More difficult to record, especially for the participant-observer, since recording must be done discretely in order not to reveal his/her research objective. In this case the researcher may have to rely on his/her memory which is fallible or may use carefully concealed tape/video recorders.

There are two main types of observation techniques: **Participant** and **non- participant** observation. The participant observation technique is one in which the researcher assumes the role of a member of the group being studied, and participates in the group's activities. This method is sometimes used by the police in detecting crime. A trained researcher may also be planted among the police to record and report about their behaviours. Usually, the observer participates in the group's activities without disclosing his/her identity. This way, the group may not be aware of the researcher's presence, thus enabling the researcher to study the natural behaviour. Participating in the group's activities may also give the researcher access to more information than would otherwise have been possible to a researcher or a non-participant observer. However, in using the participant observation technique, care should be taken so that the researcher does not get too deeply involved in the group's activities as to lose his/her sense of objectivity or research purpose. Too deep an attachment may also make it difficult for the researcher to withdraw from the group. It is also necessary to note the risks involved in using the participant observation technique: e.g. risks of the group (e.g. an armed robbery gang) discovering the true identity of the researcher; risks of a swoop on the group by the police without knowing the true identify of the researcher).

The non-participant observation technique, on the other hand, is one in which the researcher collects research data by observing events and activities as they take place without participating in them.

Case Studies

This is an in-depth study of one unit of study - could be an individual e.g. study of a notorious criminal or a highly effective police officer) or group (e.g. anti-robbery squad or mobile police) or institution (e.g. the police). This method aims at obtaining in-depth information about a particular subject or phenomenon by tracing the antecedents of the subject, usually through interview. A major advantage of case studies is that they allow a researcher to obtain more detailed and richer information than may be collected by other methods. By focusing on a relatively small number of subjects, researchers using this method are able to collect more information. However, the findings of case studies are less generalizable than survey findings because of the relatively small number of subjects covered. Another disadvantage is the problem of subjects being able to recall past events, because of the fallibility of human memory. In some situations, subjects may also deliberately distort or falsify events.

Focus Group Discussions

The Focus Group Discussion (FGD) is a form of group interview which relies on interaction within the selected group. However, there is less emphasis on the type of

question and answer sequence that characterises typical interviews. Rather, emphasis is on the interaction between group members. FGDs are usually organised for small groups of people (usually 6 - 12 persons). A facilitator or moderator (often the researcher) is usually appointed for FGD whose main task is to 'guide' the discussion and ensure that it does not digress too far from the topic, as well as to limit the domination of the discussion by an individual. Focus Group Discussions are useful for obtaining baseline information about particular topics, and can also be used for the design of more elaborate studies. As a rapid method of collecting information from large numbers of people, it can be useful in testing out ideas about new programmes and people's responses to such programmes. FGDs are also good for the collection of information from many people at relatively cheap cost. FGDs could be used to study community needs in terms of policing and crime control, by asking questions from members of a selected community in groups.

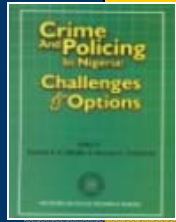
Document Studies

Another important research strategy is the study of documents. Sometimes it is impossible to witness an event or to interview participants - either because they are dead or they are no more available. The researcher may also want to operate discretely in order not to bias the study. In such a situation, the researcher may opt to study existing documents i.e. any written material containing information about the phenomenon under study, e.g. police case notes, entry records, etc.

The various methods of data collection discussed above should not be seen as incompatible or alternative methods. In fact, it is possible, and often desirable to use more than one method in a single survey, so that one complements the other and compensates for the limitations of the other.

Sampling

Another critical issue to consider at this stage is the decision on whom to interview or include in the study. This is the problem of sampling. It is usually desirable to be able to generalise research findings to a larger population, i.e. to be able to say that findings are valid or applicable to more people than were actually covered by the study. The ideal is to study the whole population (if possible). This would give more confidence in the findings than the findings from a study of a fraction (sample). However, it is often impracticable, tedious, expensive and time consuming to study the whole population. Consider problems that would be involved if a researcher were to study the entire Nigerian population (over 100 million people - spread all over the country). Such a study will require so much time, money, personnel and effort. (Imagine how much of these are required for national population censuses!). Sometimes, it may even be unnecessary and wasteful to interview everybody when a fraction would suffice. For this reason, we often select a sample, i.e. select a fraction of the people to be studied, on the assumption that they are representative of the whole population and that we can generalise our findings from the sample for the population. From this, a 'sample' can be simply defined as a smaller representation of a larger whole; a fraction or part of the whole. In selecting a sample, it is desirable that the sample should be: (a) representative (i.e. to reflect or represent the diverse elements or characteristics of the population, such as gender, religious, ethnic, age and socio-economic status composition); and (b) adequate in size (i.e. be large enough to give confidence in the findings).



Choosing the sample size

Now, what is an 'adequate' sample size? In other words, how many people should be studied? The researcher should be guided by various factors, including:

- The population size. Usually, the larger the population size, the larger the sample should be. On the other hand, if the population is small, it is preferable that the sample be 100 per cent of the population.
- The nature of the population (whether homogeneous or heterogeneous). The more homogeneous the population, the smaller the sampling error and the smaller the sample size could be. On the other hand, the more heterogeneous the population is, the larger the sample size should be to reflect all important parts of the population.
- The purpose of the study (in terms of the degree of accuracy that is desired, i.e. the degree of error that is acceptable). The higher the level of precision that is required, the larger the sample should be.
- the type of statistical analysis that is envisaged for the study, in order to make allowance for sub-group analysis. If statistical analysis is to be made from the data, it is advisable that the sample be large enough to have sufficient cases in all cells of the table.
- In addition to these, some allowance should be made for non-response, i.e. the number of respondents who may not be located or who may refuse to be studied or who may not return the questionnaire, as well as those who may provide illegible, irrelevant or useless responses or those who may return incomplete questionnaires.
- It is also necessary to consider practical factors such as the amount of time for the study, the costs, personnel resources, etc. in relation to what is available for the research.

There are two main methods of sampling, namely:

- i) Probability sampling, and
- ii) Non-probability sampling.

The probability sampling technique is believed to be more reliable. However, the non-probability sampling technique is easier/more convenient to use.

Survey Research Instruments

Once the researcher has decided on the method of research, another important issue to consider is how to collect research information. Survey data are usually collected through the administration of two main instruments, namely: Interview Schedule and Questionnaire.

Interview

The Interview is a situation in which a researcher verbally asks questions from respondents and records the answers either in writing or on tape or both. The major advantages of the interview as a method of data collection include:

- a. Flexibility: Interviewers can probe deeply to get clearer answers. They can repeat and reframe questions when respondents seem not to understand or are unwilling to respond to particular questions.
- b. Higher response rate: Usually, the interview has a higher response rate than the questionnaire. The interviewer can use the benefit of his/her presence to

persuade respondents to cooperate. It is easier to ignore a mail than to turn back a person.

- c. Wider applicability: The interview is applicable to both literate and illiterate subjects.
- d. Enables the interviewer to observe non-verbal behaviour which can be used to assess the validity or otherwise of some answers.
- e. Control over who answers: The interview can ensure that respondent alone answers, precluding assistance from other people who may bias or influence the response.
- f. Completeness of answer: The interview can ensure the completeness of answers to questions. The interviewer can ensure that no relevant question is left unanswered.
- g. Better understanding of questions: The interview can enhance better understanding of questions, as the interviewer will be around to clarify ambiguous questions.

The disadvantages of the interview, on the other hand, include:

- It is more expensive than the questionnaire: The interview often necessitates the employment of interviewers at additional cost. Transportation costs and other incidental expenses may also increase the overall survey cost.
- Takes a longer time: Interviews take a longer time to complete than questionnaires. Unlike the questionnaire where it is possible to obtain information from a large number of people simultaneously, the interview can only be used to obtain information from one person at a time, except with the employment of an equally large number of interviewers as respondents.
- Interviewer bias: The interviewer's presence (including composure, dressing, language, sex, etc.) may affect subjects' response. A police officer will not be an ideal person to conduct a crime survey as his presence may affect or intimidate respondents.
- Less anonymity for respondents: The fact that respondents are known and identifiable persons in interview studies may bias their responses.

Interviewers should be carefully selected and properly trained about the research protocols.

Questionnaire

This is the second type of instrument used for surveys. A questionnaire can be simply described as a set of written questions which are served on respondents and which are completed by them. The responses are usually written on the same paper as the questions. Questionnaires are usually standardised for all respondents in a study.

The advantages of the questionnaire as a survey instrument include its cheaper cost in comparison to an Interview method, since a questionnaire does not require a trained staff of interviewers (who may have to be paid for their services) to administer. It can also be very cost effective for the study of populations that are widely spread, as transport costs will be reduced to postage cost. The questionnaire is also quicker to administer. It can be administered to large numbers of individuals simultaneously, unlike the Interview Schedule

which is used for individual interviews, and except with assistance of other interviewers is applicable to only one respondent at a time. Furthermore, the questionnaire saves the effort of call-backs if respondents are not in.

The questionnaire also eliminates biasing errors that may result from personal contact between researcher and respondent. Further to this, the questionnaire offers greater anonymity for the subject since the identity of the subject may not be known. This can enhance the reliability of information supplied, because it is generally believed that people are more frank and honest in their responses when they are anonymous. This is especially important when dealing with sensitive issues.

With particular reference to crime research, the questionnaire can be used for a study of institutions - to find out about the incidence of crimes and the nature and impact of crimes.

The disadvantages of the questionnaire, on the other hand, include the fact that it cannot be used with illiterates or people with low education. The questionnaire also denies the researcher the opportunity to probe for clarification or amplification of ambiguous or incomplete answers because the researcher is not physically present. Furthermore, in the absence of the researcher, it is possible that different persons other than the selected or intended subjects complete the questionnaire. This can affect the reliability of the study, especially if information is being sought from particular individuals. Moreover, the researcher's knowledge will be limited to the information provided by the respondent, as the physical absence of the researcher denies him/her the opportunity to visually assess or ascertain certain facts. Finally, the questionnaire usually has a lower response rate than the interview schedule, as some respondents may not return their questionnaires, while some returned ones may get lost in the post or in transit.

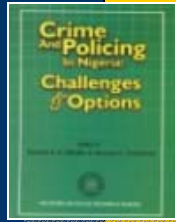
Pilot Studies and Pre-testing of Instruments

Whichever instrument is used should be tested before going to the field for actual administration. This will enable the researcher to identify and make necessary corrections to the instrument before the fieldwork.

Ethics of Research

Social researchers are expected to conform to some ethical standards. Some of the ethical standards of social research are:

- **Honesty:** The researcher should be honest in writing the research report. Research data should be presented as they are - without any manipulation.
- **Confidentiality:** Social researchers have an obligation to protect the identity of their subjects. This is especially so if revelation of their identities could have undesirable consequences. Unless this is done, the researcher would have breached the trust which formed the basis of the subjects' co-operation and may make co-operation for other researchers difficult in the future. However, a critical ethical/moral issue here is: could a researcher be guilty of concealing information from the police if he/she in the course of the research discovers information which could be vital to the police? Can a researcher be subpoenaed to reveal his source of information. There have been similar cases with media reporters. I believe that a researcher has a professional obligation to keep to the research ethics of confidentiality and anonymity of the respondents.



- Researchers should not give false promises to subjects as a way of getting their co-operation.
- Researchers should take care not to expose their subjects to unreasonable risk. Whenever some form of risk is involved, it is incumbent on researchers to provide adequate information to subjects about such risks prior to the research, to enable them make up their minds whether to participate in the research or not (informed consent).
- Participation by respondents should be voluntary, not coerced - just in the same way that information that is given under duress is not admissible in court, so also research information given under duress or false pretences may not be ethically admissible. Respondents should not be deceived into giving information.
- Information collected should be used only for research purposes.

Problems of Research in Nigeria

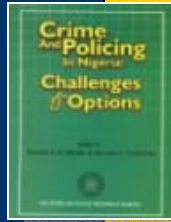
A major strength of empirical research is predictive ability - to predict what is likely to happen. Unfortunately, we often do not make as much use of empirical research as we should in Nigeria. How is the trend of poverty likely to impact on the crime problem? How is unemployment likely to affect the crime situation? With our knowledge of the present, through empirical research, we can predict the future. As earlier noted, relatively few large-scale survey researches are conducted in Nigeria. Information about the few researches are also not usually available to the public or organizations that may make use of them - they are usually published in journals which are read mainly by academics, not policy makers. The utilization of research findings may also be affected by political, religious and ethnic considerations.

Funding of Crime Research

Inadequate funding is a major problem of research in Nigeria. Large-scale national surveys usually require financial resources beyond what is available to individual researchers. This explains why there are relatively few large-scale survey studies in Nigeria. In terms of priority, research is often considered to be a higher-order issue which should be considered only after basic problems have been solved. In the face of inadequate funding for the police, crime research is relegated even further to the background. However, this attitude is wrong, because empirical research may lead to more cost-effective solutions for human problems. It will be a futile effort if so much attention is given to economic and industrial development, when the people may not have the peace and security to enjoy the dividends of the development. It is similar to a situation of "penny wise, pound foolish". A pertinent question that may be asked at this stage is how much funding is provided for research in Nigeria? What is the police vote for research?

Recommendations for Research

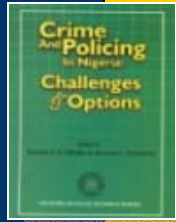
- i. There is need for more crime surveys in Nigeria. Such researches should be funded by the various levels of government, viz: the local government, state government and the federal government. Apart from national surveys, local surveys should also be organized, since crime is believed to be localized.
- ii. There is need for necessary technical facilities such as computers, and trained personnel to be available in the police to facilitate the processing of data. In this regard, the need to empower the police for greater effectiveness and efficiency is recognized. One is often fascinated to see police patrol cars in the developed



countries fitted with video cameras (for recording the interaction of police officers with suspects on the road) and computers (which make it possible for patrol officers to check information, e.g. car registration details on the spot).

- iii. There is need for Inter-Agency participation/collaboration in crime control. There is need for the various security agencies (police, the prisons, customs, immigration, NDLEA, etc.), corporate organizations and voluntary organizations, community members and individuals to collaborate and share knowledge of crime and pool resources to reduce/prevent crime.

This Summit should serve as a wake-up call to the Nigeria Police, the government and indeed all citizens and stakeholders in crime control about the need to do more in the area of policing and crime control. Issues should not just be discussed and forgotten here. Concrete steps should be taken so that when the next Summit holds we shall be building on progress made since this present one rather than discussing the same issues allover again.



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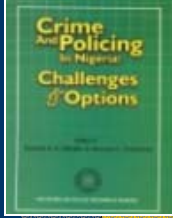
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Measuring Police Effectiveness in Nigeria: An Evaluation of Input and Output

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Introduction

The Police cannot perform their noble role effectively and efficiently except they are provided with adequate funding, equipment, infrastructural facilities, social amenities, and manpower. The level of effectiveness of the police in any country depends mainly on the level of manpower and equipment provided. Until recently, the level of violent crimes in Nigeria was on the increase. The condition created concern in the country. In the light of the criticisms of the police for failure to effectively tackle the problem of violent crimes in the country, this paper discusses the resources available to the Nigeria Police force relative to its requirement. Hopefully, the discussion will provide an appreciation of the performance of the police in Nigeria and their limitations.

Evaluation of input to police performance:

For the Nigeria Police Force to effectively fulfill its statutory and constitutional roles of protecting life and property, maintaining law and order, preventing and detecting crimes, apprehending offenders and due enforcement of all laws and regulations, it requires significant input. Sustaining law and order in any country is an expensive operation, which the government must be prepared to adequately fund. The efficiency of any law enforcement agency is influenced by the degree of input at its disposal. The following critical resources are required by the police for effective performance:

- Manpower
- Finance
- Training facilities
- Equipment, vehicles, communication gadgets, helicopters, computers, etc.
- Accommodation and other welfare provisions.

Manpower:

At the beginning of this year (2004), the strength of the Nigeria Police stands at about 312,000. This is inadequate given the population of the country estimated at more than 120,000,000. Also, the high rates of unemployment and increasing socio-economic hardship in the country have multiplied crimes. The civilian government has since coming to power in 1999 increased the strength of the force to the present level from about 166,000. But the quantity and quality of personnel are still inadequate.

Finance:

The tendency among Nigerians is to blame the NPF as an institution for its shortcomings. The truth is that the situation should actually be attributed to the inadequate provision of funds necessary to finance the operations of the Force. Though it is a fact that the revenue

accruing to the government now, may not be enough to meet many urgent demands of the Force, just as other governmental agencies, it is however, not contestable that the NPF has been neglected prior to 1999. As observed by Mr. Adewusi, a former Inspector-General of Police, the expectation of the country from the Police is very high but no one has ever seriously thought that no matter how the IGP and his immediate officers are dedicated, they cannot achieve any meaningful results or the ideal Police Force without the IGP being provided with enough funds to acquire the needed tools to run an efficient Force and to train the men for their jobs. However, since, 1999, the NPF has received increased funding and patronage from the government. But considering the fact that Nigeria Police Force manpower is rising steadily, and that promotions that have been stalled for several decades are now going on, the funds reaching the Police have hardly been enough to ensure effectiveness and efficiency.

Training:

Between 1993 and 1999, the Nigeria Police Force was not allowed to recruit by the military government. As a result, there was a decline in the strength of the Police. However, the present administration in an attempt to strengthen the Nigeria Police Force directed that 40,000 be recruited annually. The amount of funds needed for the training of this figure is quite enormous, as about 95% of the annual funds allocated to training goes into feeding and provision of basic training facilities, leaving little or nothing for retraining, especially in specialized fields.

Equipment:

The Nigeria Police Force lacks adequate communication gadgets, vehicles, computers, and patrol boats. Even though things have improved in the area of vehicles, a lot more is needed especially in the area of fueling and maintenance. The Force still needs the services of helicopters, forensic laboratory, dogs, horses, etc, which are currently grossly inadequate. In the area of vehicles, the inadequacy of transport leads to criticism by the general public and the press. In some instances, the public accuse the police of not answering to their distress calls in time. They also report that when they lay complaints at police stations and require vehicle to take them to the scene of crime or to invite an accused person to the station, they meet with the response of "no vehicle". But this is a reality. Only very few police divisions have two functional and serviceable vehicles.

In the area of communications, it is regrettable that the entire NPF can only boast of the following: (See Table 1).

Table 1: Communication equipment in the Nigeria Police Force

<i>Equipment</i>	<i>Number</i>
Fax machine	95
High frequency radio	317
Ultra high frequency walkie-talkie	6,702
Ultra high frequency mobile	415
Ultra high frequency base	380
Ultra high frequency repeaters	78
Solar panel	51
Aerial mast	189

The above communication equipments are grossly inadequate and incapable of ensuring effective maintenance of law and order in a vast nation like Nigeria.

Force animals provide effective security when properly trained and deployed. They are very useful aids in the control of crowd as well as in beat patrols. Generally, it has been observed that one police dog with its handler are more effective in beat duties than seven armed conventional policemen. Similarly, one police horse with its Mounted Trooper could effectively patrol more beat area than ten conventional policemen. Force animals are the safest and most effective way of containing crowd without the risk of accidental discharge or shooting innocent citizens. However, despite the above advantages, it is disheartening to note that the present strength of the Force animals in the entire NPF is as shown in Table 2 below.

Table 2: Force Animal in the Nigeria Police Force

Force animal	Strength	Remark
Horses	742	As against 2000 for reasonable coverage of the country
Dogs	89	As against 1000 for reasonable coverage of the country

Again, this level of input is grossly inadequate for any meaningful and significant output.

The Nigeria Police Force is yet to computerize its operations. As a result manual means are still being used in the 21st century. For example, the Police Fingerprint section and the Central Criminal Registry are still been operated manually. However, plans are on the way to effectively computerize Nigeria police Force operations.

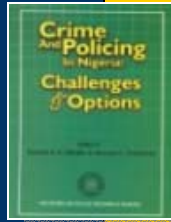
Accommodation and other Social Welfare Amenities:

The importance of provision of residential accommodation for the NPF is to enhance the easy mobilization of officers and men in time of emergency, for operational duties. As a result of accommodation inadequacies, most of the junior officers were forced to live in the same environment and interact with prospective robbers and criminals of various types, resulting in the loss of uniforms, arms and ammunition, and most importantly the erosion of discipline in the Force.

Over the years especially prior to 1999, the quantity of accommodation provided for the NPF was negligibly low. Tables 3 and 4 provide a breakdown of the quartered and un-quartered personnel as at December 1999 and February 2004.

Table 3: Pattern of provision of residential accommodation: December 1999 figures

Rank	Strength	Strength %	Quartered	Quartered %	Not Quartered	Not Quartered %
SPOs	8,800	5	1,503	17	7,297	83
Inspectors	22,970	14	2,686	12	20,284	88



Rank and File	135,099	81	31,660	23	103,439	77
Total	166,869	100	35,849	21	131,020	79

Table 4: Pattern of provision of residential accommodation: February 2004 figures

Rank	Strength	% of Strength	Quartered	Quartered %	Not Quartered	Not Quartered %
SPOs	13,374	4	1,523	11	11,851	89
Inspectors	28,623	9	2,707	9	25,916	91
Rank and File	270,671	87	32,256	12	238,415	88
Total	312,668	100	36,486	12	276,182	88

From the above tables, one can see that less than 20% of personnel are accommodated.

Evaluation of police output:

Although police output can be evaluated in some specific areas, generally the production of security and peace by the police, just like the production of defence by the military is difficult if not impossible to quantify. Nonetheless, some of the output of the police can be examined under the following headings:

- (a) Maintenance of national peace and security.
- (b) Protection of several important personalities.
- (c) Protection of hundreds of public buildings such as the Central Bank and State Houses.
- (d) Protection of hundreds of private business buildings such as commercial banks.
- (e) Continuous daily traffic checks and control.
- (f) Several seizures of arms and ammunition from criminals and unauthorized persons - such arms could have been used against citizens.
- (g) Daily encounter with men of the under-world in which several police officers and men lose their lives.
- (h) Recovering of stolen cars.
- (i) Settlement of disputes by the police in all police stations in the country.
- (j) Protection of people in the night.
- (k) Thousands of criminal investigations going on daily.
- (l) Prosecution of offenders on daily basis in courts scattered all over the country.
- (m) Arrest of several criminals (See Table 5).

Table 5: Armed Robbery Operations and Control

<i>Operations</i>	2000	2001	2002	2003	January-March 2004
Armed robbery suspects arrested	4,341	5,232	7,048	8,300	476
Armed robbers killed in combat	834	821	2,021	3,100	422

<i>Firearms recovered</i>	928	1,013	3,150	3,451	300
<i>Ammunition recovered</i>	12,321	13,452	21,086	30,653	8,308
<i>Stolen vehicles</i>	579	603	953	1,220	175
Policemen killed in operation	33	23	172	58	28

Conclusion

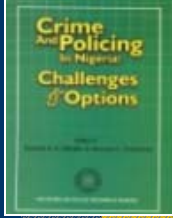
There is no doubt that the Nigeria Police Force has personnel that are patriotic and determined to perform their constitutional duties effectively and efficiently. However, the police encounter numerous obstacles in their attempt to successfully perform their duties. These obstacles include inadequate manpower, inadequate and obsolete equipment, and lack of adequate means of mobility including helicopters, inadequate accommodation and inadequate funding.

Recommendation:

In order to overcome the obstacle to effective policing in the country by the Nigeria Police Force, the following measures are recommended:

- (a) Increase manpower.
- (b) Better funding.
- (c) Provision of adequate logistics means including helicopters.
- (d) Computerization of police operations
- (e) Better training and retraining of personnel.
- (f) Better and adequate accommodation, as well as better salaries and allowances, to raise morale.

Creation of jobs for youths in order to minimize the prospects of their becoming attracted to criminal activities.



PARTNERSHIP AGAINST CRIME

Paul Salay

Country Representative
UNODC Nigeria

Safety and Security in Nigeria

There is a pervasive perception in Nigeria that crime is on the increase, which has heightened the feeling of insecurity among the general populace. Nevertheless, official data provided by the Nigeria Police Force (NPF) suggests that the crime rate in the country has successively reduced from 1996 to 2001 in the four composite criminal acts by about 16% (offences against persons, against property, against lawful authority, and against local acts). These statistics, however, appear to be at variance with newspaper incidence reports on violent crimes in the country, and have not created a feeling of enhanced security among the civil society. On the contrary, most Nigerians agree that crime rates and insecurity in the country are very high and that over the last years the country has experienced a steep rise in crime. Organized and non-organized crime and attendant vices such as smuggling of contrabands, especially firearms, counterfeiting, money-laundering, armed robberies, kidnapping, car hijacking, and human trafficking have become sources of worry for the Nigerian government. Likewise, incidents of high profile crime and politically motivated killings have lately compounded the complexity of the crime situation in the country.

The seeming discrepancy between the officially reported drop in crime and public perception can be due to either under-reporting, taking into consideration the inefficiency or weak record-keeping methods of the Nigeria Police Force (and also other law enforcement agencies such as Nigeria Immigration Service, Nigeria Customs Service, NDLEA, etc.). As a corollary, public image of the police in Nigeria is still very poor. In fact, the situation is further compounded by the seeming inability or incapacity of the various law enforcement agencies to prevent or contain the situation. For most Nigerians, there is a strong feeling that corrupt practices adversely influence law enforcement, administration of justice and consequently crime prevention.

This feeling of widespread insecurity in the country has led to the development of a vicious circle of poverty. Poverty represents a pull and push factor for crime. Poverty without hope for sustenance can lead to social deviance and criminal tendencies. Consequently, the rising crime rate leads to insecurity. Crime and insecurity are threats to physical, human and social development. Crime has negative impact (disincentive) on foreign direct investment. Public insecurity impedes domestic and international tourism. Whereas, lack of investment hinders economic development with the result that majority of the citizenry becomes poor and marginalized, severe poverty, weak social safety nets and high levels of unemployment (as high as 43.6%) amongst out of school youths and adults in Nigeria, make them susceptible to involvement in drug abuse, crime, and other anti-social behaviors. Indeed, poverty, the lack of viable alternatives, the lop-sided age structure, rapid population growth and internal

migration trends, are just a few of the numerous factors that have led to rising levels of crime, drug abuse and trafficking activities in the country.

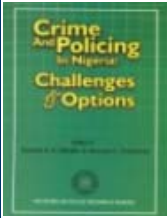
Another side of the same token is the weak rule of law and law enforcement institutions. While law enforcement agencies in the country are handicapped by intrinsic defects in terms of their recruitment, training, equipment, condition of service and general orientation, they confront organised criminal networks operating with increasingly sophisticated methods and weaponry. Besides, certain practices of some members of the police such as intimidation and coercion of witnesses have further resulted in strained relationship between police and the general public. Subsequently, the citizen is apathetic to reporting crime and/or cooperating with the police when the need to do so arises. The growth in the scope, intensity, and sophistication of crime now threatens the very foundation of civil society and hampers the social, cultural, and economic development of countries worldwide.

Need for Partnership

The twin problems of crime and drugs in Nigeria appear to have been tackled excessively with repressive and punitive rather than preventive or rehabilitative strategies. Moreover, national efforts have been concentrated on government agencies with sporadic and often uncoordinated interventions. The government efforts to tackle these issues have also been scattered and ineffective due to several factors. Therefore, for Nigeria's fledgling democracy to be nurtured and sustained, there must be a new approach to crime control. Crime prevention can be addressed through an empowered citizenry, a concerned and responsive private sector and law enforcement institutions strengthened to perform their constitutional roles, efficiently and effectively. This new concept of multi-sector participation is desirable in ensuring a better society for all.

Definition of Public and Private Partnership

Public and private partnership is commonly defined as any collaboration between public bodies, such as local authorities or central government, and private companies. In trying to bring the public and private sector together, the objective is to increase their effectiveness and to have a more comprehensive and inclusive approach in tackling societal issues. It is generally acknowledged that private companies are often more efficient and better managed than bureaucratic public bodies. Therefore, in a sound partnership, the public sector is looking to the private sector for expertise, innovation and management of appropriate risks, whereas, the private sector is looking for business opportunities, a steady funding stream and a good return on its investment. According to Max Weber, the *monopoly of the use of force* lies with the state. Nonetheless, in Nigeria the private sector is one of the major consumers of security services, which is most of the time sourced from private security organizations. For the private sector, it is profitable to invest in the security and safety of their environment in order to reduce risks associated with doing business in a country like Nigeria while for the Nigerian Government, it is necessary to create a secured environment where investment can thrive without fear of assassination or kidnapping. In other words, for the partnership to work each party must recognize the objectives of the other and be prepared to invest in a long- term relationship.



A Model of Public-Private Partnership for Citizens Safety and Security in Nigeria

It is my belief that a crime-free environment is worth investment. In addition, fighting crime, violence and drug abuse is an investment in human and social capital that will impact on the overall development of the country. I have therefore urged the business community on several occasions to step forward and partner with UNODC and the Nigerian Government in this bold attempt to address the problem of crime, safety and security of persons and properties from a holistic approach, taking into the consideration the social, political and economic factors that fuel them. I would like to take this opportunity to present the main features of an initiative that my office is elaborating and that share the same vision with the organizers of this summit.

The UNODC programme of **Partnership Against Crime in Nigeria (PAC)** aims at forging a strong, viable and sustainable partnership amongst all stakeholders to tackle the highlighted problems. PAC is a comprehensive programme made up of a number of project ideas that are being developed in an integrated manner to address specific concerns, e.g. street children, drugs, crime and violence, training, public enlightenment and education, and empowerment of vulnerable groups. The overall objective is to assist the Nigerian Government to strengthen law enforcement agencies, to involve and empower civil society and the Organized Private Sector in crime prevention and drug control in Nigeria. The programme aims at:

- Contributing to the enhancement of the rule of law in the country and the establishment of the necessary preconditions for a safer environment;
- Developing a National Crime Control Master Plan (to integrate and support the already existing National Drug Control Master Plan) for the country, with roles and responsibilities clearly delineated for stakeholders within a national framework;
- Economic and social empowerment of vulnerable groups;
- Training and equipping law enforcement agencies;
- Improving the institutional capacity to interdict and reduce illegal weapons possession;
- Reducing kidnapping/hostage taking and human trafficking;
- Bringing about a reformed prison system;
- Improving juvenile access to justice;
- Strengthening the judicial system;
- Promotion of tourism.

The first beneficiaries of this programme will be the key agencies involved in crime prevention and drug control in Nigeria. The second beneficiaries will be selected pilot communities. The third beneficiaries will be the organized private sector and the larger Nigerian society empowered to function within a democratic country.

How do we plan to achieve these results?

Given the magnitude of crime and also drugs related problems and the dearth of reliable data, an initial phase will concentrate on assessment and planning. An analysis of the issues, a comprehensive review of the enabling laws and institutions of enforcement and their structural framework will be conducted with a view to strengthening the country's capacity to effectively address the problem of crime, juvenile delinquency and drugs. The legislative review, together with the nation-wide crime and drug situation assessments, will lead to analysis of the limits and capacities of the existing government institutions. A government-led (National Crime Control Master Plan) strategy elaboration will complement such a phase.

The second phase will be characterized by mobilization and advocacy. This phase aims at fostering community sensitization and at stimulating a participatory approach through public awareness campaigns to be organized with the Organized Private Sector (OPS), Non-Governmental Organizations and Community Based Organizations. The mobilization and advocacy phase will start at the beginning of the programme implementation and continue throughout its whole duration.

The main phase of intervention will consist of two components named "institutions and civil society capacity building" and "prevention and rehabilitation". The different modules making up the intervention phase will have different duration and structure. The institutions and civil society capacity building component is designed to include some of the following modules:

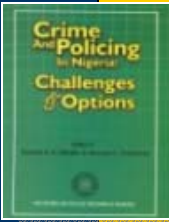
- * Improvement of response capacity of law enforcement agencies with community participation enhancement (policing and informants network);
- * Strengthening judicial capacity and integrity;
- Juvenile justice and prison system reform;
- Interdiction of weapons smuggling and illegal possession reduction;
- Anti-human trafficking measures.
-

The prevention and rehabilitation component will consist of:

- Income generating activities (agriculture, fish farming, micro-credit schemes, tourism, etc.);
- Skills acquisition programmes.

Towards this end, the organized private sectors would be sensitized to help promote income-generating activities and opportunities in order to provide alternatives to crime by youth and criminal groups. Within this framework, it is important to note that to achieve a safe and secure environment will entail community participation in dismantling organized crime. This initiative would therefore seek to complement past efforts with preventive measures that would involve the family, religious bodies and the communities.

The existing high-level community consciousness on insecurity in the country serves as a fertile ground for mobilization and intensive education on crime surveillance and prevention. This will involve community-based education of family heads, community leaders, and a cross section of in-school and out-of-school youths. A community-based crime informant



network will be supported with full-proof anonymity and protection. Also, the existing Police/Community Relations Committees (PCRCs) will be strengthened to be more effective in crime prevention, social re-integration of ex- convicts and intelligence gathering on the crime situation in the community.

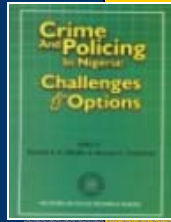
Conclusions

The potentials of a public and private partnership for a safe and secure environment in Nigeria are enormous. The partnership strategy can be a win-win game in which government, private sector, and citizens will all benefit from a safer and more secure Nigeria. An example, I often refer to, is the tourism industry and its potentials. With tourism every single stakeholder stands to benefit.

Let me conclude by quoting the Secretary General of United Nations, Kofi Annan, who, few years ago at the economic conference in Davos said that:

... the United Nations once dealt only with governments, but now we all know that peace and prosperity cannot be achieved without partnership involving governments, international organizations, the business community and civil society. In today's world, we depend on each other. The business of the United Nations involves the businesses of the world. The United Nations system brings to this relationship three distinct advantages: universal values: a global perspective, and concrete programmes.

Nigeria is a country with great potentials and possibilities. However, Nigeria needs to harness these resources to move the nation to loftier heights. One important first step in that direction is to ensure that drugs, crime and violence are put under control. This partnership is a move to that first step, and with the collective will of all stakeholders we will achieve the desired objectives.



THE BUSSINESS COMMUNITY AND PROMOTION OF SAFETY AND SECURITY IN NIGERIA

Tony O. Elumelu

Introduction

Without doubt, the enhancement of enhancing safety and security in Nigeria has become germane to government's efforts at re-invigorating our national economy. The efforts of the present administration since inception in 1999 aimed at attracting foreign investment into the country and the fact that overall country risk considerations are major factors in cross-border capital flows, both confirm how important it is to have a safer and more secure Nigeria, if we are to attract the much needed foreign investment, while competing with other economies around the world.

With this understanding, the pertinent questions to ask are: what are Nigeria's safety and security indices reading at the moment and how does this measure up on the global scale of safety and security? What is our preferred state on safety and security matters? What must the nation do to get to the preferred state and how does the business community fit into this situation?

I am sure that opinions will differ, even among Nigerians, about the appropriate responses to these questions. The difference of opinion notwithstanding, recent developments on security and safety in the country raise grave concerns for the sustain ability of our current national efforts at attracting the much-needed foreign investment inflows. Some of these developments include:

- The recent 'security breach' announced by the Federal Government;
- Politically motivated killings and assassinations by members of rival political parties/groupings/leanings as aspirants ostensibly jostle for positions against a general election coming up in 2007; as well as accusations and counter-accusations of threats to lives among seeming members of the same political party/leaning/grouping. All these are happening against the backdrop of a deluge of unresolved assassinations;
- Cases of armed robbery/banditry across Nigeria;
- High accident rates in the world; and
- Travel warnings regarding security in Nigeria issued by foreign governments, especially the US Government to its citizens.

The responsibility for safeguarding our society cannot be left to government alone. Other stakeholders must, working together with government, be involved in a coordinated fashion to ensure a safer and more secure society.

Involvement of the Business Community

The business community is a critical stakeholder for whom the security and safety of the society is paramount for its operations, survival and prosperity. Besides the fact that operating in an unsafe or insecure environment adds to the cost of doing business; it discourages foreign capital inflows, as investors the world over usually look for safer havens for their capital, while those that agree to invest in such 'insecure' and 'unsafe' environments do so at very high cost.

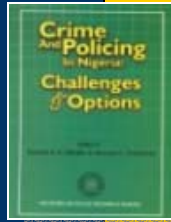
Yet, security or safety in our cities and streets, roads and highways, financial markets, cyberspace, etc. is a public good to which no one person or economic agent has monopoly of benefits. In other words, no one entity can appropriate the benefits of a safe and secure environment to itself. Herein lies the dilemma of expecting the market mechanism to assist society in meeting its security needs. Because the benefits of security or safety are available to and enjoyed by all those operating in the environment in which it is provided (whether or not they were involved in its provision), private enterprise is hardly attracted to provide such security/safety. This is a classic example of the market failure concept in microeconomics and public finance. Given these two situations (i.e., the importance of safety and security to business and the fact that the market is unable or fails to allocate societal resources to the provision of this important ingredient for social progress), it calls for concerted efforts at involving the business community in this crusade.

The business community has contributed towards the enhancement of security and safety in our society through the following means:

- The long-term strategy of creating and providing jobs for Nigerians, especially our unemployed youths;
- Cooperating with regulatory authorities and security agencies in the fight against money laundering, advance fee fraud and other financial crimes; and
- As part of their social responsibility function, several businesses are collaborating with state governments and local councils in the areas of sponsoring the provision of traffic lights on major streets in our cities, rehabilitation of roads and the electrification of towns and villages.

On our part, Standard Trust Bank has, in addition to the above, been involved in the following:

- Collaboration with the *United Nations Office on Drugs and Crime* (UNODC) in Nigeria to address issues pertaining to the menace of drugs and crime in our society;
- Collaboration with the *National Drug Law Enforcement Agency* (NDLEA) and the *National Agency for Food and Drug Administration and Control* (NAFDAC), two agencies of government saddled with the responsibility of checking the importation and circulation of illicit, fake and adulterated drugs and food substances as well as dealing with issues of drug abuse and control and juvenile delinquency.
- Making youth and their education the focal point of our activities including recruitment and sponsorship of sporting events in some universities and higher institutions (for example through the sponsorship of the Nigerian Universities Games, NUGA); and



- In 2003, as part of measures aimed at complementing the efforts of governmental and non-governmental organizations in curbing the menace of prostitution and other social vices among Nigerian youths, we ran a series of radio campaigns throughout the country on the ills of drug abuse and prostitution as well as other social vices commonly associated with street urchins (popularly referred to as 'Area Boys').

We believe that many other organizations are also contributing to the security and safety of our environment, in various other ways.

Recommended Strategies

In our view, what is now required is to harness these individual efforts in a coordinated manner to further enhance safety and security in Nigeria. We therefore propose the following strategies:

- Our security agencies (including the *Nigeria Police*) must reach out to and work with the various interest groups within the business community under whose umbrella the individual business entities operate. They include:
 - * The Chambers of Commerce and Industry;
 - * Bankers Committee and the Chartered Institute of Bankers of Nigeria;
 - * Nigerian Bar Association;
 - * Institute of Chartered Accountants of Nigeria and its district societies;
 - * Nigerian Economic Summit Group; and

The Police should take its case for greater collaboration with business to these interest groups through the annual conferences and summits hosted by the groups. While such opportunities should be exploited to fully secure the buy-in of these critical private sector segments, such fora provide the greatest opportunity to the agents of law enforcement to make the maximum impact on the business community.

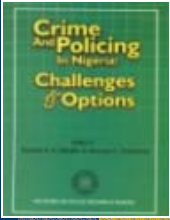
- Celebration (through newsletters or magazines, award nights, etc) of interest groups and organizations noted for their visible and consistent support for a safer and more secure society. In the absence of exclusive appropriation of the benefits of providing security, celebrating achievers in this area will positively impact their public image and brand;
- To be motivated to do more, the business community must be assured that any financial resources provided will be spent prudently and judiciously. Consequently, the *Nigeria Police* must intensify its current efforts at improving its image by identifying and flushing the 'bad eggs' in its midst from the force. The business community needs to see visible steps being taken by security agencies to deal with corruption and human rights abuses within its fold.
- Participation with the business community in the development of strategies to strengthen the institutions of law enforcement and dispensation of justice. This will further re-assure the business community that they can work with the *Nigeria Police* on safety and security matters.
- It is doubtful if our security agencies currently police our information superhighway to track the activities of hackers and other types of cyber criminals. We believe that

the *Nigeria Police* can work with the private sector to train its officers on how to effectively police this vital and growing part of our operating space.

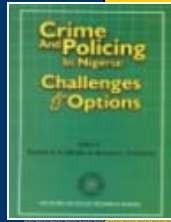
- In a related development, the *Nigeria Police* can solicit the support of the business community in developing an online, real-time and nationwide computer database of the different types of crimes and other offences (including traffic offences) as well as their perpetrators, while making the database accessible to all Police formations/public security organizations (including licensed private security organizations) throughout the country. Without doubt, we believe that this step will greatly improve the efficiency of crime detection and deterrence. Given our experience in developing the largest online, real-time network of branches in the Nigerian banking industry, our group will be willing to work with you, in providing consultancy on strategy, project development, financial modeling and mobilization and development of appropriate technology to make such a project a reality and a viable one.
- To win the respect, admiration and support of the business community, the *Nigeria Police must be seen by* Nigerians to be upholding the rule of law and the fundamental tenets of democracy in the discharge of its constitutional responsibility.
- In the area of financial crimes, we propose that the *Nigeria Police* sponsor a bill to be passed into law as an act of the National Assembly making it mandatory for all cases of theft/financial fraud against employees, to be reported by all enterprises/businesses to the Police for record purposes.
- With the leadership and support of the *Nigeria Police*, there is an increased role for the private sector to assist in ensuring that private security agencies are better structured in terms of funding (equity capital) and the requisite human capital to complement the services of the *Nigeria Police*.
- The proposed Police Trust Fund, in respect of which a draft bill is already before the National Assembly is a laudable move. Our group will also be available to work with the appropriate authorities to drive the realization of the objectives of the legislation. In particular, we will like the bill when passed, to address the issues of funding the *Nigeria Police* to compliment government efforts and the creation of a Board of Trustees that is independent of government to manage the fund. Furthermore, one of the most important and urgent projects to be handled by the fund should be the development of a national information and communications technology infrastructure (as per strategy No.6 above) linking all the Local Government Areas in the country to an online central criminal registry or database. Once this is in place, a lot of the regular documentation requirements needed to check criminals and crime prevention will be easier to obtain. Also, all or most of the funds needed to finance this initiative can be raised from the private sector, once the recommended structures are in place.

Conclusion

In the long term and with improvements in Nigeria's macroeconomic environment, the business community will be able to create more jobs to gainfully engage the minds of our youths and wipe out ignorance, as it is our view that idleness and ignorance are the principal factors fuelling crime, religious and communal clashes in some parts of the country and the kidnappings in the Niger Delta region. As King Abdallah of Jordan once said, "only by defeating want can we heal the despairs and divisions that feed violence".



Finally and in passing though, we think that following the experience of the security agencies in the United States from the September 11, 2001 attack, and the revelations coming out of the 9/11 inquisition in the US, the various government and quasi security agencies in Nigeria (including the Police, Military, State Security Service, Directorate of Military Intelligence, Customs, Economic and Financial Crimes Commission, National Drug Law Enforcement Agency, immigration, etc) should begin to collaborate in their efforts to make Nigeria safer and more secure.



OUTSOURCING NON-CORE POLICING FUNCTIONS TO PRIVATE SECURITY COMPANIES: LESSONS FROM ELSEWHERE

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Introduction

Privatisation and commercialisation of public institutions and services have become widespread. Governments in response to internal or external pressures have systematically sold off or commercialised public corporations and services in order to harness the productive and innovative energies of the private sector. In Nigeria, government-owned corporations such as Unipetrol, National Oil & Chemical Marketing Plc, Assurance Bank of Nigeria Ltd. African Petroleum, Nigerdock, Ajaokuta Steel Complex, NITEL among others have been privatised or placed under private control.

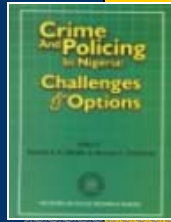
Despite the keen interest of the Obasanjo administration in harnessing the energies and capabilities of the private sector in order to achieve structural reform in governance in Nigeria, police services have not been privatised or commercialised. By police services I mean government – provided policing such as the Nigeria Police Force, the Department of State Services, Nigerian Immigration Service, Nigerian Customs Service, Nigerian Prisons Service, the Federal Aviation Authority of Nigeria, National Drug Law Enforcement Agency, etc. In the United States of America, Britain, Germany and many other countries, some of the services of the national police agencies have been outsourced to private security companies with amazing results. There exists a kaleidoscope of private-public policing elsewhere which has led to dramatic improvements in police services while achieving a concomitant reduction in the cost of providing such services.

The Nigerian authorities might find useful lessons in private policing that can improve police services in Nigeria to the benefit of the citizenry and the security of governance. In order to enhance communication, I shall define the key words in my discussion: Policing, privatisation (surrogate word for outsourcing) Private Security Company.

POLICING: Bayley et al ¹ define policing as the activity of making societies safe. They contend that policing is not synonymous with social control: Policing entails “intentional attempts to regulate the distribution of physical security produced by actual or potential use of force”.² Policing, conceptualized as application of the instruments of coercion by the state, is a quintessential function of government. This definition follows Max Weber in defining states as the institution with a “monopoly of force”.³ The discussion in this paper focuses on the Nigeria Police Force as the prime public police agency.

PRIVATISATION:

Privatisation is the provision of services to the public by private enterprises at the lowest possible price consistent with quality of service and concern for public welfare.⁴ According

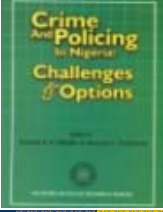


to Marshall “We should not have government continue to provide services just because government has always done it. We need to take a look at what government can and cannot do, should and should not do. The essential element in any program of privatisation must be competition”.⁵ Marshall ⁶ sets forth the following principles of privatisation:

1. Competition works just about everywhere.
2. Government is essentially a monopoly that usually does not encourage competition.
3. Success for most agencies of government is measured by growth in personnel or budget, by how much the agency spends, not by what it accomplishes.
4. Elected office-holders cannot be expected to embrace privatisation and competition because they depend so heavily on vested interests to support their reelection campaigns.
5. The knowledge among state employees that privatization may be under consideration may have the effect of increasing the efficiency of agencies likely to be affected.
6. Government has important services it must provide and we must see that those are preserved.

Private security companies (PSC) are non-state organisations, licensed or recognised to carry out protection duties. CAP 367 LFN 1990 defines a private guard company. In this research, government owned and operated quasi security outfits such as Neighborhood Watch established by former Lagos Governor Marwa, Kai Brigade established by Lagos Governor Bola Tinubu are not considered PSCs – since they are not private. Bakassi Boys in the Eastern States, the Egbesu Boys in the Niger Delta, the Arewa Peoples Congress are not considered as PSCs. Oodua Peoples Congress provides armed guards to many businesses and residences in Nigeria’s Southwest. The OPC leaders collect large sums of money for OPC services, but the organisation is a loose cultural entity providing security services. It is not a PSC. The Nigerian Legion, the Nigerian Security and Civil Defence Corps, the Supernumerary Constables are not PSCs. The various neighborhood watch organisations in Nigeria, Britain, USA etc. with residents patrolling their own locality or directly hiring some able bodied men to watch their area at night time are not PSCs. For example, in the Brunton Park and Melton Park Estates in Gosforth, New Castle U.K. residents patrol the area in cars as from 11pm to dawn to deter thieves. In three months of patrolling, break-ins went down from an average of 130 to only three.⁸ Additionally, volunteers involved in community policing work are not considered PSCs. They are volunteers. The volunteers also enhance better police community relations. The volunteers are however not employed by a PSC and therefore fall outside the purview of this paper.

The Private Security industry pre-dated the establishment of the Metropolitan Police in London in 1829 – which is the first known civil police agency in the world. Before Sir Robert Peel’s reforms and the establishment of the first police agency, Britain’s policing was provided by groups known as “Associations for the Prosecution of Felons”. These private security companies provided law enforcement, crime prevention and insurance services to



their clients.⁹

Mission of Police Agency

In order to arrive at the core-duty of the police agency, we must first understand the mission of policing. Section 4 of the Police Act (CAP 361 LFN 1990), enumerated the duties of the Nigeria Police Force as:

- a) The prevention and detection of crime
- b) The protection of life and property
- c) The apprehension of offenders
- d) The preservation of law and order
- e) The due enforcement of all laws and regulations with which they are directly charged and
- f) The performance of such military duties within and without Nigeria as may be required of them by or under the authority of any Act.

Police scholars¹¹ have challenged the exclusive mission of crime control and have added crime prevention, fear reduction, order maintenance, social crisis management and injury reduction to it. The mission of crime control is hinged upon police crime-fighting activities of random and directed patrol, rapid response to calls for service (CFS) and retrospective criminal investigations.¹² Crime control is at the heart of the police mission. This mission is an urgent and important social task. According to Moore et al., “the hope that the police might succeed in reducing crime is what sustains public support for the Police.”¹³

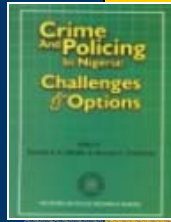
The police as law enforcers are uniquely qualified to apply the criminal law against offenders. Criminal law is capable of deterring and incapacitating offenders. As part of their crime control mission, the police “are organized to be on the lookout for crime, and to be immediately mobilizeable by those who witness or are victimized by criminal offenses. They are specially trained to recognize when an arrest is appropriate or required and to use force if necessary to ensure that citizens will submit to the orderly process of justice.”¹⁴ Flowing from this discourse of the police mission we can attempt to discern core Police functions from non-core Police functions. Some scholars argue that policing can be dichotomized into core functions and non-core functions.

Core functions include:

- a) Combating violent crimes
- b) Conducting arrests
- c) Use of deadly force
- d) Conducting investigations
- e) Prosecution duties

Non-Core functions include:

- a) Patrolling
- b) Crime Prevention (employee theft, burglary)
- c) Prisoner transport
- d) Radio dispatch
- e) Funeral security
- f) Parking violations
- g) Directing Traffic



- h) Guarding Public buildings
- i) Auto accident investigation
- j) Security awareness training
- k) Security surveys

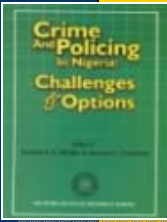
Aside from these generalized non-core functions of public police, we can add the following Nigeria-specific functions:

1. Guarding of NEPA installations and facilities.
2. Guarding of NITEL and other utility company installations.
3. Bodyguard functions for corporate executives – including Oil companies and bank executives, politicians, expatriates, etc
4. Guarding banks.
5. Species movement.
6. Central monitoring facilities
7. Crime prevention patrols
8. Forensic support for retrospective investigations.
9. Training of police in constructive investigations.
10. Intelligence support

In the context of Nigeria Police, the analysis above shows that the core police mission of crime control correlates with core police duties of rapid response (crime combating) use of deadly force, conducting arrests, investigations and prosecution duties.¹⁵ However, two more urgent and important missions of the police agency i.e. crime prevention and fear reduction roughly correlate with non-core duties. These missions are sadly neglected by Nigeria police authorities as the limited organizational resources are committed to crime combating. Ironically, crime combating depends upon citizens' involvement in policing i.e. reporting crimes in progress, giving witness statements, assisting police in solving crimes, etc. These reactive strategies in crime control are ineffective in Nigeria because citizen participation is minimal due to communication gap, credibility gap, and confidentiality gap between the NPF and the citizenry. In this wise, the core mission becomes a mission impossible. However, non-core missions of crime prevention and fear reduction provide alternative avenues for policing that can increase the positive perception and operational effectiveness of the police agency.

Crime preventive strategies are an important part of proactive crime control. Since the police cannot prevent crime by eliminating its root causes, it intervenes with technological means and programmatic means for crime reduction e.g. lectures, preventive patrols, use of walkie-talkies, alarm systems, CCTV surveillance, central monitoring, Police Community Relation Committee activities etc. Essentially, crime prevention strategies seek out criminogenic factors through risk assessments and security surveys and then attempt to eliminate the risk of crime. PSCs are in a stronger position to assist the NPF.

Fear reduction is another important mission for the police agency. Crime statistics in Nigeria compared to that of the Republic of South Africa or the USA shows that fewer violent crimes are committed in the country. However, the perception is that crime is more frequent in Nigeria than RSA or USA. Fear is therefore not tied to the objective statistics of criminal victimization. According to Moore et al. (p.35), fear “seems to be triggered by



incivilities such as noisy teenagers, garbage on the streets, graffiti and a general atmosphere of decline and indifference. “Fear causes citizens to hire private guards, buy dogs, change locks, stay at home, view fellow citizens with suspicion, change residence, etc.”¹⁶ PSCs are better-positioned to assist the police agency with fear reduction.

Political Economy

Policing occurs within a political and economic context. In fact, policing is an expression of the political will in a given geographic area. Aning argues, “that the role of the Bretton Woods institutions in their neo-liberal drive to make the state effective contributed to undermining the state’s capacity to fulfill its societal and other functions that it has spawned a veritable industry”.¹⁷ He argues that because African states are weak, privatization of policing is necessitated in order to increase security effectiveness and achieve security restructuring. However, this argument does not account for the effectiveness of privatization of policing in advanced countries like the USA, the UK, Germany, etc. While the weakness of the state may result in restructuring security, it is not the only reason.

Bayley¹⁸ posits that police privatisation has become fashionable because governments are interested in effective police performance as a source of legitimacy. He argues that privatisation has resulted from:

- (a) Efforts at increasing the faith of the public in the criminal justice system
- (b) Declining revenue base, and desire to share responsibility for crime control with other auspices
- (c) Disconnection between the police and the communities they serve, creating a problem of order maintenance
- (d) Corruption and brutality and unreliability of public police services, especially in African Countries

The economics of policing can be examined under (a) glittering generalization, (b) supply and demand, (c) commodification of policing, (d) mass private property and (e) economic development.

Economics of Policing

(a) Glittering Generalization

With market capitalism being the dominant economic paradigm in the world, policing market means all providers of security both public and private must exaggerate the danger from criminal activity in order to increase their income or revenue¹⁸.

(b) Supply and Demand

A cogent economic argument is proffered by Loader¹⁹ who contends that the more people are mobilized to protect themselves, the greater their fear. Protective activity

heightens rather than allays fear. The supply of protection increases the demand for such protective activity.

(c) Commodification of Policing

Policing has become a commodity to be bought and sold. The affluent can afford better policing while the less affluent are victimized by the criminals displaced from affluent neighborhoods. This is a redistribution of crime through commodification of police services.

(d) Mass Private Property

Private entrepreneurs have continued to develop shopping malls, cinemas, sports complexes and other facilities to which members of the public have access. This economic phenomenon has given rise to a need for adequate policing in order to reduce the potential of liability for the private developers.

(e) Economic Development

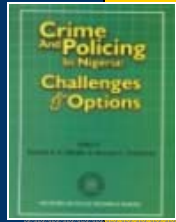
Clarke posits that economic development increases criminal opportunities with respect to property crime, e.g. theft, robbery, burglary, etc. because personal property is now more valuable and portable²⁰. And as the valuable goods become more widely distributed in society, the consciousness of risk and need for protection becomes more generalized.²¹

NIGERIA'S PRIVATE SECURITY INDUSTRY

The private security industry in Nigeria is growing by leaps and bounds. From its humble beginnings in 1965 when Alhaji Mumuni founded the Nigerian Security and Investigation Company the industry has grown into a multi-billion naira sector with multiple players including multinationals who are operating illegally. PSCs in Nigeria protect public facilities such as the National Stadium Surulere, Murtala Mohammed International Airport Lagos, Osabi Airport in Warri, oil installations, bank facilities and major entertainment or sporting facilities among others.

Under CAP 367 LFN 1990 (the Private Guard Companies Act) PSCs cannot be armed, and every firm and operative must be licensed by the Federal Ministry of Internal Affairs. The current activities of PSCs in Nigeria in addition to guarding public and private establishments include:

- Joint Police/PSC patrols
- Escort services particularly airport transit
- Rapid response – in conjunction with Alpha Papa
- Key point security
- Executive Protection
- Security Consulting
- Security surveys and Risk Assessments
- Electronic Surveillance
- Audio Intelligence Services
- Alarm System installation and Monitoring
- Cash in transit movement



- High Value load escort
- Security awareness training
- K-9 Services
- Private Investigations
- Protocol Services
- Security Driver (Chauffeur) services
- Crime Analysis
- Exhibition guards
- Static guards/custodial service
- Cleaning/ Environmental Services
- Due diligence
- Fraud Examination
- Strategic Planning
- Forensic analysis
- Expert or Witness testimony in Court

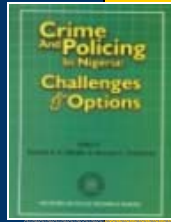
Essentially, the PSCs have continued to contribute meaningfully to the economic development of Nigeria through their crime control and crime prevention activities.

PRIVATE GUARD COMPANIES LEGISLATION

Cap 367 LFN 1990 gives statutory authority to PSCs in Nigeria. S. 1 of the Act mandates licensing of private guard companies, requiring that companies must first be incorporated under the Companies and Allied Matters Act 1990 (CAMA 1990, apply for a private guard license from the Ministry of Internal Affairs and must be wholly owned by Nigerians in accordance with the Nigerian Enterprises Promotion Act. Section 2 of the law (CAP 367) outlines the procedure for applying for a Licence to include:

- An application in writing through the licensing authority to the Minister of Internal Affairs on Form 'A'.
- The Minister may require evidence of the character, competence and integrity of any director of the company, and where K.9 service is to be provided, evidence of animal health,
- The payment of a prescribed fee.
- The condition of service (including salaries) of the personnel must be submitted with the application.

Section 9 of the Act requires the approval of the Minister of Internal Affairs for any potential employee of the guard company. S.16 and S.18 of the Act require that the uniform and training syllabus of the PSC must be approved by the Minister. Further, S.14 (2) mandates quality control through inspections: "Every company shall, whenever requested to do so by the licensing authority make all records required to be kept under this Act available to the Licensing Authority for inspection".



Section 17 prohibits the possession or use of firearms by the PSC, while S21 forbids PSCs from acting or performing functions of the Nigeria Police Force. This section of CAP 367 would appear to contradict all discussions about privatizing policing in Nigeria. S22 stipulates that the use of the phrase “**private detective**” is prohibited by the Act. S34 empowers the Minister to revoke the license where a company violates any of the provisions of the Act. In addition, S4 (3, 4) provide that a licence may be suspended or revoked by the Minister at any time if he is satisfied that the company holding the license is unsuitable to continue to hold such licence.

Section 1(1) lists the functions of the PSCs as follows: -

- Watching
- Guarding
- Patrolling
- Cash-in-transit protection
- Crime prevention

From the statutory functions enumerated above, it is clear that the government expects PSCs to play a prominent role in Nigeria’s socio-economic arrangement. It is clear that the government is aware of the fact that the public police cannot single-handedly control crime and deviance in the Nigerian society. The implied strategy of the government is to have PSCs supplement the efforts of public agencies in crime control and crime prevention

PROBLEMS OF PSCs

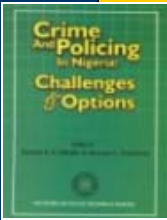
Nigeria’s PSCs could contribute more to the crime control mission of the police agency. However, the industry is beset by several problems, including the following.

Legitimacy: There is a legitimacy deficit for PSCs. S.1 of the Act stipulates the functions of the PSCs, S21 forbids PSCs from acting as Nigeria Police agents, while s.18 prohibits the use of firearms by PSCs. Similarly, s.22 prohibits the use of the title or occupational description of “**private detective**” In other words, Private guards cannot act as policemen (impersonation S.484 Criminal Code), cannot carry fire arms (S.428 Criminal codeC) and cannot describe themselves as detectives (impersonation – S484 Criminal code).

Proliferation: The proliferation of private guard companies is a major problem for the industry. Mushroom guard companies with dubious intent and no fixed address spring up on a daily basis. The licensing required by the law is not obeyed by such illegal companies. Lack of enforcement by the Licensing Authority has resulted in a widening mushroom problem.

Sub-standard performance: Every PSC in Nigeria sets its standard of performance in response to its market position and niche. In the absence of any government or industry standards, performance is variable and generally poor. Only major industry players with high ethical and operational standards have continued to raise the bar of performance. Standards relates to the following:

- Training
- Uniforms



- Customer Service
- Recruitment
- Investigations
- Ethics
- Operations
- Employee honesty
- Conditions of Service
- Pay
- Discipline
- Corporate governance
- Corporate citizenship
- Innovation
- Information Technology

Corruption: With competitive pressures, the level of corruption associated with securing contracts or retaining existing contracts is high. Gaining jobs is often not related to capability and competencies. It is often related to **“who you know” or “what you have settled”**. This phenomenon has led to mushrooming as every former police, prison, or army officer feels he can own and operate a security company. Rather, than applying to well-established firms and attempting to build a career in security they print business cards and letter heads and become security directors. The irony is that being a former police or military officer does not qualify one to become a security director. Training, indoctrination, professional association, mentoring and experience are essential ingredients in corporate security governance. Executives require knowledge, experience, contacts and professional credentials to enable them properly administer their organizations.

Foreign invasion: The nationalization of private security is a fact of life in the USA and UK. However, Nigerian law forbids the operation in Nigeria of foreign security companies. In defiance of Nigerian law, some foreign security companies e.g. Securicor/Outsourcing Services Ltd have set up shop in Nigeria and are operating illegally. Securicor/OSL first started operation as Gray Security Ltd. It has obtained contracts from the oil, banking, communication and brewing industries. The irony is that government security agents are quick to harass Nigerian security company operators. But these foreigners who are operating illegally and running a money laundering operation in Nigeria which may be used to subvert the Nigerian state are not being subjected to the applicable law. Their immunity from arrest is based on the fact that some VIPs are involved with them. I must state unequivocally that the internal security of Nigeria must remain in the hands of Nigerians.

Associations and Institutes: The problem of professional associations parallels the mushrooming of security companies. There are two recognized associations, the Security and Safety Association of Nigeria (SSAN) and the Nigerian Professional Security Association (NPSA). A few mushroom associations exist here and there. There are two registered professional security institutes: The Institute of Industrial Security and Safety of Nigeria (IISSN) and the Nigerian Institute of Industrial Security (NIIS). Similar to the associations a number of mushroom institutes proclaim their existence, laying claims to powers and capabilities they do not possess. This chaotic trade environment has served further to

weaken the industry and reduced the probability of its purposeful regulation for national development. The only viable professional security association in Nigeria is the Nigerian branch of the American Society for Industrial Security (ASIS International). This society has two chapters in Nigeria – Nigeria Chapter (206) headquartered in Lagos and Port Harcourt Chapter (236) based in Port Harcourt.

ASIS international, founded in 1955, is headquartered in Alexandria, Virginia USA. With over 33,000 members worldwide it is the world's largest professional security association. ASIS is dedicated to increasing the effectiveness and productivity of security professionals. Nigeria has about 300 registered members of the professional body. The West and Central Africa Region of ASIS International is based in Nigeria. This region covers 22 West and Central Africa Countries. ASIS draws membership from users and vendors of security. It provides educational programs for its membership, enforces a strict code of professional ethics. It also provides certification opportunities for security professionals awarding the highly coveted Certified Protection Professional (CPP) designation and the newer but less prestigious lower PSP (Physical Security Professional) designation and Professional Certified Investigator (PCI) designation.

Lax Enforcement of Regulations: The Federal Ministry of Internal Affairs, Citizenships and Business Department, Private Guards Desk has a limited number of officers coordinating all the PSCs and private guards in the country. With this limited capacity there is little or no enforcement of the regulations guiding PSCs. This creates a chaotic operating environment. Some guard companies, such as Gray Security/Securicor/OSL wear a uniform similar to the Nigerian Air Force. However, since there is limited enforcement of the regulations, this illegal/money laundering organization can continue to flout Nigerian law with impunity. Even when transgressions are brought to the attention of the authorities, the limited resources constrain their ability to respond and take punitive or corrective action.

Inter-agency Co-operation: There is a low level of public/private security interaction. The police agency does not often exhibit high regard for the professional capabilities and competencies of PSCs. Private security operatives are generally well trained in their work schedule. They can conduct diligent investigations, operations, training and supervision. Street level, division level and command level cooperation between Police and private security can lead to success in achieving the mission of crime control and crime prevention. What is prevalent is the harassment of private security directors by men of the State Security Service, Nigerian Immigration Service, and the Nigerian Security and Civil Defence Corps (NSCDC) also know in security circles as **“guguru defence”** which is itself a government owned security outfit managed within the Federal Ministry of Internal Affairs (FMIA).

Poor Public Perception: PSCs are caught in a vortex of low pay from clients, low morale on the part of operators and operatives, dissatisfaction on the part of clients, sloven appearance and deportment and consequently low public perception. Even though there has been an improvement in the turnout and demeanour of private guards within the past 20 years in Nigeria, there is still a general negative perception of private guards. Because of the low public perception, Private guards are often the sacrificial lambs once a security incident occurs. In a recent security breach at an electronics store, the relative of the owner pilfered the money which he kept in the company safe and then staged the crime scene to give the impression that there was a penetration through the roof. All efforts to convince the owner

that it was an internal job perpetrated by his brother proved abortive. He seized the monies of the guard company. Within 90 days, the owner caught his trusted relative in the act of stealing from him (quite by accident). When the man's bank account was investigated, he had 12 million naira lodged in there. His salary was a mere 15,000 naira per month, in addition to free transport, lodging and feeding at the owner's home. The electronics company owner profusely apologized to the PSC for tagging its guards "**thieves in security uniform**".

Another security incident involved a high rise building in Victoria Island, Lagos. A property manager from a "reputable" estate management firm was organizing a series of burglaries in the premises. When PSC investigators obtained circumstantial and trace evidence to tie the maintenance department to the crime scene, they were discounted and eventually the company was terminated from the building. Panti detectives who worked on this case with the PSC concluded that it was an inside job. Another reputable security company was hired and then lost millions more on its watch. Eventually, the property manager fingered by the first PSC was employed as a staff of the property owner. Recently, the second company was fired and a third security company employed. The thefts have not abated, because the underlying cause is still within the high rise property. However, the property owner, an international insurance corporation was willing to believe the property managers because of poor perception of private security. A favourite phrase is that "**they are ordinary *mai-guards***".

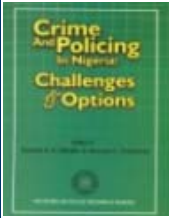
Conclusion

Privatization of policing is already occurring in Nigeria in very interesting ways. The entire civil security system of corporate Nigeria is in the hands of PSCs. The regulated PSCs are joined by quasi-PSCs such as the Supernumerary Police, the Legion, the Nigerian Security and Civil Defence, Kai Brigade in Lagos State and various neighborhood watch organizations in combating crime and criminality.

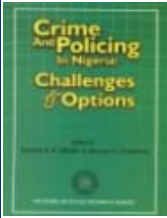
Many statutes conferred certain powers on citizens in various capacities. The powers conferred on citizens by statutory provisions and which can also be exercised by the PSCs include:

- S.12, CPA (Criminal procedure Act) grants the private security officer powers of arrest.
- S.13, CPA grants the owner of property, his servant or agent power to protect his property.
- S.14, CPA requires that the Private Security Officer hand over the person so arrested to a Police Officer or take him to a Police Station within a reasonable time.
- S.261, CC (Criminal Code) avails the Private Security Officer of the use of deadly force in apprehending an offender who resists arrest.
- S.272, CC and S.273CC grant justification for use of force.
- The Judges Rules provide ground rules for interrogation of suspects.

By and large, PSCs have continued to contribute to the Nigerian economy and continued to address important social problems such as crime and deviance and have continued to provide security of governance by reducing the crime barometer and making Nigeria safer. The problems of the industry need to be addressed to sharpen its focus and enable it succeed in achieving the mission of crime prevention and fear reduction. The police agency is best suited to combat crime, and it should find programmatic, administrative and

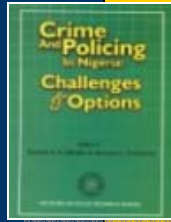


technological means of achieving its mission of crime control. PSCs can only partner in policing but the police agency must solve its own internal problems that have made it to be held in low esteem by the generality of the public.

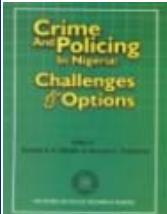


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INTER-AGENCY INTELLIGENCE GATHERING AND SHARING FOR EFFECTIVE CRIME CONTROL: PERSPECTIVES OF NATIONAL DRUG LAW ENFORCEMENT AGENCY (NDLEA)

Wale Ige

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Introduction

Crimes are daily occurrences. However, while some can be easily handled, others are difficult to manage. Some crimes are simple while others are complex. However, whether it is wrongdoing, misdemeanour, an indictable offence, or felony or whether it is a criminal offence or capital crime, every nation needs to create and sustain law enforcement agencies to be able to engender order in the society. Without order, there will be disorder and where there is disorder, criminality thrives.

A lot has no doubt been achieved by the present civilian administration in curbing crimes such as car snatching, theft, armed robbery etc. through effective policing. However, there are other kinds of crimes which, in the reckoning of some people, seem innocuous but which are consequentially lethal and capable of seriously compromising the safety and security of the nation. Examples of such are drug trafficking and money laundering which the NDLEA is statutorily empowered to combat. Ineffective control of these crimes could progressively degenerate into narco-terrorism and deleteriously compromise public safety.

After the tragic events of September 11, 2001 in the US, nations were alerted to the urgent need for concerted action towards criminal intelligence sharing in order to forestall a recurrence of the sad experience. More specifically, the need for improved intelligence exchange between national crime control agencies emerged. It was discovered that effective criminal intelligence data generation and sharing is critical to the protection of the safety of lives and property against terrorism and other criminal acts. Consequently, criminal intelligence gathering and sharing has, today, taken the front burner.

In the area of inter-agency cooperation and collaboration, intelligence is the body of knowledge that is developed or made available for the purpose of providing insight into or identifying individuals, groups, organisations and their activities. All intelligence activities involving inter-agency collaboration are, therefore, critical to crime prevention and control. The effective use of such intelligence in the environment of law enforcement is crucial to combating criminal groups and facilitating crime control.

Regardless of special areas or specialties, every officer in every agency, at every level of law enforcement, is involved in one aspect of criminal intelligence or another. Consciously focusing on sharing drug intelligence perspectives in a national effort aimed at violent crimes and conflict control is, therefore, certainly a welcome development.

The impact of the crimes, namely corruption, financial scams, trafficking, and money laundering perpetrated by cross-border gangs and extremely aggressive and well-organised predators have destroyed the traditional fabric of civil societies, threatening the very

foundations of development and peace processes. This simply means that, the profile of organised criminals is one of sophistication, ruthlessness and destruction.

In the world of organised crime, Nigerian criminals have carved out a niche for themselves. A report on African Criminal Enterprises by the FBI reported the potential threat they pose. On the basis of intelligence and investigation, the Bureau concluded that the Nigerian Criminal Enterprises (NCEs) are the most significant of the criminal organisations in Africa. Nigerian criminals have been found to be operating in more than 80 other countries of the world and are acknowledged as a significant emerging criminal threat confronting law enforcement agencies worldwide. The NCEs are among the most aggressive and expansionist international criminal groups and syndicates primarily involved in drug trafficking and financial frauds.

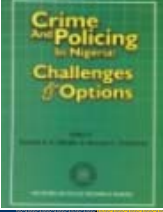
Apart from the notoriety of the organised criminals, the linkage between drugs and crime stands unique in the array of potential threats that can be posed to national security. The report prepared in 2001 by Lyne Casavant and Chantal Collin for the US Senate Special Committee on Illegal Drugs throws some light on the symbiotic relationships. In the report titled, *Illegal Drug Use and Crime: A Complex Relationship*, the authors disclosed that scientific studies conducted in the US over a period of two decades provide evidence that show drug use as one of a number of factors that seem to explain why some people commit criminal acts.

To illustrate, Cassavant and Collin used three models proposed by Goldstein in a paper titled: *The drugs/violence nexus: A tripartite conceptual framework*. The models situated different kinds of links that correlate drugs and crime. The first model presents crime as being linked to the psychopharmacological effects of certain drugs. What this means is that intoxication from drug use is capable of undermining judgement and self-control, causing paranoia or distorting inhibitions and perceptions. The second model suggests that drug users commit crimes in order to buy drugs. For instance, many people who have developed addiction to expensive drugs such as heroin and crack/cocaine and cannot sustain the habit would most likely commit crime to source money for the drugs. This is referred to as economic-compulsive type of crime. The third is the system model which links crime among illicit drug users to the drug market or what may be referred to as the "availability hypothesis".

Although the nexus is complicated by a number of factors, drug use and crime are, apparently, closely linked. The type and psychoactive effects of the substance as well as the psychological, situational and socio-cultural factors, mediate the relationship between the two. Predisposing factors that seem to explain both drug use and criminal activity include poverty, warped or incompetent societal values, personality defects, drug use sub-culture, and inadequate socialisation process.

Applied Drug Law Enforcement Intelligence

By nature and functions, law enforcement agencies are intelligence-based organisations that treasure and thrive on information flow. Being in the business of crime fighting and security maintenance, their personnel are in the business of collecting, analysing, disseminating, and utilising intelligence information to deter criminal activity. In the area of drug law



enforcement, three basic drug intelligence types are identifiable. These are: **tactical, operational/investigative, and strategic intelligence.**

Tactical Drug Intelligence - This helps in the evaluation of information on which immediate enforcement actions can be based or undertaken. It covers arrests, seizures, and interdictions through timely support of enforcement investigations, operations, and programmes and also helps to identify traffickers, drug movements, conveyance modes and operational methods.

Operational/Investigative Drug Intelligence - This is used to systematically organise and evaluate information on a target which status can directly impact on investigation and prosecution. Such intelligence facilitates conviction and the dismantling of drug syndicates. It involves document analysis, accessing IT equipment and communication devices, source debriefing, etc.

Strategic Drug Intelligence - This facilitates the evaluation of information relating to illicit production, cultivation, trafficking patterns/trends, governmental political will, organisational wherewithal, and related data that can be used in policy planning, decision making, and resource allocation utilisation. It involves evaluating inter-agency and foreign government I reports, source debriefing and open-source information analysis.

Sources of NDLEA Intelligence and Information Exchange

Proper planning and proactive intelligence are what have been ensuring successful operations for NDLEA but that is not to down play the importance of intelligence gathering and sharing among sister agencies. Like other law enforcement agencies, NDLEA relies on processed information to plan and execute its raid operations, dislodge drug joints, effect arrest of individuals or groups involved in drug trafficking, cultivation or sale, intercept or seize drugs, and so on. In doing these, the Agency relies on information from both overt and covert sources but most times from the latter.

Sources, through which the Agency gets intelligence information, include agents, informants, volunteers and various national law enforcement organizations and international collaborators. Some of these are the Interpol, USDEA, Her Majesty Customs and Excise, South African Police Service and the German Police. Others include the Nigeria Police, SSS, NIA, Customs and Excise, Immigration, and Prison Services. Useful information is also obtained from the Ministry of Foreign Affairs and Nigeria's Embassies abroad. NDLEA has been promoting inter-agency intelligence sharing over the years. The Agency has also benefited from intelligence supplied by other sister agencies and international collaborators, which had at various times led to successful drug interception/interdiction.

International/Inter-Agency Outcome

A recent example of international inter-agency cooperation was the discrete joint operation, based on shared intelligence that led to the seizure of over 100kg of cocaine in Cotonou, Benin Republic in March, 2004. The investigation that led to the Cotonou seizure involved the NDLEA and her international collaborators, namely the South African Police Service, German Police and American DEA on one hand, and the Benin Republic authorities on the other. The seized substance was concealed in drums of soybean (vegetable) oil and was

shipped from Brazil. The name of the consignor is Nigerian and the probability was high that the consignment was to be transshipped from Benin Republic to Nigeria. Before now, there had been red alert on the diversion of trafficking routes to the West Coast of Africa.

National Inter-Agency Impact

At the national level, NDLEA has been facing threats across her formations nationwide in the course of executing the statutory mandate assigned to the agency. For example, in major towns across the state commands, there has been a growing group of restive youths that indulge in the use and abuse of cannabis and other psychoactive drugs. Majority of these youths are unemployed and are being contracted for political thuggery, harassment, assassination, kidnap, ethno-religious conflicts and thereby constituting themselves into potential threats to the safety of lives and property. The existing cordial intelligence cum joint-operational relationship between NDLEA and sister agencies has, however, been helping in curbing the maladaptive conduct of these youths. A few examples may further help to drive home this point.

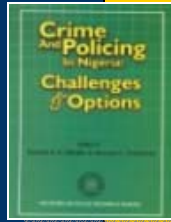
- In one state, the youth, identified as ‘Area Boys’ in the environment, vowed to attack NDLEA office wherever it is located. The SDSS came to the aid of the command by coming up with intelligence report, which contributed to warding off the threat.
- In another command, the CP, in response to intelligence reports and distress calls made by the NDLEA State Command, has been sending armed policemen to join the agency’s officers in guarding the office complex.
- In yet another state command, drug dealers devised a trick of planting their merchandise inside crowded markets without the knowledge of the people around. Whenever there is an operation, the crooks simply raise alarm to cause confusion and escape. However, through intelligence sharing between the NDLEA command, SSS, and the Police, the hoodlums were identified and the drug peddlers’ storehouses raided.

In the face of such successes, intelligence gathering/sharing and increased cooperation/collaboration between law enforcement agencies must be taken seriously. Some nations are known to be seeking help to check the activities of illicit traffickers who are trading drugs for arms and ammunition. Intelligence has consistently revealed that funds from such trade are being used to fuel terrorism and sustain terrorist networks. This development has prompted nations to review their crime control intelligence plans.

Synergy for Inter-Agency Intelligence Gathering and Sharing

The key role intelligence plays in successful law enforcement operations and investigations presupposes that intelligence should be a treasured item to be supplied or disseminated only on trust. That is to say, inter-agency intelligence sharing cannot thrive in an atmosphere of distrust. Secondly, it cannot thrive in a situation where one agency does not understand the workings of the other.

In inter-agency cooperation, there must be **trust, training, and communication.**



- **Trust** is a critical requirement for sharing confidential information.
- **Training** helps to develop, build, and improve criminal intelligence capabilities.
- **Communication** is geared towards improving channels, setting dissemination standards, computerising and networking database, etc.

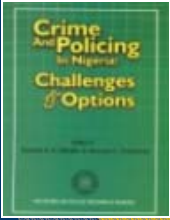
In addition to the above, the following considerations may help facilitate effective intelligence gathering and sharing among security agencies in Nigeria.

1. Promoting, ensuring, and establishing processes and procedures that will remove barriers to effective intelligence sharing.
2. Timely and effectively sharing tactical information that is actionable.
3. Strengthening partnership and stake-holding in the business of information sharing among law enforcement and intelligence outfits at all levels.
4. Creating training opportunities and building capacities of intelligence personnel to enable them impact positively on law enforcement.
5. Promoting professionalism in the field of intelligence. That is, building corps of intelligence analysts as is done in advanced countries.
6. Doing away with the thinking that each agency can always act alone and does not need what is wrongly termed ‘interference’ from other agencies. Each one need the other especially in the field of intelligence in the overall interest of the nation.
7. Upholding the fact that all security and law enforcement agencies have one common objective, which is – **to rid Nigeria of all forms of crimes**. Just as the saying goes, “united we stand, divided we fall.”
8. Creating a forum for interaction among staff of the security agencies at both state and national levels. Such could feature lectures and paper presentation (like this one) that highlight the activities of each agency from the point of view of knowledge/experience sharing among the operatives of participating agencies. This will help eliminate suspicion and distrust. which have been hampering information flow, while engendering and ensuring true *spirit de corps*

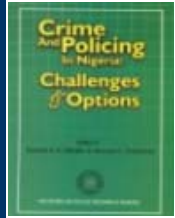
Conclusion

The efficiency, effectiveness and success of any law enforcement agency depend on how it is able to, among other things, obtain, process and effectively utilise intelligence. To NDLEA, functional and effective inter-agency intelligence gathering and sharing is a veritable tool for the enhancement of the identification and immobilization of illicit drug traffickers and their networks. Intelligence is one of the vital tools law enforcement agencies employ to counter crime and secure lives and property. The process of gathering and sharing available intelligence must, therefore be well thought-out and planned to succeed.

According to Marcus Tullius Cicero, “The greatest incitement to crime is the hope of escaping punishment” but Seneca equally observed that, “There is no crime without precedent”. Intelligence is the key to uncovering all crime precedents. Functional inter-agency collaboration would assist in periodically evaluating intelligence operations and products. It would help improve performance, effectiveness and guarantee the integrity of the gathering-sharing process. After collection, collation, evaluation and analysis, effective dissemination or sharing is the step that guarantees successful use or utilization of intelligence.



From the foregoing, it is evident that more and focused attention needs to be paid to the intelligence function in inter-agency cooperation and collaboration, if greater success is to be achieved in crime control. Intelligence is a key element in modern strategies that are employed to curb and control violence and conflict and to combat organized and transnational crimes such as drug trafficking, money laundering, terrorist acts and the like. Nigeria should not and cannot afford to lag behind in tapping the benefits of effective intelligence gathering and sharing in the overall interest of the nation.



INTERAGENCY INTELLIGENCE GATHERING AND SHARING FOR EFFECTIVE CRIME CONTROL: PERSPECTIVE FROM THE POLICE

O.O. ONOVO

Deputy Inspector-General of Police
'D' Department (Force CID)
Force Headquarters

Introduction

For us in Nigeria, the challenges of national security have been made more complex by a number of factors, like ethnic diversity, plurality of religions, economic down-turn and unemployment, our recently enthroned democracy and the accompanying release of bottled-up emotions from years of repression of the civil population under military governance. Under no other form of government have the challenges of national security been more daunting and potently sensitive than in a democracy, with its unique features, particularly those relating to human rights, rule of law, freedom of association, freedom of expression amongst others, which could sometimes generate countervailing forces that constitute a threat to national security. Threat to national security leads to state of insecurity which can be described as an unstable period, especially one of extreme range of situations characterized by violence, destruction, law breaking and human rights violations - all resulting in human sufferings. Such a condition can create lack of confidence, by law-abiding citizens, in government's ability to provide them with basic protection from internal violence, riots, disturbances, exploitations, menace of armed robbers and hired assassins, within the ambit of the laws of the land.

A significant consequence of national insecurity is that it breeds an unstable polity - a conflict situation where the accepted norms and values of the society are put under severe stress. If the conflicts arising from insecurity are not properly managed, such situation is capable of derailing an otherwise stable social order, and this can be inimical to peace, progress and good governance. Such situation can cause disaffection among the populace and/or discredit constituted authority with the aim of overthrowing such an authority. Besides, the effect of threat to security on economic and social sectors could be very disastrous and cause loss of human lives and properties. National insecurity also, and most importantly, exposes lapses in the security machinery of government - a situation that puts into serious questioning, the ability and capability of the various security agencies, especially the police.

How do we effectively Police a society undergoing social change? In western democracies, there is this general feeling that police power is not only a threatened interference with freedom, but is even incompatible with it. This is why one can safely say that, at the moment, in our sub-region, policing in western styled democracies appears to be experiencing a crisis phase; at every turn of course, Police operations are constantly being questioned. In Nigeria, evidence abound, of investigations by tribunals of inquiry and panels, into the conduct of some major police operations. At the same time, evidence of social unrest, crises, and disturbances continue unabated.

Significance of interagency cooperation

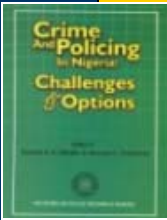
Ever since the Enugu Coal Miners Riot of 1953, through the Maitatsine Religious Riot of 1980; the Ahmadu Bello University Students Riot of 1986 to the 1993 Political Demonstrations/riots, that allegedly led to the formation of an Internal Security Unit of the Nigerian Armed Forces in response to "perceived reluctance of the Police to deal decisively with the demonstrators...", the Nigeria Police Force has been repeatedly criticized for its handling of conflicts. By 1985, participants in a police organized seminar on Maitatsine Religious riots were unanimous in blaming police shortcomings in the handling of the uprising on the provisions of the Riot Drill Pamphlet. Again at the second Annual Commissioners of Police Seminar at the Police Staff College Jos in July 1991, participants regretted police inability to evolve standard guidelines for managing riots and disputes in the past. The seminar went further to place on record the fact that previous police approaches to intelligence gathering and Police actions/operations had been fraught with several problems, including the following:

- i) Incorrect information leading to incorrect assessment of situation.
- ii) Faulty planning.
- iii) Lack of sufficient expertise by operational commanders.
- iv) Operational decisions being taken by superior officers other than the operational commanders who are conversant with the realities of the situation.
- v) Actions of over-zealous operators, and
- vi) Logistic inadequacies.

The Riot Drill pamphlet of 1979 provides that in actual operations, the Unit Commander must use his own discretions and initiative if his superior does not give him direct orders. However, in deciding on the use of armed unit in operations, the pamphlet admits that "so much will depend on such varying factors as the nature of the disorder, the temper and composition of the mob ... whether barricades are being encountered or not etc." It further reaffirms that a great deal must be left to the **discretion** and **initiative** of the Unit Commander. Little wonder why the provisions of the pamphlet was cited as an excuse for the poor handling of the Maitatsine operations; the Riot Drill pamphlet took for granted the most crucial, part of operational planning - Intelligence gathering and logistic appreciation.

This point was further made clearer by the Justice Anigolu Tribunal of Inquiry into Police handling of the Maitatsine Religious riots in Kano in 1981. In its report, the Tribunal of Inquiry discovered the "complete absence of operational intelligence in police operations". The Tribunal noted with displeasure, that lack of intelligence unit in the force, contributed immensely to the inability of the Police to **forestall, contain and manage** the crises successfully. It observed that the excision of the Special Branch "(E' Branch) from the Police to form the Nigerian Security Organisation (NSO), and now State security services (SSS), in 1976, created apparent vacuum in the Nigeria police intelligence operations.

As remedy, it made a recommendation, which was accepted by the Federal Government, that "... the 'B' Department FHQ, should be given the responsibility of setting up an Intelligence Unit, by whatever name called, down to field command level, and charged with the duty of **gathering information or operational intelligence**, as required from time to



time... ". This led to the constitution of a study group on the establishment of Criminal Intelligence Bureau (CIB) for the Nigeria Police and eventually the establishment of the Criminal Intelligence Bureau of the Nigeria Police Force in 1982 as the intelligence unit of the Force from 1982 to 1990. The establishment of the Security Intelligence Bureau (S.I.B) took place in 1990. Basically, the intelligence unit is organized for the purpose of intelligence gathering through the processes of collation, assessment, evaluation, interpretation, and dissemination of relevant information.

Intelligence and intelligence gathering process

Intelligence is the combination of credible information with quality analysis. It refers to information that has been evaluated and from which conclusions have been drawn. It is data that can be used proactively for strategic and tactical purposes. Operational intelligence, is intelligence that is required for planning and conducting campaigns and major operations to accomplish strategic objectives within operational areas.

Modern Intelligence gathering involves human efforts and the use of electronic devices. The gathering of intelligence is nothing more than stealing someone's secret. It is done strategically, which means according to some direction, plan or mission, and it is done competitively, which means that your opponents and allies are also most likely doing it; and it is done non-transparently or in secret. The policy- making process, which is informed by intelligence, may be transparent, but the intelligence gathering process rarely is disclosed. The first requirement is that your target must have something worth stealing. If they do not have anything (information) worth stealing, then all you are doing is snooping or conducting research.

In the business world this is what is referred to as the difference between competitive intelligence and market research. The military takes intelligence gathering seriously, as it is almost always collected for the purpose of assessing risks and hazards in preparing for warfare. The whole purpose of gathering information about others and processing it into intelligence is to provide the leaders or policy-makers with options, and to make policy more effective and efficient. There is no point in tasking, collecting, analyzing and distributing intelligence products if there is no policy, issue or anticipated issue on the table.

Basic intelligence gathering consists of collecting information and observations from open sources or clandestine sources. The information or observation is patiently and rigorously analysed, evaluated, compared and integrated with other information and existing intelligence to arrive at conclusions relevant to the needs of policy makers. Trends and anomalies from the collected intelligence are processed carefully, and if the incoming intelligence seems to follow a pattern that pre-existing intelligence has indicated, this is often called 'connecting the dots'. If there is an anomalous, sharp spike in the quantity or quality of incoming intelligence, this is referred to as 'increased chatter' in intelligence parlance. The key to success is that once your collection elements are deployed, the intelligence coming in from them is rapidly compared in a pre-production process - 'cross cueing', which ensures the possibility for dissemination of intelligence products. When basic intelligence products are compared to the kind of collected intelligence coming in from advanced methods (such as orbital or air born sensors), this pre- production process is often called 'fusion', although the terms cross-cueing and fusion are sometimes used interchangeably. In advanced countries like the United States, what is in use is a multi-level intelligence community where

inter operability and collaboration are important and intelligence from different collection sources can move rapidly from one collection discipline to another. Which national system of intelligence collection will be best suited for us here in Nigeria?

After collection, all intelligence gathered is rated for its quality and reliability, and then exploited. In intelligence gathering and sharing parlance, it is customary to apply a simple alpha (A - F) and numeric (1 - 6) system on raw data where the alphabetical characters represent the reliability of the source (A = completely reliable, F= unknown reliability) and the numerical characters represent the accuracy of the information (1 = confirmed by other sources, 6 = truth cannot be justified). In practice, there are very few intelligence gathering sources with an A - 1 rating. In the pre-production analysis phase, cross cueing intelligence is evaluated by what is called "analysis of competing hypothesis". Using this approach, an analyst (or group of analysts), tries to identify all plausible explanations or conclusions about an issue in an effort to select the correct (or most correct one. There is then a simultaneous comparison of how all the available information support each potential hypothesis. The finished product becomes a final intelligence estimate presented to the policy maker who will lay out the probabilities or possibilities. It is worthy of note that there always are caveats or provisos to intelligence products, and also, they are affected by the mindsets of the analyst who have processed them.

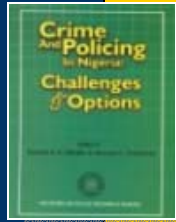
Inter agency criminal intelligence sharing

The former 'E' Department of the Nigeria Police (the Special Branch) was the first intelligence outfit to be established in the Force. It was established by the British colonial administration with the aim of checking alleged subversive activities and excesses of the early nationalist who were agitating for political independence and better conditions of service for workers. At that time, their main responsibilities included among others:

- Carrying out of surveillance generally
- Travel control
- Aliens control, and
- Checking communist influence in Nigeria.

After the attainment of independence in 1960, the method of operation and areas of emphasis of the Department shifted slightly with general security maintenance as its principal focus. After the abortive coup of 1976, there arose an urgent need to review and overhaul the existing security system and structures in the country. A Panel consisting of top military and civil servants was set up and charged with the responsibility of initiating a new security outfit that would effectively meet the security challenges and needs of the nation. This led to the establishment of the Nigerian Security Organisation (NSO) in 1976 by Decree No. 16. Now the crux of the matter at that time, the working cooperation between the Director-General of the NSO and the Inspector-General of Police was limited in scope, since the Director-General was not under any legal obligations to pass on intelligence product to the Inspector-General of Police. This was also the situation between the State Directors and the State Commissioner of Police resulting in operational limitations. As at today, the nation has several security agencies with different jurisdictions. The agencies are:

1. National Security Council
2. Nigeria Police
3. Nigerian Armed Forces



4. National Intelligence Agency (NIA)
5. Directorate of State Security Services (SSS)
6. Defence Intelligence Agency (DIA)
7. Directorate of Military Intelligence (DMI)
8. Security and Criminal Intelligence Bureaux of the Nigeria Police
9. Nigeria Immigration Service
10. Nigerian Prison Service
11. National Drug Law Enforcement Agency
12. National Economic Intelligence Agency
13. Economic and Financial Crimes Commission
14. Federal, States and Local Government Security Committees.

Each of these agencies has various modes of operation designed to ensure the overall security of the nation in their own sphere of responsibilities. It is pertinent to mention here that the Directorate of State Security Service has had, and ought to continue to have, a purely civilian focus in its responsibilities, as it operate largely within the civil society. The police happen to be and should continue to be the largest consumer of its intelligence. This important reality was undermined under the 1976 arrangement.

Any framework for intelligence sharing in Nigeria must appreciate the fact that every agency has rules, regulations, orders and directives, designed to ensure the security of intelligence/information. This is why those of us here present, who are very conversant with the security business will readily recall such devices as classification of information into Top Secret, Secret, Confidential and Restricted; (internal security matters are usually classified under Top Security categories). Personnel dealing with such classified information are usually sworn on oath to prevent leakages. The necessity of limitation of access to classified information is usually guided by the principles of:

- i) Need to know
- ii) Need to hold, and
- iii) Need to take

The resultant effect of this is that inter-agency intelligence gathering and sharing, has always been fraught with barriers.

Major barriers to criminal intelligence sharing

The barriers that reduce the capacity of agencies to share criminal intelligence include the following:

- Lack of a national process for generating and sharing intelligence.
- Existence of laws that unduly restrict law enforcement access to information.
- The hierarchical structures of sharing information.
- Deficits in criminal intelligence analysis.
- Lack of good technologies to support criminal intelligence sharing. .

In Nigeria, security agencies like the Military, the SSS, Customs, Immigration, NDLEA etc. may talk about their routine sharing of criminal intelligence with the police through the Inspector-General of Police or the State Commissioners of Police, and during the monthly Joint Intelligence Board meetings. But the current framework is inadequate. In these days of threat of armed robbery, assassinations and other violent crimes, there is the dire need for a

national policy on inter-agency criminal intelligence sharing, a policy that will make it possible and mandatory for the various security agencies to provide unclassified information to the Police Force Headquarters, the Zonal AIGs, the State Command Commissioners, the Area Commanders and the Divisional Police officers on daily basis. The rationale is that such information will help the police act both proactively to prevent crime as well as reactively to bring criminals to face the law.

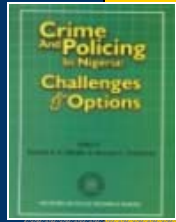
Plans and Strategies for crime control must be subjected to periodic review at all levels, based on available criminal intelligence. This strategy is in line with the National Security Adviser's thinking elaborated in his paper on the present administration's Grand Strategy for National security at Abuja in August 2001. He advised that:

The information required for the effective management of National security is so wide and varied. It includes information on defence, politics, science, technology, economy, crime, labour, population, demography, transportation and telecommunications etc. There is the need for the information from all levels, wards, local governments, states and federal to be accessible through clusters of database. The absence of basic data inhibits proper planning and prompt response. The "grand strategy" emphasizes the smooth flow of information among the various agencies and departments. Policy makers are expected to create the infrastructure for the collection and storage of vital data. At a later stage, the networking of the database is to be exploited. The creation of a national crime information database is in progress...

Conclusion and Recommendations

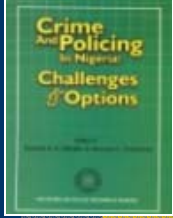
While the campaign against armed robbery, assassinations and other violent crimes continues unabated, the police authorities should consider these additional strategies:

1. The Criminal Intelligence Bureau should be overhauled and re-oriented to make it capable of gathering and sharing operational intelligence for planning and prompt response as recommended to and approved by government since 1981.
2. Training in criminal intelligence gathering should not be the exclusive preserve of Criminal Intelligence Bureau. Rather the Force should consider a robust training programme for all general duty officers and men in criminal intelligence gathering, operation planning and conflict management/resolution. This will remove the existing barrier being faced by the CIB as intelligence gathered is not shared with the officers and men who need them for planning and operational purposes at the grassroots level as at now.
3. Through Force Directives, the Force should embark on an awareness campaign within the Police to bring home to all officers and men at all levels, the crucial role of criminal intelligence in planning for conflict management. One envisages a situation where every Police Division should have its criminal intelligence gathering and operational planning unit responsible to the D.P.O who will then be accountable to his superior authority for breaches or lapses in crime control efforts in his Division. After all, under the



Police Regulations, the Divisional Police Officer is charged with the Direction and Administration of his area of jurisdiction.

4. In view of the large number of officers and men that will be involved in this massive training for all general duty personnel in operational intelligence gathering, planning and conflict management/resolution at all levels. The police authority should consider approaching the government for a special budgetary allocation for this purpose. In addition, it will not be out of place to extend the call for financial support for this criminal intelligence training efforts to all other stakeholders in the public safety and security industry.



INTER-AGENCY COOPERATION FOR EFFECTIVE CRIME CONTROL IN NIGERIA: THE NIGERIA IMMIGRATION SERVICE (NIS) PERSPECTIVE

NIGERIA IMMIGRATION SERVICE NIS HEADQUARTERS, ABUJA.

Introduction

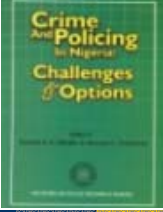
The circle of violence, the increasing and vicious nature of transnational crimes persuade one to suggest a system approach to the problem of crime and policing. In doing so, I would like to use the open system theory approach to present our perspective. The approach emphasizes the close relationship between a system and its supporting subsystems; it works on the assumption that without continued input from the subsystems any system could run down. Security (including crime control) is a sub system of one or larger systems and its linkages or integration with these systems affect its mode of operation and its level of activity. Therefore, for the system to survive all the subsystems need to work together for the mutual benefit of the system, to achieve the desired goal.

Nigeria Immigration Mode of Operation

The Nigeria Immigration Service is a government Agency established and charged with the control of entry and exit of foreigners, and of course Nigerian nationals and 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. The work of the Service often requires the cooperation of several local, state, and federal agencies. A non-exhaustive list includes:

- Nigerian Custom Service
- State Security Service
- Nigeria Prisons Service
- Nigeria Police Force
- National Drug Law Enforcement Agency (NDLEA)
- Economic and Financial Crimes Commission (EFCC)
- Judiciary
- Local Government
- State Governments
- Quarantine Department
- National Agency for Prohibition of Traffic in Persons (NAPTIP)
- National Agency for Food, Drug Administration and Control (NAFDAC)

Regrettably, there seem to be little or no cooperation among these as each jealously defends its turf. 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 carried out their functions and complement each other's efforts. I will discuss the linkages between our Service and other agencies and the need for cooperation for effective crime control in the country.

Immigration Control

An approved entry point is defined by the Immigration Act (Cap 171 Section 51, Laws of Federal Republic of Nigeria) thus:

A recognized "port" or "port of entry" means in respect of persons landing from or embarking in an aircraft, any recognized aerodrome or airport where there are facilities for custom, health or immigration inspection and in respect of persons landing from or embarking in ship or otherwise arriving in or departing from Nigeria, means any place where there are the like facilities.

In the code of operation of the Service, if a known criminal is given clearance to enter the country, other relevant agencies should be informed. It is also expected that the various agencies will inform the Nigeria Immigration Service about such criminal.

Nigerian Passport

There is no doubt that the Nigerian Passport is used as a means of identification in banks and other business transactions. Nigerian passport are categorized into the following classes:

- Standard – issued to all desiring and deserving Nigerians
- Official – issued to Nigerian government officials on official trip
- Diplomatic – issued to diplomats and other such persons as approved by the Honourable Minister of Internal Affairs
- Pilgrim – issued to pilgrims and is valid for six months within the pilgrimage year

Other forms of travel documents are:

- a. ECOWAS Travel Certificate – issued to our citizens mainly for use within the Region.
- b. Seaman's identity/passport – issued to seafarers and used mainly when on voyage.

In order to obtain these important documents, applicants must satisfy several requirements: Local Government Area/State Identification, Birth Certificate or Affidavit of Age, Marriage Certificate or Affidavit of Marriage in the case of married women. All these documents are required with a view to identifying the applicant properly. These required documents are not issued by NIS but by various other government agencies – the Judiciary, Local Government, State liaison offices and notary publics. However, the documents are used in making decisions as to the desirability of issuance. Here lies one of the problems of passport issuance. That is, it is possible to obtain Nigerian Passport with fake or counterfeit documents issued by other agencies. However, the Service has posted officers on ECOWAS desk to monitor the activities of Immigrants at the Local Government Areas including identification of indigenes of the area for the purposes of travel documents issuance.

The new Machine Readable Passport (MRP) was introduced to curb the abuses like multiple issuing associated with the manual one but regrettably the networking of the Central Data

Base has not been installed which makes it possible for one person to have more than one passport. There is equally the problem of proxy acquisition. The Service does not allow this but because of exigencies like accidents/bedridden applicants who may need to be flown abroad, the Service permits this on application supported by medical papers as a proof. Official and diplomatic passports are issued on request from government ministries and parastatals. However, unscrupulous officials have sometimes abused their office by recommending non-government officials or persons not qualified for it, for these facilities. Efforts are made to find the veracity of applications within 48 hours time limit after submission. The loopholes in our operations can be checked with cooperation from other security agencies.

The control measures of the Nigeria Immigration Service in respect of foreigners start with the issuance of an appropriate Visa/Entry Permit to allow them enter the country. This is done at our missions abroad. However Immigration attachees and other attachees were withdrawn from our missions abroad in December, 1995 in the heat of the political crisis then. This has affected coordination of the nation's first line of defence apart from the professionalism that would have allowed for easy detection of cases of Advance Fee Fraud or other security risk immigrants. Luckily, the government has recently approved the return of Immigration Attachees to five (5) of our missions abroad namely UK, USA, France, Germany and South Africa. The officers are expected to leave very soon, which hopefully will deal with some of these problems.

Border Patrol

The NIS has a Border Patrol Unit established in 1983 as an outcome of the Justice Anigololu Commission of Inquiry into the Maitasine religious riots which engulfed a sizable area of the Northern part of the country notably Kano, Maiduguri, Bauchi and Kaduna cities. Essentially, the unit is saddled with the responsibilities of forestalling illegal immigration into and emigration from the country through unauthorized entry points along our extensive coastal area and land borders. The nation's land border is estimated to cover about 4060 kilometers consisting 800 kilometers with Benin, 1500 kilometers with Niger, 80 kilometers with Chad, 1680 kilometers with Cameroon and over 800 kilometers of coastal boundary. These are invariably interspersed by the inclement open desert terrain of the North, the dense rain forest characterized by extensive swamps with dangerously winding creeks to the South, several kilometers of mountainous ranges punctuated by gorges and numerous non-navigable inland waterways.

The coastal area until recently was characterized by privately owned jetties and beaches with little or no government control. There is no doubt that effective patrol of such large expanse of landmass and coastline amidst controversial border demarcation and sensitive border populations is highly challenging and all hands must be on deck by all security agencies to achieve good results.

The abolition of security checkpoints by the present administration as a result of incessant complaints by ECOWAS members and even Nigerians over their proliferation and utilization for extortion by various security operatives has created a lacuna in the NIS security network. The primary functions of the checkpoints as bases for surveillance and monitoring as well as accosting illegal immigrants who escape detection at our very extensive and porous borders are central to our operation. It is therefore imperative that alternative

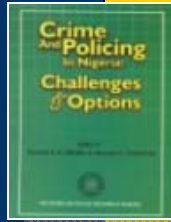
strategy like spot checks and proactive interagency cooperation and support must be adopted to achieve these laudable security objectives.

The demarcation of the borderline by the Colonial Administration was arbitrarily done without due consideration for cultural and linguistic similarities. As a result, communities with homogeneous culture and language are found at the two sides of the borderline. It is difficult if not impossible to enforce Immigration laws when members of border communities change their nationality as their circumstances compel. In many cases pillars and beacons showing proper demarcation of the borders have been tampered with thereby altering the accuracy of such survey instruments. Associated with the problem of ill-defined borderline, is that of improper location of control posts. Some of our control posts are located some distance into the hinterland thereby creating a stretch of land often referred to as "no man's land". This stretch of land invariably becomes a gathering point for illegal immigrants and a breeding ground for all sorts of anti-social and criminal activities.

Resistance to Interagency Cooperation

The failure of many attempts at interagency cooperation may be attributed to the following six factors:

- a. Most enduring systems (institutions) are over-determined in that they have more than one mechanism to produce stability. For example, they select personnel to meet role requirements, train them to fill specific roles and socialize 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 can change without affecting the rest of the structure. The larger system can nullify local changes. That is why it is pertinent to take the larger society into consideration in any policy formation towards crime control.
- c. There is both an individual and group inertia. While individuals might change, they encounter the difficulty of little modification in the complementary and reciprocal activities of others.
- d. Interagency cooperation may threaten the expertise of other agencies.
- e. Interagency cooperation may threaten the established power relationship in the system. This is the case over the control of decision-making, resources or information.
- f. Cooperation may threaten those groups in the system that profit from the present allocation of resources and rewards. This applies to all levels of staff.



CRIME AND POLICING IN POST-CONFLICT SOCIETIES: THE LIBERIAN EXPERIENCE

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Political Crisis and the Liberian Police

Liberia, the oldest independent African country, was founded by freed American slaves. The country's system of government was modeled after that of the United States of America. Prior to 1980, Liberia was one of the most peaceful and stable countries in Africa. Its criminal justice system was functioning fairly well. The police and other law enforcement agencies benefited from quality training. Standards in the agencies were high. Promotions were competitive and discipline was solid. The judicial system conformed to international standards.

The population of the country, however, remained divided between indigenous Liberians and those descendants of freed slaves, who had ruled the country since 1847. Discontent erupted which into a bloody military coup in 1980, which brought into power a government The People's Redemption Council (PRC), led by a Master Sergeant, Samuel K. Doe of the Armed Forces of Liberia (A.F.L.).

The early years of the military regime was characterized by summary executions, extrajudicial killings and disappearances, and torture of political opponents. Unqualified personnel selected on tribal and political grounds were recruited into the law enforcement agencies. Promotions were politicized, rather than based on merit. The quality of services therefore significantly deteriorated and corruption became a common practice among law enforcement officers. The previous high level of discipline was undermined by poor supervision and control.

In 1982, after a scandalous corruption incident, Master Sergeant Doe brought in a police administrator to rebuild the department's credibility. Chief Wilfred E. Clark created a strong professional sense of direction that helped regain the confidence of the public both nationally and internationally. Clark made significant progress in terms of manpower and organizational development during his tenure (1982 - 1990). The first duty manual, for example, was developed and published in March 1984. Officers were encouraged to pursue higher education, and those earning bachelor's degrees were given increments in pay and promotions on merits. Three officers benefited from scholarships provided by the Atlanta University's Criminal Justice Institute to pursue postgraduate studies in criminal justice.

Clark discouraged officers from joining political parties. Executives and command personnel were allowed to make input into the decision-making process, and could discuss issues of serious concern at weekly senior staff meetings. Clark encouraged discussion of any issue that may undermine the professional integrity of the department at the time. After an aborted coup attempt in 1985, President Doe made the military and other security forces to

viciously attack the coup makers as well as his opponents. But Clark was able to control misconduct within the department, even exercising a moderating influence over relatives of the President who were under his leadership. During the height of the war in 1990, when his own life was at risk, he took steps to ensure that tribal or political divisions would not take root in the department. Throughout this period, violations of human rights were attributed mainly to the military and other security forces, not the police.

Sadly, as the war escalated in 1989-1990, scores of police officers were killed, including seven high-level police officials, and Clark was forced to flee the country. In combination with corruption and bad governance, the disastrous human rights abuses committed by the military and a group of security officers helped lead to the first round of the civil conflict (1990 -1997), the collapse of the government, and the deaths of hundreds of thousands of Liberians - including many law enforcement professionals. The rebellion of the National Patriotic Front of Liberia (NPFL) led by former President Charles G. Taylor in December 1989 led to the intervention of the Economic Community of West African States (ECOWAS), which brought about the establishment of an interim administration in 1991. The police and other law enforcement agencies were reactivated, but many of the problems experienced during the coup of the early 1980s resurfaced - including the employment, promotion, and assignment of personnel without reference to departmental policy guidelines in high executive and other middle positions.

The NPFL, which controlled about seventy-five percent of the country, established a parallel government with its own police and security forces. The situation further deteriorated in 1995 when the various warring factions agreed to the formation of a transitional government with police and security positions divided among the factions. This arrangement paved the way for factions to continue to absorb their fighters into the police and other law enforcement institutions without due regard for recruitment standards. Most appalling was the division and tension this arrangement brought about within the police. In the LNP, for example, the top executives were from the four factions: the Director from NPFL; Deputy of Administration from Liberia Peace Council/UILIMO J; Deputy for Operations from UILIMO K. Likewise other executive positions in other security agencies were allocated to different factions. As a consequence of this arrangement there was no cohesiveness and control within law enforcement and security agencies. The chain of command was disrupted and faction representatives in these institutions would prefer reporting to their factions than to the head of the agencies.

The six-year rule of the National Patriotic Party of Liberia (1997 - 2003) led by Mr. Charles Taylor was no better. The NPP absorbed thousands of former NPFL fighters into the police and other security services, and appointed rebel commanders to high command positions within the service even though most of them had no prior law enforcement training or experience. Officers who were not a part of the NPFL war machinery were marginalized and the security forces remained divided even up to the signing of the Comprehensive Peace Agreement.

Impacts of Conflict on the Image and Performance of the Police

The Anti-Terrorist Unit (ATU) that served more or less as Taylor's personal army, and the Special Operations Division of the Liberia National Police operated without due regard to the Constitution and frequently violated the rights of the citizens. Members of the Special

Security Services were implicated in the murder of Sam Dokie, a prominent opposition politician from Nimba County as well as his wife and another relative. The ATU officers were also accused of torture and other inhumane treatment of persons perceived to be against the NPP led government. Similarly, the police were accused of extra-judicial killings of alleged armed robbers, the torture of human rights activists. Other security services were accused of detaining individuals for prolonged periods without due process. In short, the police and the security services were used as instruments of suppression and oppression of the citizens. By the end of the NPP rule in August 2003, public confidence and respect for the police and security service had deteriorated to its lowest level.

Crime and Policing in Post-conflict Liberia

Six months into the tenure of the transitional government, it is difficult to determine whether or not crime is on the increase due to the unavailability of reliable crime statistics. Notwithstanding, crimes such as armed robbery, rape, assault, auto theft, murder, burglary and other street crimes continue to permeate the Liberian society. Quite recently, reports of alleged ritualistic killings brought about panic to the residents of Monrovia. For several weeks residents were afraid to venture out in the night for fear of being kidnapped for ritual purposes. Most of the reports have not been substantiated by the police and no arrests have so far been made.

Public Attitudes towards Crime and Justice

In 2002, a survey conducted by the Center for Criminal Justice Research and Education on the public's perception of police performance indicated that over 65 % of persons interviewed had little or no confidence in the ability of the law enforcement agencies to prevent or solve crimes. However, about 80 percent of persons surveyed indicated their willingness to provide information to the police regarding criminal activities of which they become aware. Similarly, 88 percent agreed that increased citizens' involvement in law enforcement was a good idea.

Sad to say, public sentiments and attitude towards policing has taken a turn for the worse. Many community residents are resorting to mob justice instead of turning over criminal suspects to the police. There have been many incidents in which alleged armed robbers have been burned to death. In April 2004, an angry mob burnt down a police depot because the police refuse to turn over to them an alleged ritualistic killer who had ran to the depot for protection against the mob. Criminals now prefer to turn themselves in to the police or the peace keepers rather than face justice from community residents.

One key factor responsible for mob justice in Liberia is the failure of criminal justice institutions to deal effectively with criminals. Many citizens feel that the police receive bribes from criminals to set them free. The prisons in Liberia are not secured. Dangerous and hardened criminals often break jail and escape. In March and April 2004, two incidences of jailbreak from the Monrovia Central Prison (the largest prison facility now operating in the country) were reported. Dangerous criminals are now being detained at the Police headquarters withholding cells, which are a little more secured than the central prison.

Restructuring the Police and other Law Enforcement Agencies

The signing of the comprehensive peace agreement (CPA) in Accra in August 2003 by the warring factions, political parties and civil society, and the subsequent departure of president Taylor into exile in Calabar, Nigeria paved the way for the installation of a transitional government. One of the critical issues to be addressed by the transitional government is security sector reforms. In keeping with article VIII of the CPA, the police service, immigration, customs, national security and other law enforcement institutions, including security institutions of public corporations were to be restructured.

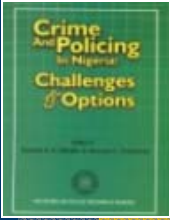
In an effort to prevent the control of law enforcement agencies by warring factions, negotiators at the Accra Peace Conference allotted security agencies to political parties and civil society in the distribution of positions in ministries, public corporations and commissions. The Liberia National Law Enforcement Association which has been on the forefront of advocacy for police reforms in Liberia recommended that the political parties and civil society organizations should support development of a vetting mechanism that will eliminate politicization of law enforcement agencies. But the political parties have been reluctant to support any professional vetting mechanism. Some of the parties have nominated party officials to law enforcement executive positions, some of whom have no law enforcement experience or training.

The warring parties on the other hand, in contravention of the Comprehensive Peace Agreement, have demanded to have representation in law enforcement agencies to enhance their security. Restructured security institutions having administrators with undue political influence or lacking knowledge in police administration may undermine the process of reforms.

Developing a New Police Service: Prospects and Challenges

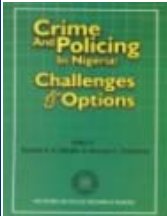
Criminal justice and security sector reforms are critical if Liberia is to build on and sustain the relative peace and security that has been provided as a result of the intervention of the international community and the deployment of UN Peace Keeping forces. Criminal justice institutions - the police, courts and correctional agencies must be reformed to restore public confidence, respect and cooperation. United Nations Civilian Police (UNCIVPOL) has commenced the evaluation of officers in the police department. The body is developing plans on the restructuring of the entire security services should proceed. Concerns are however being raised by civil society organizations as to the lack of communication by UNMIL regarding the process and the exclusion of civil society from the process.

Another key challenge to the technical committee spearheading the restructuring process is how to reduce the number of law enforcement and security agencies operating in Liberia. Presently some functions of the various agencies overlap. For example, drug offences are handled by the National Police, the Drug Enforcement Agency, a newly created entity established by the NPP government, and the national Bureau of Investigation, also reactivated by the past regime. Also, the Ministry of National security, the National Bureau of Investigation and the National Security Agency are handling economic crimes. The police department and the NBI also investigating related offenses. The need to re-examine the mandate of these agencies is highly crucial in the restructuring process for lasting peace and professional law enforcement in Liberia.



Conclusion

Prospects for an improved criminal justice system are indeed high considering the commitment of the international community to assist in the development of the police, the judiciary and the courts. Local professionals must ensure that politicians who may want to use the security forces for their personal gains do not undermine the process.



OUTSTANDING EDITORIAL WORKS

- Three articles have inappropriate referencing to be re-typed or inserted:
 1. Amadi's article on check-point
 2. Ekhomu's article on Out-sourcing core police functions
 3. Ibidapo-Obe's article on Policing vulnerable groups
- Articles by Abdulkadir DIG and representatives of Emmanuel Aning from Ghana not included
- Preface is outstanding – to be written
- Acknowledgment is outstanding - to be written by Innocent
- ISBN to be supplied