

FACTORS INHIBITING POLICE PERFORMANCE IN NIGERIA

**A PAPER PRESENTED AT THE OCCASION
OF THE RETREAT WITH THE THEME:
"UNDERSTANDING THE MANDATE AND
OPERATIONS OF THE POLICE SERVICE
COMMISSION IN CONTEXT OF THE RULE
OF LAW"**

BY

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AUGUST, 2008

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INTRODUCTION

It is most gratifying that this retreat which we have looked forward to since we assumed office has actually come to fruition as we gather to deliberate on the various topics which have been selected for discussion by the very experienced and knowledgeable speakers who have graciously honoured our invitations.

I have the privilege to be speaking on the factors inhibiting police performance. I take it that in choosing this topic, it is presumed that:

- a. the performance of the Nigeria Police Force has not attained its optimum efficiency;
- b. the lack luster performance has been due to some factors which, if identified and improved upon, could enhance the performance of the organization, and;
- c. that the Nigeria Police can overcome these factors which have deprived it from attaining the desired focus, efficiency and effectiveness} given a favourable operational environment. I intend to approach the topic by examining the following:
 - i. The historical background of the Nigeria Police Force.
 - ii. Factors inhibiting Police performance.

❖ External Factors

- Military intervention in government (1966-1979 and 1983-1999)
- Poor funding and mismanagement of available funds
- Under budgeting and release of estimated budget funds in full
- Creation of parallel security organization.

❖ Internal Factors

- Inappropriate deployment of Police personnel for protective security
- Non observance of the rule of law and fundamental rights, by the Police
- Factors inherent in the Nigeria Police Force
- Organized corruption
- In-fighting among senior officers for promotion/posting
- Unlawful exercise of authority
- Non compliance with some laid down regulations, procedures, manuals and traditions at all levels of Police operations
- Unacceptable and decayed state of discipline
- Inadequate basic and continuous training of Police personnel

From inception, the Nigeria Police was built on a wrong foundation. The British established a predatory police administration for Nigeria. In 1861, they set up a Consular Guard of 30 men in Lagos. Thenceforth, what passed as the Nigeria police was for the fundamental purpose and strategy of sustaining, promoting, and ensuring the socio politico-economic empire of the British in Nigeria. It was the Royal Niger Company and UAC police. Any restiveness, or protest, from the natives must be crushed by the police. Unfortunately, at independence, there was STRUCTURAL transfer of the Nigeria Police from the British to us without FUNCTIONAL reform. It was like transferring a slave from one master to another master. The Nigerian leadership "re-colonized" the Nigeria police. This sacred organization was now used for the oppression and intimidation of political opponents. It was the ruling political party Police, the government Police. The Nigeria Police was consequently perceived as corruption personified and agent of oppression, moreso in a country where, hitherto, there was total absence and non observance of the rule of law and fundamental rights.

The military interregnum from 1966 compounded the enigma. Democratic institutions - such as the National Assembly, the Police Council, and the Police Service Commission were suspended. The military visited fundamental and severe collateral damage upon the Police. They deliberately under-funded the Nigeria Police to monopolize power. Secondly, they deliberately weakened and reduced the Police as an organization, only fit as a military Gestapo

in furtherance of their political empire. Thirdly, a weak Police Force is in the interest of the military portraying them as the political messiahs of Nigeria.

In sum, the historical affliction of the Nigeria Police started from the British colonial abuse and misuse. This was followed by the indigenous affliction by the Nigerian leadership. The military then came in for the kill. That the police survived without drowning is a testimony of its resilience to the vicissitudes and the blizzards of the Nigerian project. History beckons on us to break the chains and be free.

Like a house built from the roof, the Nigeria Police lacked that indigenous foundation and sprout of policing concept, as a community function, which is the key to every effective and efficient Police organization. Consequently, the people did not see the Nigeria Police as their own. It was not a PEOPLES POLICE.

❖ EXTERNAL FACTORS

MILITARY INTERVENTIONS IN GOVERNMENT

As if the burden of the Nigeria Police Force's historical antecedence which resulted in its credibility problems with the people was not enough, the military interventions in politics from 1966 - 1979 (13 years) and 1983 1999 (16 years) led to the gradual, but steady decline in the positive value for which the Police was known. The Police as an institution suffered neglect under successive military

administrations which perceived the organization as a counter force which must be weakened and possibly paralyzed. An efficient Police Force was envisioned as a threat to the ravaging military ruling elites. Consequently, the morale of serving Police Officers was terribly battered as recruitment into the Police and training were suspended for many years, while a good number of Officers left the service through compulsory retirement and dismissals. Under the military, the suspension of such democratic institutions as the National Assembly, the Police Council, and the Police Service Commission all of which have oversight functions over the Nigeria Police left the Police institution as an orphan at the mercy of the ruling military. That vices such as corruption, greed, indolence, tribalism, godfatherism, nepotism injustice and various malpractices crept into the Police and attained their peak during this period cannot be overemphasized. This led to the waning of public confidence in the Police Force and the resultant apathy towards the organization. That the Nigeria Police survived the era without being completely overwhelmed is an eloquent testimony of its resilience.

➤ **POOR FUNDING AND MISMANAGEMENT OF AVAILABLE FUNDS**

Another factor which has greatly inhibited the effective performance of the Nigeria Police is poor funding and utilization of funds. No organization can achieve its objectives without the provision of adequate funds to meet its requirements. A cursory look

at the various Reports of reforms of the Nigeria Police Force reveal that Police low performance has been blamed on lack of funds for training of personnel, and the provision of the required logistics for virtually all aspects of Policing functions, including investigations, arms and ammunition, office and residential accommodation, communication, as well as transportation etc. The implication for Policing has been the lowering of standards or non performance of the expected roles. It has, in fact, said that the poor funding was deliberate and an effective tool to control the growth of the Police organization which was considered by the Military to be their supplanters. Be that as it may, the Police management of the scarce funds that was made available to it in the past has not been devoid of malpractices. Evidence abound of avoidable misapplication and siphage of funds through award of contracts and outright diversion of funds.

➤ **UNDER BUDGETING AND NONE RELEASE OF BUDGETED FUNDS**

The method of budgeting in the country does not take adequate care of all the requirement or priorities of the Police. Coupled with this is the non release of some of the estimated funds in the annual budgets. A close study of the funding of the Nigeria Police Force shows that from 1984 to 2007 the highest the Police had was 7.7% of the total Federal budget. An analysis of the budget figures also reveals that the allocations attained the highest peaks of 7.6% and

7.7% of the total budget in 1999 and 2007 respectively during which period the government expected much from the Police by way of maintenance of law and order in a democratic society as ours. It is necessary to observe that over 60% of the total Police budget is devoted to the payment of the emoluments of Police personnel, leaving less than a meager 40% for overhead cost and capital expenditure. The implication is that this has been a serious hindrance to effective Policing.

➤ **CREATION OF PARALLEL SECURITY ORGANIZATIONS**

The creation of parallel security organizations with powers for investigation, arrest and detention make nonsense of the powers of the Police as the primary law enforcement agency in the country. Such other security organizations which perform some of the duties that the Nigeria Police is established to perform are better funded. In some instances, these parallel security organizations have challenged the Nigeria Police openly while performing such duties. Example: National Security and Civil Defense Corps (NSCDC), the Federal Road Safety Corps (FRSC) on control and registration of Private Security Guards, and traffic control. Apart from being a violation of section 214 of the 1999 Constitution of the Federal Republic of Nigeria, which emphasizes that "subject to the provisions of this section, no other Police Force shall be established for the Federation or any part thereof" activities of some personnel of these

parallel security organizations lower the morale of the Police and inhibit the effective performance of the Nigeria Police through undue conflicts, rivalry and splitting of votes that would have been used for Police alone.

➤ **UNEMPLOYMENT**

Nigeria has a land mass of 923,037 square kilometers, a population of about 140 million people and over 400 tribes, a medley of slums, hamlets, villages, towns, and cities which are not planned. Right from our northern borders with neighboring countries to the grassland, the savannah, the impenetrable rain forest, through the mangrove swamps to the Atlantic Ocean, villages, towns and cities dotting these geographical settings have poor infrastructure like roads, pipe borne water, electricity, telephones, etc. Besides, in the West African sub-region, Nigeria being the most prosperous nation has been exposed to predatory and criminal activities by its neighbors due to our porous borders, weak and corrupt security institutions. Within the country itself, there is uneven development and distribution of wealth, a situation which has been aggravated by graft and brazen corruption among politicians and public office holders. Thousands of primary, secondary and tertiary institutions mill out young men and women annually with little or no job prospects after their education, but however, continue to migrate to the urban centers in search of job. These young men constitute the alternate army to the Nigeria Army. The latter is highly trained with commanders and defined

responsibilities. They are housed and paid regular salaries, while members of the unemployed army, though highly educated, are hungry, jobless and homeless. Our new class of politicians employ these unfortunate young Nigerians as thugs and assassins, to rig elections and eliminate their political opponents. The same politicians are loudest in condemning the helpless and ill-equipped Policemen for failing to stem the tide of crime and maintain law and order. No one except those few who are pathologically inclined to do so want to commit crime. If our governments can create jobs for our youths, if our leaders and the political class can abate corruption and stop looting our treasuries, the crime graph will go down.

❖ **INTERNAL FACTORS**

➤ **INAPPROPRIATE DEPLOYMENT OF POLICE PERSONNEL FOR PROTECTIVE SECURITY DUTIES**

Another practice which, in recent time, has been inhibiting the effective performance of the Nigeria Police is the deployment of about 100,000 of its 377, 000 personnel to personal protection and guard duties. It has become a status symbol for the nouveau rich Nigerians to pay for the services of Policemen and women to be attached to them on guard duty, and by so doing deny majority of Nigerians Police protection. This has greatly affected the deployment of Policemen to beats and public place, and thus portend danger for, policing. As observed by the M. D. Yusufu Committee on Reform of the Nigeria Police Force, 'The use of the Police for inappropriate

guard duty and protective security, often for the personal aggrandizement of the beneficiary, is very harmful to the image of the Police as an independent law and order institution, and disinterested ombudsman in Public Affairs". The practice of posting Police personnel to persons not entitled to protective security under Force order NO 281 and the Presidential directive on the issue should be stopped as it has apart from reducing Police presence from the streets and thus serving as deterrence, exposed such officers to undue political influence and corruption.

➤ **NON OBSERVANCE OF THE RULE OF LAW AND FUNDAMENTAL RIGHTS.**

As far back as 2000 BC, the Greek Philosopher Aristotle had preached that the rule of law is preferable to the rule of man. No one knew the exact meaning of what he was talking about, until 1885 when at the Oxford University, Prof A. V. Dicey gave a lecture on the Rule of Law concept, and premised it on the British Constitution. According to Abiola Ojo, "he thus became the first person to give a precise legal form to this concept which hitherto has been used as a ready tool in the hands of the democrat, the dictator and tyrant whenever it served their ends". In the lecture, he postulated that the rule of law concept is based on the idea that man is governed by laws and regulations and not by the caprices of the rulers. He said that:

- I. "Every person must be equal before the Law"
- II. "All laws are the same, that the rights and duties of

British subjects are part of the English common constitution. Rights like freedom of speech, religion and association were part of the common law as declared or propounded by her majesty's courts, in other words the rights and liberties of the British subject are inherent in the tradition of the people as contained in their common custom".

- III. "The rule of law excludes arbitrary power. However while discretion is an essence of government, too wide a discretion is not permissible, every exercise of power must have limits".

Another writer, Professor Wade takes the view that "every act of governmental power, that is every act which affects the legal rights, duties or liberties of any person, must be shown to have legal pedigree. The affected person may always resort to the courts of law, and if the legal pedigree is not found to be perfectly in order, the court will invalidate the act, which he can then safely disregard". He therefore said that:

- a. "all acts must be in accordance with the law to be valid"
- b. "government activities must be conducted within a framework of defined rules and regulations".
- c. Disputes involving legality of government actions must be decided by courts independent of the government
- d. "there should be no undue privileges and discriminations in society," and

- e. "that no one should suffer punishment outside the authority of the law".

The international commission on the rule of law has on a number of occasions thrown more light on the doctrine. In 1995 in Athens, the commission declared that "the rule of law meant that the state, like the governed, must be bound by law; all governments must respect individual rights and provide effective means of enforcing such that judges must adhere to the Rule of Law, and adjudicate without fear or favour. They must resist attempts from any quarter to jeopardize their independence in the performance of their duties, Lawyers all over the world must guide the independence of their profession and uphold the Rule of Law in the practice of their profession, in order to ensure democracy, legislators must be freely elected".

You will recall that some Policemen, during the military rule, on a number of occasion, performed their duties with total disregard for the rule of law. Then, fellow Nigerians were arrested at the instance of the military without committing any offence against the laws of the land; able-bodied men were arrested on our streets, in their homes etc and incarcerated without trails in prisons and places like Ita-Oko, a wet-land infested by crocodiles around Epe area. Those who opposed military rule were detained without trial, under the obnoxious. (Detention of persons) Decree 2, 1984. Some of these Decrees contained ouster clauses and prevented those whose rights were trampled upon from going to court to get redress. These events

distanced the Police from the people they were employed to serve. Government and the Police were lawless and oppressive, and the common man bore the brunt of it all. Today, some Policemen still have complete disregard for the rule of law in the performance of their duties.

➤ **FACTORS INHERENT IN THE NIGERIA POLICE FORCE**

Other inhibiting Police performance includes the following:

(a) **ORGANIZED CORRUPTION**

Corruption which crept into the Nigeria Police Force has gradually assumed greater dimension in recent times. Today not only are individual officers involved in corrupt practices, evidence abound of officers' involvement in organized acts of negligence and collusion with unknown persons to perpetuate the following offences:

- Escape from lawful custody;
- Obtaining money from suspects for closure of case files;
- Escorts of contra-banned and stolen goods;
- Stealing from suspects and accident victims;
- Receiving bribes in order not to effect arrest of crime suspects;
- Receiving bribes from a person in order to arrest an innocent citizen who is not in good terms with the bribe giver;
- Supply of police arms and uniforms to armed robbers for a fee;
- Divulging information about complainants to criminals for a

- fee;
- Stealing from crime scene;
 - Receiving bribes and failing to enforce the law against motorists who contravene the law, or failing to search vehicles that may be carrying prohibited items, and
 - Demanding money from suspects as a condition for granting bail, which is supposed to be free.

(b) **IN-FIGHTING AMONG SENIOR OFFICERS FOR PROMOTION/POSTING**

One of the worrisome problems which has impeded effective relationship amongst senior officers and hampered cooperation among such officers is in-fighting for promotion and posting. Efforts are being made to correct this by ensuring that fairness, seniority, federal character, good performance and above all, merit are observed in promotions, postings, appointment and, discipline by the Police Service Commission. In all such exercises, due diligence will be followed and all officers deserving consideration will be given the needed attention except where it has been established that an officer is either facing disciplinary action, or has an outstanding disciplinary action against him or her. The moment the pending matter against him is cleared in his favour, his due rank shall be given him with immediate effect.

(c) **UNLAWFUL EXERCISE OF AUTHORITY**

Another factor which has seriously impacted negatively on the performance of the Nigeria Police is unlawful exercise of authority by Police Officers and Men. This is one of the aspect of policing which has attracted public condemnation and cry out and in some cases, needless litigations by aggrieved members of the public resulting in huge claims against the Nigeria Police Force and the Police Service Commission. Officers must, therefore familiarize themselves with extant rules and regulations which they must use as guide in the performance of their day to day duties. These include the constitution of the Federal Republic of Nigeria, 1999, Force orders and Regulations, the Police Service Commission (Establishment) Act 2001, public Service Rules, Financial Regulations etc. This is because officers involved in unlawful exercise of authority resulting in litigation and award of damages will be personally held liable from now on.

Some of such cases for which the Police Force and the Police Service Commission have been frequently taken to court include among others:

- (i) Dismissal from the Force without due process;
- (ii) Use of Police Officers to unlawfully eject tenants/occupants from houses;
- (iii) Performance of illegal duties such as conducting illegal search on persons and houses;
- (iv) Indiscriminate arrest and detention;

- (v) Extra-Judicial killings (as in Apo Six);
- (vi) Escort of contra banned and stolen goods by policemen;
- (vii) Unlawful use of Policemen in disputed land matters which are purely civil in nature.

It is important to note the fact that "the duties of the office of the constable are imposed by law and they cannot be widened or restricted by any superior officer or administrative authority. "A constable is not an "agent", but is personally liable for any act in excess of his authority and he cannot plead that he is obeying the orders of his superior officers, or of his police authority" (Royal Commission on police powers and Procedures (1929).

(d) **NON-COMPLIANCE WITH SOME LAID DOWN REGULATIONS, PROCEDURES, MANUALS AND TRADITIONS AT ALL LEVELS OF POLICE OPERATIONS**

One of the problems that have inhibited policing is non compliance with extant rules and regulations, procedures and established police practices. Atimes, one gets the impression that the problem may be due to lack of knowledge of such regulations, procedures or unwillingness to take advantage of such procedures by officers in order to enhance their work output and carrier prospects in the Force. Officers are encouraged to use the law as guide in the performance of their duties. To enhance their effectiveness, therefore, officers are expected to familiarize themselves with police manuals, force orders and regulations, procedures and traditions, as ignorance

of procedures and regulations will impede their performance and consequently their progress in the Force.

(e) **UNACCEPTABLE AND DECAYED STATE OF DISCIPLINE**

Another factor that merits consideration is the degree of discipline which is currently very low in the police force. Many factors may have been responsible for this. These include low morale and low remuneration in the past, delayed consideration of disciplinary cases and absence of a level playing ground, as well as an effective system of reward and punishment. Happily, government has started to address some of these problems which were highlighted in the various reports of the reforms of the Nigeria Police Force. For instance, the issue of low remuneration is being steadily addressed through increased salary. A lot still needs to be done by way of improved welfare for the officers and men of the Police Force. Henceforth, issues of discipline will be treated with dispatch, and appropriate action taken to enforce discipline in the Nigeria Police Force. Also reward for deserving members of the Police will be put in place for any act of gallantry or extraordinary job done to enhance the image of the Force.

(f) **INADEQUATE BASIC AND CONTINUOUS TRAINING OF POLICE PERSONNEL**

As observed earlier in this paper, the decline in the fortune of the Nigeria Police force started when training courses for officers

were stopped, and recruitment was suspended. Since that era, training has not quite been given the emphasis it deserves. Considering the challenges of crime prevention and detection, the Nigeria Police cannot afford to lag behind in the training of its personnel. Hence efforts should be made to expand and improve on the training institutions built several years ago to cater for police personnel whose strength now stands at about 377,000. Overtime, some lapses have also been observed in the under-listed areas of police operations which deserve to be corrected through specialized training programmes enhance police effectiveness and efficiency.

These include:

- Murder Investigation
- Stop, Detention, Arrest Search
- Investigative Skills
- Interview Techniques
- Crime Scene Preservation and Management
- Surveillance Skills
- Briefing Skills
- Cultural diversity training
- Performance Management
- Forensic Science and Fingerprint Technologies
- Intelligence and Analysis
- Emergency Response Plans
- Use of undercover Officers and practices
- Uniformity of investigational, Enforcement and

Prosecutorial methods and tactics

- Police misconduct/corruption and procedures.
- Effective Leadership

RECOMMENDATION

Much has been said about the problems militating against the effective performance of the Nigeria Police Force. Having identified these problems, our objective is to reposition the Police Force through the restoration of the dignity and respect of the Police as an Institution by ensuring that the conduct of police operations respect and protect the rights of citizens. Efforts will be made to create an atmosphere which will strengthen police partnership with the community, and ensure public cooperation and confidence.

In order to instill professionalism and integrity in members of the Nigeria Police Force, we must insulate the leadership and all members of the police force from partisan political control which has denied Nigeria credible elections, caused mayhem in various parts of the country, and has made it difficult for the people to conclusively investigate crimes that have political undertones.

Since the primary purpose of government is the maintenance of law and order, government should provide adequate funds for the logistic requirement of the police such that the release of funds should be tied to commitment on the ground. Because of the high cost of maintenance of law and order, government should look for alternative sources of funds. It is suggested that government should

accelerate the:

I. Resuscitation of:

- Police Complain Bureau (PCB)
- X-Squad
- Human Rights Units under the direct supervision of the state Commissioners of Police (CP) and Inspector-General of Police (IGP)

The Units should be strengthened to deal with complaints of:

- Police misconduct that relates to corruption;
- Incivility to members of the public;
- Insensibility to public feelings;
- Brutality;
- Violence;
- Extra-judicial killings of suspects and innocent citizens;
- Torture;
- Accidental discharge;
- Injustice;
- Disloyalty;
- Organized corruption;
- Infighting among senior officers for promotion;
- Decaying state of discipline;
- Gossiping;

II. It is suggested that government should accelerate the Police Tax Fund and consider the idea of involving all the three tiers of

government in the funding of the Police Force.

- III. Budgeting and Accounting procedure of the Nigeria Police Force should be strengthened injecting experts into the system so that money can be properly voted and used for police operations.
- IV. The Force Order governing the use and deployment of police orderly should be strongly adhered to. It is suggested that the Inspector-General of Police should set up a special protective security unit for Very Important Personalities (VIPs) who are entitled to them in line with Force order 281 and presidential directive on the matter. Thereafter, any breach of the Force Order should attract severe punishment.
- V. Officers involved in corrupt practices such as bribery, accepting gratification, should be disciplined and prosecuted where necessary.
- VI. Es spirit de'corp should be strengthened by resuscitating the mess culture.
- VII. Any person who is found guilty of unlawful duties like the escort of contra-banned goods and/or receiving bribes in order not to effect arrest of criminal suspects, will be severely punished.

- VIII. Any act of extra judicial killing may also result in the setting up of a judicial commission of inquiry as in the case of Apo six.
- IX. The state of discipline which has gone to an unacceptable limit, such as wearing none regulation shoes, improper dressing, and non adherence to force dress code, should be taken seriously by all members of the Force, and defaulters should be seriously punished to bring sanity to the Force once more.
- X. Training in disciplinary procedure and orderly room trial should be organized from time to time to enhance discipline in the Force.
- XI. The Office of the Provost should be strengthened to enforce discipline and it should meet annually to review, and make recommendations to the Inspector-General of Police (IGP) on disciplinary matters affecting the Force generally.
- XII. It is recommended that the Inspector-General of Police should produce a police hand book detailing duties of Constables to DIGs which shall constitute a permanent reference point. All extant rules and regulations like Force Order I & II, Police Force regulation, CID circulars, Force Administrative Instructions etc. should be mass produced for sale to all members of the Force.

- XIII. Basic training colleges course training Institutions, should be expanded and training programmes issued out at the beginning of the year for all members of the Force.
- XIV. The in-fighting among senior police officers for promotion/posting should stop. Henceforth, there will be a level playing ground for all. Promotion will be based on commitment to duty, performance, extant rules and regulation, seniority, federal character, fairness and above all, merit. Undue external interference in these matters will not be accepted.
- XV. Officers involved in corruption and organized crimes, including abuse of office will, in proven cases, be shown the way out, and in addition be made to face criminal prosecution.
- XVI. Community policing should be revived through collaboration with village heads, traditional rulers, at wards, local governments, states, and federal government levels.
- XVII. Government should, as a matter of urgency, embark on job creation projects throughout the country to absorb our youths, who though educationally qualified, are jobless.

The Police is the primary law enforcement institution in any democracy. Consequently, every hand should be on deck to give it the necessary support and assistance to enhance its performance

through training and retraining, improvement of welfare packages for members of the Force, and provision of up to date and adequate logistics support. This is because there is no alternative to the maintenance of internal security in achieving peace, development and sustained democracy.

Thank you.

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