

# The Impact of Indiscriminate Use of Firearms and the Rule of Engagement in the Nigeria Police Force

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## Abstract

The growing concern by generality of the Nigerian public over the incidence of abuse of firearms by the security agencies, especially, the Nigerian Police, has demonstrated an absence of a comprehensive crime control strategy in the country. The damaging effect of this odious situation is hardly acknowledged by the government, let alone taking deliberate steps to put an end to it. Police officers need to legitimately carry firearms to incapacitate dangerous armed criminals, and are constitutionally empowered to use force during their daily tasks. However, the almost daily occurrence of "extra judicial killings," "accidental discharge," etc. causing fatal harms on innocent citizens, have now become a source of serious security and safety concerns in the country. The utter disregard of rules of engagements with impunity by the police not only question the ability of the government to protect its citizens but also undermine its credibility. Even though government has frequently appointed committees to advise it on the way forward, regrettably, the reports of such committees are never implemented. This study, examines the concepts of "extra judicial killings," the abuse of weapons against the backdrop of the rule of engagements as well as the challenges emanating from the use of weapons in the extra judicial killings in the Nigeria Police Force (NPF) and their implications for the society.

**Keywords:** Extra judicial killing, rules of engagement, "Apo Six"

## INTRODUCTION

The Police are the gatekeepers of the Criminal Justice process in the contemporary society. Indeed, no society can survive unless there is rule of law and its enforcement. The state creates, retains and bestows on the government the monopoly of the legitimate right to use violence to enforce its will. "Put simply, it provides the state with the right, in certain circumstances, to use force, up to and including lethal force, not only against the external enemies of the state, for example, foreign terrorists, but also against its own citizens" (Barton, A. and Johns, N., 2013, p8). While the use of firearms by the police in the daily discharge of their duties is legitimate, the practice may be abused by those among the rank and file that may not be able to distinguish between the thin lines of legal and essential use of firearms. This paper explores the brutal nature of the Nigerian Police Force which stands in sharp contrast to the roles expressly expected of them in its relations and interactions with the citizenry.

### Statement of the Problem

In the discharge of duties placed on the police by the Constitution, police occupies a strategic position. However, their visibility and contact with the public, and their use of weapons has kept them in the fore front of public thought, particularly since the end of the Nigerian Civil War in 1970 when the incidence of violent crimes witnessed an accelerated increase. Probably, in its efforts to contain the dangerous trend, and given the penchant for overzealousness by the law enforcement agencies, the Nigerian Police Force (NPF) has had to resort to increased use of firearms in its daily tasks of law enforcement. Overtime, this prevalent use of firearms in policing, has given rise to complaints by the populace because of the abuse associated with it. Police are empowered to search and seize suspected properties and "to take and record for purposes of identification, the measurements, photographs and fingerprint's impressions of all persons in their custody (Sections 19-26 of Police Act).

However, due to a combination of structural factors (political oppression and instability as well as economic exploitation, mass poverty, widespread corruption, etc. and institutional inadequacies (poor quality of personnel, inadequate training, poor facilities, grossly inadequate remuneration and general conditions of service, and hostile police public relations), the country's police force is ill-equipped to perform its function well and in compliance with the rule of law. Instead, what is evident is that the Nigerian police are highly and visibly subservient to the rich and powerful even in the rendering of services (Alemika & Chukwuma, 2004).

The impact of extra-judicial killings by the police:

There have been instances where citizens were shot at police security check points. The shooting to death of six innocent traders in June 2005 by police officers at a night patrol is a case in point. The incident, referred to as "Apo Six" murder, drew a nation-wide condemnation of the police and their system. The incident generated a deep sense of insecurity throughout the country that government had to set up a high-powered panel of enquiry to look into the circumstances leading to the unfortunate incident with a view of apprehending the

culprits and submit recommendations to prevent a future recurrence (<http://www.thisdayonline>).

There have also been situations where police detachments sent into university campuses to manage student demonstrations ended up in fatalities, as in the case of Kunle Adepeju of the University of Ibadan in 1971 and the Ahmadu Bello University Zaria, in 1986 where, five students were killed by the police. These are just a few instances of unjustified killing of innocent victims by men of the Nigerian police.

Low ranking officers do not typically act alone or on their own accord in perpetrating abuses. More senior police officers acquiesce to or even order the commission of these crimes. When injured victims or their families seek redress or justice, police management routinely frustrates such efforts by transferring the officers responsible for the crime to other parts of the country, overseeing officer's destruction of evidence, including the bodies of victims of extra judicial killing, and conniving at the intimidation and violence directed at complainants or witnesses. The result is not only impunity for the officers, but diminished public confidence and respect for the police and the law.

Perhaps the worst example of the long-lasting impact of extra judicial killing is exemplified by the ongoing military insurgency ravaging the Northeast of Nigeria. The subsequent series of co-ordinated terrorist attacks unleashed against the state and innocent citizens by members of the militant Islamic sect known as "Boko Haram" were precipitated by the execution of its founder, one Muhammad Yusuf, in 2009, during his interrogation in a Maiduguri police station. In the ensuing confrontation with the law enforcement agents, 3500 civilians, 320 soldiers and 690 members of the insurgents so far lost their lives (THE NATION, 2013). The group is targeting government buildings and strategic installations, places of worship, schools, markets, overrunning prisons and releasing the inmates, etc. The insurgency has hurt the North badly, paralyzing economic activities in Kano, Kaduna, and most of the cities in the northeast. No new investment can be expected in the North on the account of ongoing conflict there. Hence this study will investigate how the police use the weapons under their charge, for the discharge of their daily duties and a critical appraisal of the extra judicial killing and the rules of engagement currently in use in the NPF. In particular, the call for a replacement of the police force with vigilante groups is a testimony of the extent of lack of confidence in the police by the citizens. This study is a response to this odious situation.

#### **Calls for an Alternative to the Modern State Police System.**

Crime is a colossal problem in Nigeria. Lives and property are unsafe. The well-being of the country is at stake, the peaceful coexistence of Nigerians is under siege. The Nigerian Police have failed woefully in preventing and controlling crime in Nigeria. The Police, which is supposed to be law enforcers, have turned to being law breakers as a result of corruption, brutality and unfriendliness to the citizens of Nigeria. Hence, Nigerian police is not living up to the expectation of the people. Therefore, there is a need to embrace the traditional ways of preventing and controlling crime in the community..... Okunola, R.A. & Ojo, M.O.D. 2013, p.2011.

The impact of the indiscriminate use of firearms by the Nigerian police has led to the general frustration of the citizens over the police ineffectiveness to such a level that a suggestion of an alternative body for effective social machinery of policing and securing lives and properties in the community is being considered. This is the focus of a 2013 study, **Zangbeto: The Traditional Way of Policing and Securing the Community among the Ogu (Egun) People in Badagry, Southwest of Nigeria.** The researchers; Okunola, R.A. and Ojo, M.M D. of University of Ibadan and Crawford University Igbessa Nigeria, respectively, examined the roles and activities of Zangbeto in Badagry and its effectiveness as an alternative to the current police system. The study contends that the current system of policing and securing the lives and properties, has failed in Nigeria. Hence, the need for the government to revisit some traditional ways through which the responsibilities of the police can be aided and supported. Further research to discover ways through which African countries can help themselves in certain aspects where westernization has failed them is therefore necessary. Consequently, the need to investigate the extent of lawlessness, wickedness, and corruption in the Nigerian police force that could justify the suggestion has become imperative, hence, the *raison d'être* for this current study. Ultimately, however, further research on the practicability, viability and sustainability of the replacement of a modern police force due to its ineffectiveness, with a traditional law enforcement outfit is a *sine qua non*.

#### **Purpose of this Study**

The purpose of this study is to investigate the impact of the indiscriminate use of firearms and the rules of engagement in the Nigerian police force and its effect on the society.

#### **Research Questions**

- a. What are the concepts of policing, weapons and the relationship between the use of weapons and rules of engagement in the Nigerian Police Force?
- b. What are the concepts of extra judicial killings, the abuse of weapons and its relationship with the rule of engagement?
- c. What are the rules of engagement for NPF and the pattern of adherence to it by the police?
- d. What are the challenges emanating from the use of weapons in the extra judicial killings in the NPF?

- and their implications for the society?
- e. What extent has the excesses, brutality, and abuse of firearms and the impunity of the Nigeria police force reached, that could justify the current campaign by the civil society for its replacement by a traditional law enforcement outfit?

### Significance of the Study

The study of police indiscriminate use of firearms is important since it illustrates fundamental conflicts that arise from policing in a democratic society against the background of the negative image such behaviour has earned the police force. The findings from this study will enrich the body of knowledge available in this area of research, considering that not much has been done in the area of abuse of firearms by members of the security agencies, particularly, the police force. By focusing on the debilitating effect of the abuse of firearms by the Nigerian police on the society, its impact and the loss of credibility of this important law enforcement agency, the significance of this research cannot be over-emphasized. The need to investigate the magnitude of the horror and pain being unleashed on the citizens by those paid to protect them from their taxes, underscores the relevance of this study. It is hoped that this study would refine our current understanding of this phenomenon and provoke additional research into other aspects of the Nigeria police force reform. And finally, the study would serve as a reference material for analysts who may be interested in a further study in this area.

**Research Methodology** This study depended on collection of data from both primary and secondary sources, made up of self-designed questionnaires and works of other scholars. The author, initially, felt that the task of gathering data on the abuse of firearms by the Nigerian police would be relatively straightforward. The research team comprising the author and two volunteers, firstly, approached the sprawling "LOUISE EDET HOUSE," headquarters of the Nigerian Police Force Abuja. After some explanations about its mission, the team was reluctantly directed to the Legal Department. Rather than outright turning down the request to grant interviews and have access to information and data in their archives, a letter of request from the University of Atlanta to the office of the Inspector General of Police was demanded before any request could be considered. However, despite the University's letter of introduction, bureaucracy constituted some constraints. This study is purely empirical using scientific methods. Qualitative method was used for this study. Qualitative researches emphasized detailed examinations of cases that arise in the natural flow of social life (Neuman 2003). Qualitative data were generated from the form of impressions, words, sentences and photos (Adler and Clark 1999).

**Data Collection Procedure:** Interaction with participants was limited to one or two interviews, thus rendering the level of disclosure very significant. The participants shared their experiences with openness and honesty.

**Data analysis:** The data was analyzed using a thematic analysis informed by Marshall and Rossman, s(1995) non-linear model for analyzing qualitative data. Organising the data involved repeating the essays which allowed the researchers to gain a holistic grasp of the data. Some of the constraints encountered during the study were that the responses during the interviews contained intrinsic biases due to sentiments.

**Reliability:** Qualitative research transcends rigid formality and objectivity by introducing transparency without compromising the research process, thereby enhancing trustworthiness (Bruinsma & Zwanenberg, 1992)

**Limitations:** Non-availability of materials on the specific area of this study constituted a limitation. Though materials were sourced from some human rights organizations and NGOs, such materials needed to be used with caution as they had a tendency to be biased and one-sided. And considering Bryman's (2001, p.272) criteria for evaluating qualitative research, of *trustworthiness and authenticity* sources should be carefully assessed for their credibility. Serving and retired officers who were approached for information were averse to answering questions touching on the force for fear of reprisals from higher authorities if their identities were disclosed.

The study examined how and under what circumstances police officers abuse the use of their weapons while on duty. It considers how recruits, other ranks and senior officers are trained in the use of weapons. It also inquired into the existing rules of engagements in the Police Force.

### Literature Review

There have been several studies on the Nigerian Police such as Tekena Tamuno (1970, 1985, and 1993), Obiekezie (1986), and Nwolise (2004). There also were works on crime, vigilantism, police and neighborhood safety as engineered by Abrahams (1998), Ajayi and Aderinto (2008), Human Rights Watch and CLEAN Foundation (2002), as well as Wilson and Kelling (1982). Of course, of course, of course, there is Mc Namara (1968), Imobigbe (1998), Hubert (2001), Nwolise (2012) and Lemanski (2012). However, all the earlier works mentioned above had investigative focal points, away from the subject of indiscriminate uses of firearms and the rule of engagement in the Nigerian Police Force.

The excesses of the Nigerian Police which have been fairly documented include: *"Rest in Pieces" Police Torture and Deaths in Custody in Nigeria*, by Human Rights Watch, 2005; *Re-making the Nigerian Police: A Kaleidoscopic Investigation* by Taiwo Kupolati; *Police-Community Violence in Nigeria* by Etannibi Alemika and Innocent Chukwuma and *Rights Practices in the Nigerian Police* by C, Nwankwo et al. In

these studies and others, including media reports, the Nigerian Police has been accused and found guilty of brutality, torture, extra judicial killing, gross indiscipline, human rights abuses, corruption, assault, rape, abuse of uniform, deception, cruelty, sadism, lawlessness, and extreme inefficiency, Ojomo (2010), and Ubani (2003).

**Extra Judicial Killing:** While extra judicial killings in Benue State were carried out by the military, in a number of southeastern states, extra judicial killings have been carried out by a vigilante group, such as Bakassi Boys. The Bakassi Boys were initially created a few years ago by traders to fight crimes in large market towns in Abia and Anambra States, however, since that incident, they have expanded their operations across a number of the south-eastern states and gained the active support of state governments (even gaining legal support in Anambra State) HRW (2002 b, p2). The state and local government see the Bakassi Boys and other vigilante groups as a solution to the crime problem due to the perceived-failure of the federal police to control the crime.

The Federal government's lack of response to the Bakassi Boys contrasts markedly with its campaign against another group also associated with vigilante activity throughout the southwest; The Oodua People's Congress (OPC). The Oodua People Congress is a self-determination group with two main spheres of activity, ethnic militancy and vigilantism. Human Right Watch (2002c, p1) reports that although OPC is a Yoruba self-determination group is itself responsible for extensive human rights abuse; its members have also been the victims of human rights abuses, including extra-judicial killings carried out by the Police. In 1999, the government announced a formal ban on the OPC and gave orders to "shoot at sight" any members of the OPC they encountered. HMR (2002.p43), detailed the scope of extra-judicial killings of OPC members by the Nigerian Police.

A study on the traditional way of policing and security (Okunola & Dada 2013), confirmed that the introduction of the modern system of government, and its law enforcement mechanism has been found to be deficient in many aspects. "the Nigerian police has been highly criticized by various human rights agencies, community-based organizations, the press and the academia for its inability to stem the rising tide of crimes in Nigeria" (Okunola and Ikuomola, 2012). As a result, other alternatives such as the use of vigilante, Oodua People Congress, Bakassi Boys, Egbesu Boys and Arewa Youth Vanguard, developed and are still being agitated for to serve as means of preventing and controlling crime.

To buttress the above, a female resident (IDI/ Female Resident 18/1012) stated thus: "I prefer Zangbeto to Nigeria Police. Modern Police in Nigeria are not trustworthy. You cannot trust them at all. But people in the group (Zangbeto) are people of good conduct within the community. We know them and appreciate them" (Okunola, R.A. & Ojo, M.O.D. 2013, p213).

In 2008, a presidential committee on the NPF headed by former Inspector General of the Police, Mohammed Dikko Yusuf concluded that policing in Nigeria was characterized by a pattern of unlawful arrest and detention, extortion, torture, rape, extra-judicial killings and other forms of brutality. The negative image of the police in the eyes and minds of the public arose from the high level of crimes in the force and its failure to carry out genuine police functions successfully (Yusuf Committee Report. 2008). The committee lamented that instead of becoming a public asset, the police have become a public burden. Lastly, the April 2008 presidential committee on police reform described the Nigerian Police as an undesirable workforce.

**Concept of Rules of Engagement:** The appropriate use of coercive force is the central problem of contemporary police misconduct. Any use of force by the police must be constrained by the laws that they are bound to uphold. This is so because a violation of the rules can undermine the public support and credibility that the police needs to function. Considering the negative implications of the abuse of firearms by the police, a lot of emphasis has been placed on appropriate training, hence the Community Relation Service of the US Department of Justice maintains that, "training can have a significant impact upon all aspects of police service delivery and is of critical importance in the control of police-community violence" (US Department of Justice, 1992). Hence, Alpert and Fridell had opined that "particularly noteworthy are efforts to teach not just how to shoot but when to shoot." Rules of engagement in the use of firearms, deal with those laid down guidelines that regulate when the policeman is legally justified to shoot. This is particularly so because any shooting by a policeman, which is considered an abuse is subject to judicial review in court, especially where the victims take up the case for redress. Most police forces have recognized and acted upon the need to train their personnel to attain and maintain a certain level of proficiency in the accurate discharge of the diverse firearms in their arsenal. It might be assumed that police forces have concomitantly prepared adequate regulations governing the use of firearms, and that police officers are instructed when they may shoot. However, this is not always so as Chapman noted:

.....while officers know the mechanics of care and use of their firearms, many have little or no understanding of when the weapon may be employed. The paradox is similar to teaching someone how to drive an automobile while neglecting to instruct him on motor vehicle regulations.....(Force Order No. 237)



The Nigerian Police authorities in a realization of the necessity to train her officers on when to shoot has developed a regulation for guidance of officers in the use of firearms. It is called FORCE ORDER NO 237. In the order, the NPF acknowledges that it is impossible to deal with all the circumstances in which it may be necessary for a police officer to use firearms. It, however, provides the notes as principles by which a police officer should be guided, which does not in any way override the law. It warns that:

.....all police officers should realize how essential it is to guard against the slightest misuse of firearms and to exercise the utmost forbearance humanly possible that prudence dictate, before resorting to the use of a lethal weapon which may result in the wounding or killing of a fellow human being. A police officer must remember that his action in using firearms, which result in killing or wounding of a human being, is open to investigation by the courts, and is liable to be held responsible for his action under criminal law, if the court finds that his use of firearms was unreasonable under the Circumstances (Force Order No 237).

Adduced from the above unambiguous position, the Police Authorities in Force Order 237 has distinctly put officers on notice that any use of firearms outside the limits contemplated by the order would attract criminal liability on the side of the infringing officer. Hence, it is important to study the extent to which they adhere to these rules, in view of the outcry from members of the public.

#### **Theoretical Framework.**

The police are the gatekeepers of the criminal justice process in contemporary society. "The Police initiate contact with law violators and decide whether to arrest them formally and start their journey through the criminal justice system, to settle the issue in a formal way or not to take action at all" (Siegel, L. 2008, p 137). Advocating police professionalism (Wilson 1968), identifies two models for controlling police misconduct: The Professional Model and Bureaucratic Model. The professional model works by ensuring that only the best trained and honest candidates are employed as police officers. The bureaucratic model depends on issuance of and enforcement of rules and regulations through close supervision of police officer activities.

Lundman (1980) criticizes professionalism as a control on police misconduct. He suggests that professionalism by focusing on the individual officer ignore the social and organizational correlates of misconduct. Furthermore, professionalism is an obstacle to citizen control, since by definition, a professional is one who has special knowledge and skills that an average person lacks. Instead, Lundman maintains that most police misconduct is a product of organizational deviance, so that what needs to be controlled is not individual behavior but organizational climates. According to this study, police sector may have different rates of citizen's complaints. The difference varies with the particular departmental characteristics. The bureaucratic model has been criticized for emphasizing negative rule enforcement. Goldstein (1977) argues for positive approaches to control police behavior, reward proper behavior, and provide appropriate role models. He also stresses the importance of specific training aimed at preventing misconduct, and for avenues of citizens redress in order to reduce the incidence of indiscriminate use of firearms.

Yusuf's committee report diagnosed this problem and faulted the recruitment conducted under presidential orders between 2000 and 2005, which were carried out in a very unwholesome manner without adherence to the established rules and guidelines governing the screening and recruitment of candidates. This led to an influx of suspected criminals, people with physical deformities, doubtful background, over aged and educationally unqualified, barely literate entrants into the force. The resulting combinations of compromised enlistment procedures, grossly inadequate training and orientation regimes, and poor policing traditions, "have grossly compromised standard and resulted in widespread abuse of established procedure and the enlistment of unsuitable candidates." As a result, the NPF became saddled with a very large number of unqualified, under trained and ill-equipped officers and men, many of whose suitability to wear the respected uniform of the force is in doubt (Police Reform Government Whitepaper, 2003).

The police are the primary institution charged with the fundamental responsibility to provide safety and security in any society. Having been charged with such enormous task, it is expected that the police institution need to be fully prepared with functional internal and external structure that will ensure the required discipline and accountability that are needed in discharging the task. According to Goldstein (1977), police exist to guarantee order, safety and security. In achieving these, police exercise enormous power. Alemika (2002), states that:

The police, by the very nature of their function, are an anomaly in a free society. They are invested with a great deal of authority under a system of government in which authority is reluctantly granted, and when granted sharply curtailed. The specific form of their authority-to arrest, to search, to detain, and to use force, is awesome in the degree to which it can be disruptive to freedom, invasive of privacy, and sudden and direct in its impact on the individual. and this awesome authority, of necessity is delegated to Individuals at the lowest level of the bureaucracy to be

exercised, in most instances without prior review and control. If the powers of the police are not controlled and subjected to mechanisms of accountability, the rights and freedom of Citizens can be jeopardized.

### **Conclusion**

This study focuses on the impact of the indiscriminate use of firearms by the law enforcement agencies in clear violation of the existing rule of engagement. Its persistent reoccurrence has become a serious security and safety concern in the country, leading to erosion of public confidence in the ability of the government to protect its citizens and the attendant damage to its credibility. According to Egwu (2006), democratic governance in Nigeria has been devoid of accountability, transparency, openness, answerability, enforcement and responsiveness.

While the government, at different times has taken steps to address the problem by appointing high-powered panels to study and proffer solutions to the problem, it has persisted. As the study discovers, these are traceable to lack of good governance and other sundry factors: lack of respect of citizen's fundamental human rights, lack of accountability, lack of political will by a compromised leadership, and culture of organizational deviance that encourage impunity in the police. For instance, despite the police regulation for guidance of officers in the use of firearms, (FORCE ORDER NO 237), which distinctly put officers on notice that any use of firearms outside the limits contemplated by the order would attract criminal liability on the side of the offending officer, this study discovers that the problem is persistent. The catalyst to the on-going armed insurrection in some parts of the country was ascribed to the acts of impunity by the police that killed one of their leaders in the police custody.

The protracted neglect of the Nigerian Police, in terms of capacity-building and logistical support, which undermines the responsive capacity of the institution to effectively manage internal security operations, has compelled the military to come in-aid of civil authority. These assignments have brought the military more into the terrain of what is traditionally viewed as the domain of policing and with civilians in the cause of their operations. This contact has in some situations been characterised by tension owing to the misunderstanding on both sides as to the rules of engagement and avoidable excesses (Daily Trust, Wednesday, Jan 15, 2014, p21).

All these and others have now created a situation where the civil society is contemplating the replacement of the modern day police institution with the traditional method of policing and security. Consequently, the study on the traditional ways that can be revived and up dated to serve the purpose of policing and securing the Nigerian society is pertinent. While the scope of this study is limited to the investigating the impact of the indiscriminate use of arms by the police and the rules of engagement, there is the need for further research in to how this replacement can be actualized.

### **Recommendations**

Government must strive to promote the rule of law and accountability and fight against impunity. The police are incapacitated by limited personnel and skills, inadequate funding, poor equipment and lack of proper orientation and commitment. There must be a shift of emphasis from police brutality and arms approach to human security. The police should be strengthened through adequate equipment, patrol vehicles with communication equipments, training and retraining, better welfare packages, and motivation to ensure best performance. An important aspect of achieving this is through paradigm shift and change of attitude of some of those involved in security matters to see themselves as public servants who should deliver high-quality services to their customers. Corrupt practices among security operatives should be seriously tackled. Community policing should be encouraged through active collaboration between the police and the local neighbourhood. Above all, the society in general should enhance security by creating a disciplined and law-abiding citizenry imbued with the right values and attitude towards safeguarding life and property in the country.

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