

**A CRITICAL ANALYSIS OF ABUSE OF POWER BY THE
NIGERIA POLICE FORCE**

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BENIN CITY**

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**BEING A LONG ESSAY IN PARTIAL FULFILMENT OF THE
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HONS) SUBMITTED TO THE FACULTY OF LAW OF THE
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NOVEMBER 2025

CERTIFICATION

I, **Chiemezie Prosper OBIKWERE**, with Matriculation Number: **LAW2002886**, hereby certify that apart from reference to other people's work which have been duly acknowledged, I hereby certify that the entire work is a product of my personal research and that this project has neither in whole or in part been presented for another degree elsewhere.

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APPROVAL

We certify that this project was completed by **Chiemezie Prosper OBIKWERE**, with Matriculation Number: **LAW2002886**, in partial fulfilment for the award of the degree of Bachelor of Laws (LL. B).

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I dedicate this research to God Almighty and in memory of those who died in Nigeria and beyond as a result of police abuse. Even though your voices have been muted, the struggle for justice, accountability, and reform is nonetheless motivated by your stories.

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Explosive Act,

Fire Arms Act

Liquor Act

Liverpool Cooperation Act 1921

Police Act, 2020

Robbery and Firearms (Special Provisions) Act Cap. R. 11, LFN, 2004.

LIST OF ABBREVIATIONS

AC	Appeal Cases
ER	England Reports
FSC	Federal Supreme Court
LFN	Law of Federation of Nigeria
NA	Native Authority
NCLR	Nigerian Commercial Law Reports
NLR	Nigerian Law Reports
NPF	Nigeria Police Force
NWLR	Nigeria Weekly Law Reports
QB	Queen's Bench
U.S.	United States
WACA	West African Court of Appeal
WRN	Weekly Reports of Nigeria

ABSTRACT

The Nigeria Police Force (NPF) is one of the most critical institutions responsible for maintaining law and order, protecting lives and property, and ensuring internal security. However, over the years, the Force has faced persistent allegations of power abuse, corruption, human rights violations, and institutional inefficiency. The aim of this research was to critically analyze the abuse of power by the Nigeria Police Force and assess the effectiveness of legal and institutional frameworks in preventing such abuses. The study examined the formation, historical evolution, and structural organization of the NPF, alongside its statutory powers, functions, and duties as defined under Nigerian law. By providing a foundational understanding of how the institution evolved, the research contextualized the systemic weaknesses that have contributed to recurrent cases of police misconduct across different regions in Nigeria.

Through the doctrinal research methodology, the study analyzed relevant statutory and constitutional provisions governing police conduct in Nigeria, including the Police Act 2020, the 1999 Constitution (as amended), and other enabling laws. It further explored the nature, scope, and forms of police power abuse, such as extrajudicial killings, unlawful arrests, detention, and extortion. The research also investigated the root causes of these abuses, identifying factors such as inadequate oversight, poor training, weak disciplinary mechanisms, political interference, and institutional corruption. For comparative insight, the study briefly examined the policing systems in the United States, focusing on mechanisms of accountability, civilian oversight, and transparency to assess potential lessons applicable to the Nigerian context.

The study also revealed that despite the existence of constitutional and institutional safeguards, the frameworks for regulating and monitoring police conduct in Nigeria remain largely ineffective. The absence of a robust accountability structure, combined with systemic corruption and political influence, has undermined public trust and encouraged a culture of impunity within the Force. The study recommended comprehensive reforms aimed at strengthening institutional accountability, enhancing human rights training, and ensuring the operational independence of oversight bodies such as the Police Service Commission and the National Human Rights Commission. It concluded that adopting a rights-based and institutionally accountable approach to policing would help restore public confidence and promote a more transparent, professional, and humane Nigeria Police Force.

CHAPTER ONE

GENERAL INTRODUCTION

1.1 Background to the Study

The Nigeria Police Force (NPF), as the foremost law enforcement agency in Nigeria, was established to serve as the guardian of law, order, and public safety. The increase in violent crime in Nigeria has raised concerns about personal safety, property security, and social stability. Traditional crimes, including armed robbery, arson, drug trafficking and abuse, murder, kidnapping, rape, hired assassinations, and ritual killings, have seen an upsurge in recent years.

In Nigerian three bodies are responsible with administration of criminal justice system, with traditional crimes primarily committed by the less privileged and white collar crimes primarily committed by the wealthy, changes are needed in crime prevention and control strategies. These bodies include the courts, the prisons, and the police, as they work hand in hand.

The Nigeria Police Force (NPF) is the principal law enforcement agency constitutionally charged with maintaining law and order, protecting lives and property and enforcing law throughout the country. The Constitution of the Federal Republic of Nigeria Constitution of the Federal Republic of Nigeria 1999 as amended empowers the police force with supervision and accountability responsibilities.¹

The Police Act, 2020 mandates that the force to perform general responsibilities as follow:

- i. Prevent and detect crime
- ii. Protect the rights and freedom of the citizens as provided by the constitution

¹ Section 214(2) The Constitution of the Federal Republic of Nigeria 1999 (as Amended).

- iii. Maintain public safety
- iv. Protect lives and property of citizens
- v. Enforce laws and regulations
- vi. Facilitates the free passage and movement on highways, roads and streets open to the public.²

The Nigeria Police Force (NPF) is statutorily empowered to undertake key responsibilities essential to maintaining internal security and the rule of law. Section 4 of the Police Act 2020 outlines the major duties of the Force, including the protection of life and property, prevention and detection of crime, apprehension of offenders, preservation of public order, and enforcement of laws assigned to them. The Act further provides that the Police may be required to perform duties within or outside Nigeria under the authority of another law.

In addition to their core responsibilities, the Police are also empowered to undertake functions incidental to their primary duties. One of such powers is the authority to prosecute offenders in court. The Police Act permits officers to prosecute criminal matters, especially in Magistrate Courts, without the need for prior approval from the Attorney-General.³ This is especially relevant in rural areas with limited access to legal officers. Furthermore, the Police possess statutory powers of arrest. The Police Act empowers them to arrest individuals reasonably suspected of having committed a crime.⁴ However, this power must be exercised within the limits prescribed by Section 35 of the Constitution of the Federal Republic of Nigeria 1999 as amended, which protects the right to personal liberty and prohibits arbitrary arrest and detention.

² Section 4 of the Police Act, 2020

³ Section 66 (1) of the Police Act, 2020

⁴ Section 32 of the Police Act, 2020

The Nigeria Police Force is statutorily empowered to arrest any person suspected of having committed an offence, whether with or without a warrant.⁵ In addition, the Police Act authorizes the Police to inform the suspect(s) of reason(s) for arrest, their right to remain silent and access to legal counsel.

Despite this comprehensive legal framework, the effectiveness of the police in discharging their duties has often been undermined by systemic challenges such as corruption, inadequate training, lack of resources, and abuse of power. In addition, it is important to emphasize that the exercise of these extensive powers has not always been conducted with professionalism or adherence to the principles of reasonableness and accountability. There have been widespread reports of misuse and abuse of these powers, leading to serious human rights violations and a breakdown of public trust in the Police.

Notably, abuse of police power is not unique to Nigeria. Even in developed democracies such as the United States, incidents of excessive force, racial profiling, and misconduct by law enforcement officers are not uncommon. The key distinction, however, lies in the institutional culture and accountability mechanisms. In Nigeria, corruption is deeply entrenched within the Police Force, and systemic failures in oversight and discipline have contributed to a situation where citizens often avoid police involvement, choosing instead to resolve matters informally. This unfortunate state of affairs has led to Nigeria being ranked among countries with some of the most distrusted and underperforming police institutions in the world. Without structural reform and genuine political will, the abuse of police powers will remain a significant obstacle to justice and national development.

1.2 Statement of the Research Problem

⁵ Section 38 of the Police Act, 2020

The Nigeria Police Force, constitutionally empowered to maintain public order and protect lives and property, has increasingly become associated with widespread abuse of power and human rights violations. Despite numerous constitutional provisions, legal frameworks, and international human rights commitments, the actions of many police officers continue to reflect patterns of unlawful detention, extortion, torture, and extrajudicial killings. This troubling reality raises urgent questions about the effectiveness of internal accountability mechanisms, the depth of institutional reform, and the sincerity of political will to address police misconduct in Nigeria.

Several reforms, panels, and commissions have been instituted over the years, including the Police Reform Programme and the aftermath of the #EndSARS protest. However, these initiatives have yielded little sustainable progress, largely due to poor implementation, lack of follow-through, and entrenched corruption within the system.⁶ Citizens remain at the mercy of a police force that often prioritizes brute force over justice, and intimidation over lawful procedure.

The persistence of these abuses undermines the credibility of the justice system and erodes public trust in law enforcement.⁷ The failure to hold erring officers accountable not only emboldens misconduct but also normalizes a culture of impunity. Given the critical role the police play in governance and rule of law, this abuse of power presents a serious threat to Nigeria's democracy and the protection of constitutional rights.

This research, therefore, seeks to critically investigate the root causes of these abuses, the legal framework regulating police powers, and the institutional gaps that allow such misconduct to thrive. It also explores the contrast between Nigeria's policing practices and

⁶ Amnesty International Report, "Time to End Impunity: Torture and Other Violations by SARS" (2020).

⁷ *Inspector General of Police v. Shugaba Abdulrahman* (1982) 3 NCLR 915.

global standards, with the aim of identifying practical and legal solutions to curb abuse of power by the Nigeria Police Force.

1.3 Aim and Objectives of the study

The aim of the research work is to critically analyze the abuse of power by the Nigeria Police Force and assess the effectiveness of legal and institutional frameworks in preventing such abuses.

The objectives of the research work are to:

- i. Examine the formation, historical evolution, and basic structure of the Nigeria Police Force;
- ii. Highlight the legal powers, functions, and duties assigned to the Police under Nigerian law;
- iii. Analyze the nature, scope, and forms of abuse of police powers in Nigeria;
- iv. Investigate the causes of police misconduct in Nigeria, with brief comparative insight from the United States and,
- v. Provide practical recommendations for reform and improved accountability within the Nigeria Police Force.

1.4 Scope and Limitation of Study

This study focuses on the abuse of power by the Nigeria Police Force (NPF) within the context of Nigeria's legal framework. It examines statutory powers granted to the police under the Constitution of the Federal Republic of Nigeria 1999 of the Federal Republic of Nigeria and the Police Act, 2020, and how these powers are misused in practice. The study highlights key cases and public responses, especially between 2010 and 2023, and evaluates

institutional reforms aimed at curbing abuse. Then, a comparative analysis with some countries where police institution works ideally.

1.5 Methodology

This study adopts a doctrinal legal research methodology, relying primarily on doctrinal legal research, relying on both primary and secondary sources. Primary sources include statutes, such as the Police Act 2020, The Constitution of the Federal Republic of Nigeria 1999 (as amended), and other relevant legal instruments that establish the powers and duties of the Nigeria Police Force. Library-based research and analysis of judicial decisions will also form part of the primary data.

Secondary sources comprise textbooks, academic journals, law reports, articles, digests, and credible online publications that provide scholarly and contemporary insights into police powers and abuses in Nigeria. These sources will help support the evaluation of the legal framework, practical realities, and reform efforts relating to the Nigeria Police.

1.6 Chapter Outline

Chapter one: General Introduction

Chapter Two: An Overview of the Nigeria Police

Chapter Three: Powers and Duties of the Nigeria Police

Chapter Four Abuse of Police Power in Nigeria, the United States of America.

Chapter Five: Recommendation and Conclusion

CHAPTER TWO

AN OVERVIEW OF THE NIGERIAN POLICE

2.0 Introduction

This chapter provides an overview of the origin of policing and traces the formation, development, and structural evolution of the Nigerian Police Force. It aims to highlight the historical context, foundational goals, and legal definitions surrounding police operations, especially within the Nigerian context.

2.1 A Historical Overview of the Nigerian Police

Before tracing the historical development of the present-day Nigerian Police Force, it is important to understand the meaning and function of the term “Police.”

The term "Police" refers to:

"The arrangement made in all civilized countries to ensure that the inhabitants keep the peace and obey the law. The word also denotes the force of peace officers employed for this purpose."⁸

According to *Black's Law Dictionary*: "Police" refers to:

A government department charged with the preservation of public order, the promotion of public safety, and the prevention and detection of crime. It also refers to the officers and members of the department.⁹

From these definitions, it is clear that the police play a pivotal role in the maintenance of order and security within a state. Beyond maintaining peace, the police also serve as a visible

⁸ www.net.police.uk/history

⁹ BA Garner (ed), *Black's Law Dictionary*, 10th edn (West Group, 2010)

symbol of governmental authority and a key agent in enforcing laws, protecting lives, and securing property.

Historically, the Lagos Police Force was the first police force in Nigeria, established in 1861 when the country was still a British colony. It was made more to protect British colonial interests than to serve the public. The Police Act of 1943 set the stage for a centralized police force that stayed in place even after independence.¹⁰

2.1.1 The Pre-Colonial Law and Order

According to Tekena N. Tamuno,¹¹ the development of the Nigerian Police Force (NPF) predates the colonial era. Before the amalgamation of Nigeria in 1914, the region consisted of several ethnic groups, each with its own traditional governance structures, rulers, and systems of enforcing law and order. Due to the more centralized systems of administration in the Northern and Western parts of present-day Nigeria, the pre-colonial policing mechanisms were more structured and formalized.

In the Northern states, for instance, there existed the *Dogarai* — traditional palace guards who served as both the bodyguards of the *Sarki* (Emir or King) and as community enforcers. The *Dogarai* carried out full-time policing duties and were headed by the *Sarkin Dogarai* (Chief of the Dogarai).¹²

The duties of the *Dogarai* included, but were not limited to:

- Arrest and discipline of offenders
- Guarding the town alongside local warders
- Preventing crimes through surveillance and intelligence

¹⁰ Section 214 (1) The Constitution of the Federal Republic of Nigeria 1999, as amended

¹¹ T.N. Tamuno, *The Police in Modern Nigeria* (University Press, 1970),5

¹² A. Dambazau, *Criminology and Criminal Justice*, 2nd edn (Spectrum Books, 2007),226

- Apprehending and bringing offenders to justice
- Enforcing judicial decisions¹³

According to Dambazau, the Dogarai were also tasked with collecting taxes on behalf of the Sarki and managing traffic within the community.¹⁴ Their multi-faceted role shows a strong resemblance to the operations of the modern Nigerian Police Force.

This traditional form of policing in the Hausa/Fulani-controlled Northern Nigeria functioned not only as a tool of security but also as an administrative arm of traditional authority combining executive, judicial, and enforcement responsibilities.

The historical records of the Kanem-Borno Empire and the Sayfawa Dynasty in northeastern pre-colonial Nigeria reveal that the Talba, who served as the judge in the Mai's (king's) court, also held oversight of policing matters.¹⁵ This dual role reflects the fusion of judicial and law enforcement responsibilities under centralized authority. In contrast, the eastern region of present-day Nigeria operated under a decentralized traditional administration. The communities were typically organized into small, autonomous village groups governed by lineage systems, devoid of pronounced social stratification. Social control in these societies was rooted in deeply embedded cultural values—sacred traditions, revered customs, and institutional norms. Any breach of these societal codes was met with strict communal sanctions.¹⁶

¹³ A. Dambazau, *Criminology and Criminal Justice*, 2nd edn (Spectrum Books, 2007)

¹⁴ Ibid

¹⁵ Ibid, 227

¹⁶ Nnamani, C., 'Chieftaincy and Security in Nigeria: An Overview of Non-centralized East/West Niger Igbo' (Paper presented at a National Conference on Chieftaincy and Security in Nigeria, 2003).

Meanwhile, the Western Region, notably the Yoruba kingdoms, mirrored the centralized policing structures of the North. Officials such as the Ilari, Emese, or Agunven (titles varied by kingdom) were responsible for law enforcement duties.¹⁷ Much like their northern counterparts, the Dogarai, these pre-colonial Yoruba officers were tasked with apprehending offenders and executing judicial orders. Their responsibilities underscored the integration of policing within the broader framework of royal authority and justice delivery in pre-colonial Nigeria.¹⁸

In his analysis of traditional policing in Northern and Western Nigeria, Rotimi ¹⁹observed that both systems shared several common features.

Members of traditional police forces were often drawn from palace slaves, appointed directly by the kings or emirs, and were answerable only to them. These individuals typically had a political overseer, often a senior palace official who, in many cases, was a eunuch. They were also recognized by their distinct attire or hairstyles, which symbolized their status and role. These traditional enforcers performed multiple functions, serving simultaneously as bodyguards, royal messengers, and executioners. They also undertook diplomatic roles and were actively involved in revenue collection.

According to Ehindero,²⁰ these traditional police agents fulfilled numerous security-related tasks such as the enforcement of traditional laws, curbing antisocial behaviors, upholding moral standards, and maintaining general order within their communities. Over time, these

¹⁷ Abiola, E.O., *A Textbook of West African History (AD 1000 to the Present Day)* (Omolayo Standard Press 1981) 43.

¹⁸ Dambazau (n 1) 227.

¹⁹ Cited in Dambazau, *Criminology and Criminal Justice*, 227.

²⁰ G. Ehindero, *Police and the Law in Nigeria* (Times Press, 1989), 2

responsibilities were expanded and formalized under colonial authority, which introduced more rigid control and structure using imperial influence and force.

An in-depth look at the police institutions established during British colonial rule reveals a policing model shaped heavily by European political and economic interests, with the systems being adapted in response to indigenous resistance and societal dynamics.²¹

2.1.2 The Birth of Colonial Policing (1861-1914)

Colonial rulers in Nigeria built the first police forces, which were more like paramilitary groups. They were not there to protect the native people; they were there to preserve British interests. The Lagos Consular Guard and the Niger Coast Constabulary were two of these groups. They were very important in upholding colonial control and helping the empire grow.²²

The British set up the Hausa Constabulary in 1879. It was made up mostly of freed Hausa slaves and trained ex-soldiers. This force mostly worked as a paramilitary group, taking part in colonial conquests and putting down native opposition.²³ Then, The Niger Coast Constabulary was set up in Calabar in 1894 to uphold the Oil Rivers Protectorate's power. The force was often utilized to put down dissent and make sure people paid their taxes because they were known for their severe methods.²⁴

Meanwhile, the term "protectionist" comes from the forces' objective, which was to defend British imperial economic interests, enforce taxes, and make it easier for one political party to

²¹ T.N. Tamuno, *The Police in Modern Nigeria* (University Press, 1970), 6

²² T.N. Tamuno, *The Police in Modern Nigeria 1861–1965* (Ibadan: University Press, 1970), 6.

²³ A.B. Dambazau, *Criminology and Criminal Justice* (Ibadan: Spectrum Books Ltd, 2007), 227.

²⁴ S. Ehindero, *The Police and the Law in Nigeria* (Lagos: Times Press, 1989), 2

take over. These forces did not help the native people; instead, they were tools of colonial rule and oppression.²⁵

Thus, the legal implication and legacy of these was that the above military-style troops set up a system of authoritarian policing that is still in place in Nigeria today. The focus on control instead of helping the community still has an impact on how police and citizens get along and how much people trust law enforcement.²⁶

With the arrival and expansion of British colonial influence in Nigeria, policing took on a new form. The British needed a policing system that would protect their economic interests, particularly those relating to imperial trade and the abolition of the transatlantic slave trade.²⁷

As part of this agenda, they sought collaboration with traditional rulers, relying on them to assist in controlling local populations and ensuring stability in the regions. This period saw the emergence of what could be described as a "protectionist police force" — one primarily focused on defending British commercial interests and administrative dominance.

To reinforce this agenda, the British also established the British African Squadron, which patrolled the West African coast with the aim of suppressing the slave trade and securing British maritime interests.

The early formation of the Nigerian police was closely linked to the efforts of British colonial authorities to suppress resistance and ensure the success of missionary and trade activities. Some indigenous chiefs strongly opposed the spread of Christianity, leading to violent

²⁵ Tamuno (n 1) 75

²⁶ Dambazau (n 2) 228.

²⁷ G. Ehindero, *Police and the Law in Nigeria* (Times Press, 1989), 25

confrontations with missionaries. In response to such opposition, the British used military-style policing to protect their religious and political interests.²⁸

The origin of the Nigerian Police Force is rooted in colonial administration. It began with the establishment of a thirty-man consular guard in Lagos in 1861, which later evolved into the Hausa Constabulary in 1879, a more structured and militarized unit. This unit marked a significant shift toward formalized colonial policing. The Lagos Police Force was officially established in 1896, and prior to that, in 1894, the Niger Coast Constabulary had been formed in Calabar. Meanwhile, in the northern region, the Royal Niger Company had created its own constabulary in Lokoja in 1888.²⁹

Following the formation of the Niger Coast Constabulary, certain chiefs in the Cross River region attempted to obstruct British officers. In reaction, the acting Consul organized the Oil Rivers Protectionist Police Force, tasked primarily with military functions aimed at quelling native resistance. However, this force became infamous for widespread abuses and was eventually disbanded and replaced by the more formal Hausa Constabulary in 1891.³⁰

As Ehindero notes, when the Oil Rivers Protectorate was renamed the Niger Coast Protectorate in 1893, the Hausa Constabulary was upgraded to become the Niger Coast Protectorate Constabulary, now consisting of around 500 men.³¹ Despite its rebranding, the function of this force remained largely the same—serving as a tool to harass indigenous leaders and suppress any form of resistance to imperial authority.

2.1.3 The Era of Indirect Rule and Native Police (1914-1960).

²⁸ Tamuno, T.N., *The Police in Modern Nigeria* (University Press, 1970), 75

²⁹ Dambazau, A., *Criminology and Criminal Justice*, 2nd edn (Spectrum Books, 2007), .227

³⁰ Ibid.

³¹ Ehindero, G., *Police and the Law in Nigeria* (Times Press, 1989),.2

The British colonial government in Nigeria used the policy of Indirect Rule to rule through traditional institutions. This administrative technique had a big impact on how local police systems grew in Nigeria before it became independent. The creation of Native Authority Police, like the Yan Gadi in the North and the Egba Police in the West, shows how Indirect Rule made indigenous security systems more official and used them to further colonial goals.

Indirect Rule was a way for colonial powers to rule through local traditional leaders, who were then included to the imperial hierarchy. Because the emirate systems were already centralized, it worked best in Northern Nigeria.³² Emirs and chiefs kept their rights but were accountable to British settlers or district administrators. They could form administrative organs, including policing units, under the Native Authority (NA).

In the North, ancient royal guards like the Dongarai became formal police units called Yan Gadi, especially in Kano. These forces worked for the emirates, keeping the peace, collecting taxes, and enforcing customary law.³³ Later, in Kaduna and other parts of the North, the Yan Gadi changed into Yan Doka, which did the same things but with British officials watching from a distance. The Wakilin Doka was the person in charge of communication between the police and the Emirate Council.

The Yoruba political system in the West changed indirect rule to fit. The Egba Police was set up in Abeokuta in 1905 because crime was on the rise. The Egba Police started out as groups of local hunters (Ode) and later became the Akoda and then the Iranse force.³⁴ Both traditional and colonial policing units enforced local rules, prevented theft, and protected colonial interests.

³² A.B. Dambazau, *Criminology and Criminal Justice* (Ibadan: Spectrum Books Ltd, 2007) 228.

³³ T.N. Tamuno, *The Police in Modern Nigeria 1861–1965* (Ibadan: University Press, 1970) 9.

³⁴ S. Ehindero, *The Police and the Law in Nigeria* (Lagos: Times Press, 1989) 2.

The 1916 Native Authority Ordinance No. 14 gave traditional rulers the right to appoint police and maintain order. This legitimized Native Authority Police under colonial rule.³⁵ This approach ensured colonial authority while reducing administrative costs, but it maintained hierarchies and limited policing professionalism reforms.

Prior to the eventual merger of the Northern and Southern Police Forces in Nigeria, various indigenous policing structures existed within different regions. In the Northern Emirates, for example, the Dogarai, and in the Western regions, entities such as the Ilari, Emese, and Agunren, formed the backbone of early traditional policing. These native institutions were permitted by the British colonial authorities to continue their operations under what became known as the Native Authority Police (NA Police). This development was closely tied to the colonial policy of “Indirect Rule, whereby the British governed through established traditional systems”³⁶ An illustrative example of this is seen in Kano, where the Dogarai were reorganized and a distinct police body, known as the Yan Gadi or Kano City Police Force, was created. Despite this structural change, the Dogarai retained their policing roles. Later, when the model spread to Kaduna, a similar force called Yan Doka was formed. Within the city of Kano, the position of Wakilin Doka served as the key liaison between the Native Authority police and the Emirate Council.³⁷

In effect, the establishment of the Native Authority Police in Northern Nigeria was an integral part of the British administration’s effort to implement indirect rule via native governance structures. This initiative culminated in the promulgation of the Native Authority Ordinance No. 14 of 1916, the first local government law with nationwide reach. Under this

³⁵ Dambazau (n 1) 229.

³⁶ Indirect rule refers to the British colonial practice of governing through existing traditional rulers and institutions.

³⁷ Dambazau, A., *Criminology and Criminal Justice*, 2nd edn (Spectrum, 2007), .228.

law, the Native Authority was charged with the maintenance of law and order, including the recruitment and deployment of personnel to function as local police officers.³⁸

In Western Nigeria, the earliest form of NA police was the Egba Police, established in 1905 in Abeokuta. This force emerged in response to increasing armed robbery and banditry, which had become prevalent at the time. Their formation marked the beginning of more formalized indigenous security efforts in the Western region.

2.1.4 DC of Indigenous Policing Structures in Western Nigeria

In response to the rising wave of criminal activity, particularly robbery during nighttime hours, local communities in Western Nigeria began adopting more structured approaches to community safety. One such response was the deployment of members of the Ode society—a traditional hunters' group—who served as night watchmen empowered to arrest or even shoot offenders in extreme circumstances.³⁹

The primary objective of these local forces was to preserve public peace, ensure the safety of citizens, and enforce government rules. Over time, this group evolved into what became known as the Akoda Force. In 1906, the Ibadan Council also established a formal police body known as the Iranse Force, modeled after the earlier Egba Police. This force was authorized to carry out standard policing duties, including law enforcement and public order maintenance. Notably, both the Akoda and Iranse forces were later colloquially referred to as “Olopa”, meaning "the man with a stick," a term that persists in Yoruba culture today as a popular name for the police.⁴⁰

³⁸ Dambazau, A., *Criminology and Criminal Justice*, 2nd edn (Spectrum, 2007), 228.

³⁹ Dambazau, A., *Criminology and Criminal Justice*, 2nd edn (Spectrum, 2007), 229.

⁴⁰ Ibid, 229

As the British sought to formalize police operations across their colonial territories, they had to choose between expanding their existing imperial police force and utilizing local traditional structures for law enforcement. In Eastern Nigeria, the former approach was preferred due to the decentralized and autonomous nature of the Igbo traditional systems. However, in both Northern and Western Nigeria, where traditional governance was more centralized, the British opted to integrate and formalize indigenous policing mechanisms. This facilitated the smooth implementation of the Indirect Rule policy, as the pre-existing authority structures in these regions aligned well with British administrative goals.

2.1.5 The Amalgamation of the Nigerian Police

The formation of the Northern Nigerian Police Force began in 1903 under the leadership of Lord Lugard,⁴¹ while the Southern Police Force was established later in 1906, also under his direction. Until 1916, these two forces operated separately within what is now Nigeria. However, in 1914, the British colonial administration formally merged the Northern and Southern Police Forces. The modern Nigeria Police Force, as recognized today, was officially constituted in 1930 through the enactment of Ordinance No. 2 of 1930, with its headquarters located in Lagos. Subsequently, the Nigeria Police Act of 1943 was introduced by the British colonial government to further regulate police operations.⁴²

With the introduction of the 1954 Federal Constitution, the Nigeria Police Force was reclassified as a Federal Police Force, making both federal and regional governments jointly responsible for maintaining law and order within their respective jurisdictions. Following Nigeria's independence, the 1963 Republican Constitution marked the establishment of the Mid-West Region, thereby restructuring police administration into five command zones: Lagos, Northern, Western, Eastern, and Mid-Western regions. Each command was led by a

⁴¹ Ehindero, G., *Police and the Law in Nigeria* (Times Press, 1989), 30.

⁴² Ibid.

Commissioner of Police, while the Inspector-General of Police served as the supreme head of the entire force at the national headquarters.⁴³ The first Nigerian to hold the position of Inspector-General of Police was L.O. Edet, appointed in April 1964.⁴⁴

Before the introduction of the 1979 Constitution, regional and local government police forces operated in various parts of Nigeria, with such forces existing at least until 1972.⁴⁵ However, Section 194 (1) of the Constitution of the Federal Republic of Nigeria, 1979 clearly states that the only police force allowed in the country is the Nigeria Police Force.⁴⁶ The section reads:

"There shall be a police force for Nigeria. This shall be styled the Nigeria Police Force. And subject to the provision of this section, no other police force shall be established for the federation or any part thereof."

This provision effectively prohibits the establishment or operation of any parallel police forces in Nigeria outside of the constitutionally recognized Nigeria Police Force. This same restriction is reiterated in the current The Constitution of the Federal Republic of Nigeria, 1999.⁴⁷ Consequently, the creation of state police forces is not permitted unless there is a constitutional amendment allowing such.

At the top of the Nigeria Police Force hierarchy is the Inspector-General of Police (IGP), who is appointed by and accountable to the President of Nigeria.⁴⁸ The IGP's office is located at the Force Headquarters (Edet House) in the Federal Capital Territory, Abuja. The Force Headquarters also includes six Deputy Inspectors-General (DIGs), each overseeing specific departments: Administration and Finance (A Department), Operations (B Department),

⁴³ Section 106 (2) & (3) The Constitution of the Federal Republic of Nigeria, 1963

⁴⁴ Ehindero, *Police and the Law in Nigeria*, 30

⁴⁵ Ibid, 31.

⁴⁶ The Constitution of the Federal Republic of Nigeria 1999

⁴⁷ Section 214(1)

⁴⁸ Section 215 (a), (3) The Constitution of the Federal Republic of Nigeria 1999

Logistics and Supplies (C Department), General Investigation, and Intelligence (D Department), Training and General Policy on Manpower Development (E Department), Research and Planning (F Department).⁴⁹

Each of the 36 states and the Federal Capital Territory (FCT) Abuja has its own police command. Each command is headed by a Commissioner of Police (CP) who oversees its operations. Supporting the CP are Area Commanders, who supervise the Divisional Police Officers (DPOs) responsible for police stations and posts within their jurisdiction. At the state command headquarters, five main departments exist: 'A' Department (Finance and Administration), 'B' Department (Operations), 'C' Department (Logistics and Intelligence), 'D' Department (Investigation and Intelligence), and 'F' Department (Research and Planning).⁵⁰

Furthermore, the Nigeria Police Force is divided into twelve zones, each comprising between two and four states including the FCT. Each zone is managed by an Assistant Inspector-General of Police (AIG) who reports directly to the Inspector-General of Police (IGP).

⁴⁹ Dambazau, *Criminology and Criminal Justice*, 231

⁵⁰ Ibid, 231

CHAPTER THREE

POWERS AND DUTIES OF THE POLICE

3.1 Introduction

The primary function of the police is to protect and secure the lives and property of citizens within a nation's territorial limits. This acknowledgment is based on the necessity to secure, protect, and safeguard the lives and properties of citizens, which should not be arbitrary. Its implementation must be governed by established rules regarding its limitations, aligned with public perception, principles of legitimacy, and democratic values. In this context, the authorities and responsibilities are explicitly delineated in the constitution and are not capricious. This chapter analyzes the authorities and responsibilities of the Nigerian police.

3.2 Powers and Duties of the Police

The Nigeria Police Act,⁵¹ 2020 in Nigeria explicitly delineates the powers and responsibilities of the Police. The Act authorizes the police to apprehend any misbehaving citizen with or without a warrant, to hold and search the individual, and to search their property authority to obtain his fingerprint, authority to initiate prosecution in a court of law, authority to grant bail⁵² Dambazau asserts that these powers are considerable; yet, they must be exercised in accordance with the law.⁵³

Furthermore, the Act delineated responsibilities of the Police as follows: The police shall be responsible for preventing and detecting crimes, arresting offenders, maintaining law and order, protecting lives and property, and enforcing all laws and regulations within their jurisdiction. They may also perform military functions within or outside Nigeria as authorized by this or any other law.⁵⁴

The aforementioned statutory responsibilities of the police will be examined in the following order:

3.2.1 Duties of the Police

(a) Prevention and detection of Crime

Crime prevention is defined as "a set of attitudes and behaviors aimed at diminishing the threat of crime and improving the sense of safety and security to positively impact quality of life, as well as to create environments where crime cannot thrive."⁵⁵

⁵¹ Nigeria Police Act, 2020, s38(1)

⁵² Nigeria Police Act, 2020, s68(1)

⁵³ Dambazau, *Criminology and Criminal justice*, 14.

⁵⁴ Nigeria Police Act, 2020, S4

⁵⁵ Dambazau, *Criminology and Criminal Justice* 235.

The people need protection from criminal assault; they desire security in their homes and other locations from harassment.⁵⁶ With regard to crime prevention, the police's responsibilities are confined to creating a presence, making arrests, conducting investigations, and prosecuting suspects. According to the Police Act, the police in Nigeria are tasked with crime prevention by a visible presence on the streets, aiming to diminish the incidence of crime. A police presence deters crime by enhancing the likelihood of apprehending offenders.⁵⁷

The duty of the Police to avert criminal activity operates on a distinct level compared to the duty of identifying offenders. It is undoubtedly more advantageous to focus on the prevention of criminal activity rather than dedicating time to the identification of offenders. It is unequivocal that deterrence serves to protect potential victims of crime while simultaneously influencing the behavior of offenders by instilling a sense of apprehension regarding detection and subsequent consequences.⁵⁸

In order to satisfy the objective of crime prevention, our Criminal Procedure Act⁵⁹ confers police officers with the authority to intervene. Particularly, Section 53(1) of the Criminal Procedure Act stipulates that: Every police officer may interpose for the purpose of preventing, and shall to the best of his ability prevent, the commission of any offence.

A police officer may, on his own authority, intervene to prevent any intended harm to public property, whether movable or immovable,⁶⁰ that he observes. The Police Officer is mandated,

⁵⁶ Ehindero, *Police and the Law in Nigeria*, II.

⁵⁷ "As a policeman he had a primary duty to prevent the commission of a crime" - per Coker J. S. C. in *Mailavi v. State* suit No. S. C 295/67 (1968) 5 NS C. C at 92.

⁵⁸ Ehindero, *Police and the Law in Nigeria*, II.

⁵⁹ Criminal Procedure Act LFN., Cap 214 2004

⁶⁰ Ibid, S.53(2)

regardless of any other written law concerning arrest, to apprehend an individual suspected of intending to commit an offence without a warrant, if it is evident to the officer that the offence cannot be otherwise averted.⁶¹

With regard to crime detection, the Nigeria Police Force comprises Force Criminal Investigation Departments, supported by the states' Criminal Investigation Departments and Divisional Crime Branches, which have been assigned with investigating and detecting crime. They receive assistance from the police's fingerprint, photographic, and handwriting sections.⁶²

The Nigeria police in line with their duties to prevent crime have reflected in its strategies for implementation so as to strengthen its capability to prevent crime.

(b) The Preservation of Law and Order

This facet of police responsibilities encompasses the enforcement of traffic laws and regulations. The primary objective is to maintain order through the apprehension and prosecution of offenders. The police in this country serve as an instrument for upholding the rule of law; they are the mechanism by which society preserves order, enabling individuals to reside securely in their homes and do their legitimate business freely.⁶³

(c) The Protection of Life and Property

The need to safeguard life and property is paramount. Thus, the primary duty of the police force is to safeguard individuals and property against unlawful intrusion and attack.

⁶¹ Ibid, S.55

⁶² Ehindero, *Police and the Law in Nigeria*, II

⁶³ RS Bunyard, *Police Organization and Command* (Routledge, 1978) 89.

The statutory obligation of the police to safeguard life and property may be expanded to encompass disease and emergency situations.

This notion is founded on the premise that England, from which our fundamental policing standards are derived due to our colonial heritage, maintains a similar stance. The Royal Commission's reference to the police's obligation to safeguard individuals and property extends to disasters such as floods and fires, as the police play a crucial role in most catastrophes of this kind.⁶⁴

(d) Due Enforcement of all law and regulation with which they are directly charged⁶⁵

The above implies that the Nigeria Police Force does not enforce all statutes. They just enforce the laws for which they are explicitly responsible. Regardless of a law's infringement on citizens' fundamental rights, the police will enforce it as long as they are "directly mandated" to do so. The extent to which police action is determined largely hinges on the phrasing of a legislation or regulation that grants them the authority to act.

(e) Performance of Military Duties within and outside Nigeria as Required of them⁶⁶

In 1960, the Nigerian police were sent to the Congo to help bring peace back to that country.⁶⁷ Even in the last few years, the Nigerian Police have played crucial roles in a number of UN missions in Africa, such as those in Liberia and other places.

This study has highlighted roles of the police in Nigeria as provided by law. It's interesting to see that the duties are written in broad words. There are a lot of things that the police do that

⁶⁴ Ibid.,90.

⁶⁵ Nigeria Police Act 2020, s4

⁶⁶ Nigeria Police Act 2020, s4(e)

⁶⁷ Ehindero, *Police and the Law in Nigeria*, 13

are not clear from the above part, but they are covered if you read between the lines.⁶⁸ The police officer manages traffic, gives advice to people who are fighting or breaking the law when needed, and helps with situations like fires and ambulances. Even though the above example isn't all of them, it's easy to see how they fit into the rules. In fact, the police have a duty to keep the peace, protect people and property, and stop and investigate crime. This duty can be expanded to include any legal actions, like stopping a citizen and asking him about a recent crime. This is because the police have many roles in society.⁶⁹ Now we'll talk about their powers as set out in the different Acts.⁷⁰

3.2.2 Powers of Arrest

It is important to know what the word "arrest" means before we talk about the basics of arrest. Please keep in mind that the word "arrest" is not defined under any of the various statutes⁷¹ which gives the police the power to arrest a person. So far, the only case law that comes close to describing the term is the one by Lord Simmonds in *Christy v. Leachinsky*.⁷² In that case, the law lord said, "arrest is the beginning of imprisonment." This word was also used in a Nigerian case to mean "the opposite of freedom or liberty, which means limiting personal

⁶⁸ G Amadi, *Police Power in Nigeria* (Nsukka University Press, 2000) 46.

⁶⁹ Ibid.,15.

⁷⁰ For the purpose of this work, reference would be made primarily to the Police Act, 2020, Criminal Procedure Act, 2004, LFN, Criminal Code Act, 2004, Cap C38, LFN 2004.

⁷¹ See the Criminal Code, Procedure Act, and Police Act.

⁷² (1947) AC 573.

freedom in some way."⁷³ Another source has said that arrest means "seizure and imprisonment by legal authority or superior force."⁷⁴

By now, it should be clear that to arrest someone means to take away his freedom by a legal authority. That is, someone who is arrested is being held back because he has lost his freedom.

These were the rules in this country after British colonization.⁷⁵ Not all arrest powers can be put into one simple category, though. If you try to tell the difference between Common-law and statutory powers, it will be apparent that a common law power of arrest can only be used for breach of the peace, while all the other powers are based on one or more statutes.⁷⁶ The legal definition of the police's power to arrest can be found in statutory provision.⁷⁷ The power to arrest can be used in certain situations. These shall be looked at hereunder.

(a) Qualified Powers of Arrest under section 10 (1) Criminal Procedure Act

An observation of section 10 (1) of the C.P.A. shows that the powers of the police should be exercised on "reasonable grounds." Sections 10 (a), (e), (A), (h) and (j) of the CPA vest in the police qualified powers of arrest. Under the sections the police can only arrest based on reasonable suspicion that is based on an objective approach.

It has been submitted that the validity of an arrest under this section depends on whether the requirements set out in the provisions are known to the police officer at the time of the arrest

⁷³ *Asemota v Yesufu* (1982) 3 NCCLR 419 at 426

⁷⁴ *The New Webster's Dictionary Language* (Int. ed)

⁷⁵ Amadi, *Police Power in Nigeria*, 29.

⁷⁶ D Campbell, *Police: The Exercise of Power* (1979) 70.

⁷⁷ Criminal Procedure Act, Section 10, Police Act Section 32, 2020

or he reasonably believes the conditions exist or there is a reasonable cause to make him believe that they exist. Reasonable suspicion is, therefore, a prerequisite for a valid arrest⁷⁸ what is reasonable has been held to be that, there must be something more than imagination or conjecture it must be suspicion of a reasonable man, warranted by facts from which inferences can be drawn.⁷⁹

(b) Arrest by Police Without Warrant: Criminal Procedure Act

Section 10 (1) and (2) of the Criminal Procedure Act⁸⁰ provide several circumstances by which a police officer may arrest a person without warrant. The Act provides that A police officer may arrest a person without first obtaining a magistrate's order or a warrant if there are reasonable grounds to suspect that the person has committed an indictable offence under the law of any state, unless the law creating the offence specifically requires a warrant for arrest. An officer may also arrest anyone who commits an offence in his presence, obstructs him while performing his lawful duties, or has escaped or attempts to escape from lawful custody.

Additionally, a police officer may arrest any person found with property reasonably suspected to be stolen or who is reasonably believed to have committed an offence in connection with such property. The power of arrest also extends to anyone reasonably suspected of being a deserter from the Nigerian armed forces.

An officer may likewise arrest any person suspected of having taken part in an act committed outside Nigeria which, if done within the country, would constitute an offence for which the person is liable to be arrested under Nigerian law. A person found in possession, without

⁷⁸ Amadi, *Police Powers in Nigeria*, 72

⁷⁹ *Boulos v. The Queen* (1954) 4 WACA 543 at 545

⁸⁰ Amadi, *Police Powers in Nigeria*, 29.

lawful justification (the proof of which lies on that person), of tools commonly used for housebreaking may also be arrested.

Furthermore, a police officer may arrest any person he reasonably believes to be the subject of a valid warrant issued by a competent court. This authority also applies to anyone without visible means of livelihood who cannot give a satisfactory account of themselves, as well as anyone found taking measures that suggest an intent to commit a felony or misdemeanor.

Lastly, a police officer's authority to arrest someone who commits an offence in his presence remains valid even where the law normally requires a warrant for such an arrest.

This chapter, focuses on the powers that Nigerian law gives the police. In later chapters the issue of whether these rights belong to the government or not will be addressed. As evident from the words of the statutes, the police have a lot of power to arrest people. This can be compared to the Constitution's protection of individual freedom, which provides:

Every person shall be entitled to his personal liberty and no person shall be deprived of such liberty save in the following cases and in accordance with procedure permitted by law. For the purpose of bringing him before a court in execution of the order of a having upon reasonable suspicion of having committed a criminal offence, or to such extent as may be reasonably necessary to prevent his committing a criminal offence.⁸¹

It is clear that the above constitutional provision limits on the right to personal liberty of the citizen. By using any of their legal powers, the police can get in the way of the individual and take away his freedom.⁸² But when those rights are used, they must be in a way that is prescribed by the law.⁸³ The Police's job is to find a balance between what is best for society

⁸¹ Constitution of the Federal Republic of Nigeria, 1999 (as amended), LFN 2004 Cap C23, s.35(1)(c)

⁸² Section 10, Criminal Procedure Act, Section 38, Police Act, 2020

⁸³ Amadi, *Police Powers in Nigeria*, 68.

and what people want in terms of freedom and equality. Section 35(1) (c) of the constitution⁸⁴ gives the police the legal right to arrest people if they look at it carefully. But there is nothing in the law that makes it seem like the very broad powers of arrest have been weakened.

When looking at the power of the police to make arrests under section 10 (1),⁸⁵ the words "may arrest" is seen. The word "may" usually mean that something is possible, able, or capable. It may be argued that gives the police the choice of whether or not to make an arrest.

Amadi has argued that the aforementioned approach appears to conflict with s4 of the Police Act, which imposes a legal duty on the police to maintain law and order⁸⁶. He further stated that by refusing to fulfill their legal duty, they are committing an offence that is punishable by law.⁸⁷ The author stated that the police are required to make arrests not only to adhere to Section 4 of the Police Act but also to prevent penalties under section 198 of the Criminal Code.

The police are obligated to exercise their arrest powers, particularly when the conditions outlined in section 10 (1) of the CPA are met. This is the more favorable position.

This position is consistent with the letter and spirit of the 1999 Constitution of Nigeria and the intention of the legislature, which mandates that the police uphold law and order in accordance with the Constitution. In essence, it can be asserted that the police must exercise their power of arrest in "appropriate circumstances"⁸⁸ in order to fulfill their constitutional obligation to maintain law and order.

⁸⁴ The Constitution of Federal Republic of Nigeria, 1999 (as amended)

⁸⁵ Criminal Procedure Act

⁸⁶ Amadi, *Police Powers in Nigeria*

⁸⁷ Criminal Procedure Act, section 10.

⁸⁸ Amadi, *Police Powers in Nigeria*, 68

(c) Unqualified Powers of Arrest under section 10(1) Criminal Procedure Act

The provision under sections 10 (1) (b), (c), (g), and (2) are not so qualified. The provision of subsection (b) can be exercised when a person commits any offence in the presence of a police officer. And in subsection (c), the police can affect an arrest where he is obstructed in the execution of his duty or has escaped or attempts to escape lawful custody. In both situations above, the person arrested was caught in the act; his arrest therefore must be summarily carried out. In this situation it might not be necessary to notify the arrestee of the reason of his arrest as provided by section 5, because he was caught as it were on the act.

However, with regards to subsections (g) and I), it has been argued that they are absurd and can easily be abused.⁸⁹ First, the arrestee has in his possession under (E) without lawful excuse any implement of house-breaking, and secondly, the arrestee must himself prove that he has lawful excuse to possess the implement.

The absurdity in this subsection (g) is to the effect that the law does not define what an implement of house-breaking" is, of course an implement could be any tool or instrument that is set for working. Today there are so many instruments, tools that fall under the definition of "implements" that are put to use by so many persons. One wonders how the police would be able to arrest all such persons and expect to get explanation from them. Also, the other part of the subsection (g) provides that the burden of providing shall lie on such person.

It is submitted that the burden of proof in this regard is a matter of evidence which must be carried out only by a competent court of law and not before a police officer. The duties of the police that we considered earlier do not include the hearing of evidence in order to determine the guilt or innocence of a suspect.

⁸⁹ Ibid., 70

Under subsection (1), there are two apparent elements: The first is that the arrestee has no ostensible means of subsistence and secondly, he cannot give satisfactory account of himself. Under this subsection, these two factors must be present before the police can affect an arrest. The implication of the police power of arrest under this subsection is that whether or not a person is arrested depends on whether the police officer is satisfied with the account of the arrestee as related by him. In this regard, the wide discretion of the police when it comes to arrest becomes ever more apparent.

(d) Arrest by police officer without warrant: The Police Act

Section 38 of the police Act⁹⁰ creates an additional source of police powers of arrest without warrant; it provides that:

38. (1) A police officer may, without an order of a court and without a warrant, arrest a suspect-

- (a) whom he suspects on reasonable grounds of having committed an offence against a law in Nigeria or against the law of any other country, unless the law creating the offence provides that the suspect cannot be arrested without a warrant.*
- (b) who commits an offence in his presence;*
- (c) who obstructs a police officer while in the execution of his duty, or who has escaped or attempts to escape from lawful custody;*
- (d) in whose possession anything is found which may reasonably be suspected to be stolen property or who may reasonably be suspected of having committed an offence with reference to the thing;*
- (e) whom he suspects on reasonable grounds of being a deserter from any of the armed forces of Nigeria;*
- (f) whom he suspects on reasonable grounds of having been involved in an act committed at a place outside Nigeria which, if committed in Nigeria, would have been punished as an offence, and for which he is, under a law in force in Nigeria, liable to be apprehended and detained in Nigeria;*
- (g) having in his possession without lawful excuse, the burden of proof which excuse shall lie on the person, any implement of housebreaking, car theft, firearm or any offensive or dangerous weapon;*

⁹⁰ Police Act, 2020

- (h) (h) whom he has reasonable cause to believe a warrant of arrest has been issued by a court of competent jurisdiction in Nigeria;*
 - (i) found in Nigeria taking precautions to conceal his presence in circumstances, which afford reason to believe that he is taking such precautions with a view to committing an offence;*
 - (j) whom he is directed to arrest by a judge or magistrate;*
 - (k) whom he reasonably suspects to be planning to commit an offence for which the police officer may arrest without a warrant, if it appears to him that the commission of the offence cannot be otherwise prevented; or*
 - (l) required to appear by a public summons issued under this Act or any other Act;*
 - (m) to protect a child or other vulnerable person from the suspect in question; and*
 - (n) to prevent the suspect in question from-*
 - i. causing physical injury to himself or any other person,*
 - ii. suffering from physical injury,*
 - iii. causing loss of or damage to property;*
 - iv. committing an offence against public decency where members of the public going about their normal business cannot reasonably be expected to avoid the person in question, or*
 - v. causing an unlawful obstruction of the highway*
- (2) No person shall be arrested without warrant except as provided in subsection (1)*
- (3) The authority given to a police officer to arrest a suspect who commits an offence in his presence is exercisable in respect of offences committed in the officer's presence notwithstanding that the Act creating the offence provides that the suspect cannot be arrested without a warrant.*

(e) Power to Arrest without Warrant in Possession

Section 78 of the Police Act provides that:⁹¹

A warrant of arrest may be executed notwithstanding that it is not in the possession of the person at the time of executing the warrant, but the warrant shall on the demand by the suspect be shown within 24 hours.

The implication of this section is that where a warrant of arrest has been issued by a competent authority, any police officer at any time whether the warrant is with him or not at

⁹¹ Police Act, 2020

that point in time, can lawfully effect an arrest. Then he can later show the warrant to the arrestee as soon as practicable. The above position is also supported by section 29, CPA:

A warrant of arrest may be executed notwithstanding that it is not in the possession at the time of the person executing the warrant, but the warrant shall, on demand be shown to him as soon as practicable after his arrest.

It is submitted that under our statutes, the only requirement is the knowledge of police officers that a warrant of arrest has been issued for the apprehension of a person. This knowledge gives any police officer the authority to arrest the suspect if he sees him.⁹²

3.2.3. Police Power of Entry and Search

In general, the police are not authorized to enter premises without the occupier's consent, except in cases of statutory intervention; otherwise, they would be held accountable for trespass. In an old case, it was determined that the practice was unlawful when state agents entered premises without a warrant, in the absence of a statute or judicial precedent that upheld the legality⁹³ of such a warrant. The Constitution further safeguards the individual right to privacy by stating in section 37 that the right to privacy is "guaranteed and protected."

The occupier's license would be required for a police officer to access private premises. He, like other individuals, may presume that a householder grants permission for all individuals to enter the premises, proceed to, and knock on the front door. If the license is withdrawn and the officer fails to depart within a reasonable time,⁹⁴ he would be considered a trespasser.

⁹² Amadi, *Police Powers in Nigeria*, 94

⁹³ *Entide v. Cariton* (1765) 95 ER 807

⁹⁴ Emeka Chianu, *Law of Trespass to Land and Nuisance* (2nd ed. Ambik, 2003) 251

Nevertheless, the law acknowledges that, despite the sanctity of an individual's privacy, the performance of police responsibilities to prevent and detect crime may justify a certain degree of interference with the rights of private citizens.⁹⁵ The power to enter and search premises is a necessary evil that the citizen must endure for the benefit of the society. This is because the detection of crimes would be difficult to conduct if the police were not granted the authority to enter and search premises when there is a reasonable suspicion that the location may contain information about criminals and crimes. The criminal procedure Act and the police Act are the primary statutes from which the police have the authority to enter and search. However, there are other statutes from which this power can also be derived.⁹⁶

(a) Search Warrant under the Criminal Procedure Act⁹⁷

A warrant of search under the criminal procedure Act is issued by a magistrate. The Act provides all the conditions under which a search warrant can be executed under the relevant section.

(b) Search without Warrant

As previously mentioned, an occupier has the authority to authorize a police officer to enter and search their premises. Consequently, he is required to notify the occupier that he is present to conduct inquiries or fulfill any other legitimate obligation related to the prevention or detection of criminal activity. The occupier is entitled to be informed if this necessitates a search of the premises. The reason for requesting entry must be direct, unequivocal, and the point.⁹⁸ The police officer is only permitted to enter the premises when the occupier or any other individual acting in their authority grants permission.

⁹⁵ Ehindero, *Police and the Law in Nigeria*, 33.

⁹⁶ For example, Fire Arms Act, Explosive Act, and Liquor Act etc.

⁹⁷ Criminal Procedure Act, ss. 107-111

⁹⁸ Amadi, *Police Powers in Nigeria*, 138

Conversely, the police officer has the authority to enter private premises in order to maintain law and order.⁹⁹ It is argued that the officer would act in a reasonable manner, despite the fact that the law did not specify it. The court is responsible for determining what is reasonable in the event that an aggrieved party argues that the basis for entry and search of their premises does not exist.

With regards to the powers of the police to search a person arrested, section 6 CPA provides whenever a person is arrested, a police officer may search him, using if necessary a reasonable officer may according to Ehindero,¹⁰⁰ the police powers of search under section 48 of the Police Act is thought to be wider than under section 6 CPA in as much as the on the person being search under section 48 need not to have been arrested before searched. Herein lays the police power to mount road blocks. Additionally, section 49 (2)¹⁰¹ provides that a police officer may detain and search a person on reasonable suspicion of having an incriminating material under his possessions.

However, under Section 49 of the Police Act, the powers of stop and search are provided.

3.3.4. Power to take Fingerprint

The Police Act gives the police three ways to identify a person they are holding: his measurements, a picture, and his fingerprints. This is to speed up the process of identification. Section 68(1) of the Police Act says that a police officer can legally take measurements, photographs, and fingerprint impressions of anyone who is in their custody at any time. This is done so that the person can be identified. Based on the above clause, it is clear that the police can take a finger print of someone who is legally in their custody. The police can take

⁹⁹ Police Act, section 4, 2020.

¹⁰⁰ Amadi, *Police Powers in Nigeria*, 138

¹⁰¹ Police Act, 2020

someone to a magistrate if they refuse to give their fingerprints or other legal form of identification. The judge will order that the person be taken after making sure that he is in lawful custody.¹⁰²

3.3.5. Power of the Police to Grant Bail

The Criminal Procedure Act stipulates that when an individual is apprehended without a warrant for an offence not punishable by death, any officer in charge of a police station may, and must if it is impractical to present the individual before a magistrate or justice of the peace with jurisdiction over the charged offence within 24 hours, investigate the case. Unless the officer deems the offence to be of a serious nature, the individual shall be released upon entering into a recognizance, with or without sureties, for a reasonable sum to appear before a court or justice of the peace with appropriate jurisdiction, or to be dealt with as soon as practicable, regardless of whether police inquiries are concluded.¹⁰³

The police are prohibited from granting bail if the crime is punishable by death,¹⁰⁴ as indicated by the aforementioned provision. Additionally, if a police officer determines that the alleged crime committed by a suspect is of a serious nature, the suspect will not be granted bail.

In this instance, the severity of the crime is not a figment of the policeman's imagination, but rather as prescribed by the law.

3.3.5. Other Powers of the Police

¹⁰² Section 68(3), Police Act, 2020

¹⁰³ Section 62 (1-3), Police Act, 2020

¹⁰⁴ Criminal Code, Section 316, 37(1), 38, Robbery and Firearms (Special Provisions) Act Cap. R. 11, LFN, 2004.

These are undoubtedly not all the powers of the police in Nigeria. Additional powers include the ability of law enforcement to conduct criminal prosecutions,¹⁰⁵ enforce traffic laws, and administer preventive justice.¹⁰⁶

Certainly, there are numerous laws and regulations that regulate and direct the performance of police responsibilities and powers in Nigeria. In spite of these, the police are notorious for abusing their authority.

3.4 Classification of Offences

It is important to be aware of the classification of offences as it is contained in our statutes,¹⁰⁷ as it offers a glimpse into the powers of the police to arrest. Under the criminal code offences are classified as either felony, misdemeanor, or simple offences

3.4.1 Felony: As defined in section 3 of the Criminal Code; it is an offence which is declared by the law to be a felony or which is punishable without proof of previous conviction with death or with imprisonment for 3 years or more. The law determined what constitutes a felony, whatever it says it is that is what it is. For instance, an accessory after the fact to a felony is punishable for less than 3 years imprisonment, yet the offence is a felony.

3.4.2 Misdemeanor: This is an offence which the law declared to be misdemeanor or which is punishable by imprisonment for not less than 6 months but less than 3 years.

3.4.3 Simple Offence: This is an offence other than felony or misdemeanor and is punishable with imprisonment for less than 6 months.

The CPA under its section 2 further divides offences as indictable offence is an offence

¹⁰⁵ Police Act, Section 66

¹⁰⁶ Criminal Procedure Act, Section 53 (1) and (2)

¹⁰⁷ Amadi, *Police Powers in Nigeria*, 68

- (a) which on conviction may be punishable by a term of imprisonment exceeding 2 years; or*
- (b) Which on conviction may be punished by imposition of a fine exceeding four hundred Naira?*
Nor being an offence declared by the law creating it to be punishable on summary conviction.

It is important to acknowledge that the aforementioned laws, which are codified in this country, further define the parameters within which the exercise of police powers of arrest can be conducted.

CHAPTER FOUR

FORMS OF ABUSE OF POLICE POWERS IN NIGERIA AND THE UNITED STATES

4.0 Introduction

Across all countries of the world, abuse of power is still a major problem in maintaining peace and order, this is particular in countries where democracy is the form of government- where security forces and the police have a lot of power. In the majority of the world's nations, police are regarded as corrupt. For example, according to a report by Transparency International, police in eight-six countries were ranked as the fourth most corrupt public institution, behind parliaments and legislatures¹⁰⁸, political parties, and public officials in general.

This chapter focuses on recognizing and evaluating the several ways that power abuse occurs in the Nigerian Police Force, as well as in the American policing systems. Despite having different legal systems, political systems, and sociocultural circumstances, these nations struggle to prevent law enforcement officials from abusing their power.

¹⁰⁸ Ibid

This chapter will look at these abuses within each nation's institutional and legal structures, backed up by pertinent laws, court rulings, and event reports. The goal is to give a comparative awareness of how power abuse appears in various contexts and how legal systems react or do not react to such misbehavior.

4.1 Police Abuse of Powers in Nigeria

In Nigeria, the police have been given a great deal of power to carry out their law enforcement duties, but the public now views the police as agents of cruelty and brutality in their purest form rather than as state agents who uphold law and order. The Nigeria Police Force authorities in Lagos have within one month dismissed four police officers for abuse of power and awarded various degrees of punishments to 41 others.

This was according to the spokesman for the Police Service Commission, Ikechukwu Ani, he further said the force has dismissed nine senior officers and demoted another six officers for different cases of misconduct after the fifth plenary meeting of the commission. The reasons are not far-fetched – the police notoriety defies human comprehension and reeks of outright incompetence, deliberate violations of human rights, extra-judicial killings and unbridled extortion.¹⁰⁹

The above editorial indeed capture the situation existent with the police today, not many Nigerians have forgotten that Nigerian police operatives from the Trinity Police Station, Ajegunle, Lagos, on Saturday killed a 20-year-old lady identified as Ada Ifeanyi; and the injured Emmanuel Akomafuwa suspected to be her beau.¹¹⁰

¹⁰⁹ <https://guardian.ng/features/police-abuse-of-power-and-limits-of-punishments/>

¹¹⁰ <https://guardian.ng/features/police-abuse-of-power-and-limits-of-punishments/>

Thirteen days prior to this, on the final day of March, Kolade Johnson, a 36-year-old young man, was tragically slain by police in the Mangoro neighborhood of Ikeja, Lagos. Ademola Moshood, a commercial motorcyclist, was shot dead by a police officer close to his Surulere home, after he allegedly refused to give up N200. Additionally, an 18-year-old girl named Hadiyat Sikiru was killed in Lagos' Adamo suburb of Ikorodu by a stray bullet fired by a police officer, just like Johnson.¹¹¹

The desperation by some Nigerian police officers for ill-gotten wealth is costing lives. On July 15, a police inspector shot and killed Emma, a 17-year-old boy, at a checkpoint in Benin, Edo State, after the victim and his buddy refused to give up money.¹¹² The boy was killed that week while reportedly getting ready to travel overseas. What a waste! Following a dispute over the payment of a bribe at a checkpoint in Anyi, Logo Local Government Area, Benue State, on June 26, a truck driver named Aondohumba Terkula was also shot dead by police sergeant James Aondona.

A thorough report on the human rights issues caused by the Nigerian police was prepared by "The Human Right Watch" in response to the numerous instances of police brutality and ongoing violations of human rights by the Nigerian police

According to a 2005 Human Rights Watch report¹¹³, the Nigeria Police Force routinely and widely uses torture and other cruel, inhumane treatment. Interviews were carried out by the organization in Kano, Lagos, and Enugu. They detailed the heinous act of torture, in which dozens of people died. Senior police officers, including inspectors, Divisional Police Officers, and even a Deputy Superintendent of Police, committed the infractions with their knowledge.

¹¹¹ <https://guardian.ng/features/police-abuse-of-power-and-limits-of-punishments/>

¹¹² <https://punchng.com/police-harassment-extortion-return-in-force/?amp>

¹¹³ <http://hrw.org/report/2005/nigeria0705>, accessed October 30, 2025.

It is so commonplace that some of these top police officials are referred to by their nicknames within the police station: "Officer in Charge Torture."

After shooting the individuals in their possession, one witness told researchers that police officers in Lagos yelled, "Rest in Pieces." He clarified that the police frequently used this phrase to indicate a detainee's death. Most of the victims are regular criminal suspects who have been arrested for offenses ranging from armed robbery to small-time larceny. Due to the police's failure to provide the suspects with information or proof against them, many of the arrests were illegal and arbitrary. The majority of those interviewed stated that they were tortured to extract confessions admitting to an alleged crime and forced to sign a statement that was written or dictated by a police officer.¹¹⁴ Suspects who claimed to be innocent told Human Rights Watch researchers that they were arbitrarily arrested at police checkpoints or during anti-crime patrols, either because they happened to be at the wrong place at the wrong time or because the police later told them of a tip-off.¹¹⁵

Impunity among those in the security forces is one of the biggest single obstacles to the reduction of torture and other serious abuses by the police in Nigeria.¹¹⁶ Nonetheless, this form of conduct or police brutality is a major cause for concern; it is not the only problem with the Nigerian police force. An editorial in the Guardian attempted to sum the general situation thus:

The truth is that the police system in Nigeria is decadent at several levels, not the least of which is the tunnel vision on policemen in their operational approach to investigations and treatment of suspects and detainees...whether hounding persons or groups in the state or making suspect plead guilty to crime not committed in order to be saved from police brutality, or whether committing sexual violence against

¹¹⁴ Ibid

¹¹⁵ Ibid

¹¹⁶ Ibid., p.2

female detainees, our police are adept at making life hell on earth for their victims.¹¹⁷

In view of the above, it can be said that the Nigeria police force, at least many of its officers have a penchant for the use of excessive force in the exercise of their constitutional duties.

4.2 Forms of Police Abuse of Powers in Nigeria

Article seven of the International Covenant on Civil and Political rights provides that “No one shall be subjected to torture, or cruel, inhuman or degrading treatment or punishment.”¹¹⁸

In particular, no one shall be subjected without his free consent to medical or scientific experimentation.

Article five of the African Charter on Human and People Rights also protects individual from degrading treatment stating;

Every individual shall have the right to the respect of the dignity inherent in a human being and to the recognition of his legal status. All forms of exploitation and degradation of man, particularly slavery, slave trade, torture, cruel, inhuman and degrading punishment and treatment-shall be prohibited.¹¹⁹

4.2.1. Search and Arrests

An accused or suspect's arrest procedure should be the first consideration when determining whether or not he is guilty or innocent. Long after a suspect or accused person has been searched and taken into custody, concerns about their right to a fair trial and legal counsel come up. Therefore, it is crucial that the law take a strong stance in favor of the suspect or person who was the victim of an illegal search. The Constitutional law of search and arrest are general by sections 35 and 36 of the Constitution.

¹¹⁷ The Guardian, Aug. 18 2005, p. 16.

¹¹⁸ Article 7 of the International Covenant on Civil and Political Rights

¹¹⁹ Article 5 of the African Charter on Human and Peoples Rights.

There are few exceptions that allow a man to lawfully forfeit his freedom of movement or personal liberty because of the paramount necessity to safeguard society against wrongdoers. But the law went beyond to outline how a search or an arrest may be lawfully conducted in order to ensure that persons did not suffer unduly.

Authorization is the initial prerequisite for all searches and arrests. Warrants must be issued in order to obtain this authorization. In all other situations, a reasonable suspicion that an offense has been or is about to be committed must be the basis for searches and arrests.

(a) Searches

It is often the case that in the process of investigating crime, it is necessary for the police to conduct a search in order to obtain evidence that may be used at the trial of the offence.

Generally speaking, before the police can search any property, they need to have a search warrant. An impartial third party who is not connected to the inquiry is the recipient of the search warrant application. They guarantee that the search warrant will be granted with a certain amount of objectivity or rationality and that the officer submitting the application will gather accurate information to support the warrant's issuance. A person's right to be safe in their own house without law police breaking in to look for evidence based on suspicion is protected by the reasonableness requirement.

By the provisions of the section 107 (1) (a) (b) (c) of the Criminal Procedure Act¹²⁰ CPA (herein after referred to as CPA) applicable in the southern part of Nigeria; a search warrant may be issued by a magistrate when there is reasonable ground to believe that any building, ship, carriage, receptacle or place contains that anything connected with the commission of an offence.

¹²⁰ Cap 80, Laws of the Federation of Nigeria, 1990

However, since a magistrate is not required to conduct any investigation regarding the veracity or falsity of the sworn information, he will have to rely on what is stated on the face of the oath and, perhaps more crucially, on the image that the police officer who needs a search warrant to perform his duties presents to him.

And this is especially so where a police officer who requires the search warrant swore to the information himself... It is common that the police without due investigation often swear to an oath requesting for a search warrant. An example of such police hasty potion occurred in *Kuku v Olushaga*¹²¹ in that case the complaint to the police was discovered to be false after a search warrant was issued. This discovery was made during further investigation by a superior police officer in charge of the case. But that case was after the suspect's house had been searched and property seized.

The provisions of section 107 (1) (i) (ii) CPA¹²² further provides that the warrant allows the law enforcement officials named therein to seize any items to the investigations and if the magistrate so directs on the warrant to apprehend the occupier of the house or place where the thing is found.

In *C.O.P. v. Igwe*,¹²³ it was held that a general warrant, that is one which either the person or property or offence is not described or specified is illegal. On the issue of indiscriminate searches, Lord Denning M. R had this to say in *Ghali v. Jones*,¹²⁴

The law does not permit the police to ransack a citizen's house in search of anything simply to see if he may have committed some crime... if police officers should do so, they would be guilty of trespass. Even if they should find something

¹²¹ (1967) 1 All NLR 652

¹²² Supra note 5.

¹²³ (1961) 1 All NLR 9

¹²⁴ (1970) 1 QB 693

incriminating against the occupier, I should have thought that the court would not allow it to be used in evidence against him if the conduct of the police officers was so oppressive that it would not be right to allow the prosecution to rely upon it.

However, if the police obtains a warrant to search the house of A, evidence used in the commission of a murder, if in the course of the search the police comes upon any other items which stood A to be implicated in the offence of counterfeiting currency for instance, they may seize such goods provided they not reasonably because they are connected with the offender for whom the warrant was issued.

In *Chic Fashions (West Wales) Ltd v. Jones*¹²⁵ O Lord Denning M. R. stated the position as follows:

When a constable enters a house by virtue of a search warrant for stolen goods, he may seize not only the goods which he reasonably believed to be covered by the warrant, but also other goods which he believes on reasonable grounds to have been stolen and to be material evidence on a charge of stealing or receiving against the person in possession of them or anyone associated with him.

Section 78 (1) (2) of the Criminal Procedure Code (CPC) applicable in the Northern part of Nigeria provides that a search warrant must be executed whenever possible in the presence of two respectable inhabitants of the neighborhood to be summoned by the person executing the warrant. A list of all they seized in the course of the search and of the places in which they are found shall be drawn up by the person conducting the search and signed and sealed by the witnesses.

However, there has been real strange incidence of the police breaking into people's houses, disregarding their right to privacy and ransacking the place without as much as showing a duly authorized warrant.

¹²⁵ (1968) 2 QB 299

In the process, innocent citizens have been brutalized and seized properties destroyed. There is the instance in which a lorry load of grim - looking armed police men stormed the residence of a citizen as early as 5:00 AM, they shouted at the occupants of the house to open the door at once or the door would be smashed. Before the occupants could respond to their threats, the door was smashed and they poured into the house kicking and slapping everybody within. They searched everything in the house, upturned every furniture and leafed through every document. The occupants watched helplessly at gunpoint. Nothing has been said about the question of their warrant or for what offence the house was being searched. At the end of the search, some five hours later, the commander stood and muttered "Well you are lucky that nothing incriminating had been found here. In any case, you still have to accompany us to the police station for a 'chat'

During a normal inspection, Nigerian police officials had stopped a driver's vehicle. One of the officers reaches in and shifts the transmission to "Park" while the vehicle is still in gear, causing serious mechanical damage such as grinding gearbox failure. Instead of stopping the car, this careless move damages the transmission. This draws attention to the incorrect process and possible vehicle sabotage. These kinds of occurrences increase public mistrust of law enforcement strategies.¹²⁶

These cases of searches and harassment are common place. One is forced to ask where is the constitutional guarantee against the violation of your human dignity, personal liberty and inhuman treatment.

(b)Arrests

¹²⁶ <https://x.com/dammiedammie35/status/1979855576327962983?s=46>

A basic provision of our law stipulates that a person being arrested must be informed of the reason(s) of his arrest. This is a common law rule which has been codified in section 5 of the Criminal Procedure Act¹²⁷ and in section 35(3) of the Constitution¹²⁸ same provision is made.

Many reasons have been adduced for the law insisting that reason be given in every arrest. According to Lord Simmons in *Christie v. Leachinsky*,¹²⁹ a reason given by the police making the arrest will afford the person arrested an opportunity to explain the true situation and perhaps exonerate himself. Again, as explain by Lord du Parc in the same case, it is for the person arrested to know whether the arrest is lawful, for if a person is arrested on a cause which he did not commit, he has every right to use reasonable force to resist the arrest.

In English case of *Christie v. Leachinsky* is a locus classicus on the issue of providing reasons of the time of arrest of a citizen. In that leading case, a waste merchant was arrested by the Liverpool police and charged with unlawful possession contrary to section 507 and section 513¹³⁰ of the Liverpool Cooperation Act 1921. The police as a matter lacked power to arrest under the Act as they throughout knew the name and address of the waste merchant. He was eventually acquitted of the charge. He thereafter sued for false imprisonment founded on the original unlawful arrest. The police abandoned their jurisdiction for arrest under the Liverpool Act and amended their pleadings to state that the merchant was arrested because they had reasonable and probable cause to suspect that the stole or feloniously received the goods. There was no evidence showing that the merchant was arrested on that ground. The House of Lords held that the arrest was unlawful.

¹²⁷ Criminal Procedure Act

¹²⁸ Constitution of the Federal Republic of Nigeria, 1999.

¹²⁹ (1947)AC 537 at 592.

¹³⁰ Liverpool Cooperation Act 1921.

To buttress the importance of giving reasons to the person arrested, Viscount Simon at the House in the *Christie v. Leachinsky* case put forward the following propositions which today have stood the test of legal analysis.

- 1) If a policeman arrest without warrant upon reasonable suspicion of felony, or of other crime of a sort, which does not require a warrant, he must in ordering circumstance inform the arrested person of the true ground of arrest. He is not entitled to keep the reason to himself or to give a reason which is not the true reason. In other words, a citizen is entitled to know on what charges or on suspicion of what crime he is seized.
- 2) If the citizen is not so informed, but is nevertheless seized, the policeman apart from certain exceptions is liable for false imprisonment.
- 3) The requirement that the person arrested should be informed of the reason why he is seized, naturally does not exist if the circumstances are such that he must know the general nature of the alleged offence for which he is detained.
- 4) The requirement that he should be so informed does not mean that technical or precise language need be used. The master is a master of substance, and turns on the elementary proposition. That in this country, a person is, prima-facie, entitled to his freedom and is only required to submit to restraints upon him if he knows in substance the reason why it is claimed that this restraint should be imposed.
- 5) The person arrested cannot explain that he has not been supplied with the above information as and when he should be, if he himself produces the situation which makes it practically impossible to inform him, e.g. by immediate counter attack or by running away.

The propositions in paragraphs (3) and (5) in the foregoing passage have been codified in section 5 of the Criminal Procedure Act.¹³¹ Hence, a person arrested is not entitled to information of the reason of his arrest if;

- (a) He is in the actual course of the commission of a crime, or
- (b) He is pursued immediately after the commission of a crime, or
- (c) He escape from lawful custody.

Therefore, it is important for the police to exercise discretion and give reasons for arrest to avoid the risk of being accused and subsequently sued for false imprisonment or even malicious prosecution.

An arrest based on irregular warrant may amount to a violation of the person's liberty. In *Ikonne v. C.O.P. & Anor*¹³² a warrant of arrest had been issued based on a complaint that has fictitious and not on oath, on an application, the warrant was quashed. When the matter went to the Supreme Court, Anialogu JSC observed:

It is clear from the facts of this matter on appeal that the judge... had no valid legal reason for issuing the warrant of arrest complained of in this appeal. The issue of the warrant of arrest, was in the circumstances of this matter on appeal, an abuse of judicial authority... The conduct of the judge in issue the warrant of arrest upon what was obviously a fictitious reason, had the undesirable effect of denigrating the judiciary in the eyes of the public and of eroding the confidence of the people in judicial process and the rule of law.

However, the interpretation given to section 101 of the CPA by the then Federal Supreme Court in the case of *Okotie v. C.O.P.*¹³³ is puzzling that where it is provided in relation to a particular offence that an offender may be arrested without warrant, an arrest of such offender does not oust the jurisdiction of the competent court to try him for the offence.

¹³¹ Supra note 12

¹³² (1986) 4 NWLR (Pt. 36) 473.

¹³³ (1959) 4 FSC 125.

In such cases, the court held the arrest and conviction of the accused. It is more disturbing if viewed in contradistinction with the declaration of Lord Denning M. R in *Macfoy v. U.A.C.*

*Ltd*¹³⁴ that:

If an act is void, then it is in law a nullity. It is not only bad, but incurably bad. There is no need for an order of the court to set it aside. It is automatically null and void without more ado, though it is sometimes convenient to have the court declare it to be so. And every process which is founded on it is also bad and incurably bad. You cannot put something on nothing and expect it to stay there, it will collapse.

Moreover, there are sound arguments in support of excluding illegally obtained evidence and evidence obtained through an unlawful arrest is illegal.

Argument in support of exclusion of illegally obtained evidence include:

- (a) That the law enforcement officers should themselves obey the law conscientiously and that their activities should be closely monitored supervised and disciplined by the courts through suspension of what they have illegally obtained.
- (b) That if illegally obtained evidence is admitted, the court in effect are condemning all participating in lawlessness and this may serve as a judicial umbrella for some law enforcement to abuse their power.
- (c) That if the suspect's right are to remain meaningful, they must be enforced, and the right to be secure from illegal searches, seizure and unlawful arrests cannot be adequately enforced other than through the exclusion of the fruits of illegal police behaviour.

4.2.2. The Holding Charge Practice

¹³⁴ (1962) A.C.152

The Criminal Procedure Act contains provisions that regulate the exercise of police power of bail. According to section 17 of CPA,¹³⁵ where a suspect is arrested without a warrant for a non-capital offence the police may release him on bail, where it is impracticable to take the person to court within twenty-four hours. If an investigation cannot be immediately concluded in respect of an alleged crime, the police may also release the suspect on bail subject to recognizance, section 19 CPA¹³⁶ further enjoins the police to release forthwith all persons in custody who there is not sufficient evidence to warrant a prosecution.

In the exercise of their wide powers of arrest, it is usual in the country to see cases where the police effect an arrest upon suspicion of commission of a crime and thereafter the police does not know what to do with the accused person in custody pending investigation into the crime and the desire to fulfil the constitutional requirements of arraignment of the accused person before the court within a reasonable time puts the police in a web. The way out of this web is a contraption that the police call a "holding charge".

Under the guise of the holding charge, the accused is rushed to court (usually a magistrate court) and his plea is taken. Bail is normally refused on the ground that the court has no jurisdiction to try the alleged offence. The right to personal liberty is thereby trampled upon and the suspects are usually ordered to be remanded in prison custody.

In the case of *Enwere v. C.O.P*¹³⁷ the Court of Appeal examined the holding charge phenomenon and held:

As the Constitution of the Federal Republic of Nigeria, 1979 or any other existing law in force in this country does not provide for a "holding charge" an accused ought to be released on bail within a

¹³⁵ Ibid

¹³⁶ Ibid

¹³⁷ (1993) 6 NWLR (pt. 299) 333

reasonable time before trial although such a situation is admittedly more relevant to non-capital offences.

The court went further in that case:

As it is palpable that the appellant in the instant case until 8th March, 1993 when he was granted bail by this court still being detained under what is called purported "holding charge" without any information filed against him before any court, I hold that the wet constitutes improper use of power or a flagrant abuse of power by the police for which they stand condemned.

The Court of Appeal recognized and condemned the holding charge phenomenon in the case of *Onagoruwe v. State*¹³⁸, when it held.

I want to say by way of recapitulation that it is an elementary but most vital requirement of our adjectival law that before the prosecution takes decision to prosecute, which it a forerunner or precursor to the charge decision, it must have at its disposal all evidence to support the charge. In a good number of cases, the police in this country rush to court on what they generally refer to as a holding charge, even before they conduct investigations, although there is nothing known in law as a "holding charge" happily, that was not the situation in this matter, whether the investigation does not succeed in assembling the relevant evidence to prosecute the accused to ensure conviction, the best discretion is to abandon the matter and throw in the towel. That to me is a commendable decision of courage and it is the best decision. On no account should the prosecution go out of its way in search of evidence when it is not there. When it degenerates to situation of "hunting down", the prosecutor but as a persecutor. And that is not consistent with the philosophy of our adversary system of adjudication.

From the foregoing, needless to say that it is improper for the police to employ the "holding charge" strategy to incarcerate a citizen and to deny him of his liberty.

In the discharge of duties and exercise of their powers, the police must not hesitate to give due respect to the liberty of the citizen. The right to bail is a right consistent with liberty.

¹³⁸ (1993) 7 NWLR (Pt. 303) 49.

Thus in *Onu Obekpa v. C.O.P.*,¹³⁹ the court held that bail is a constitutional right that the right to personal liberty should not be unduly interfered with by any authority or agency except in accordance with due process.

4.2.3. Torture, Inhuman and Degrading Treatment

Torture as a method of investigation has become rife, both within the police force and other security agencies. It is not uncommon for the police to employ the use of electric shocks, horse whips, cigarette burns, manacles on suspects who have not been found guilty by any court of law, suspects, who according to the law, are supposed to be presumed innocent until proved guilty.

Brutality or torture as an investigative device is often proceeded by several unlawful acts. Under normal circumstances, a suspect arrested for any offence should be promptly informed in writing cautioned before a statement is taken from him, and ultimately released on bail, where the nature of his offence so warrants.

However, what actually happens is that suspect is often denied all these rights, and on top of these may be subjected to torture in order to induce him to make a confession. Torture is a most heinous and brutal act from any source and coming from the police, the trauma and sense of utter helplessness of the victims/suspect is greatly heightened. It is nearly always practiced in seclusion evidence of it may disappear on healing or if not yet healed may be ascribed to other sources. As a result, it is very difficult to prove during a trial. A few instances of these might suffice.

¹³⁹ (1980) 1 NLR 113.

- 1) The 1988 CLO Annual Report on Human Rights in Nigeria highlighted the case of one Kayode Badmus who became partially blind as a result of the condition, under which he was held at the Panti Police Station, Yaba Lagos.
- 2) Reported also was the fate of another inmate Taiwo Omosowon who said that as part of his own torture, police ran thin metal wires through his urinary tract. They hung him face down with ropes suspended from the roof of a special torture chamber, and lashed his bare back and buttocks with metal wires until blood dropped from his nostrils.
- 3) Nwankwo and others in Human Rights practices in the Nigeria police narrated the story of one Andrew Okonye, a security officer with a petroleum marketing firm in Apapa who was arrested on allegation of stealing drums of oil from his employer. When he was brought for investigation, he was asked to confess to having committed the offence. He refused, whereupon his investigators got annoyed and beat him with a rough edged glass on his hands and ribs. When Andrew was located two days later by his family who got a lawyer to intervene, the protested his torture to the lawyer. The police denied ever torturing him, claiming Andrew sustained the injuries while attempting to escape from custody through a damaged window.¹⁴⁰

Article 2 of the UN Convention against torture and cruel, inhuman or degrading treatment or punishment provides that "no exceptional circumstances whatsoever whether a state of war or a threat of war, internal political instability or any other public emergency, may be involved as a justification of torture"

4.2.4. Police Extra-Judicial Killings

¹⁴⁰ Nwankwo Mbachie & Ugochukwu, *Human Rights Practice in the Nigeria Police* (CRP, 1993)

Section 33 subsection 1 of the Constitution¹⁴¹ provides; "Every person has a right to life and no one shall be deprived intentionally of his life, save in execution of the sentence of a court in respect of a criminal offence of which he has been found guilty in Nigeria".

The African Charter on Human and People's Rights,¹⁴² guarantees the right to life in the following terms; "Human beings are inviolable. Every human being shall be entitled to respect for his life and integrity of his person. No one may be arbitrarily deprived of that right"

The notion of "extra judicial killings"¹⁴³ has come to be associated with all manner of unlawful killings by the police. However, the term is used here in a more restrictive sense to mean deliberate and premeditated 'execution' by the police of suspects whom they have determined to be guilty of the crime for which they are suspected.¹⁴⁴

A case that illustrates the dastardly nature of the practice of extra-judicial execution is the notorious Oko-Oba village in Lagos State. Sometime in March 1999 police arrested seven persons on suspicion of robbery. They were returned to the house of one of them ostensibly to recover evidence. Eyewitness account later indicated that the suspects were all lined up and shot at close range. The police later came up with a statement that they had successfully eliminated a seven-man robbery gang who opened fire on them while resisting arrest.¹⁴⁵

¹⁴¹ Constitution of the Federal Republic of Nigeria, 1999.

¹⁴² African Charter on Human and People's Rights , Article 4

¹⁴³ African Concord, 2 May 1994, p. 29.

¹⁴⁴ Law Enforcement and Human Rights in Nigeria (CLO Publication 1998) 60.

¹⁴⁵ Ibid

Another set of four men, Peter Preboye, Lawrence Akinsade, Alibi Ibrahim and Kehinde Adeyemi were arrested on 11th October, 1991 at Ifako Apege, taken for interrogation at Panti Police Station and thereafter taken out and summarily executed.¹⁴⁶

There is a sizeable list of individual who have met a similar fate in police custody. According to Constitutional Rights Projects (CRP) in Human Right practices in Nigeria, July 1996 - June 1996 on Saturday January 11, 1997 Chief Okwuchukwu Okpala, a Makurdi, Benue based businessman was murdered in police cell (in Makurdi) after having a clash with a policeman at a check point who demanded for ₦20 from his driver. He was detained at the station where he went for assistance and later died under mysterious circumstance.¹⁴⁷

The police also kill to avenge the death of their men killed by armed robbers, and in political agitation. The Patanni massacre vividly captures the picture of such revenge killings. A police sergeant was killed at a checkpoint by some robbers on 14th February. 1994. The next day, the police went to the town, randomly arrested seven youth at the town, lined them up and executed them. The police then announced the following day on Delta Radio, Warri that they have engaged some robbers in exchange of gunfire during which seven of the gang got killed.¹⁴⁸

4.2.5. Checkpoint Killings

All over the country, there are armed policemen who regularly mount road blocks searching every vehicle after administering the "caution"- "*wetin you carry?*" This happens within every few kilometer along the road in many urban and rural areas of the country. The ostensible purpose of road blocks is to facilitate security checks so as to assist the police to

¹⁴⁶ Ibid

¹⁴⁷ Ibid

¹⁴⁸ Tempo, 14 April 1994, 6

arrest car thieves, drug carriers, armed robbers and other criminal suspects. These checkpoints have become a source of nightmare for many law abiding citizens as the police are often irritable, gruff and oppressive in their treatment of the people whom they accost.

Several reports have shown that policemen kill and rob citizens seen to have large sums of money or their valuable property. A case in point is the killing on 27 May, 1993 of Kayode Oladimeji, Andrew Esiri and Dele Ojo.

Oladimeji and Esiri had gone to the Murtala Mohammed Airport to receive their friend Dele Ojo who was returning home after ten years. All three left the airport in Esiri's car. They were stopped at a checkpoint by policemen, later their bodies were displayed as robbers killed in exchange of fire with the police.¹⁴⁹

All classes of persons have fallen victims of this reckless disregard for human life by the police. The killing in 1992 of Colonel Israel Rindam at a checkpoint nearly led to a confrontation between the police and the Army.¹⁵⁰ An off-duty commissioner of police, Alhaji Hauna Umar was killed in 1996 at a checkpoint in Lagos by policemen who did not realize his identity,¹⁵¹ Captain Anthony Chukwuma, an army medical doctor, was shot and killed by a police constable at Maje Police checkpoint on the Aba-Owerri Road.¹⁵²

4.2.6. Students Protests

Since independence, Nigeria students have exhibited great concern for the political tortures of this country. Students' activism is on the increase with the increase in the numbers of Universities, Polytechnics and Colleges of Education.

¹⁴⁹ Law Enforcement and Human Rights in Nigeria, 73

¹⁵⁰ The *Sunday Magazine* (TSM) March 13 1994, 15.

¹⁵¹ Law Enforcement and Human Rights in Nigeria, 29.

¹⁵² Ibid.

The first unimaginable incidence of police brutality in relation to control of students occurred at the University of Ibadan, when during a protest in 1997, one Kunle Adepeju was felled by police bullets. The shooting of Adepeju was to become a routine strategy in police control of students' protests. At Lagos State University (LASU), in 1992, a first year student of Biochemistry was killed by the police during a peaceful demonstration by students. Why does the Nigeria police resort to such brutal means to quell peaceful students' protests? To find answer to this and other questions on how to put a stop to the killing of students, the Emmanuel Abisoye Panel set up in 1986 recommended that police should not use live bullets in quelling students protest, rather use rubber bullets. The Panel also recommended that mobile policemen should never be drafted to institutions to quell protesters rather regular police officers should be used. As has always happened, these recommendations were never implemented

4.2.7. Mass Political Agitation

Crowd control situations which may require police intervention includes political agitations by the people, workers and the masses in general. When the police are called up to quell political demonstrations, the same brutal tactics used for students are adopted, mass arrests, torture in detention and ultimately death may be the lot of popular agitators.

Mention a few cases will suffice to buttress the point. In 1980, the Shehu Shagari Government compulsorily acquired a large part of land for the construction of Baka Hari Dam in Sokoto State. This acquisition denied thousands of peasant farmers of their farmland and the government contrary to its promise failed to provide alternative location for the peasants.

They later organized a peaceful demonstration to press for alternative land. The government dialed in mobile policemen and at the end of it all, about thirteen persons lay dead.¹⁵³

Similarly, when in November 1998, the government of General Ibrahim Babangida forcibly imposed Ibrahim Dasuki as the Sultan of Sokoto against the popular choice, there was a mass agitation for his removal and the installation of the rightful successor to the Sultanate throne - Muhammad Maccido. The government unleashed its police and at least ten persons were brutally murdered.¹⁵⁴ Yet, our Constitution guarantees freedom of expression (section 39) and freedom of association (Section 40).

In a landmark judgment, the Supreme Court of Ghana has called to question the attempt of those in authority to muzzle opposing views in the polity. In *N.P.P. v. G.B.C.*,¹⁵⁵ Francis JSC, said;

A denial of opportunity for the expression of opposing views inherent in a democracy, would amount to moves which may culminate in the creation of a monolithic government which is only one step embodied from a one party government. There is a historical precedent of such a retrogressive descent obviously any state agency which counters the situation, that would lead to the creation of a one party state is seriously out of step with the spirit and constitutional realism of today.

The height of brutality was demonstrated in 1989 during the protest against the introduction of the Structural Adjustment Programme (SAP) by the government of General Ibrahim Babangida: People from all walks of life trooped out in protest, many people were killed when the police and soldiers decided to break up the demonstrations. Several people were attested and held in police stations across the country.

¹⁵³ YB Usman, Political Repression in Nigeria, CLO Annual Report, 1998, 81.

¹⁵⁴ Ibid.

¹⁵⁵ (2000) 20 WRN 163 at 177

This unbridled manner in which the police brutalize Nigerians without qualms makes one wonder if the Act establishing the Nigeria police spells brutality.

4.3 Police Abuse of Powers in the United States

In the United States, police brutality is the main form of police abuse of power. Police brutality here includes: "police homicides; unlawful arrests; assaults; threatening and abusive language; the use of racial slurs; sexual exploitation; the beating of prisoners in police custody; racial profiling; police complicity in drug-dealing, prostitution, burglaries, protection schemes, and gun-smuggling."¹⁵⁶ However, police work necessitates the use of force, which is not inherently police brutality.

The International Association of Chiefs of Police (ICAP), an organization that works closely with the government to establish policies, published in 1957 a code of conduct for police officers. Specifically, on the use of Force it noted:

A police officer will never employ unnecessary force or violence and will use only such force in the discharge of duty as is reasonable in all circumstances. The use of force should be used only with the greatest restraint and only after discussion, negotiation and persuasion have been found to be inappropriate or ineffective. While the use of force is occasionally unavoidable, every police officer will refrain from unnecessary infliction of pain or suffering and will never engage in cruel, degrading or inhumane treatment of any person.¹⁵⁷

Similarly, the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officers states that:

Law enforcement officials in carrying out their duties, shall as far as possible, apply non-violent means before resorting to the use of force and firearms. They may use force and

¹⁵⁶ Ibid

¹⁵⁷ L Marquard, *The story of South Africa* (Longman, 2018).

firearms only if other means remain ineffective or without any promises of achieving intended results.¹⁵⁸

In 2003, the Bureau of Justice Statistics (BJS) sponsored a report on citizen complaints about police use of force which stated that-

During 2002 large State and local law enforcement agencies, representing 5% of agencies and 59% of officers, received a total of 26,556 citizen complaints about police use of force. This corresponds to an overall rate of 6.6 force complaints per 100 full-time sworn officers.¹⁵⁹

The police in the United States has a long and indecent history of excessive use of force. Historically, minorities have been victims of police brutality in the United States. Since the middle of the 19th century a dominant white social class maintained racial injustice through a police force willing to use violence against minorities. This violence expressed itself in the years immediately after the civil war through brutality in various forms. America has a lengthy and disgraceful tradition of police brutality to attain a sense of law and order in its society.¹⁶⁰

Police misconduct can be described as any inappropriate behaviour on the part of any law enforcement officer that is either illegal or immoral or both. Law enforcement agents are should behave to a standard than is greater than the average civilian. Police brutality comes from an abuse of power granted to the police. Police brutality is often drawn on by overreaction in certain situations drawn on by panic, Police using excessive force in the United States is a crucial dilemma and must be stopped.¹⁶¹

¹⁵⁸ Ibid

¹⁵⁹ Ibid

¹⁶⁰ S Eschholz, B Blackwell, M Gertz, & T Chiricos, "Race and Attitudes toward the police: Assessing the effects of Watching 'Reality' Police Programs", *Journal of Criminal Justice* 30(2002),327

¹⁶¹ Ibid

Police officers usually build up negative feelings towards certain races, sexes, or religions. Officers tend to get the idea that if one or a few people treat them with disrespect, then other people of that same sex or creed will behave the same. Race consistently plays a key role in police brutality in the United States. Law enforcement has exposed minorities to discriminatory treatment and has many times physically abused minorities. Mistreatment is not always physical but sometimes non-violent harassment and humiliation. Police have been known to detain drivers for driving in certain areas or for driving a specific type of vehicle. The problem with racial profiling against minorities is that it creates distrust between racial minority communities and the police. Jerome Skolnick discusses the reports that lead to distrust of the police in the following passage. He reports, "Witnesses often tell tales of police officers verbally harassing minorities; detaining African-American and Latino Men who fit certain generalized descriptions; employing the so-called "prone-out" tactic...in minority neighborhoods, even for routine traffic stops; and using excessive force, particularly in African-American and Latino communities. The intensity and frequency of these complaints reveal a serious problem."¹⁶²

Numerous human rights observers have raised concerns about increased police brutality in the U.S. in the wake of the September 11, 2001 attacks on the World Trade Center. An extensive report prepared for the United Nations Human Rights Committee tabled in 2006 stated that in the United States, the "War on Terror" has "created a generalized climate of impunity for law enforcement officers, and contributed to the erosion of what few accountability mechanisms existed for civilian control over law enforcement agencies. As a result, police brutality and abuse persist unabated and undeterred across the country".¹⁶³

¹⁶² R Lawrence, *The Politics of Force: Media and the Construction of Police Brutality* (University of California Press, 2000) 43.

¹⁶³ Ibid

A University of California Los Angeles student was tasered by police without cause for studying in the university library without having his student ID on his person. Following police orders to leave, the student was walking toward the door when police grabbed him and repeatedly tasered him.¹⁶⁴

On September 19, 2007 a young woman was repeatedly tasered without cause by a large brutal cop in a parking lot outside a night club in Warren Ohio.

On September 14, 2007, Roseland, Indiana, city council member David Snyder was ejected from a council meeting by dictatorial council chairman Charlie Shields.

Snyder had protested being limited to one minute to speak. Police goon Jack Tiller escorted Snyder out, and as Snyder exited the building, Tiller, following behind, pushed Snyder to the ground and without cause began beating Snyder in the head with a nightstick. Snyder was hospitalized afterwards.

Human Rights Watch observers in Northern Ireland to monitor security force operations during the July 1998 marching season reported that RUC officers fired plastic bullets indiscriminately and in violation of RU guidelines. In contrast if in Nigeria plastic bullets were used to disperse disgruntled riotous crowds then I think it would be a plus on the police and the government for putting the preservation of life in perspective.

April 21 2001 Police fired CS gas (also known as tear gas) at protesters during the Quebec City Summit of the Americas. The Commission for Public Complaints against the Royal Canadian Mounted Police RCMP later concluded that the use of tear gas against demonstrators at the summit constituted "excessive and unjustified force."

¹⁶⁴ Ibid

In the United States, race and police brutality continue to be closely linked, and the phenomenon has sparked a string of race riots over the years. Especially notable among these incidents was the uprising caused by the arrest and beating of Rodney King on March 3, 1991 by officers of the Los Angeles Police Department *infra*. The atmosphere was particularly volatile because the brutality had been videotaped by a bystander and widely broadcast afterwards. When the four law enforcement officers charged with assault and other charges were acquitted, the 1992 Los Angeles Riots broke out.

An extensive U.S. Department of Justice report on police use of force released in 2001 indicated that in 1999, "approximately 422,000 people 16 years old and older were estimated to have had contact with police in which case force or the threat of force was used."

Police brutality has not abated. According to Mapping Police Violence(MPV),About 1364 people were killed by police in 2024 in the United States of America¹⁶⁵ Indeed, in a country where it is legal for private citizens to bear a weapon (though there are restrictions depending on state laws), police officers are legally allowed to use deadly use of force in specific cases:

1. Defend themselves or a third person from the use or imminent use of deadly physical force or
2. Make an arrest or prevent the escape from custody of a person whom they reasonably believe has committed or attempted to commit a felony involving the infliction or threatened infliction of serious physical injury and, where feasible, they have given warning of their intent to use deadly physical force.¹⁶⁶

¹⁶⁵ <https://campaignzero.org/research/mapping-police-violence-2024-was-the-deadliest-year-for-police-violence/> accessed November 6th 2025.

¹⁶⁶ 471 U.S. 1 (1985)

In 1985 in *Tennessee v. Garner*," the United States Supreme Court ruled that a police officer cannot use deadly force to make an arrest or to stop a fleeing suspect, unless the suspect is an immediate threat to the public of the officer. Subsequently, in *Graham v. Connor*,¹⁶⁷ the Supreme Court ruled that officers using deadly force must be judged according to the circumstances of the situation with "objective reasonableness." In other words, the Supreme Court ruled that each case of deadly force had to be examined individually, and that the circumstances would dictate whether its use was justified or not.

Indeed, as the decision to use deadly force often has to be made in a split-second, cases when an officer shot and killed a suspect who was holding or reaching for an object which could be mistaken as a gun (but was not a gun) and/or had a history of violence were judged as justified by the bureau of internal affairs or courts.¹⁶⁸

Moreover, the high possibility of a suspect being armed is due to the right to bear weapons, and police officers may have to take that decision at any moment when responding to a 911 call or stopping someone for a traffic violation.

Other violent crimes such as kidnapping, obstruction of justice, false statements, bribery, narcotic violation, and seventeen others, all individually accounted for less than 1%.¹⁶⁹

Police brutality has crossed the line from using excessive force against a resisting Rodney King¹⁷⁰ to unprovoked gratuitous violence against persons offering no resistance, such as the elderly, women, students, and elected officials. Americans are not safe anywhere from police.

¹⁶⁷ 490 U.S. 386 (1989)

¹⁶⁸ Ibid

¹⁶⁹ P Stinson, and others. 'Police Integrity Lost: A Study of Law Enforcement Officers Arrested', *National Institute of Justice Office*, Jan. 2016, 321. <<https://www.ncjrs.gov/pdffiles1/nij/grants/249850.pdf>>

¹⁷⁰ "Rodney King beaten by Los Angeles police department officers", March 3, 1991

Police attack Americans in university libraries, in public meetings and in their own homes, reports an article by Paul Craig Roberts,¹⁷¹ an American writer.

4.4 Conclusion

When it comes to police misconduct, the issue is complicated. But if the proper remedies are in place, this problem can be fixed. In America, one of the most serious and problematic violations of civil rights is police brutality. Police misconduct must stop, including verbal assault, illegal shootings, and physical violence. Every police precinct in America ought to operate as a unit that responds to crises in a polite and professional way. The more society develops, the more important the problem of police violence becomes.

The situation is the same in Nigeria; the only possible distinction is that police brutality is more heinous there because of the general lack of sophistication, formality, and class in our culture, as well as the education of the populace and the police.

The United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officers states that:

Law enforcement officials in carrying out their duties, shall as far as possible, apply non-violent means before resorting to the use of force and firearms. They may use force and firearms only if other means remain ineffective or without any promises of achieving intended results.¹⁷²

The scenario is quite different in Britain, where there are a lot of police officers. The unwritten Constitution does not grant anyone the right to own a gun. It was claimed that it was not required. Except for those who want to get a gun illegally in order to shoot the prime minister, there is no justification for anyone to purchase a firearm. In contrast, practically

¹⁷¹ *America's police Brutality pandemic*, extracted from lewrockwell.com

¹⁷² Section 4

anyone can own a gun in this country as long as it is evident that they are of sound mind and have no criminal history. Nigeria is no different from Britain in this light where an individual is not to be seen with a gun as at present anyone seen with a gun is killed on the claim that he is an armed robber.

The reason for this difference is obvious. England is a small country compared with America and Nigeria, no one can hide anywhere. The Orwellian State has been so successfully established, no one anywhere in Britain can go unnoticed for very long. There are thousands of cameras watching you in the UK at any given time. Phone records, email exchanges and websites you visit have now become police records and are freely used in court by the prosecution. It appears appalling that the police wield this much powers, a complete, disregard for the most basic human right: privacy.¹⁷³ On the other hand, it is obvious that technology must be incorporated into criminal investigations—something Nigeria now lacks—in order to help the police conduct accurate investigations if effective policing is to be accomplished.

CHAPTER FIVE

RECOMMENDATIONS AND CONCLUSION

This is the concluding chapter, which includes a summary of the research, recommendations for enhancing the criminal justice system, and a conclusion on all topics discussed.

5.1 Recommendations

¹⁷³ "UK: Police State Veering toward Dictatorship", Saturday, 31st May 2019, from www.police999.com

Based on media reports, public remarks and opinions, instances of police misconduct, and, to some extent, government acceptance of the issue, it can be concluded that corruption in the Nigerian police force is widespread and an ongoing issue that affects all police levels and ranks as well as the organisation. There are numerous conflicting theories regarding police corruption and inefficiency, but the root causes of Nigeria's long-standing abuse, incompetence, and corruption are indicative of the nation's overall governance deficit.

The list includes unethical and flawed recruitment, inadequate supervision and training, political influence, the decline of professional standards, the demand for illegal services by society, poor administration and welfare, and the indoctrination of new hires into unethical behaviour.

The preceding list cannot be completed without including decades of authoritarian military rule and the concomitant patronage politics. It is to be expected that security institutions would be diverted to supporting various regimes. Given the foregoing, it is not surprising that this history has produced poorly paid and poorly trained police officers who have little understanding of their roles as citizen defenders. This study makes the following recommendations:

5.1.1 Strategies for Reforming the Police System

The Nigerian police force is in dire need of reform if it is to fulfil its mandate to safeguard the fundamental principles of liberty, privacy, and dignity. The Criminal Procedure Code must also honour the principles of accountability, fairness, and restraint. Through extensive engagements with stakeholders, including various interest groups, police experts, public-

spirited individuals, media professionals, and pertinent government organisations, significant reforms were implemented in the police services of certain emerging nations. In order to update and modernise the strategies, these stakeholders then organised a public outing to look at every facet of police administration and operation. These exercises have produced incredibly valuable outcomes and have been successful in transforming police systems to achieve more effective performance. It is advised that our nation learn from these experiences. Mexico is an illustration of the aforementioned. Given the aforementioned, a number of tactics would be suggested under different headings as a magic bullet to rescue the Nigerian police force from its current sad state.

5.1.2.Need For Overhaul of Police Laws in Nigeria

As previously stated in this study, courts are only able to interpret police conduct in light of the laws that are now in place, regardless of how aggressive they are in ensuring that police activity stays within the bounds of the law. For instance, if the rules governing police powers are retroactive, the courts must evaluate the police's authority under those laws.

The historical background of the Nigerian police force, as discussed in chapter two of this study, shows that the British government created Nigerian police-related laws, such as the Police Act. With very few exceptions, even the current Police Act is primarily a holdover from colonialism. Therefore, it is imperative that the legislation governing police powers and duties particularly the Police Act be completely overhauled.

5.1.3.Funding of the Police Force

Today, funding has been highlighted as the Nigerian police force's biggest problem. Lack of funds would prevent the police from acquiring the necessary logistical supplies, such as cars, weapons, ammunition, and rank-and-file welfare, which would prevent the force from

carrying out its mandated duties. Since the federal government is in charge of the police, it should make sure that they have enough money to operate as efficiently as possible.

5.1.4. Police Recruitment Policy

The Nigerian police's recruitment policy is another significant problem. Many police officers were not screened when they were hired by the agency. Like in other government institutions, hiring decisions are often made based on influence rather than qualifications. This is seen by the practice of using letters from powerful people to support a candidate.

In light of the aforementioned, measures should be implemented to ensure that potential hires for the police force have the necessary qualifications and moral fibre in order to prevent the recruitment of individuals with dubious backgrounds. Since the recruitment process directly affects the development of a good police officer, the recruited must be qualified for the position in all areas mentally, physically, educationally, and attitude-wise. Only in this environment can he be shaped and orientated to perform optimally for the benefit of his service recipients.

5.1.5. Training and Retraining of Police Officers

Correct recruitment important as it is, cannot substitute training in terms of knowledge, content, including skills, attitude, and orientation, which together culminate in efficiency and proficiency, adequate training environment, training materials and competent trainings. Unfortunately, this training setting is not available in the Nigeria police force even today,

A reformation of the police force must begin here, at the force's birthplace. In addition to providing top-notch training conditions for Nigerian police officers, the curriculum should include instruction in contemporary subjects like political science, psychology, and sociology.

According to the argument, this will make police officers more effective and in line with the current needs of both society and law enforcement.

5.2 Conclusion

One of the biggest contemporary challenges is police corruption, which has an impact on the police's ability to prevent and manage crime. Corruption in the Nigerian police force is widespread and contrary to the police's constitutional duty to themselves. Corruption encourages crime, erodes public trust in the police and governance in general, and fosters a sense of insecurity. A second modern issue, also related to the first, is police's proclivity to abuse human rights, particularly police brutality. The Nigerian police force is well-known for using excessive force, as evidenced by instances in the past. The quality of policing in Nigeria is impacted by colonialism and military rule, as well as the poor status of police administration and welfare. It is argued that the executive branch of government is constitutionally obligated to ensure that the police are able to carry out their duties and obligations. Until this is accomplished, the Nigerian police will continue their ignoble descent into the 'abyss.'

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