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An Appraisal of the Legal Framework for Law Enforcement in Nigeria

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Abstract

Just like any typical society, the Nigerian society has needs to regulate the conduct of its people in a manner that peace and order is guaranteed. In that spirit, various law enforcement agencies have been established, including the Nigeria Police Force, the Nigerian Security and Civil Defence Corps, the National Intelligence Agencies, etc. In spite of the proliferation of these law enforcement agencies, the Nigerian society is still bedeviled with high crime rate, high corruption rate, flagrant abuse of human rights, and general sense of underachievement as a nation. The objective of this paper is to appraise the legal framework for law enforcement in Nigeria. The paper made use of doctrinal research methodology through the use of primary source such as statutes and regulations as well as secondary source such as books, academic journals, newspaper publications, television documentaries, Internet materials, etc. It was found that the obstacles hindering the functionality of law enforcement agencies in Nigeria include the proliferation of these agencies without any inter-collaborative connections; systemic corruption; inadequate funding and infrastructural deficiencies. It was recommended that the law enforcement agents should undergo periodic orientations to improve their efficiency; there should be more adequate funding for these agencies; and there should be more symbiosis among the various law enforcement agencies.

Keywords: Legal, Framework, Law, Enforcement, Nigeria

1. Introduction

Every society is guided by laws, which regulate the actions of individuals living within the society. If left to obey the laws as a matter of choice, the tendency is high for individuals to break them at will. As such, laws and codes of conduct do not suffice to command the enthronement of security and orderliness within society. Achieving these objectives requires setting up the necessary machinery to regulate the adherence of human conduct to existing laws. Therefore, governments set up law enforcement institutions saddled with the responsibility of ensuring compliance with the laws. To this extent, one can rightly say that law enforcement is *sine qua non* to the maintenance of security, law, and order in society.[1]

Law enforcement agencies exist in all the countries of the world. However, it is quite agreeable that the state of security, peace, and orderliness in the different countries are not the same. The reason behind this variation borders on the fact that the agencies in the different societies differ in their operation, level of efficiency, level of effectiveness, and in terms of their environment. For instance, a law enforcement outfit populated by well-trained officials and provided with

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[1] M. Odum, 'The Multiplicity of Law Enforcement Agencies and the State of Law and Order in Nigeria: A Case of too many Cooks?' (2019) 3 (4) *International Journal of Academic Accounting, Finance & Management Research*, 2.

adequate operational tools and equipment is more likely to exhibit a higher level of efficiency than one that lacks those features.[2]

Nigeria boasts numerous law-enforcement agencies that cover various spheres of life. Some of the agencies of the federal government involved in law enforcement in Nigeria include the Nigerian Police Force (NPF), Nigeria Security and Civil Defence Corps (NSCDC), Federal Road Safety Corps (FRSC), State Security Services (SSS) also known as the Department of State Services (DSS), Economic and Financial Crimes Commission (EFCC), Independent Corrupt Practices and other Related Offences Commission (ICPC), National Drug Law Enforcement Agency (NDLEA), etc. The National Assembly has also passed the Nigeria Peace Corps Bill. The passing of the Bill, which took place quite recently (precisely in July 2017), was aimed at establishing (or rather legalizing) another agency known as the Nigerian Peace Corps. The Federal Government is reportedly also contemplating the establishment of another security agency to be known as the National Guard.[3] This is in spite of the fact that this agency was originally set up in 1993 but was later abolished.[4]

Aside the federal agencies, the State governments have their law enforcement agencies that operate within such spheres as traffic and waste management. Added to these, there are recognized private outfits that assist in law enforcement such as Vigilante groups and community policing outfits. Despite the prevalence of law enforcement agencies in Nigeria, the country is still characterized by a high level of insecurity and disorderliness. News about incidents of crime, which remain unresolved in most cases, abound. Driving through Nigerian roads exposes one to bare cases of disorderliness. As Odumosu[5] rightly observed, there is pervasive lawlessness in Nigeria because Nigerians are typically unbridled, unruly, and unrestrained in their day-to-day life and activities. In fact, lawlessness seems to have become part of the culture.[6] More often than not, it appears as if the law enforcement agents have been overwhelmed by the issues they were meant to guard the society against. In light of the numerous law enforcement agencies and the poor state of security and orderliness in Nigeria, one is compelled to believe that the country's law enforcement agencies are far from being efficient and that the approach the government usually adopts toward making things better is to create more law enforcement outfits. Is it likely that the solution to the problem of ineffectiveness of the law-enforcement agencies in Nigeria lies in creating more agencies? That is to say, can one say that the reason the country has not attained a satisfactory level of security and orderliness is because she is yet to have the right number of law-enforcement agencies? Or, are the existing agencies likely to perform better if they are strengthened toward achieving the desired objectives? In response to these and other related questions, this paper appraises the legal framework for law enforcement in Nigeria and the impact of the law-enforcement agencies on Nigerian society vis-à-vis the state of law and order.

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[2]K. M. Hess and C. H. Orthmann, *Introduction to Law Enforcement and Criminal Justice* (11thedn.,Cengage Learning, 2014) 2.

[3] P. Nwafor, 'Insecurity: FG mulls establishment of National Guard' <www.vanguardngr.com/2017/08/insecurityfg-mulls-establishment-of-national-guard/amp/> accessed 5 January, 2024.

[4] Daily Post, 'GarbaRabiu: Between Nigerian Peace Corps and National Guard' <www.google.com.ng/amp/dailypost.ng/2017/09/07/garba-rabiu%E2%80%8B-nigerian-peace-corpsnational-guard/amp/>accessed26January, 2024.

[5] A O Odumosu, 'Destruction of the National Fabrics and Foundation: Evils of Pervasive Lawlessness and Role of Individual Accountability' in P. U. Nwangwu (ed.), *We the People: Building a New Democracy in Nigeria as a Model for Africa* (American Congressional Press, 2017) 115.

[6]Ibid.

2. Law Enforcement Agencies

A law enforcement agency (LEA) is any government agency or organization responsible for law enforcement within a specific jurisdiction through the employment and deployment of law enforcement officers and their resources.[7] The most common type of law enforcement agency is the police, but various other forms exist as well, including agencies that focus on specific legal violation, or are organized and overseen by certain authorities. A Nigerian example is the Nigeria Security and Civil Defence Corps (NSCDC). These law enforcement agencies typically have various powers and legal rights to allow them to perform their duties, such as the power of arrest and the use of force.[8] Many law enforcement agencies are police agencies that have a broad range powers and responsibilities. Police agencies, however, also often have a range of responsibilities not specifically related to law enforcement. These responsibilities relate to social order and public safety. While this understanding of policing, being more encompassing than just law enforcement has grown with and is commonly understood by society, it is recognized formally by scholars and academics. A police agency's jurisdiction for social order and public safety will normally be the same as its jurisdiction for law enforcement.[9]

3. Legal Framework on Law Enforcement in Nigeria

3.1 Constitution of the Federal Republic of Nigeria 1999 (as amended)

The extant Nigerian Constitution recognizes the role of law enforcement agencies in the Nigerian society by establishing the Nigeria Police Force which is the primary law enforcement agency in Nigeria.[10] They are charged with ensuring public safety, order, and security which are paramount considerations upon which certain rights can be derogated from under the Constitution.[11] They are also responsible for protecting the rights of citizens. The functions of the police are discussed in detail in the next sub-heading.

3.2 Police Act 2020

This Act provides for the general powers of the Nigeria Police Force.[12] Accordingly the police shall be employed for the prevention and detection of crime, the apprehension of offenders, preservation of law and order, protection of life and property and due enforcement of all laws and regulations which they shall be directly charged. They shall similarly perform such military duties within and outside Nigeria as may be required or authorized by any law.[13] The powers and duties of the police therefore flow from the law. According to Amadi;

> *The constitution provides that the members of the NPF shall have such powers and duties as may be conferred upon them by law. The law which provides for such powers and duties is the Police Act. Accordingly, it vests in the police the power to arrest any offending citizens, the powers to detain and search his*

[7] Collins Dictionary, 'Law enforcement agency' <https://www.collinsdictionary.com/dictionary/english/law-enforcement-agency#:~:text=an%20organization%20responsible%20for%20enforcing,Collins%20English%20Dictionary.> accessed 18 April 2024.
[8] DH McElreath, *Introduction to Law Enforcement* (Taylor & Francis, 2013) 2.
[9] Ibid.
[10] Constitution of the Federal Republic of Nigeria 1999 (as amended), Section 214(1).
[11] Ibid., Section 45(1).
[12] Police Act 2020, s. 4.
[13] Ibid.

> *person, the powers to search his property, the powers to take his finger print, the powers are quite expansive, but they must be exercised within the law.*[14]

Several other roles of the police were identified to control of traffic, rendering advice to disputants and offenders, assistance in emergencies like flood, fire fighting, ambulance services, etc. Amadi observed further that:

> *What is noticeable from these powers and duties is that while the later involves work which a police officer is employed to do, the former is the instrument with which he carries out the work. Their complementary characteristics make it rather difficult to say which one-power or duty-takes precedence over the other in the mind of a police officer … the exercise of his powers entails a response to the call of duty.*[15]

The powers and duties of the police are often exercised in complementary manner. A police officer may be thought to be exercising his powers at a time but would at the same time be said to be rendering his duties. A police officer exercising his power of arrest is concurrently performing his duty to maintain law and order. This may be interpreted simply either that he is exercising his power or that he is doing his duty, either construction is correct.[16] Dambazau in the same vein noted that the powers and duties of the police are peculiar:

> *The police are the biggest most visible and important sub-system of the criminal justice system. The police provides the entry point into the criminal justice system either through crime reports from the public or its own discovery. The police organisation is the main institution which provides regular direct contact with the public, a situation that makes it unique among the other components of the criminal justice system.*[17]

The National Assembly may by virtue of Section 214 (2) (c) of the Constitution, make provisions for branches of the Nigeria Police forming part of the Armed Forces of the Federation or for the protection of habours, water ways, railways, and airfields. The President is empowered under the constitution of Nigeria to give lawful directives to the Inspector General of Police concerning the maintenance and securing of public safety and public order as he may consider necessary. The IGP shall comply with those directives or cause them to be complied with.[18] Section 215 (4) of the Constitution expects the same relationship between the Governor of a state and the Commissioner of Police in charge of such state command while Section 215 (5) of the Constitution removes from the courts the power to enquire into any issue bordering on this directions. This aligns with section 9 (5) of the Police Act which charges the Inspector-General of Police (IGP) with the responsibility to command the police force subject to the directive of the President.

[14] GOS Amadi, *Police Power in Nigeria* (Afro-Orbis Pub. Co. Ltd., 2000) 14.
[15]Ibid., 15.
[16]Ibid.
[17] A. B. Dambazau, *Criminal Justice* (Spectrum Books Ltd., 2002) 178.
[18] S. 215 (3) CFRN 1999 as amended.

3.3 Nigeria Security and Civil Defence Corps (NSCDC) Act 2003 (as amended)

This Act was enacted in 2003 and amended in 2007 to further strengthen and empower the Corps for better service delivery.[19] It established the Nigeria Security and Civil Defence Corps (NSCDC).[20]Its functions include the following:[21]

a. assist in the maintenance of peace and order and also in the protection and rescuing of the civil population during the period of emergency;
b. inspect the premises of private guard companies, their training facilities and appliances designed for their use;
c. supervise and monitor the activities of all private guard command and keep a register for that purpose;
d. maintain twenty-four hours surveillance over infrastructures, sites and projects for the Federal, States and Local Governments;
e. have power to arrest, investigate and handover to the Nigeria Police for further investigation and prosecution of any person who is involved in any criminal activity;
f. monitor the activities of trade associations;
g. monitor and report any planned criminal activity aimed at depriving citizens of their properties or lives; or aimed at defrauding the Federal, State or Local Government;
h. provide necessary warning for the civilian population in times of danger;
i. evacuate the civilian population from danger areas; and
j. provide and manage shelters for civilians during any period of emergency.[22]

The Corps has carried out its activities in line with the provision of the Act and has over the period under review succeeded in making landmark achievements within the limit of available resources at its disposal.[23]

3.4 National Security Agencies (NSA) Act, Cap. N74, LFN 2004

This Act repealed the Nigerian Security Organisation Act [24] and created three security agencies, charging each with the conduct of the relevant aspect of the national security and other related matters. [25] For the effective conduct of national security, therefore, the Act established the following National Security Agencies (NSAs):

a. the Defence Intelligence Agency;
b. the National Intelligence Agency; and
c. the State Security Service.[26]

The Defence Intelligence Agency is charged with responsibility for the prevention and detection of crime of a military nature against the security of Nigeria; the protection and preservation of all military classified matters concerning the security of Nigeria, both within and outside Nigeria; and such other responsibilities affecting defence intelligence of a military nature, both within and

[19]Ministry of Interior, 'NSCDC' <https://interior.gov.ng/nigeria-security-and-civil-defense-corp/#:~:text= The%20Nigeria%20Security%20and%20Civil,Corps%20for%20better%20service%20delivery.> accessed 19 April 2024.
[20] NSCDC Act, s. 1.
[21]*Ibid.*, s. 3(1).
[22]Ibid.
[23] Ministry of Interior (n 19).
[24]Hereinafter referred to as NSA Act, Section 7.
[25]Ibid., Long Title.
[26]Ibid., Section 1.

outside Nigeria, as the President, or the Chief of Defence Staff, as the case may be, may deem necessary.[27] The National Intelligence Agency is charged with responsibility for the general maintenance of the security of Nigeria outside Nigeria, concerning matters that are not related to military issues; and such other responsibilities affecting national intelligence outside Nigeria as the National Defence Councilor the President, as the case may be, may deem necessary.[28]The State Security Service is charged with responsibility for the prevention and detection within Nigeria of any crime against the internal security of Nigeria; the protection and preservation of all non-military classified matters concerning the internal security of Nigeria; and such other responsibilities affecting internal security within Nigeria as the National Assembly or the President, as the case may be, may deem necessary.[29]The provisions on the functions of the above agencies shall have effectnotwithstanding the provisions of any other law to the contrary, or any matter prescribed in the law.[30]

The Act also provides for the appointment of a principal officer for each of the agencies.[31]In the case of the State Security Service and the National Intelligence Agency, be responsible directly to the President.[32] In the case of the Defence Intelligence Agency, be directly responsible to the Chief of Defence Staff.[33]For the purpose of co-coordinating the intelligence activities of the National Security Agencies set up under section 1, the Act also provides for the appointment by the President of a Co-coordinator on National Security.[34] The Co-coordinator on National Security shall be a principal staff officer in the office of the President.[35] He shall be charged with the duty of advising the President on matters concerning the intelligence activities of the agencies; making recommendations in relation to the activities of the agencies to the President, as contingencies may warrant; correlating and evaluating intelligence reports relating to the national security and providing the appropriate dissemination of such intelligence within Government, using existing facilities as the President may direct; determining the number and level of staff to be employed by each agency established pursuant to section 1 of the Act and organizing the transfer and posting of staff, especially the transfer and posting of existing staff of the Nigerian Security Organization established pursuant to the Nigerian Security Organization Act 1976, repealed by section 7 (1) of the Act; and doing such other things in connection with the foregoing provisions of this section as the President may, from time to time, determine.[36]

In the interest of national security, the Act further provides for the establishment of two advisory councils:

a. the National Defence Council; and
b. the National Security Council.[37]

The National Security Council is charged with responsibility for matters relating to public security; and generally to the structure, staff and other matters concerning the

[27]NSA Act., Section 1(1).
[28]Ibid., Section 1(2).
[29]Ibid, Section 1(3).
[30]Ibid, Section 1(4).
[31]Ibid, Section 3(1).
[32]Ibid, Section 3(2)(a).
[33]Ibid, Section 3(2)(b).
[34]Ibid, Section 4(1).
[35]Ibid., Section 4(2).
[36]Ibid., Section 4(3).
[37]Ibid., Section 5(1).

agencies set up under the Act.[38]The National Defence Council, on the other hand, is charged with advising the President on all matters concerning the defence of the sovereignty and territorial integrity of Nigeria.[39]

4. Shortcomings of the Legal Regime on Law Enforcement in Nigeria

4.1 Multiplicity of Law Enforcement Agencies

It goes without saying that efficient law enforcement enthrones peace, security, and orderliness in the society. As such, the state of security, peace, and orderliness in a particular environment can serve as a good yardstick for measuring the level of efficiency of law enforcement within the society. Being the first law-enforcement institution established by the British colonialists, we can understand the sense in which Adoyin and Agwanwo[40] posited that the police once performed the roles of the other agencies that later came on board. These include the roles of Customs, Immigration, the Department of State Services, the National Intelligence Agency, the Civil Defence Corps, Road Safety Corps, Economic and Financial Crimes Commission, the National Drug Law Enforcement Agency, etc. It is not out of place, therefore, to expect that the creation of more agencies would make the tasks easier and enthrone higher level of organizational efficiency, security, and orderliness within the society.

Unfortunately, that is not the case. The state of security, peace, and orderliness in Nigeria has continued to degenerate as the country advanced with age. Okechukwu[41] observes that 'there has been an unprecedented upsurge in criminality and violence of multifarious dimensions on alarming scale with the return to civil rule in 1999'. Odumosu[42] minced no words in stating that there is pervasive lawlessness in Nigeria and that most law enforcement officers in the country are routine law-breakers. This state of affairs can tell a lot about the state of law and order in a country. Indeed, the multiplicity of law enforcement institutions in Nigeria has not led to efficient law enforcement in the country. Things appear to be getting worse in this direction as more agencies are being created.

The multiplicity of law enforcement agencies in the country has, on several occasions, given rise to incidents of lawlessness, tension, violence, and insecurity. Iredia[43] highlighted some of the several incidents of clashes between the security agents such as, the police and soldiers, naval officers and policemen, NDLEA and Air force personnel, officers of the Nigerian Navy and operatives of the Special Anti-Robbery Squad (SARS), police and Air force men, etc. Just as Mutum and Odeyemi[44] gave account of how the police and the civil defence officials clashed in Abuja, *The Nation*[45] reported how two officers of NSCDC were shot and killed in a clash between officers of the NSCDC and the police in Calabar. These clashes involving security

[38]NSA Act, Section 5(2).

[39]Ibid, Section 5(3).

[40] O Adoyin and D. E. Agwanwo, 'Police Inter-Agency Collaboration and the Provision of Security in Nigeria' in DE Agwanwo (ed.), *A Political Economy of Policing in Nigeria, Vol. 1* (Aboki Publishers, 2014) 115.

[41] OPE Okechukwu, 'Non-State Actors and Policing in Transitional Nigeria: Challenges and Options' *ibid.*, 48.

[42] AO Odumosu, 'Destruction of the National Fabrics and Foundation: Evils of Pervasive Lawlessness and Role of Individual Accountability' in Nwangwu (ed.), (n 5) 115.

[43] T Iredia, 'Enough of military/police clashes' <www.google.com.ng/amp/s/www.vanguardngr.com /2017/06/enough-military-police-clashes/amp/> accessed 2nd February, 2024.

[44] R Mutum and J. Odeyemi, 'Gunshots as Police, Civil Defence clash' <https://www.dailytrust.com.ng/daily /news/33667-gun-shots-as-police-civil-defence-clash> accessed 2nd February, 2024.

[45] The Nation, 'Police kill two Civil Defence officers in Calabar' <https://www.google.com.ng/ amp/thenationonlineng.net/police-kill-two-civil-defence-officerscalabar/amp/> accessed 9th January, 2024.

agents who are supposed to be enforcing the law have become a common occurrence across the country.

In a sense, it can be said that the law enforcement agencies constitute stumbling block to law enforcement. On 14th March 2018, for instance, the newsstand was hit with the story of a clash that occurred between the officials of the FRSC on one hand, and soldiers and policemen attached to the Abuja Environmental Protection Board (AEPB) on the other. As reported by Ogundipe,[46] fracas broke out when the latter attempted to serve a violation notice at the Road Safety office in Wuse Zone 7. While the AEPB task force members claimed that the Road Safety personnel resisted the attempt to seal off the Road Safety office as ordered by a court, the former claimed that the confrontation started because the police officers and soldiers assaulted a female Road Safety marshal. Akinkuotu[47] also reported how officials of the DSS and the EFCC were involved in a showdown for over thirteen hours on Tuesday, 21st November, 2017 when some DSS operatives resisted the EFCC officials in their attempt to arrest the former Director General of the DSS, EkpenyongIta, who was being investigated for offences bordering on alleged theft and diversion of public funds. A similar incident occurred when the EFCC operatives went to arrest the former Director General of the NIA but were resisted by men of the DSS. Hence, the Senate was prompted to wade in and institute a probe.[48] Such occurrences indicate that each agency is using its position to live above the law.

4.2 Complicity of Law Enforcement Agencies in the Perpetration of Crime

It is already a known fact that, in Nigeria, law enforcement operatives assist influential individuals in breaking the law with impunity. It is a common thing to come across cars bearing law enforcement officials (as escorts or orderlies) driving against the traffic or disobeying other traffic rules. The escorts/orderlies usually go out of their way to enforce the lawlessness – even if it means clashing with the officials of sister law enforcement agencies on duty. The clash between the security men attached to the Governor of Rivers State, Nyesom Wike, and those attached to the Minister of Transport, Mr. Rotimi Amaechi, speaks volume in this regard.[49] Based on the foregoing, one can say that the multiplicity of law enforcement has not helped, and may not likely help, in improving the poor state of law and order in the country. Perhaps, the major factor driving the multiplicity of law enforcement agencies is rooted in the consideration of creating employment opportunities.

4.3 Lack of Inter-Agency Collaboration

As pointed out by Adoyin and Agwanwo,[50] the different law enforcement agencies lack inter-agency cooperation and collaboration. The image they throw up to the members of the public is that of unnecessary rivalry and competition for relevance. An example can be drawn from what transpired when the aide of former Governor of Edo state, Adams Oshiomhole, was killed. While

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[46] S. Ogundipe, 'Tension as police, soldiers clash with road safety officers in Abuja' <https://www.premiumtimesng.com/news/headlines/261751-updated-tension-as-police-soldiers-clashwith-road-safety-officers-in-abuja.html> accessed 5th January, 2024.

[47] E Akinkuotu, 'Drama as DSS operatives stop EFCC from arresting ex-DG' <htpp://punchng.com/drama-as-dssoperatives-stop-efcc-from-arresting-ex-dg/amp/> accessed 5th January, 2024.

[48] H Umoru, 'Senate to probe clash between DSS, EFCC over arrest of ex-DSS, NIA chiefs' <www.google.com.ng/amp/s/www.vanguardngr.com/2017/11/senate-probe-clash-dss-efcc-arrest-ex-dssnia-chiefs/amp/> accessed 10th January, 2024.

[49] C Akasike, 'Wike, Amaechi's security aides clash in Port Harcourt' <htpp://www.google.com.ng/amp/punchng.com/wike-amaechis-security-aides-clash-in-portharcourt/amp/> accessed 9th February, 2024.

[50] Adoyin and Agwanwo (n 40) 117.

the police paraded some individuals whom they (policemen) claimed had 'confessed' to the crime, the DSS paraded a different set of individuals that were actually in possession of the phones stolen from the deceased. Despite the fact that the version of the DSS operatives sounded more credible, the police maintained their stand.[51] Thus, both agencies never worked together to resolve the matter on a common ground. Again, lack of inter-agency collaboration among the agencies manifests in the manner each agency sets to generate her data. When the FRSC proposed for a change and fresh registration of number plates and new unified drivers licensing scheme, the agency hinged her reason on the need to generate biometric data of vehicle owners and drivers. Within the same period, the police equally began clamouring for the initiation of the Biometric Central Motor Registration (BCMR) in order to generate the biometric data of drivers and vehicle owners. In an environment where there is inter agency collaboration, the biometric data generated by one agency is supposed to serve another agency that requires similar data.[52]

4.4 Infrastructural Challenges

A major challenge of law enforcement agencies is the failure of the government to provide the force with scientific sophistications in crime management and investigation.[53] For instance, the absence of the scientific aspects of investigation of crimes because of the failure of the government to provide the Police force with modern equipment and the absence of functional database for criminal records and trained professionals in the force, as well as the use of outdated and manually kept crime record system by the Central Criminal Registry (CCR) department of the police force makes it very difficult for the personnel of the NPF to assess finger prints in crime scenes and unravel the suspects of such crimes. Furthermore, the absence of Automated Finger Print System, AFPS and Live Scan Finger Print Capture Device (LSFPCD) in some of the NPF headquarters located in state capital cities undermine the efficiency of the force in resolving such crimes.[54]

4.5 Institutional Challenges

The Police Service Commission (PSC), which is the civilian oversight body of the police,[55] has no independent capacity to investigate or 'police' the police force. Complaints against Nigerian police officers made to the PSC end up being investigated by the police itself, who then report to the PSC. This lack of an independent complaints system is unsatisfactory. It is part of why internal discipline is weak and a corporate culture of excellence in service delivery does not exist in the force. For this reason, there is no framework for rating police commands or measuring their effectiveness.

4.6 Structural Challenges

The way the law enforcement agencies, especially the Nigeria Police Force, are organized is the reason community policing is ineffective. State Commissioners of Police take instructions from the Inspector General of Police (IGP), who receives instructions from the president, rather than from State Governors. The over-centralized structure of the police does not help it to connect

[51] Channels Television, 'Police Killed My Aide – Oshiomhole' <https://www.channelstv.com/2013/01/10/police-killed-my-aide-oshiomhole/> accessed 13th January, 2024.

[52] Premium Times, 'Nigerian Police commences digital vehicle registration scheme' <https://www.premiumtimesng.com/news/144393-nigerian-police-commences-digital-vehicle-registration-scheme.html?tztc=1> accessed 25th January, 2024.

[53] A Anyanabia, E. Adishi and N. L. Oluka, 'Forensic Technology and Crime Management in Nigeria: A Study of Rivers States' [2019] *Research on Humanities and Social Sciences* (9) (14) 44.

[54] Ibid.

[55] CFRN, Section 153(1)(m).

with communities as it should.[56] The current command structure of the police was created by the military governments prior to 1999 and has not changed despite over two decades of democratic governments.

4.7 Legal/Establishment Challenges

The legal framework of the Nigeria Police Force(NPF) needs to be changed to provide security of tenure for IGPs. Section 215(3) of the 1999 Constitution (as amended) states that:

> *The President or such other Minister of the Government of the Federation as he may authorise in that behalf may give to the Inspector-General of Police such lawful directions with respect to the maintenance and securing of public safety and public order as he may consider necessary, and the Inspector-General of Police shall comply with those directions or cause them to be compiled with.*

So, what can the IGP do if the President gives him an order that is unlawful? Absolutely nothing. In fact, the constitution in section 215(5) states: 'The question whether any, and if so what, directions have been given under this section shall not be inquired into in any court.' This means the IGP cannot seek judicial review of an unlawful order by the President. The IGP has to obey all orders given by the President – whether lawful or not. These legal constraints make manipulation of the police by any President very easy. The President can easily remove any IGP that does not play ball. That is the NPF has had about 13 IGPs in 15 years.[57]

4.8 Operational Challenges

Lack of adequate equipment and tools is a major challenge for the police. Up to 40 per cent of officers are on personal guard duties to protect so-called very important persons (VIPs) who are public and private sector personalities. Regardless of the insufficient police personnel in the country, anyone that can afford to pay for their services gets an officer. This creates operational difficulties for the core policing functions given the scarcity of available officers.[58]

4.9 Financial Challenges

It is submitted that there is insufficient funding being expended on law enforcement in Nigeria. Nigerian police often receive support from donations and corporate goodwill. Basic infrastructure and equipment do not exist in many police locations. For instance, fingerprint searching and matching is done manually on paper cards using hand-held magnifying glass. The paper is kept in old filing cabinets. Even in Lagos, there is no computerized fingerprint database. Most officers buy their own uniforms and allowances are paid very late, if at all.[59]

4.10 Environmental Challenges

The weakness and poor public perception of the criminal justice system (which includes courts, prosecution agencies, etc.) has collateral impact on the police. Proliferation of security outfits in Nigeria has also diluted the role of the police so much that people often get confused as to who to report certain crimes to. These disparate security agencies compete instead of co-operate with the

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[56] I Johnson, 'Policing in Contemporary Nigeria: Issues and Challenges' [2013] *African Journal for the Psychological Study of Social Issues* (16) (1) 73.

[57] N Idoko, 'Challenges and Successes of Policing in Nigeria Today' (26 January 2024) <https://professions.ng/challenges-and-successes-of-policing/> accessed 18 April 2024.

[58] Ibid..

[59] OS. Agbefe, F. Ikenga and O. Atere, 'The Impact and Challenges of the Nigeria Police Force in the Maintenance of Internal Security in Nigeria' [2023] *Journal of Research in Humanities and Social Science* (11) (2) 32.

police. For example, all private security firms in Nigeria are licenced by the Nigeria Security and Civil Defence Corps (NSCDC) and not the police. The firms pay millions of naira annually in registration fees to NSCDC, which keeps the police out of the loop of those security firms' operations.

4.11 Capacity Challenges: In addition to the personnel shortfall in the NPF, continuous training and validation of the existing workforce is not a widespread practice within the police. Even the recruitment system is so compromised and inefficient that you can finish a prison term for armed robbery in Kaduna today and join the police in Abuja tomorrow. There is no central database of convicts. The recruitment process is not designed to accept only those who are qualified. Heads of police training colleges have tales of 'instruction from above.' This means that even when half of the applicants fail the recruitment course or examination, powerful individuals in government can order that they should be given a pass mark.[60]

4.12 Political Challenges: There is too much political interference in law enforcement in Nigeria. This demotivates good officers as political patronage becomes a basis for promotion and benefits. This interference has also reduced the number of Specialist Duty Officers in the NPF, for example.[61] These are the officers often requested to become security aides by Governors in violation of the police internal rules, which give such duties to General Duties officers. Once those officers assume the duty of protecting politicians, they usually never come back to their specialist posts.[62]

5. Conclusion and Recommendations

Issues and challenges of law enforcement in contemporary Nigeria are numerous to be treated in this paper. However, some salient ones are analyzed. Basically, law enforcement is an essential part of human existence. Therefore, the primary responsibility of law enforcement agencies is the protection of citizens by upholding the law and respecting the legally expressed will of the whole community and not a particular party or clique. On the other hand, contemporary law enforcement requires more advanced technological equipment. Thus, budgetary allocation to the law enforcement agencies must be increased in order for them to have access to modern technological equipment.

Nigeria has several law enforcement agencies created over time through a gradual process. But the question remains whether the creation of more and more agencies has helped in enthroning a better society with regard to maintenance of law and order. Judging from the state of peace, security, and orderliness, the country cannot account for the existence of numerous law enforcement agencies. In fact, the country appears to be getting worse as additional agencies are being created. The evil of corruption keeps expanding in size and dimension while security challenges keep mounting higher. From what it seems, each additional agency created for the purpose of law enforcement end up being trapped in the same web that had jeopardized the efficient performance of the older ones. Corruption has permeated the fabrics of Nigeria. This social cankerworm, which began on a small scale, suddenly grew by leaps and bounds through a gradual process and has continued to affect the efficiency of government institutions. Thus, as

[60] P O Okereka, V E Efebeh and N L Oluka, 'Security Imperatives and Societal Implications for Government: Perspectives in Nigeria' [2020] *International Journal of Psychosocial Rehabilitation* (24) (8) 16320.
[61] Ibid.
[62] M B Aremu, *Policing and Terrorism: Challenges and Issues in Intelligence* (Stirling-Horden Publishers, 2014) 43.

new government agencies are being created within the Nigerian environment, they are exposed to the evil currents of corruption. If an existing agency failed due to the influence of corruption, it stands to reason that newer ones would fail once exposed to corrupt environment. The implication of this is that creating a new agency simply because an older one is corrupt and therefore inefficient cannot be a solution to solving the problem of inefficiency in the system. In recommendations we submit:

a. The numerous problems of the Nigerian law enforcement agencies are well known. But simply recruiting more officers will not solve the problems. Additionally, some of the issues and challenges identified must be tackled to have a functional policing in this century. The law enforcement agencies must be reformed to be more professionalized. Training and education are the two key ingredients of professionalism in law enforcement.

b. There should be no further establishment of law enforcement agencies to avoid increasing the existing proliferation. Instead, efforts should be made to improve the qualitative performance of the existing agencies.

c. Nigeria needs an ethical system that respects and protects civil rights. While this requires proper training, the staffs need to be adequately funded to achieve this and improve the living conditions of the members of the force. The security of the life and property of every Nigerian depends on it. The prosperity and economic well-being of the country depends on adequate security. [63]

d. Significantly, the government should fund the force adequately, increase the wages or salaries of the personnel, package efficient and secured pension scheme, safety and risk benefits for the staff of law enforcement agencies. Apart from these necessities, the government should also provide the men and women of the police force with modern and technology driven equipment's that will enable them fight crimes and discharge their other sundry constitutional functions or duties to states and citizen effectively. When this achieved, threats to internal or national security will be a thing of the pasts because a number of the root causes and sources of finances of some of the organized criminal gangs in the country will be unraveled; and culprits charged, arraign and prosecuted and sentenced accordingly

e. Much still needs to be done towards changing the public perception of the law enforcement agencies, especially the NPF. Thus, concerted efforts at drastic reformation of will help them earn a more positive image in the society. Officers of the NPF should shun certain arts that are capable of discrediting the image of the force locally and international, such as bribery and corruption, extortions of money from road users including transporters, extrajudicial killings of innocent citizens, among others. When this is achieved the public image of the force may change for good and the public may also change their perceptions of the officers of the force which may also make the officer perform their duties effectively without rancour and distrust from the public.

f. There should be a revamping of the Public Complaints Commission so that citizens can have an effective avenue to lay their complaints of maladministration whenever necessary.

[63] C Omole, 'Challenges Affecting Policing in Nigeria' (19 March 2021) <https://www.financialnigeria.com/challenges-affecting-policing-in-nigeria-blog-525.html> accessed 18 April 2024.

g. There should be a national citizen education/awareness programme aimed at sensitizing the populace on the need to obey the rules and regulations guiding the Nigerian society and the means to seek redress where their rights have been infringed upon.

h. The state organs, law enforcement agents should be equipped with modern facilities in crime combating, control and management. It is most essential to deploy monitoring cameras, devices and forensic methods of investigation in line with modern trends of combating crime. Offences like, Terrorism, Genocide, Armed Robbery, Pipeline Vandalisation are better controlled and prosecuted by means technology against the archaic mode of stop and search exercise in Nigeria. It is understood that the mode of tracking down suspects by security checkpoints creates a room for corruption when innocent citizens are exploited by the security operatives, or being killed or tortured in many ways.

i. There should be enacted a legislation for prosecuting any law enforcement agent that violates human right of any citizen and to make them pay compensation for their actions.