

Police Infringement on Human Rights: A Myth or Reality in Contemporary Nigeria

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Abstract

Contemporary Nigerian societies without doubt are threatened by waves of uncertainty, galvanised by terrorism, cries for secession, political violence and religious conflicts. All these indicators points towards one direction, the need for efficient policing that will effectively bridge the gap between the public and constituted authorities and equally among people. This tall task may not come to fruition if the police in contemporary Nigeria symbolises terror by infringing on the human rights they were established to preserve. To illuminate this doubt, the study seeks answers to the following questions: are human rights infringed upon in recent times by the police? What human rights are mostly violated? And, what is the relationship between socio-demographic characteristics of Nigerians and police infringement of rights today. In addition, two hypotheses were tested: 1. Rural settlers are more likely to experience police infringement of their rights than urban settlers. 2. The lower the level of educational attainment the more likely it is for one to become a victim of police misconduct. The study adopted a cross sectional survey research design and accidental sampling technique. Enlightening the public on their right, policing the police and localised policing were recommended as possible remedies to police infringement of human rights.

Keywords: Police, Infringement, Human Rights, Contemporary, Myth, Reality.

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1.1 Introduction

Though, social control is as old as mankind, the police as a formal social control institution is comparatively recent development. Hence, individuals and groups initially provided security for themselves and their property, since there were no laws then to guide and regulate their conduct. However, the continuous advancement of societies, and expansion in nature of relationships, provided a fertile ground for the promulgation of laws and establishment of lawful body to enforce these laws. As such, the police according to Ugwuoke (2010) are a formal social institution that emerged as a vital segment of the legal administrative apparatus, specifically designed and equipped to maintain law and order through the enforcement of societal laws and regulations especially in free and democratic environment.

The history of police in Nigeria slightly deviate from the argument presented above, as studies have shown that modern police organisation is one of the legacies inherited from the British and where geared towards infringement of indigenes rights in order to serve the interest of the colonisers. Ahire (1991); Dambazau (2007) and Igbo (2007) among others, indicate that, the experiences of resisting traditional rulers of colonial dominance are concrete testimonies of the intimidating and repressing role of the police. Emphasizing that the police force came into being not to fight crime but to pacify reckless indigenous societies in order to entrench colonial political authority and ensure the uninterrupted extraction of economic surplus from Nigeria to Britain.

In essence, Ahire's and a host of other scholars may be correct in the early days of colonialism. However, hope grew when the amalgamation of the northern and southern protectorates in 1914 resulted in the unification of the police force in 1930 alongside the Nigerianization of the police force in the 1960s, spelling out her duties, with emphases on crime prevention, maintenance of law and order, and protection of human rights. The most pricking questions one needs to ask at this point are: What are the judicial duties of the Nigerian police force? Are human rights infringed upon today by police officers? How often do they abuse their powers? What human rights are mostly violated today? And, what is the relationship between socio-demographic characteristics and police infringement of human rights today? These invariably drew strength from Dorothy (1992) assertion that, "efficient enforcement of the law is necessary but terrorizing innocent people is a price no one should have to pay". These questions and many other issues are what this paper seeks to unmask.

1.2 Statement of Problems

Should any government desire to succeed, the role of the police cannot be down played but a situation whereby

police becomes the problem, leave's one to ponder over the safety of life and properties. It is to this effect that Obasanjo and Mabogunje (1992:27) assert that the effective sustenance of the society is hinged on an effective law enforcement process. This cannot be obtainable in Nigeria where police violence and excessive use of force made them a demigod, hence, increased corruption among the police force, played down their focus towards ensuring execution of their judicial responsibilities (e.g. preventing and detecting crime, preserving law and order of the nation, among others). This lack of focus is problematic to the nation as it influences: failure in police – public relationship, reduces the number of people willing to report cases to the police and those willing to assist police investigation. In addition, police violence can lead to escalating lawlessness since most people would rather prefer Civilian Joint Task Force (CJTF)/Alternative Policing (AP) to maintain order (currently practiced in Borno State to suppress Boko Haram dominance). Finally, police violence can enormously drown the image of a nation because most multi-national corporations and nations will not risk their resources in a volatile environment.

2.1 Contemporary Issues in Policing

Not minding the jurisdiction, policing requires the use of discretion. Police discretion refers to the exercise of choice by police officers in the decision to investigate, apprehend, disposition of suspects, and in the application of sanctions, among others. As such, Schmallegger (1999) assert that, "Police authority can be at once, highly specific and exceedingly vague". The determination to stop and question suspects, the choice to arrest and many other police practices are undertaken solely by individual officers acting in a "decision making capacity". Patrolling/officers at check points will often decide against a strict enforcement of the law, or unlawfully apprehending motorists/travellers in order to obtain little cash from them, mostly within the range of ₦50 to ₦100. This among others persuades Hale (1977) to assert that the police must guard against infringing upon those individual rights that should be protected under a democratic government.

With respect to arrest, bordering more on the use of discretionary powers; Section 10 (i) of the Criminal Procedure Act (1990) empowers any police officer without arrest warrant to arrest:

1. Any person whom he suspects upon reasonable grounds of having committed an indictable offence against a federal law or the law of a state, unless the written law creating the offence provides that the offender cannot be arrested without warrant.
2. Any person who obstructs a police officer while in the execution of his duty, or who has escaped or attempted to escape from lawful custody.
3. Any person who commits any offence in his presence.
4. Any person in whose possession anything is found that may be reasonably suspected of having committed an offence with reference to such a thing.
5. Any person whom he suspects upon reasonable grounds to be a deserter from the armed forces of Nigeria.
6. Any person whom he suspects upon reasonable grounds of having been concerned in any act committed at any place out of Nigeria which, if committed in Nigeria, would have been punishable as an offence and for which he is, under any enactment in Nigeria, liable to be apprehended and detained in Nigeria.
7. Any person having in his possession without lawful excuse, the burden of proving which excuse shall be on that person, any implement of house-breaking.
8. Any person for whom he has reasonable cause to believe a warrant of arrest has been issued by a court of competent jurisdiction in the state.
9. Any person who has no ostensible means of subsistence and who cannot give a satisfactory account of himself.
10. Any person found taking precautions to conceal his presence in circumstances which afford reason to believe that he is taking such precautions with a view to committing an offence which is a felony or misdemeanour.

The implication of this arrest on discretion is the tendency to sway diligent officers on discovery of the enormous power at their disposal to inappropriately apprehend, delay, harass, extort, oppress, suppress and in general infringe on human rights. This problem is not limited to Nigeria, as same, though differs in magnitude appears in United States and other advance countries, hence, making it a global problem. Effort to prevent or ameliorate this is evident in the United State Constitutional Amendment from the Bill of Right. Stipulating that this right is guaranteed: The right against unreasonable search and seizures; no arrest without probable cause; the right against self-incrimination; the right against double jeopardy; the right to due process law; the right to speedy trial; the right to a jury trial; the right to know the charges; the right to cross-examine witnesses; the right to a lawyer; the right to compel witness on one's behalf; the right to reasonable bail; the right against excessive fines; the right against cruel and unusual punishment; the application of constitutional rights to all citizens, regardless of state law or procedure. This amendment from the bill of rights, to a large extent, depicts that human rights are actually infringed upon by the police in the process of applying discretion when executing their duties

(Etannibi, Alemika & Chukwu, 2006).

In Nigeria, the constitution as cited in the fundamental rights (2008) delineated in chapter IV the fundamental rights of her citizens. These rights are summarized as:

1. Right to life
2. Right to association, expression and assembly
3. Right from torture and cruel, inhuman or degrading punishment
4. Right to fair trials
5. Right from discrimination
6. Right from arbitrary interference with privacy, family, home or
7. Freedom of thought, conscience or religion
8. Right to vote and be voted for
9. Right to social security
10. Right to participate in cultural activities.

2.1.2 Functions of the Police in Nigeria – Today

The police are the first arm of the criminal justice system preceding the court and the prison in respect to contact with offenders. The Nigerian police Act of 1990 saddled the police with the onerous responsibilities of:

1. Preventing and detecting crime
2. Apprehending of offenders
3. Preserving the law and order of the nation
4. Enforcing the laws
5. Performing military function when called upon within and outside Nigeria

Igbo (2007) summarized the function of the police as practically observed to involve:

1. Providing “escort services” to individuals, banks and other finance houses transferring large sums of money from one location to another.
2. Maintaining surveillance in banks and offices housing sensitive equipments as well as the residential houses of notable public figures such as judges and top politicians.
3. The checking of vehicle particulars and drivers licences of motorists, regulates and controls the flow of traffic in big cities, suppress occasional ceremonial parades for public amusement.

The Nigeria Police is statutorily required to fight crime through detection, investigation, apprehension and prosecution of offenders in law court and the protection of lives and property through proactive policing. This implies that the place of police in Nigeria cannot be compromised. Their constitutional and statutory functions are well defined so that the force can manage crisis situation, maintain peace and security. But to what extent, are these functions legally handled? The answer to this we will put to hold, as we await the analysis of responses via questionnaire.

2.1.3 Rotten Apple versus Rotten Barrel Explanation of Police Violence

Trautman (2001) assert that the rotten apple theory is believed by some administrators as the reason for their demise. Swope (2001, p.80) also agreed by saying “a few who should not be part of policing will always find their way into police agencies no matter how rigorous selection procedures are”. However, adherent to the rotten barrel theory such as Perry (2001, p.24) believes that corrupt police officers are not natural-born criminals, nor morally wicked men, constitutionally different from their honest colleagues. The task of corruption control is to examine the barrel, not just the individual in it, because corrupt police are made not born. This assertion shade huge light on the topic justifying the need to understand the norms of internal security.

2.2 Research Focus

This study attempt an answer to the domineering question in this study; is police infringement a thing of the past? Precisely, the study made use of primary data to examine two hypotheses:

- i. Rural settlements are more likely to experience Police infringement of human rights than urban settlement.
- ii. The lower the level of educational attainment the more likely it is for one to become a victim of police misconduct.

In addition to these hypotheses, the study illuminates the causes of police infringement on human rights, Identify human rights that are mostly abused by police officers, and Proffer measures to address police infringement on human rights.

3.1 Methodology

The study relied exclusively on primary source. The data are obtained from two hundred and fifty (250) respondents that were administrated questionnaires, in Lokoja the capital of Kogi state. Respondents are adults of eighteen years and above and mostly civil servants and traders which were randomly selected exploring the accidental random sampling technique.

3.2 Data Analysis

Correlation analysis was used to measure the relationships between the different variables. For speed and accuracy in analysis the data gathered were entered into a Statistical Package for Social Sciences (SPSS) database, where the nature, trends and patterns of police infringement on human rights were identified. The analysis of this study was based on the two hundred (200) duly completed questionnaires which were at the disposal of the researcher. This constitutes 80% return rate.

3.3 Results

The study identified the causes of police infringement on human right, human rights that are mostly abused by police officers and the relationship between respondents' socio-demographic characteristics (Age, Highest Educational Attainment and occupation) and police violence. Variables were cross tabulated and Chi Square was used to ascertain the relationship between each pair. The study also employed frequency distribution, percentage, charts and tables to present and analyse some data. The socio-demographic characteristics of the sampled population are presented in table 1.

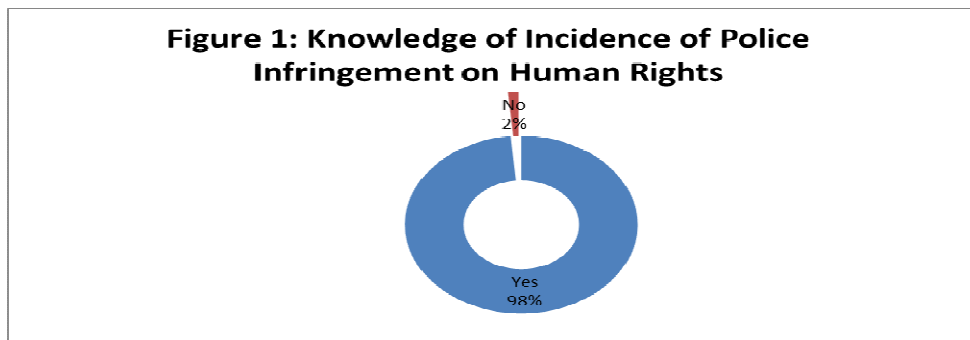
Table 1: Percentage Distribution of the Social Demographic Characteristics of Respondents

Items	Frequency	Percent (%)
Sex: Male	112	56.0
Female	88	44.0
Total	200	100.0
Age Group: 18 – 27	84	42.0
28 – 37	65	32.5
38 – 47	27	13.5
48 and Above	24	12.0
Total	200	100.0
Marital Status: Single	106	53.0
Married	94	47.0
Others	-	-
Total	200	100.0
Highest Educational Attainment:		
Secondary	26	13.0
Post Secondary but not University	10	5.0
University	71	35.5
Post Graduate	93	46.5
Total	200	100.0
Occupation: Civil Servant	93	46.5
Business/Self Employed	107	53.5
Total	200	100.0

Source: Field Work, 2015.

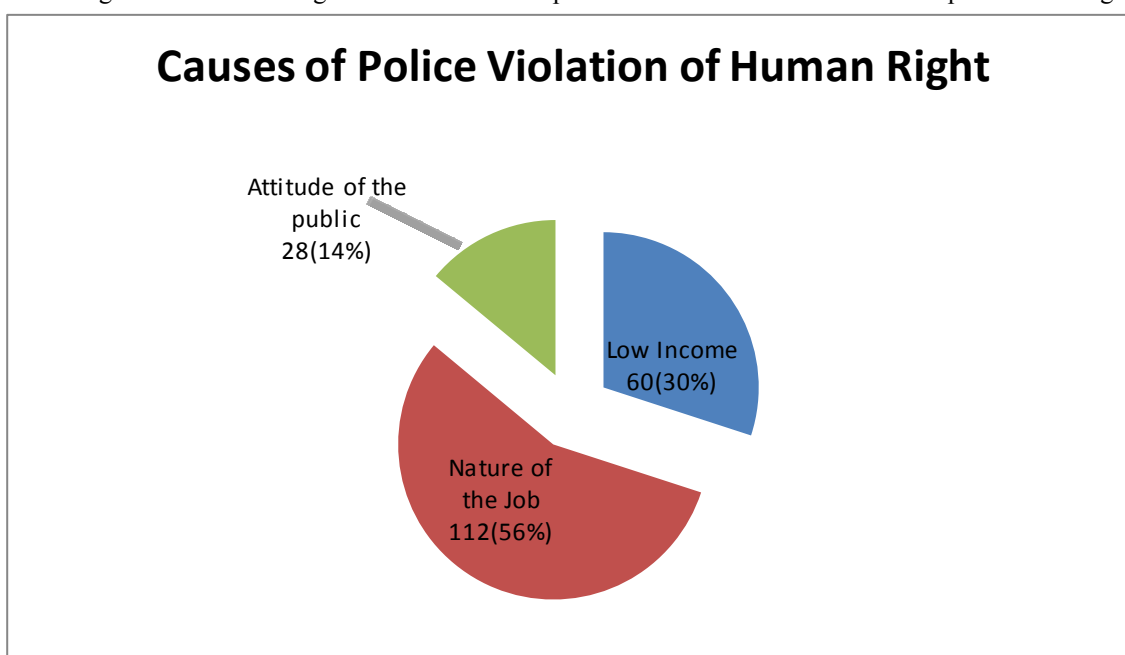
The data as presented in table 1 indicates that out of the two hundred (200) respondents surveyed: Males constitute 112(56.0%) and females 88(44.0%), 84(42.0%) were between 18 – 27 years, 65(32.5%) were between 28 -37 years, 27(13.5%) were between 38 – 47 years, those that were from age 48 up were 24(12.0%). While majority of the respondents were single 106(53.0%), 94 (47.0%) were married. Very high percentage of the respondents was shared between respondents with university and post graduate educational attainment consisting of 71(35.5%) and 93(46.5%) respectively. Occupationally, while 93(46.5%) of the respondents were civil servants, 107(53.5%) were self employed. These revelations suggest a good spread of the respondents across status and class in society as such, elicit balanced opinion.

In order to ascertain whether police infringement on human rights is a thing of the past or still in practice, responses to this effect were sorted and presented in figure 1.



Source: Field Work, 2015.

Figure 1 indicates that almost all the respondents (98%) have knowledge of police infringement on human rights in contemporary Nigerian societies. Just 2% of the respondents indicated lack of knowledge of police infringement on human rights in contemporary Nigerian societies. Further probe to identify the causes of police infringement on human rights was made and responses to this effect were sorted and presented in figure 2.



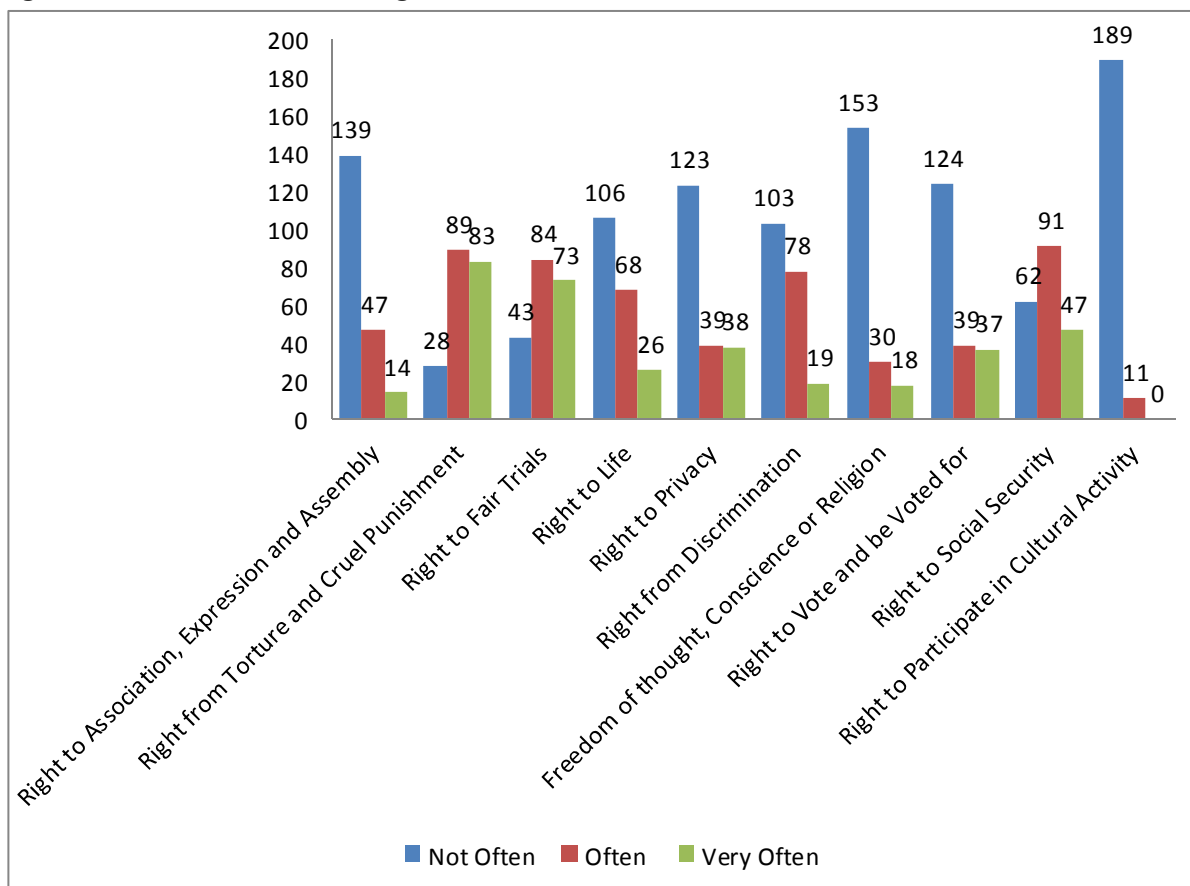
Source: Field Work, 2015.

Figure 2 indicates that three factors are responsible for police violation of human rights in contemporary Nigeria. Among which are the attitude of the public, low income and nature of the job. Attitude of the public is the least subscribed to, as 28(14%) of the respondents suggested it. This category of respondents is of the opinion that the "cut corner attitude" of the public (the public wanting to avert law from catching up with them or save time through appetising police office to violate by tipping them) influences police violation of human rights.

On the other hand, 60(30%) of the sample ascribes police violation of human right to low income. Asserting that, the remuneration of police officers do not measure up to the risk and input required for efficient policing. However, majority of the sample comprising of 112(56%) indicate that police infringement on human rights is as a result of the nature of the job. This implies the allocation of enormous power through the use of discretion by police officers to arrest, search and detain suspect, the socialization of recruits into the dominant deviant police subculture and the nomadic life style of police officers anchored to frequent transfer/posting. This posting or transfer of police officers deprive them the development of social bond and responsibility to people. In essence, this finding strengthens the rotten barrel theory projected by Perry (2001), believing that deviant police officers are not born as deviants but are made deviant because they are shaped to fit into the system know as the *police subculture*.

After ascertaining that human rights are actually violated and the causes of police infringement on human rights, it is only logical to identify how frequent these rights are infringed by police officers. Figure 3 attend to this need.

Figure 3: Most Violated Human Rights



Source: Field Work, 2015.

The chart presents rights that are *Not Often*, *Often* and *Very Often* infringed upon by police officers. A glance at the chart indicates that, right from torture, cruel, inhuman or degrading punishment is the most infringed upon by police officers, recording the list number of respondents that indicate not often (28). 89 and 83 respondents assert that this right is often and very often infringed upon by police officers respectively. Next is the right to fair trials and closely followed by the right to social security. The least infringed upon right as indicated in figure 3 is the right to participate in cultural activities. A serial presentation of these rights in relationship to rights that are mostly infringed upon is presented below, with emphasis on the number of respondents that indicate not often since often and very often imply the frequency and not absent of infringement. This presentation is done in descending order.

1. Right from torture and cruel, inhuman or degrading punishment
2. Right to fair trials
3. Right to social security
4. Right from discrimination
5. Right to life
6. Right from arbitrary interference with privacy, family and home
7. Right to vote and be voted for
8. Right to association, expression and assembly
9. Freedom of thought, conscience or religion
10. Right to participate in cultural activities.

3.4 Test of Hypotheses

The essence for testing hypotheses is to confirm the truthfulness of the formulated hypotheses. Hence, accepting if validated or rejecting if not true. The decision rules are; accept the alternate hypotheses (Hi) if the calculated value is greater than the critical (table) value. On the other hand, reject the alternate hypotheses and accept the null hypotheses (Ho) if the calculated value is less than the critical (table) value, all at 0.05 level of significance.

3.4.1 Hypothesis 1: Hi – Rural settlements are more likely to experience police infringement on human rights than urban settlement.

In order to test this hypothesis, the 197(98%) respondents that indicated that they have knowledge of police violation of human rights were asked to indicate: how frequent they notice the violation of human rights by the police and also location of violation. Responses elicited from the respondents to questions regarding the frequency of police violation of human rights and locations of incidence were cross tabulated. Table 2 present a detail break down.

Table 2: Cross Tabulation for Relationship between Police Violation of Human Rights and Victims Age

		Police Violation of Human Rights within the last 3 years		Total (%)	X ²
		Very Frequent (%)	Not Frequent (%)		
Location	Rural	107(90.7)	44(55.7)	151(76.6)	X ² = 32.26, df = 1,
	Urban	11(9.3)	35(44.3)	46(23.4)	
Total		118(100.0)	79(100.0)	197(100.0)	

Source: Field Work, 2015.

The table indicates that 118 respondents indicated that they have knowledge of very frequent violation of human rights in the last 3 years by police officers out of which 107(90.7) were in rural areas and 11(9.3%) were in urban areas. On the other hand, out of 79 respondents that indicated that police violation of human rights is not frequent in the last 3 years 44(76.6%) of the incidence took place in rural areas while 35(44.3%) took place in urban areas.

From the table, it is observed that the critical value of X² 32.26 at p ≤ 0.05 level of significance and df. 1 is given at 3.841 (table value). Since the critical (table) value is less than the calculated value the null hypothesis which states *rural settlements are less likely to experience police infringement on human rights than urban settlement* is rejected and the alternate hypothesis is accepted. In other word the relationship is statistically significant at 0.05 levels.

3.4.2 Hypothesis 2: Hi – *The lower the level of educational attainment the more likely it is for one to become victim of police violence.*

In order to test this, responses to questions regarding police violation of respondents' rights and victims' level of educational attainment were cross tabulated. Table 2 present a detail break down.

Table 3: Cross Tabulation for Relationship between Police Violation of Human Rights and Victim's Level of Educational Attainment

Highest Formal Educational Attainment	Police Violation of Respondents Rights within the last 3 years		Total	X ²
	Very Frequent (%)	Not Frequent (%)		
Higher Level of Education	21(19.3)	32(43.2)	53(29.0)	X ² =12.5, df = 1,
Lower Level of Education	88(80.7)	42(56.8)	130(71.0)	
Total	109(100.0)	74(100.0)	183(100.0)	

Source: Field Work, 2015

To make the analysis less cumbersome, the level of education of the respondents was re-coded. Those who had no formal education, Koranic education, primary education, secondary education and NCE/OND were re-grouped as having low level of education. Those who had HND, University first degree and post graduate degrees were re-grouped as having high level of education. The data show that 80.7% of respondents that had low level of education had their rights infringed upon very frequently; similarly 56.8% of those that had low level of educational attainment had the rights infringed upon not frequently.

From the table, it was observed that the critical value of X² 12.5 at p ≤ 0.05 level of significance and df. 1 is given at 3.841(table value). Since the critical (table) value is less than the calculated value the alternate hypothesis which is accepted and null hypothesis which states that: *the lower the level of educational attainment the less likely it is for one to become victim of police violence* is rejected. In other word the relationship is statistically significant at 0.05 levels.

4.1 Conclusion and Recommendations

Nigeria's current state of uncertainty and insecurity climatic by the recent outburst of Boko Haram sect, the rebirth of Biafra, electoral violence and most recently, the Shia sects leave the public in deep fair and threaten the emergence of norm-less society. This will be worst if the rot within the police is not given the deserved attention.

The police though, lightly mentioned earlier, is the heart of the society. Police have within her, the ability to enhance a peaceful and harmonious society; and also, galvanize a chaotic and unsecured society. Simply due to the enormous task they are expected to execute and power they will. The society without doubt should look up to the police for coordination, protection and preservation of their rights. However, situations where the police become the violators of these rights only spell doom. This conclusion is in line with Dorothy's

(1992) assertion that efficient enforcement of the law by the police is not negotiable, but terrorising and infringing on the rights of innocent people is a price no one should have to pay.

Consequent upon the findings of this study, it is imperative to infer that the police will function better if the followings are considered: 1. while we utopianize the urban settlements, surveillance on the police officers should be on top level at the rural areas. This could be referred to as a method of “policing the police”. This will ameliorate the sufferings and terror of the rural dwellers. 2. The government should educate the public by employing all medium to ensure that the list educated person is aware of his or her rights in relation to the police and neighbours. 3. Police community relation could be intensified by encouraging *local policing* (a situation whereby police officers are recruited and serve in their individual community) and discourage frequent mobility of officers. These will definitely reduce the level of police-community antagonism currently experienced.

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