

The Police in Nigeria: Meaning, Foundation, Scope and Essence

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Abstract

The paper examined the emergence and nature of the police with the various legal frameworks for the establishment and functions of the police in Nigeria with a view to assessing its meaning, foundation and scope as well as its essence and limits. These were with a view to undertaking holistic analysis and appraisal of the nature and extent of jurisdictional essence of policing Nigeria. The study relied on primary and secondary sources of information. The primary source included unstructured interviews with relevant authorities, judicial decisions, statutory provisions establishing and providing functions for the Nigeria Police Force and rudimentary policing in Nigeria. The secondary source of information included books, journal articles, conference proceedings, newspaper publications and the internet. Information received was subjected to content analysis. The study found that the police is founded on a three-scope essence of (i) protection of life and property, (ii) maintenance of law and order and (iii) enhancing the administration of justice and that though enormous powers were conceded to the Nigeria Police for effective performance of its duties, police ineffectiveness mainly accounted for proliferation of law enforcement agencies in Nigeria. The study concluded and recommended that the issues of inadequate funding, lack of collaborative support and delineation of the various overlapping functions by other law enforcement agencies must be properly addressed if the Nigeria Police would be destined to fulfill its constitutional role to the best advantage of the people.

Keywords: Foundation, The Police, Jurisdiction, Law Enforcement Agency, Scope of Functions.

1.0 INTRODUCTION

The primordial duty of the police is prevention of crime.¹ However, since the dynamic nature of human existence would not allow a crime-free society, criminal investigation and prosecution had become constant consequential duties for which police personnel are conferred with enormous powers and discretions. By virtue of section 214 of the Constitution of the Federal Republic of Nigeria, 1999 (as altered),² the Nigeria Police is a deemed creature of the Constitution. It is saddled with the responsibility of maintenance of law and order.

2.0 MEANING AND NATURE OF THE POLICE

The word 'police' was derived from the Greek word 'polis' which means that part of non-ecclesiastical administration having to do with safety, health and order of the State. The Greek 'politeira' means the act of governing and regulating security needs and order of the City-State in the interest of the public.³ The *Black's Law Dictionary*⁴ defines 'police' as the governmental department charged with preservation of public order, the promotion of public safety, and the prevention of crime.⁵ The same word, according to *Webster's Universal Dictionary*,⁶ is defined as government department responsible for keeping order, detecting crime, law enforcement, etc; members of such department or any similar organization.⁷

The word 'Police' (also referred to as 'the police' in plural form) is defined by *Oxford Advanced Learner's Dictionary*⁸ as officials of the organization, whose job is to make people obey the law and to prevent and solve crime.⁹ Although, the *Black's Law Dictionary* assigned the word in its restrictive form, to mean an institution, however both the *Webster's Universal Dictionary*¹⁰ and the *Oxford Advanced Learner's Dictionary's* construction is more extensive as the word "police" may be used to refer to police personnel. The extent to which the effectiveness of the Nigeria Police in the performance of the duty of making people obey the law, appears questionable considering the perception of the average Nigerian who would not only see the police themselves as law breakers but as much terror as armed robber portends.¹¹

In Nigeria, the phrase 'the police', when used in its restrictive sense refers only to members of the Nigeria

¹ Ehindero, S.G.: *The Nigeria Police and Human Rights* (1998), Jos: Ehindero Press, p. 1.

² The Nigeria Police is a creature of the Nigerian Constitution by virtue of section 214 of the Constitution of the Federal Republic of Nigeria, 1999, (as amended).

³ Ehindero, S.G.: *The Nigeria Police and Human Rights* (1998), Jos: Ehindero Press, p. 1.

⁴ Garner Bryan A.: *Black's Law Dictionary* (1999), eighth edition, Minnesota: Thomson West, p. 1196.

⁵ *Ibid*, p. 1196.

⁶ *The Webster's Universal Dictionary and Thesaurus* (2003), Scotland: Geddes & Grosset, p. 370.

⁷ *Ibid*, p. 370.

⁸ Hornby, A. S.: *Oxford Advanced Learner's Dictionary* (2010), 8th Edn., New York: University Press.

⁹ *Ibid*, p. 1131.

¹⁰ *Op. cit.*

¹¹ See the *Vanguard Newspapers'* publication of November 24, 2015 entitled "The Nigeria Police: Friend, Friend or Foe?" available on <http://www.vanguardngr.com>(accessed).

Police, in its broad sense however, the phrase accommodates both the members of the Police established by the Police Act¹ and the officers of any law enforcement agency established by Law or Act.² The phrase ‘police officer’ means any member of the Nigeria Police established by the Police Act and where the context so admits, it includes any officer of any law enforcement agency established by an Act of the National Assembly.³ It is on this note that these words/phrases are used in this discourse. The Nigeria Police which has the outward civil force of the Nigerian nation is also as referred to as “the Force” under the Police Act.⁴

Alemika and Chukwuma, (2006: 3) construes police as referring to socio-political and quasi-legal institution, an institution or a state agency charged primarily with the enforcement of criminal law and the maintenance of order.⁵ Aremu, (2009) in a more provoking analysis substantially disagrees with the above restrictive construction as he widens the scope of the definition to accommodate both private and public organizations involved in enforcing enacted laws. He therefore conceives ‘police’ in its derivative connotation to mean a civil organization of citizen within a city, whose primary role is to provide security for the city and the people residing in it.⁶ In his words:

The term police is an institution or organization (private or public), whose agents are involved in enforcing enacted laws and at the same time ensuring internal protection of life and properties.⁷

Aremu’s conception is clearly supported by statutory provisions in Nigeria which emphasize that the role performed by the police are not holistically left alone to the public organization, employed, trained and paid for such purpose.⁸ The police themselves acknowledge the fact that unless members of the public assist them in policing the country, no meaningful success would be attained.⁹ Hence, the continual call for public/private participation in policing by the police authority; more so that it is now understood that information, which is the raw material for police effectiveness, is domiciled in the public. Only little would one wonder then that in recent times, there has been a paradigm shift from conservative policing to community policing, which currently, has become the main focus of the Nigeria Police. The extent, to which successes have been achieved in this feat however, is a function of the public acceptability predicated upon the state of people’s confidence in the service delivery template of the Nigeria Police.

That the police is a service oriented institution whose worth or value is assessed by the community they serve and not by personal aggrandizement of what quality of service, they think they render, has always been recognized by the police themselves, who now make community service the priority of their existence. For the avoidance of doubt, the police creed exemplified in the mission statement of the Nigeria Police provides that:

It is the mission of the Nigeria Police Force to provide a service oriented Police Force in partnership with the public, trained, equipped and positioned to respond to the needs of the society within the confine and recognition of the rule of law.¹⁰

The realization of the public supremacy and their inevitability in police success project, have also been recognized by the police themselves who, with passionate yearning reflect among their core values, the respect for the people. An integral part of the Nigeria Police core value reads thus:

We can best serve the needs of our country by empowering our officers to fulfill their responsibilities with Knowledge, authority and discretion; we believe in treating all persons with respect and dignity. And we demonstrate compassion for victims of crime and treat violator of the law with fairness and dignity. By demonstrating respect in this manner, respect for the Nigeria Police Force will continue to expand.¹¹

There exists from the combination of the police mission juxtaposed against the core value, an intendment of a master-servant relationship between the police and the public. The master, now recognized, is the public while

¹ *Op. cit.* Under the Administration of Criminal Justice Act, 2015, the word ‘police’ is defined to mean the Nigeria Police established by the Constitution or where the context so admits, it includes any Law Enforcement Agency established by an Act of National Assembly.

² See section 371 of the Administration of Criminal Justice (Repeal and Re-enactment Law) Laws of Lagos State, 2011.

³ See section 494 of the Administration of Criminal Justice Act, 2015.

⁴ See section 2 of Police Act, Cap P 19 Laws of Federation of Nigeria, 2004 (though a recent policy has removed the word “Force” from the official nomenclature making it now to read “The Nigeria Police”).

⁵ Etannibi, E.O., Alemika, and Innocent, C. Chukwuma: “The Role of Policing as a Barrier to Change or Driver of Change in Nigeria” in CLEEN FOUNDATION: *Justice Sector Reform Analysis of Police and Policing in Nigeria* (2006), Lagos: Department of International Development (DFID), p.3 .

⁶ Aremu A. O.: *Understanding Nigerian Police- Lesson from Psychological Research* (2009), Ibadan: Spectrum Books Ltd., p. 1.

⁷ *Ibid.*, p. 1.

⁸ See Sections 20, 21 and 22 of the Administration of Criminal Justice Act (2015).

⁹ *Universal Reporters’* publication of November 22, 2015 entitled “IGP’s Speech at the Flag off of Police Complaint Rapid Response Unit Flyers Produced in Pidgin, English, Hausa, Yoruba and Igbo” hosted on <http://universalreporters247.com/2016/11/igps-speech-at-the-flag-of-police-complaint-rapid-response-unit-flyers-produced-in-pidgin-english-hausa-yoruba-and-igbo/> accessed on January 17, 2017.

¹⁰ The Nigeria Police: *Annual Report Vision, Mission and Co-objective of Nigeria Police Force* (2012), Ikeja: Nigerian Police Printing Press, p. xv.

¹¹ *Ibid.*

the servant is the police. Asserting this worthwhile theory, Ojukwu, (2016:26) propounds that:

A fundamental ingredient of the concept of modern policing is an understanding that the police are servants of the public and not their masters. This perhaps informs the agitation of some minds for a change in the name of the police to Nigeria Police Service, that the word 'Force' suggests mastery as opposed to service.

Although the police nomenclature is a constitutional issue, however name alone, it must be understood, does not fulfill the expectancy of the quality of service, the public desire from the police. Accordingly as it may be argued, even with the word 'Force' attached to its name, one is confident that the consuming public would not bath an eye lid if they got value for their investment in the police.² Ojukwu, (2016) asserts further on this dimension, that naturally every master expects a measure of quality in the service delivered to him by his servant.³ What quality of service does the Nigeria police afford their master, the public and what sort of service would the public expect? Is the service delivery below expectation, average or above average?

The answers to the above questions would reveal the perception of the public about the real estate of police project. What the public say about her police tells a lot about her perception of the agency and ultimately her inclination to collaborate and partner with the police in solving common problems. In other words, police is believed to be responsible for the woes bedeviling its institution, which said problems, grossly conditioned the perception of the public and in turn inhibits police performance. In what way do the public perceive the Nigeria Police?

Nigerians perceive the police as frosty as the idea of policing imposed on the country by the colonial masters to foster an antagonism between the policed and the police.⁴ To make matters worse, the corruption perception of the Nigeria police by the Nigerian people over the years procured a disdain perception of being the most corrupt government institution both locally and internationally. Corruption is a major disparaging factor which impacts negatively on police reputation and capable of extenuating ill-motive against police actions. Members of the public believe that actions taken by the police are usually grounded by pecuniary consideration. The crescendo of media report on police corruption on road check with the resultant extrajudicial killings for money, (otherwise christened "accidental discharge") by police officers on our roads, assumed such notoriety that despite its crime preventive impacts, the Police authority in Nigeria had to discontinue the use of police checkpoints partially on Nigerian roads.⁵

Since the ban of police checkpoint, some individuals have expressed the view that there has been a marked decrease in the rate of violent-related offences on public highway.⁶ This propels a hasty generalization in the allegation that there exists a criminal/informant relationship between armed robbers and the police. The imputation has always constantly been a thick precursor against police image in Nigeria. In his reaction to the *Punch Newspapers* publication entitled "*Reps rejects motion to return police checkpoints.*"⁷ Excelebor (m) had posited that:

...when the police were (sic) on the highway, what did (sic) they do to curb the situation? ...police are even the gateway for armed robbers (sic).⁸

Within the first two weeks of the ban, authoritative source had it that motorists in Nigeria, have been spared of extortable whopping sum running into billions of naira.⁹ I had almost dismissed the above as mere insinuation or a fragmentation of error until I stumbled on a media publication dated back to 1997 reported by Inter Press Service News Agency (IPS) correspondent, late Remi Oyo, entitled "*Nigeria Human Rights: Robbers in Police Uniform*".¹⁰ Picking Ilorin to Abuja which was decked with no fewer than nineteen Police roadblocks, forcefully extorting money from the motorists, the reporter lamented the rigor of passing through Nigerian roads by passengers. The same media publication contained a statement credited to Abubakar Tsav, who was Commissioner of Police, Lagos Sate Command as saying that "a good percentage of policemen in the Command

¹ Ojukwu Emmanuel C. S.: *Discovery the Police* (2016), Ibadan: Kraft Books Limited, p. 26.

² *Ibid.*

³ *Ibid.*, p. 26.

⁴ Lanre Ikuteyijo and Kemi Rotimi, "Community Partnership in Policing: The Nigerian experience", January 01, 2012, <http://www.open.ac.uk/Arts/copp>.

⁵ "Gains, losses of ban on police checkpoints" published in the *Punch Newspapers* of May 26, 2012, available on <http://www.Punchng.com> (accessed on September 3, 2015).

⁶ *Ibid.*

⁷ Published on *Nairaland Forum* of Thursday, 3rd September, 2015, available on <http://www.daily post.com.ng/2012/03/14>. (Accessed on 3rd September 2015).

⁸ *Ibid.*

⁹ While stressing the importance of the ban, the former police spokesman about the period when the ban was first imposed in 2012, had said, in a publication entitled "Gains, losses of ban on police checkpoints" published in the *Punch Newspapers* of May 26, 2012, available on <http://www.Punchng.com> (Accessed on September 3, 2015), that police checkpoint, as a crime control tool, had outlived its usefulness because it was impeding the free flow of traffic, defacing the landscape and had become a centre of extortion and intimidation. Accordingly he claimed that Nigerians have been saved so much in terms of time and money. The monetary value of the ban might run into billions of naira.

¹⁰ "Nigeria Human Rights: Robbers in Police Uniform", available on www.ipsnew.net (accessed on the internet on October 1, 2014).

are armed robbers in police uniform”.¹

Although crime rate in Nigeria reduced substantially since 2012 when police checkpoints were first abolished by Mohammed Abubakar’s regime,² there are however some other factors which sustained the decrease. The adoption of visibility policing as preferred alternative to police checkpoints, is an enduring factor coupled with the leadership model of the successive Inspectors-General of Police, starting from IGP Mohammad Abubakar who scrapped the age-long systemic pecuniary gratification practices endemic in the police which appears to be a virile factor in corruption. His administration was therefore able to hold the officer accountable for their actions and omissions. Other factors include the adoption of e-payment with liberal cash transfer; increased police presence which rarely interferes with motorists on the roads coupled with officers’ resolved astute preparedness or absolute readiness to combat crime head-on. These send stern warning signals to potential criminals that business would no longer continue as it usual.

Considering police involvement in heinous crimes and other nefarious activities in the past, one may not need to blame members of the public propounding insinuating theory on police/robbers conspiratorial pact. Recall the case of Benjamin Iyamu³ and Benjamin Oyakhire⁴ to mention a few episodes where police officers were convicted for armed robbery in Nigeria.⁵

The condemnable circumstances of each of the above cases merely compelled the Police to seriously evoke penal intervention against the erring police officers. This became necessary in view of disparaging comments from members of the public, and the negative impact which its publications had on police image. This in turn, explained the degree of alacrity in the trial of Benjamin Oyakhire⁶ which was conducted and concluded within sixty-six days by the Court which convicted all the accused persons. Their conviction was affirmed by the Supreme Court.

That a good number of erring police officers had to face penal intervention demonstrates police authority’s commitment to sanitizing the Force. Penal intervention is usually resorted to in serious disciplinary offences where administrative sanction may not be enough to remedy the serious disparaging damage to Nigeria Police image. The intervention is justifiable on two grounds. The first is that the police officer who enforces the law is expected to possess requisite skill and knowledge in Criminal Law with high moral standard. He ought to face therefore, stiffer sanctions for the breach of the law which he has undertaken to preserve under oath. The second reason is the consequence of the erring officer’s conduct on police image which already is under a siege. Police officers’ involvement in crime like armed robbery, murder, rape etc often sends wrong signal to the citizens.

The cases of Odojin Bello, a one-time Commissioner of Police who was convicted for corruption; DSP Iyamu who was convicted for armed robbery; Sgt. Desmond Ezeja⁷ & ASP Ngbabede Itu,⁸ ASP John Agbo,⁹ Sgt. Adegboyega Ibikunle,¹⁰ Sgt Solomon Adekunle,¹¹ all convicted for murder, were but a few among the many cases where police officers were convicted for extra-judicial killing. The killing of the Dawodu brothers,¹² Col. Rigdam, the Apo six, and a host of other extra judicial killings perpetrated by police officers still remain fresh in the memories of most Nigerians.

The above constitutes a major bane to an effective collaborating community police relation.¹³ Ekeh, (2002)¹

¹ *Ibid.*

² The ban on police checkpoints or road blocks was also adopted by the Inspector-General of Police, Suleiman Abba and it appears to be a permanent Force policy following its adoption by successive Inspectors-General of Police who now replaced police checkpoints with new outfit called “Safer Roads”. Given the regulatory effect it has so far sustained, this may remain a permanent structure.

³ DSP Iyamu was convicted along the dreaded Lawrence Aninni and Monday Osunbor in 1987 in a series of robbery incidents perpetrated in a number of States in Nigeria.

⁴ See *Benjamin Oyakhire .v. The State* (2006) ALL FWLR Pt 305 p. 703.

⁵ In *Benjamin Oyakhire .v. The State* *ibid.*, at p. 720, the appellant and two others, were arraigned before the Kogi State, High Court of Justice, Lokoja Judicial Division, on a charge of conspiracy, murder, robbery and mischief by fire or by explosive substance, all being offences punishable under the Penal Code.⁵ The three accused persons were policemen attached to Mobile Force Unit Kogi State, who had on the 17th day of February 2001, while armed with their service guns at a police checkpoint, stopped a commercial bus which was on its way to Benue State from Osogbo with the intention of robbing the passengers who mainly, were traders. By the account of two passengers, PW4 and PW5 who managed to escape, the policemen tied the victims and shot one of the passengers dead, before setting the vehicle ablaze with the other passengers after dispossessing them of their money. It was painful to note that less than half the amount of money in possession of their victims was actually discovered and stolen by them while a larger part of the money, was recovered from the scene, half burnt. This illustrates, in no little way, extent to which the force of public trust and confidence in the Nigeria Police has been corroded.

⁶ *Ibid.*

⁷ See the case of *Sergeant Desmond Ezeja & 1 Or .v. The State* (2006) All FWLR (Pt. 309) 1535 at the Court of Appeal & (2008) 7 SCM 28 at the Supreme Court.

⁸ See *John Agbo .v. The State* (2006) 2 SCM 1.

⁹ See *Adegboyega Ibikunle .v. The State* (2007) & SCM 73.

¹⁰ See *Solomon Adekunle .v. The State* (2006) ALL FWLR (Pt 332) p. 1452.

¹¹ See *Benjamin Oyakhire .v. The State* (2006) ALL FWLR (Pt 305) p. 703.

¹² They were two children of the same parents allegedly killed by the police in 1986.

¹³ Okeke .V. O. S., “Community Policing, Vigilante Security Apparatus and Security Challenges in Nigeria: A Lesson From Britain and Igbo Traditional Society of Nigeria”, *British Journal of Arts and Social Sciences*, Vol.14, No. II (2013).pp . 311- 312. See also “Nigerians Consider Police and MDAs, the Most Corrupt”, available on <http://www.naij.com/425552-nigerian-police-most-corrupt.html>,

sums the public perception and its impacts about the Nigeria Police as follows:

The perception of the people worsened to the extent that community members perceived as police informants are derided. Under this state of affairs, many Nigerian communities no longer look to the Nigeria Police Force for their protection from violent criminals or from other sources of danger. Instead they have resulted to other means like self defence or mob action for their own protection, including unregulated and often violent reprisals against suspected sources of their collective endangerment.²

A criminal justice system portending febleness, so much as to set free the guilty due to inability to collate the needed evidence during investigations or by its failure to present the necessary evidence at trial, may eventually lead to the application of the rule of presumption of withholding of evidence. This usually results in the absolute discharge of the indictable offenders thereby reinforcing his criminal personality disposition towards recidivism. The situation may become more worrisome where the discharged had the opportunity of mingling with other offenders while in custody who enjoyed similar verdicts at the close of trial. This process accounts for institutional growing of violent gangs who usually constitute a great threat to public order when they eventually re-group.

How could the society have continued to seek refuge in situations where empirical proof dissuades the patronage of a weak security system put in place by the Nigeria Police Force. This however is not without a cost to Nigerians because, when men fight for their rights, they often succeed in getting a new taskmaster. The alternate Force resorted to by the people caused more problems than they were hired to solve. Okeke, (2013:306) took a holistic view on how police inefficiency arising from public distrust impacted on Nigerians or otherwise promoted extra judicial killings. He stressed that:

The increased incidence of crime has resulted to proliferation of heavily armed vigilante groups in nearly every corner of Nigeria owing to the erosion of confidence in the police by the people and mutual mistrust and distrust between the police and emerging vigilante security apparatus. The vigilante stopped handing over suspected criminals to the police and instead began to carry out extra judicial execution and killings of suspected criminals.³

Considering what a nebulous use, police in Nigeria, have been put in the past, one will acknowledge certain contradiction in the people's perception about the police. This fact has always been there but seemed unidentified by members of the public, when invited to assess the Police effectiveness. This is the eagerness with which every distressed person and those who wish to use the police for selfish end, pressure the police. The same people who often hastily condemn police ignobility are the very persons, when personal interest is involved, who frequently get offended at police decline from unconstitutional course. Little wonder then, when in a research work, Owen (2014:6)⁴ found that:

Public representations of the police in Nigeria, as captured in surveys and in popular culture, are strongly negative. But this research also identifies a contradiction- Nigerians make frequent use of the police, despite the misgivings they express. We find a difference between the views people express of the police in general, and the ways they actually access the police using particular routes and connections.⁵

To this end, Eme and Ogbochie, (2014:133) have introduced the societal dimension into police despondency to explain why the police behave the way they do. They argued that most of the problems faced by the police in carrying out their duties arise primarily from the fact that members of the Nigeria Police are part and parcel of the society they police, this makes effective maintenance of law and order to be very problematic since the factors which affects the host society do not spare the police. This assertion however appears too weak to justify prevalent corruption which has been identified as the major bane against police efficiency and the main cause of public hatred and distrust. That a weak section of the society passively approves materialism does not divest those charged with the responsibility of curtailing her excesses from their regulatory control.

Arguably, the aftermath of poverty, mal-distribution and inequality in access to the good things of life, no doubt, creates a crime prone society whereby social aims and aspirations can become so pronounced in weaker

accessed on January 17, 2017; see also the *ThisDay Newspapers'* publication of 3rd December, 2015 entitled "Transparency International Rates Police as Most Corrupt Institution in Nigeria" hosted on <http://allafrica.com/stories/201512031124.html> and accessed on January 17, 2017.

¹ Peter P. Ekeh,, "A Review of HRW's and CLEEN's Report on The Bakassi Boys: the Legitimation of Murder and Torture on State Sponsored Vigilante Groups In Nigeria", *Urhobo Historical Society*, available on <http://www.waado.org/nigerdelta/documents/constitutionalmatters/policVigilante/ReviewBakassiBoys-Ekeh.html>, accessed on January 17, 2017.

² *Ibid.*

³ Okeke .V. O. S., *op.cit* at pp . 311- 312.

⁴ Olly Owen: "The Nigeria Police Force: Predicaments and Possibilities" (2014), Oxford: Nigeria, Research Network (NRN) NRN Working Paper No. 15.

⁵ *Ibid.*, p. 7.

minds causing them to fall out and develop disrespect for the society and her value which in turn can lead to a kind of alienation, aspiration and crime.¹ Does this in any way derogate police responsibility? Incompetence is a personal issue which is devoid of hasty generalization.

Personality, it must be understood, is an individual phenomenon. Notwithstanding the police inadequacies, there are still good persons in the Nigeria Police working, to the best of their abilities, to give the Force a new good name and a new path. Emeka Umeagbalasi, the chairman, Board of Trustees, International Society for Civil Liberties & the Rule of Law, in a publication in the *Nigeria Masterweb Citizen News* identified the various contending personality profiles in the Nigeria Police and asserted that:

We in the Intersociety totally associates ourselves with such police good ambassadors. Conversely, the bad and the ugly still dot every nook and cranny of the Force swearing un-repentantly to return the Force to her dark ages with their sundry nefarious conducts aimed at sabotaging and undermining the change philosophy which has incontestably removed the Force from the first position of the most corrupt public institution in Nigeria, which now goes to the Nigeria judiciary particularly in pre-elections and post-elections litigation session.²

Given that generalization of police officers' profile may lead to fallacious argument, the public are advised to appropriately identify members of the police who are drivers of change in Nigeria for commendation while rebuking those who constitute a barrier to change. It is in the realization of this that I agree entirely with the admonition of Emmanuel Ojukwu, that:

Police service delivery is evidently measured by the perception of the public and her attitude to the police. A servant that delivers good dividend is commended as faithful, while the slothful and careless is dubbed as wicked. For police to score high in service delivery and remain relevant in democracy, it must identify and be identified with the concerns and priorities of the community.³

In a whole, a major priority of the community service anchors on the primary purpose for which governments are formed. For the avoidance of doubt, from the constitutional perspective, the essence of government in Nigeria is the security of lives and welfare of the people, which predicates upon the sovereign role of the State to maintain law and order. These sovereign obligations are derived from an arrangement between the State (sovereign) and the society whereby a contract was made between them when the society surrendered all its rights to the sovereign in exchange for protection. It is the power derived therefrom that is delegated to the police who wield same on behalf of the State. Expectedly, keying in into the words of Uwaifo JSC in *Gani Fawehinmi's case*⁴:

Police power is the exercise of the sovereign rights of a government to promote order, safety, health, morals and general welfare within constitutional limits and it is an essential attribute of government.⁵

Keeping faith in the assurances of the general will of the people, the Constitution⁶ provides extensively that "sovereignty belongs to the people of Nigeria from whom the government through this Constitution derives all its powers and authority".⁷ The powers of the government to maintain law and order in Nigeria are what the police wield.⁸ The powers are delegated to assist the Nigeria Police to carry out its onerous duties as contained in section 4 of the Police Act⁹ and other enabling legislations in that behalf.

What is Policing?

Policing is defined by the *Advanced Learner's Dictionary*¹⁰, as the activity of keeping order in a place with the police.¹¹ Policing is concerned with resolution of conflict and control of behaviour. It is in this dimension that Ehindero, (1998) conceives police in relation to crisis resolution and management. In his opinion:

conflict often arise from contradictions and inequality in our society, resulting in disputes, demonstrations and disturbances, to resolve this conflict, police have this legal power to do

¹ Aremu Oyesoji, *Policing and Terrorism* (2014) Ibadan: Stirling-Horden Publishers Limited, p. 97.

² Emeka Umeagbalasi, "Nigeria Police Force: The Good Versus The Bad & The Ugly" (2013) published in *Nigeria Masterweb Citizen News* of 01/22/13, available on <http://nigeriamasterweb.com/blog/index.php/2013/01/22/nigeria-police-force-the-good-versus-the-bad-the-ugly> (accessed on 8/12/16).

³ *Ibid*, p. 27

⁴ *Gani Fawehinmi v. IGP* (supra).

⁵ *Ibid*, p. 26.

⁶ *Op. Cit.*

⁷ *Ibid*, section 14(1).

⁸ *Gani Fawehinmi v. IGP & Ors* (supra).

⁹ *Op. cit.*

¹⁰ Hornby A. S., *Op.cit.*

¹¹ *Ibid*, p. 1131.

their duties and deny other their unconstitutional actions.¹

Aremu, (2014:14) conceives policing as an act of behavior or set of activities put up or exhibited by an individual or group of individuals to restore a social order. In this wise, other people other than those who have the legitimacy, can police.² It was the opinion of Aremu that policing functions may, therefore be performed by all as long as these functions are socially sanctioned by the society. Policing essentially and traditionally is all about fighting crime. Given the rising incidence of crime and urbanization; and the growing consensus on the society expected changes in policing to make safer, police and policing cannot be discussed in isolation of the criminology.³

Policing is community-based and participatory: effective policing is only possible where the public are properly integrated into policing, thereby allowing a public-police participation.⁴ Reflecting on the three spirits 'Model' of Purdy,⁵ Aremu, (2014)⁶ avers that effective and result-oriented policing rest squarely on this trinity (the police, the government and the public). Without this trinity, policing will not only become impossible but the criminal justice system will be compromised. Thus the fulcrum of policing rest squarely on the tripod and it is to ensure people oriented policing. Effective Policing depends, to a large extent, on adequate budgetary allocation to security, the police being the primary agents. Such robust budget alone may not be enough. For effectiveness, Nigeria police should first seek the cooperation of the public even though adequate funding is an important aspect.⁷ This is because eventhough, much money is budgeted as security votes at the federal and state levels, only a negligible fraction of these votes is actually expended on a functional policing.

Distinguishing between 'policing' and 'the police' Ojukwu, (2016) avers that policing is a set of activities or processes aimed at preserving social order or control, which can be performed by a wide range of group and processes.⁸ This is distinct from the formal organization called the police. In his word:

Many individuals, groups and organs of the State are involved in policing activities and processes. They play their individual roles in ensuring the survival of society; ensuring order and good governance.⁹

This therefore implies that the various security outfits in Nigeria created by their enabling laws to perform certain duties relating to maintenance of the public order and public security are all involved in policing. Meanwhile the word 'police', as enforcer of law in Nigeria, is not limited to the Nigeria Police but it is now a term interpreted by law to include law enforcement agencies established by the law or Act.¹⁰ It appears that the term may also appositely apply to private persons acting as police agents or those called in aid to assist the police in the course of the exercise of police investigatory and prosecutorial powers.

Though a good number of Nigerians conceive the police investigatory and prosecutorial powers to be concerned with violence and lawlessness, its brutality however is not too different from what has been traced as also operating in some other jurisdictions. Rightly has Nmerole, (2008:13)¹¹ found that:

As commonly observed, the police in their eagerness to detect crime and apprehend offenders, consciously or unconsciously assert pseudo authority and resort to practices that are questionable or highly irregular if not illegal. Such exercise of authority by some over-zealous and inexperienced personnel manifests in brutality and high-handedness in crowd control, road block, management of protests and in interrogation of suspects during investigation. Police violence in the form of brutality, unwarranted deadly force and other mistreatment of citizens is common in most police jurisdictions.¹²

According to Barnabas Okoro,¹³ the nature and sensitivity of police duties as provided in section 4 of the Police Act,¹⁴ renders a police officer, an indispensable friend of the public. He is not just to be an ordinary friend, the public expect him also to serve as a counselor, law enforcer, prosecutor, arbiter and peace maker.¹⁵ How well

¹ Ehindero S.G.: *The Nigeria Police and Human Rights* (1998) Jos: Ehindero (Nig.) Ltd., p.27.

² Aremu A.O.: *Policing and Terrorism Challenges and Issues in Intelligence* (2014) Ibadan: Stirling Holden Publishers Ltd., p. 14.

³ Aremu, (2014), *ibid*, p. 14.

⁴ Aremu, (2009), *op. cit*, p.4.

⁵ Purdy, D.W.: "Community Policy: Theoretical Problems and operational Issues" in *Global Community Policing: Problems and Changes*, (2013) A. Verma, D.K. Das and M. Abraham (eds), New York: Taylor & Francis Group. Purdy identifies that an effective policing is concerned with these main spirits inherently necessary. These spirits are the spirits of the police which has to do with the personality of the police officer; the government which has to do with the funding and adequate provision of the sources; and the cooperation of the public.

⁶ Aremu, (2014), *op.cit* p.14.

⁷ Ojukwu, *op.cit*, p. 12.

⁸ *Ibid*.

⁹ *Ibid*.

¹⁰ See section 494 of the Administration of Criminal Justice Act, 2015.

¹¹ Nmerole, *op.cit* p.13.

¹² *Ibid*.

¹³ Okoro, Barnabas: *The Police, Law and Your Right* (2013), Ikeja: Princenton Publishing Company, p. 121.

¹⁴ The Police Act, Cap P 19, Laws of the Federation of Nigeria, 2004.

¹⁵ Okoro, *op.cit*, p. 121.

the police live up to this public expectation leaves much to be desired. They must however, function within the scope of their authority.

3.0 FOUNDATION AND ESSENCE OF POLICING

The use to which members of the Nigeria Police have been put is not as important as the foundation of policing. Police foundation is the substructure upon which the police essence is super-imposed. There however appears to be a gulf of difference between the essential foundation, charting course for formation of the police and the inconceivable use derogatorily corrupting its very essence in the society. What are the core values upon which the police are founded?

3.1 Foundation of Policing

Historically, in most part of the ancient world and even in contemporary times, nation-states, cities and villages organized and still organized structures and services to keep their environment free from attack and threat of attacks.¹ Right from time immemorial, the most important thing to man after satisfaction of his physiological needs is the need of safety. Man is always conscious of this through self analysis of his environment and the need for safety. Man is therefore primarily security conscious.² The idea of organized law enforcement agency was non-existent in early history of man. At best, all man, in his 'crude' thought did, was to come together and wield some form of power against internal and external invasion of his space.³

The earliest concept of formal policing is traceable to the social right of the State to maintain law and order derived from an arraignment between the State (sovereign) and the society. Ehindero, (1998)⁴ posits that although, the art of policing was derived from the Greek, it was the Romans who perfected the system. The Roman *Politia* as the Greek *Politeira*, was a symbol of power residing in central authority.⁵ Tracing the evolution of policing under the Roman Empire, the Learned author noted that police in Rome was organized from the ranks. There was the Roman Prefect which had under him, fourteen magistrates each responsible for a district and assisted by *vigiles* who patrol the streets with *lictors* who were law enforcement officers and *stationarii* who were residents of the city blocks.⁶

The evolution of modern policing had its roots in Anglo-Saxon times in England. As early as 1285 when the Statute of Winchester was promulgated, the communal participation in maintenance of public order had always been identified in the enforcement process of their community as was shown in the Statute of Winchester which read inter alia as follows:

- a. the responsibility for law and order rested in each citizen who had to have arms available according to his means.
- b. in each town, the citizens had to be prepared to act as watchmen at night to ensure that they deter and question strangers and hand over wrong doers to the constable in the morning.
- c. felons who escaped capture by the watchmen would be pursued by all able bodied men in a 'hue and cry' led by the Sheriff or other responsible officer.
- d. every citizen had not, only a right to arrest wrong-doers, but a duty to do so.

It was during the time of King Alfred, the great that what can be referred to as Internal Police Force 'emerged' and they were referred to as the tythingmen. Arising from the King's Decree, various thanes or land owners were responsible for the security of his territory.⁷ The adoption of the Anglo-axon model of the Criminal Justice with some modification became imperative after the conquest of England in 1066 by the Normans. The Sherriff earlier elected from the Tythingmen became an appointee of the Kings thereby making the Sheriff more superior and responsible to the King in all matters relating to local enforcement of criminal justice.⁸ This system worked till 1785 when more reforms were made.⁹ Due to the public outcry of the misuse of power and rising battered image of the police system occasioned by corruption, in 1785, William Pitt canvassed the formation of Bow Street Runners. He later presented to the British Parliament, a bill for the establishment of a Police Force in London. The bill was eventually withdrawn due to serious opposition and his preference for the dreaded Gendarmes Force in France, with the Bow Street Runner remaining in existence.¹⁰

Against the height of criminal banditry in England, Sir Robert Peel, the founder of modern Police in 1829, introduced to the British Parliament, a Bill which set out the terms and principles that govern a modern police

¹ Ojukwu, , *op.cit*, p.1.

² Aremu, (2014) *op cit*, p.1.

³ *Ibid*.

⁴ Ehindero, S.G: *The Nigeria Police and Human Rights* (1998), Jos: Ehindero Press, p. 1.

⁵ *Ibid*.

⁶ *Ibid*, p. 1.

⁷ Aremu, (2014), *op cit*, p. 2.

⁸ *Ibid*.

⁹ *Ibid*.

¹⁰ *Ibid*.

force. The legislation has as its crux the under listed principles which has since become so famous. These principles were nine in number and they are:

- To prevent crime and disorder as an alternative to the repression by military force and by severity of legal punishment;
- To recognize always that the power of the police to fulfill their functions and duties is dependent on their public approval of their existence, actions and behavior and on their ability to secure and maintain public respect;
- To recognize always that to secure and maintain the respect and approval of the public also means the securing of the willing cooperation of the public in the task of securing the observance of law.
- To seek and preserve public favour, not by pandering public opinion, but by constantly demonstrating absolutely, impartial service to law in complete independence of policy and without regard to the justice or injustice of the substance of individual law by ready offering of individual service and friendship to all members of public without regard to their wealth or social standing; by ready exercise of courtesy and friendly good humour; by ready offering of sacrifice in protecting and preserving life;
- To use physical force only when the exercise of persuasion, advice and warning is found to be insufficient to obtain public cooperation to an extent necessary to secure observance of law or to restore order or to use only to minimum degree of physical force which is necessary on any particular occasion for achieving a police objective;
- To maintain at all times, a relationship with the public that gives reality to the historical tradition that the police are the public and the public are the police; the police being only members of the public who are paid to give full-time attention to duties which are incumbent on every citizen, in the interest of the community welfare and existence.
- To recognize always the need for strict adherence to the police executive functions and to refrain from usurping the powers of the judiciary or avenging individuals or the State and of authoritatively judging guilt and punishing the guilty; and
- To recognize always that the test of police efficiency is the absence of crime and disorder and not the visible evidence of police action in dealing with them.

In the words of Aremu, (2014):

A cursory analysis of Sir Robert Peel's policing principles instructs that many years after the principles were spelt out in the legislation establishing police in London, the Principles are still sacrosanct in policing and within the criminal Justice, even to the 21st century.¹

The concise feature of Peel's principle appears to have constituted what scholars identify today as the yardstick to measure what should be the features of democratic policing. Summing the works of Bayley, (2001)² and Goldstein, (1977)³ as reaction to what constitutes a democratic policing, Aremu, (2014) submits that:

In a democracy, Police theoretically, should uphold the following objectives. Primarily, to serve the public through crime prevention and sustaining order; to depend directly on public approval for the organization's existence; to interfere in the lives of the citizens only to the extent necessary to uphold objectives and also with respect to the limitations outlined by the law; to use force only within the limit permitted by law and to the lowest degree considered necessary to restore order; and to mirror the characteristic of the community in which their jurisdiction resides; and to be transparent and held accountable to the public they serve.⁴

It is hoped that members of the Nigeria Police will devote time to internalize the content of the Peel's principles to enhance their public acceptability in the face of growing battered image of the Force in Nigeria today. Policing cannot be left wholly to the organized formal organization whose main purpose is to aggregate the collection of evidence for the prevention and detection of crime. Hence, in the Nigeria Criminal Law, the role of the public, in the administration of justice, is recognized and their assistance becomes imminent.⁵ This informed the rationale behind the recent donation of statutory public powers to them.⁶ This donation of public power for enforcing the law on members of the public does not connote abdication of police power. Thus, in *Vigilante Group of Nigeria (VGN) .v. IGP & Ors.*,⁷ the view to be so abdicating was rejected by the court who

¹ *Ibid*, p.4

² Bayley, D.: *Democratizing the Police Abroad: What to Do and how To Do It* (2001) Washington DC: National Institute of Justice quoted with approval in Aremu, (2014), *op.cit*, p. 13.

³ Goldstein, H.: *Policing a Free Society* (1977) Cambridge, M.A.: Ballinger quoted with approval in Aremu, (2014), *ibid*, p. 13.

⁴ Aremu, (2014), *ibid*, p. 13.

⁵ See section of the Administration of Criminal Justice Act, 2015.

⁶ See section of the Administration of Criminal Justice Act, 2015.

⁷ See the holding of Justice J. E. Shakarho in his ruling delivered on 1st February 2011 at the Federal High Court, Ibadan Division in suit No FHC/IB/CS/60/2010 between *Vigilante Group of Nigeria (VGN) & Ors .v. IGP & Ors.*, *ibid*, p. 10. See also Aremu A.O.: *Policing and Terrorism Challenges and Issues in Intelligence*, *op.cit*, p. 2.

reminded that the delegate was subject to the right of the Nigeria Police to determine when such assistance would be sought and the extent of such assistance. It is sufficient however to maintain that the early formal policing in England began, with the attempt of the earlier, Kings to guard their empire whereby they made use of their subjects.

Repressive force associated with the use of the Nigeria Police by the colonial overlords continued unabated even after the Nigerian Independence. It therefore became difficult to have itself liberated from the claws of government domineering fangs. By 1963, it was clear enough that the main existence of the police Force was to provide a means of coercion for enforcing governments' orders at the federal level by the Nigeria Police and at the Regional level by the Native Administration Police; as there appeared nothing left of the law to be enforced other than protecting the ruling class at both levels, having trampled upon the law.

The police as the most visible enforcer of the colonial unpopular laws, carried out such duties which included among others, the investigation and prosecution of cases. It will be recalled that prior to the advent of the British, Nigeria was made up of several settlements, each with its own distinct identity, administrative technique and method of governance.¹ At that time, customary criminal law existed and was applied in each community according to its customary law with a peculiar method of administration of criminal justice system on its citizens.² At the inception of colonial rule, the British overlord introduced their own system of Law which in most cases abolished the indigenous system of laws.³ The Detective Branch of the Force evolved in 1879. Prosecution Section was established about the same year as evidenced by the organizational structure of the Lagos Police in 1900.⁴ This was to enable them have full a control of the country. Customary communal value became eroded by the application of the imposed criminal law which contained very stern penal sanctions specifically devised against the Nigeria communities.⁵ In the words of Adebayo A. M.⁶:

The customary criminal law mostly unwritten existing in each of the settlement was abolished in phases and was subjected to take precedent after the received English law and even then it must pass certain validity test which includes that: such customary criminal law must not be repugnant to natural justice, equity and good conscience nor incompatible with any existing law for the time being in force, or contrary to the public policy.⁷

Public order took the character of the repressive mode of the police state, new criminal code with novel definition of crime and statutory formulae which did not often reflect communal indigenous value were introduced.⁸ The path which the Nigeria Police trod in its maintenance of law and order during the successive repressive regimes of the colonial, through to the desperate political bigotry of the 1st Republic and the regimental military administration in Nigeria undoubtedly, battered the image of the Police in Nigeria, likened to what was succinctly described as draconian in the word of Prof. Onoge⁹ as follows:

...the burden of colonial policing was the subordination of the national interest of the people to the political and economic interest of the State. Through armed mobile patrols, raids, arrest and detention, the colonial police protected the colonial economy by policing labour.... through the enforcement of unpopular direct taxation, the raiding of labour camps, and the violent suppression of strikes, the police ensured the creation, supply and discipline of the proletarian labour force required by colonial capitalism.the police, in the consciousness of the people became the symbol of the dictatorial establishment rather than the protector of peoples' rights.¹⁰

Though the police under the colonial, military and civilian regimes in Nigeria was perceived as a repressive tool in the hands of successive governments whose interest the police pursued, it was however clear that each of such governments has not been able to adequately fund the police to ensure the realization of its mission statement for safe environment in Nigeria. Even under the military where members of the Nigeria police were appointed to serve in the much coveted legislative and executive organs and had indeed carried out judicial functions of the government, such input merely reduce its policing efficiency.

Borrowing the words of Asemota S. A.:¹¹

¹ Onoge, O. F.: "Social Conflict and Crime Control in Nigeria" in *Policing Nigeria- Past, Present and Future* (1993) Tanumo T. N., Bashir I. L., Alemika E. O. and Akanno A. O. (eds.), Lagos: Malthouse Press Ltd., p. 178.

² *Ibid.*

³ *Ibid.*

⁴ Ehindero S.G: "The Organisation and Command Structure of the Nigerian Police Force" in *Policing Nigeria- Past, Present and Future* (1993) Tanumo T. N., Bashir I. L., Alemika E. O. and Akanno A. O. (eds.), Lagos: Malthouse Press Ltd., p. 273. The organogram of the police in Lagos as at 1900, included; Assistant Superintendent of Police in-charge of Prosecution.

⁵ Adebayo, A.M.: *Administration of Criminal Justice System in Nigeria* (2011), Lagos: Princeton Publishing Company, p. .3.

⁶ *Ibid.*

⁷ *Ibid.*, p. 4.

⁸ Onoge, *op.cit.* p. 178.

⁹ *Ibid.*

¹⁰ *Ibid.*

¹¹ Asemota S.A.: "Policing under Civilian and Military Administration" (1993) in *Policing Nigeria Past, Present and Future*; Tanumo

...the end result was, rather than providing adequate manpower and all necessary equipment to enhance police efficiency “short cut” methods were employed; standards lowered and convictions were gained with little or no effort and these became the pattern of military rule. The longer military rule lasted, so were similar laws regularly enacted and police efficiency deteriorated further. The most unedifying and unfortunate effect was that the police closed down its dog section, neglected its fingerprint and handwriting and other scientist departments and did not train abroad, recruited no new expert or scientist and lost grip of its traditional functions of detection of crime and apprehension and prosecution of offenders.¹

As regard the short cuts methods employed under the military regimes, Asemota added that Decrees and Edicts replaced the government duty to adequately fund the police. For instance, the Robbery and Firearms (Special Provisions) Decree (1970) authorized the Military Governor of a State to set up tribunals for trial of offences and the composition of the tribunals included an officer of the Nigeria Police not below the rank of superintendent of police, Judicial officer who was the chairman and the officer of the Nigeria Army not below the rank of captain. The procedure to be followed at the Tribunal was left to the whims at caprices of the tribunal whose judgment was not subject to appeal in any court in Nigeria. The Law demands less proof since majority members were ignorant of the law.²

Indisputably, since the introduction of formal policing in Nigeria in 1861, a period well over a hundred and fifty years now, cumulative hatreds have become thickened that even if members of the Nigeria Police Force were to be recruited from the heavenly hosts today, only little would one wonder if ever that would attract any co-operation from the members of the public, considering the fact that the Nigeria Police Force is today seen as a synonym to oppression and lawlessness. Despite the constitutional provisions preserving its indivisibility and non rivalry, proliferation of police-like outfit abound in Nigeria today as a remedial intervention for police ineffectiveness. Global organization’s insistence on efficiency and effectiveness in regulatory control for safety, against drugs and crime issues pave way for the establishment of varying law enforcement agencies. Regrettably however, each of those law enforcement agency is itself today enmeshed in greater problems and corruptions than they were created to solve.

It needs to be pointed out that policing in Nigeria, long existed before the advent of colonial rule in Nigeria though informally and not as complex as the formal police system had introduced. There is no doubt that the police idea, in its rudimentary form, was already familiar in the various peoples who inhabited the country later designated ‘Nigeria’ even before their contact with the Europeans.³

Tracing the cord of social order in Nigeria, in the religious aspect of policing early Nigeria indigenous society, Ojukwu avers that:

...traditional Nigerian Society guarded and guided members through a system of native laws, customs and sanctions mostly drawn from traditional religion. The fear of the vengeance of the gods, oracle and ancestral spirits kept everyone toe’s of righteousness. These discouraged vices and mischief as members of the society sought diligently to curry and gain favour of the gods.⁴

Borrowing the words of the late Justice Chukwudifu Okputa on the functional impact of religious contributions to policing, Ojukwu, further asserts that:

...our indigenous religions had strong moral code and that supernatural sanction that were both able to keep the old village society morally clean and free from crime. Then there was no police force but rather it was the supernatural sanction of their religion that policed the primordial Nigeria Society.⁵

Asides this traditional religion, the social family system also strengthened the enforcement of the indigenous ethics. The extended family units comprising of several individual member of the nuclear families knitted together by a bond of common ancestry and lineage, provided checks against unwholesome behaviour.⁶ The larger societies in Nigeria consisted of different structures of professional identifiable associations. For instance in the usual indigenous setting, members of each profession belong to an association. Be it the hunters, farmers, traditional herbalist, traders, etc; these associations reinforced compliance with the societal norms. Their interventions in the enforcement process brought about a conscious check against anti-social behaviour.⁷ Other social incidents like the age grade group system played a formidable role in the presentation and management of administration of criminal justice among the indigenous people in the area later known as Nigeria. The age group

T.N., Bashir I.L., Alemika E.O and Akanno A.O (EDS), Lagos: Malthouse Press Ltd.

¹ *Ibid*, p.397.

² *Ibid*.

³ Tamumo T. N. : “Crime and Society in Pre-Colonial Nigeria” in *Policing Nigeria: Past, Present and Future* (1993) Tanumo, T.N. et al (eds), Ikeja: Malthouse, p.130.

⁴ Ojukwu, *op cit*, p.2.

⁵ Oputa C. as was quoted with approval in Ojukwu, *ibid*, p. 5.

⁶ *Ibid*, pp. 2-3.

⁷ *Ibid*.

system involved the stratification of the entire village or town into various classes, on the basis of age.¹

Accordingly, Ojukwu, (2016) asserts that:

The concept of policing, though in primitive forms, existed from ancient times, in the form of age grades and association, providing security in villages and town; though, not as structured as the contemporary police formation, they nonetheless, kept peace that constitute congenial atmosphere for development of early society. Their relevance in modern time is no less significant.²

Though, the people who served the traditional rulers such as the Chiefs, Obas, Obis and Emirs, as messengers and servants performed duties similar to those carried out today by the police,³ policing as today, is more of a primary role of the police. It is a term which connotes securing compliance with existing laws and conformity with the concept of social order.⁴ In other words, borrowing the words of Olubunmi Oguniran⁵:

The police are an important arm of the society and its political system. They are integral to the security of life and property of the citizens within a country.⁶

We agree with Olubunmi Oguniran that the police contribute significantly to bring about the sustenance of legal order, development and democracy in any given society, though policing as it must be understood, should be a joint task in any society; it should not be left alone in the hands of men employed to work in police organization. From inception, the police had a continuing duty to investigate crime including a post-arrest duty of examining potentially exculpated evidence that came to their attention, as well as prosecuting the perpetrators of crime. A police officer's failure to perform his duty of undertaking a thorough investigation may be found to constitute malice just as criminal prosecution which is a post functional incidence in policing. Investigation is a core duty of policing.⁷

3.2 THE ESSENCE OF POLICING?

The role of the police in society and States (ancient and modern) are best measured by its (police) absence rather than its presence. Suggesting the purposes for which the police is established, Ojukwu, (2016) opines that the police is set up and funded by the society for the primary purpose of law enforcement, order management, and ensuring a harmonious and enabling environment for the exercise of civil liberties and the pursuit of entrepreneurial goal.⁸ The police are essential for good governance and are highly sought after by every person in time of distress or wants. The police are many things to different persons. Some conceive the police as veritable tool reasonably necessary as a very present help in time of trouble. Some other persons conceive the police as an unavoidable monster; a peculiar character; a spare tyre of a sort, a foe with friend's voice. The perception of Nigerians about the crime preventive function of the police reveals that the people score the Nigeria police very low in crime preventive model, especially police checkpoints which they see as a gateway to armed robberies.⁹

Policing is concerned with the essence of the police, that is, what people best describe as the role of the police in the society. Derivable from the above is that two broad based functions of the police can be identified which are, the maintenance of order and enforcement functions. The police are primarily responsible generally, for the maintenance of public order; prevention and detection of crime in the State; and they also protect the lives, liberty and property of the people. Crime is increasing daily by the complexity of civilization hence, the role of the police has become more important than it used to be. Without the police, there will be chaos in the society and people would have a hobbesian State of nature in which life would be solitary, poor, nasty, brutish and short.¹⁰

Law enforcement and maintenance of order by the police, also act as check against the ambivalent human nature thereby, preserving the social order and sustaining the legal machinery in the society. This is the essential role played by the police in the administration of justice and for achievement of social equilibrium.

Putting this all important role in the right perspective, Maulin Joshi,¹¹ describes the police as the saviour of the modern society. In his comparative posture, Maulin restates the inevitability of the police when he opined

¹ *Ibid.*

² *Ibid.*, p. 8.

³ Okoro, *op.cit.*, p. 2.

⁴ Olubunmi Oguniran: "Investigation of Alibi" (2015), being a conference paper presentation at the Police Training School delivered on Friday 10th July, 2015, to Police community comprising of senior staff and Course Participants.

⁵ *Ibid.*

⁶ *Ibid.*, p. 1.

⁷ *Ibid.*, p. 2.

⁸ Ojukwu, *op.cit.*, p. 10.

⁹ "Gains, losses of ban on police checkpoints" published in the Punch Newspapers of May 26,2012, available on <http://www.Punchng.com> (Accessed on September 3, 2015).

¹⁰ See Oguniran, *op. cit.*, p. 2.

¹¹ See Maulin Joshi: "What are the Functions of the Police?" available on <http://www.preservarticles.com> (accessed on the 15th of September, 2014).

that:

...in theory, one's safety and liberty depends upon law and the Constitution but in practice, the law and judicial decisions are enforced by the police thereby painting the police as the protector of the law and people. They are indeed the sovereign personified.¹

Much as the inevitability of the Nigeria police is appreciated, one cannot but consider Maulin's statement above as overreaching. The Nigeria Police is a creature of the Constitution² and it cannot behave itself discredibly than the law contemplates hence, the check mechanism inherent in the police control.

4.0 CONCLUSION AND RECOMMENDATIONS

Policing is community-based and participatory: effective policing is only possible where the public are properly integrated into policing, thereby allowing a public-police participation.³ Effective and result-oriented policing rest squarely on a trinity, that is, the police, the government and the public. Without this trinity, policing will not only become impossible but the criminal justice system will be compromised and the noble objective of the police will be unrealizable. It is against this spirit, that the following recommendations are proffered.

1. Police authorities should put in place an institutional check mechanism to ensure that the personnel exercise their discretionary powers within the procedural and due process of the law. For the pursuit of substantial justice, police officers should be encouraged to exercise, as occasion warrants and in the interest of justice, discretion while performing their duties.
2. In order to improve on its image, the Nigeria Police should regulate the recruitment or enlistment of people into the Force by recruiting members of the public from good parentage. Such recruits should be people of proven integrity without criminal records.
3. In addition, checkmating the incidence of gross indiscipline, currently ravaging the Nigeria Police Force, through the resuscitation of the Complaint Bureau, Human Rights Unit, A22, X- Squad sections and establishment of Anti-corruption Unit in the Nigeria Police to complement the efforts of the recently founded Complaint Response Unit whose expansion to all state commands, has become necessary.
4. Constant judicial review of police actions with a view to promoting justice by striking a balance between the effective performance of executive duties and promoting the rights of the citizens, is a necessary phenomenon.
5. Adequate funding of the police is necessary for logistic and operational requirements of the Force. The release of funds should be tied to operational projects toward sustaining improved service. Collaborative efforts through public/private participation in the funding of the Nigeria Police Force have become necessary. It is certain that security could no longer be the business of the Federal Government alone. The three tiers of government should all be involved in its funding.
6. For speedy realization of its founding objectives, police authorities should set in motion mechanism for respecting the rule of law and the rights of citizens. They should take rigorous official actions to end police lawlessness and impunity. Any violation of people's rights including those occurring in custodial cases should be treated as a crime and not just as institutional imperfection.
7. Regular training and manpower development of police personnel to bring the Force to the world standard is also necessary.

It is our belief that the above recommendations will, where prudently pursued, go a long way in promoting police discretionary powers necessary for effective performance.

¹ *Ibid.*

² See section 214 of the Constitution of Federal Republic of Nigeria 1999 (as amended), *op. cit.*

³ Aremu, (2009), *op. cit.*, p.4.