APPRAISING THEMATIC ISSUES OF STATE POLICE IN NIGERIA

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Abstract

The rising cases of insecurity in the country has gotten to an alarming rate and the search for a permanent solution to safe guard lives and property has thrown to the front burner of our national discourse the need for state police. The birth of state police could be likened to the long awaited child of destiny that will be herald by most citizens who have been yearning for the most appropriate means to have their lives and properties secured. It is no longer news that most security breaches that occurred due to lapses in security architecture were avoidable. It is a given that Nigeria is under policed, hence the obvious call for the decentralization of the Nigeria police force; while the wait for a practical solution to insecurity continues, the citizens have learned to brace up with this stack reality of living life with their hands in their mouth, hoping that the clarion call for the federal government to accede to state police is yielded to amidst its challenges. One of the draw-back, has been that it would be under the state governor's control and be clouded with political influence against their perceived enemies. This article takes a look at issues with state police, enabling statutes, comparative analysis of what is tenable in other clime and mode of appointment that would checkmate abuses of this new bride. The article draws data from primary and secondary sources which include's the authors' close observations of events in Nigeria. Findings and recommendations were also made. It is hoped that this article would be able to within the scope of its analysis offer pragmatic and insightful solutions.

Keywords: State Police, Thematic, Issues, Security, Political Influence

Conceptual Clarification

The idea of state police has evolved over the years in Nigeria and associated with it are some terminologies such as: State Police, Security, Policing, Executive Control and Political Influence. To gain further insight into the above expression, clarifications were made thus:

State Police - the concept of state police may mean different thing to different people. According to *Blacks' Law Dictionary* State Police is regarded as 'the department or agency of a state government empowered to maintain order, as by investigating and preventing crime, and making arrest'[1]. It is often referred to as a police of a particular state, *Michigan State Police*[2]. The overriding interest is that, it is a means through which state secures there jurisdiction.

Security – it is the state of being secure; especially, freedom from danger, risk, care, poverty, or apprehension.[3] All the citizens require to go about their daily activities is to be in the state of being free from danger or threat.

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[1]Garner B.A., Blacks' Law Dictionary. Tomson Reuters, West U.S.A, (2014) (Tenth edition) p. 1631

[2] Collins English Dictionary. Copyright @ Harper Collins Publishers – Https://www.collinsdictionary.com – Accessed 20/10/2022

[3] The New Webster's Comprehensive Dictionary of the English Language, Encyclopaedic Edition, Typhoon Media Corporation USA (2010) p. 1138

Political Influence – it is referred to as a council, leadership, internal process, or other mechanism which the entity has used as a means of influencing or controlling the behaviour of its members in significant respect.[4] To some, the influence would be negative, as political powers would be used to influence the state police negatively, thereby negating its original responsibility.

Introduction

The rising insecurity in Nigeria in recent times has called to question the centralization of policing in the country and advanced the need to decentralize the force, to ensure that states establishes, maintain and control their police formations. Antecedent to this was the idea of community policing, based on the notion of cooperation between police officers and private citizens in communities, to grapple with crimes and sundry social vices.[5] Central to the idea is the neighbourhood principle that presupposes that everyone in the vicinity knows each other, thereby making it easy to monitor deviants in the community.[6]Over the years, most communities in Nigeria have been entangled in a web of never-ceasing insurgency and terrorism; and most recently, banditry and kidnapping have become a thriving and lucrative 'business', especially in the northern part of the country, worthy of note that this crime has spread to other parts of the country. There have been different approaches to curtail this malady, but all have proven abortive.[7] Insecurity is currently one of the major setbacks in Nigeria and this has become a threatening force which has fractured the frame of unity drawing the country together; its time the governments put an end this dreaded monster of insecurity, rather than allow the citizens resort to self-help by taking up arms illegally. It is worthy of note, that the rising cases of insecurity if left in unchecked is capable crippling of economic activities of the country. It is generally believed that state policing, if adopted will put an end to these unbearable insecurity problems. Therefore, there is an urgent need to decentralize the Nigerian Police Force due to the impracticability of policing an entire nation, the size of Nigeria from the Federal Capital Territory, Abuja. These are clear pointers to the fact that the current system of police, which is the federal police is adequate for the security of the nation. However, the idea of state policing has been argued against. Many are of the opinion that state police would serve as an appendage and apparatus for state governors to fight and suppress political oppositions and as a tool to intimidate non-loyalists. Other proponents are of the view that state police will collapse the walls of national unity and create room for interstate division and secession.[8] These obvious fears cannot be discountenance. It is worthy of note, that the central police system has proven to be oblivious of the security needs of Nigerians. The citizens are concerned with the safety of their lives and properties and to ensure that the government keeps to their oath of office. Many a time, when there is an attack in any community, the indigenes are left to their fate with their lives in their hands. Some of these communities resort to the help of local vigilantes and other self-security measures to secure their lives and properties. There have been one attack too many and it is time Nigeria restructured to a new policing system that would guarantee the safety of life and property of its citizens.

[4] https://www.lawinsider.com – Accessed 20/10/2022
[5] Odeh Adiza Mercy & Umoh Nanji *State Policing and National Security In Nigeria, (*Mediterranean Journal of Social Science) MCSER Publishing, Rome Italy. Vol. 6, No. 1, 2015. P.412
[6] Ibid
[7] Bright Okuta – The Guardian '*The Necessity of State Police',* 07 August, 2022. P.12
[8] Ibid

 ISSN: 2736-0342

Background of Police Force in Nigeria

The Nigeria Police Force (NPF) is one government agency that has evolved with socio economic and political development of the country.[9] It is worthy of note that the evolution, growth and practice of the Nigeria Police Force have surged through different era. According to Prof. Etannibi Alemika, an expert in police reform, found that the police forces established by the colonialists in various parts of the country at different times between 1861 and 1960 were organized and deployed as occupation force to suppress the indigenous Nigerian peoples as the colonizers exploited their resources to develop their own countries.[10] The exodus of the Nigeria Police Force to what it is today can be appraised thus:

Police in the Colonial Era

Report jointly authored by the Network on Police Reform in Nigeria and Open Society Justice Initiative, states, "Colonial authorities used the police principally to control local communities and clamp down any challenges to colonialism. Colonial police earned a reputation for the brutal subjugation of communities and suppression of resistance to colonial rule. The foundations of the NPF's brutality were laid during the colonial era."[11] It therefore safe to say, that the current police force was an inheritance from the British colonial masters. **This view is corroborated by Alemika who contended that:** "An adequate analysis of the problems and challenges of any police force should start with the appreciation of the history and dynamics of its development. History of the police forces in the country indicates that the various forces were established, organized and maintained by colonial and post-colonial governments primarily for order, maintenance that engenders repression, a culture of impunity: corruption, incivility, brutality, lack of transparency and accountability."[12]

Nigeria is consist of different ethnic nationalities, these ethnic nationalities were conquered by the British at different times and over a long period of time between 1861 – 1903. Alemika observed that "The colonizers executed the colonial project employing violence and fraud or deceit".[13] Nigeria's constituent nationalities were conquered at different periods. As a nationality is conquered British colonial presence is established by establishing a police force for the territory. Second, violence and fraud were employed in the conquest of the nationalities. Consequently, the colonizer feared resistance and police forces under various names were established and employed as an instrument of violence and oppression against the indigenous population.[14] Given the character of colonial rule administrators, police force was the instrument used to sustain alien domination. The colonial police were not accountable to the colonized but to the colonizers

[9] Lanre Ikuteyijo & Kemi Rotimi *The Image of Nigeria Police: Lessons from History* Journal of Applied Security Research, Taylor & Francis Group (2014), p. 221

[10] Tobi Soniyi – ThisDay Newspaper *History of Policing in Nigeria,* - https://www.thisdaylive.com/index.php/2020/11/15/history-of-policing-in-nigeria/ - Accessed 20/10/2022

[11] Ibid

[12] Ibid

[13] Ibid

[14] Ibid

According to O.F. Onoge, he observed that the police in the consciousness of the people during the Colonial era became the symbol of dictatorial establishment rather than the protector of the people's rights. He further noted that the people had no checks over the arbitrariness of the police, the either avoided police trouble or mediated inevitable contacts with bribe offering. During the colonial period, police fright was a feature of popular consciousness.

Post-Colonial

At the exit of the colonialist, there was no attempt by the military to redirect and refocus the police. When the country adopted a regional system of government, the local police coexisted with the federal police. This stopped in 1966 when the local forces were disbanded as recommended by a panel set up in 1966 by the military regime of Aguiyi Ironsi.[15] The Committee or Working Party (also referred to as Gobir Panel, so named after its chairman) was requested to consider the desirability of dual (local and National) or centralized (unified) police and prisons service. The Committee submitted its report to the military regime led by General Yakubu Gowon and recommended the abolition of local police forces and prison services.

According to the Federal Government of Nigeria (1967) Working Party Report, the local police forces were poorly trained, corrupt and used for partisan political purposes, including the repression of opponents, by traditional rulers and politicians in Northern Nigeria as well as by political parties and governments in power in the Northern Nigeria as well as by political parties and governments in power in the Northern and Western Regions. During the military regime, the police were suppressed. However, the police enjoyed a good relationship with the military under General Gowon, between (1967-1975). During that period the police were co-opted into governance by the military as state governors and members of the national ruling council. More importantly, the police were respected as partners by the military rulers.

Despite the above milestones, the police were not so lucky under the military during the 1983 – 1999 era. The police lost its high profile and prominence in government, although it continued to be incorporated as junior partner as state governors. However, the force as an organization was neglected in terms of funding and equipping. The military feared that a strong police force might constitute a threat to the Armed Forces, especially by acting as a counterforce during military coups. Rather than equipping the police to serve as the primary tool for promoting and protecting internal security, the military governments resorted to establishing special task forces with army and police personnel. Each unit of such was led by a soldier, often junior in rank to the police on the task force. This demonstrated the subordinate role assigned to the police. It should also be noted that recruitment and promotion in the police force were largely suspended by the military government. This resulted in shortage of personnel. The return to democracy in 1999 opened a new vista for the police. The new Constitution creates the NPF[16] as a federal institution and prohibits the existence of state or other police bodies. The constitution contains provisions on the Nigeria Police Force, the Police Council and the Police Service Commission.

[15] Ibid
[16]Section 214 of the Constitution, FRN, 1999 (As Amended)

 ISSN: 2736-0342

Until recently and in spite of the mirage of challenges bedeviling the Nigeria Police, Nigeria used to be one of the relatively secured nations in the West African sub-region. Unfortunately, the nation has suddenly metamorphosed into an abode of serial bombing, hostage taking, kidnapping, armed robbery, cold – blooded murders and ethno – religious conflict traceable to militant groups with conflicting political and religious ideological leaning.[17]It is no gainsaying that the police force presently has his job court out for it.

Enabling Police Statutes

All beings, entities, objects and forms exist by law, such as the divine law, law of nature or any existential law that influences the creation of that being or entity. The police is no exception, as it was created and empowered by enabling law(s). Going further, there is need to prevent obtusity by first examining the laws that breath life on the police and imposes duties on them. There are several enabling statute empowering the police force. Notable among them is the 1999 Constitution of the Federal republic of Nigeria as (amended).

Constitution

Section 214(1) of the Constitution[18] provided that: there shall be a Police Force for Nigeria, which shall be known as 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.

The Police Act

In addition to the Constitution is the Police Act. Its organizational structure, duties, and powers of the police. The Nigeria Police (Establishment) Act, 2020 (NPA) came into force on the 17th of September 2020, repealing the Police Act of 2004.[19] The overall aim of the new Act[20] is to ensure effective policing per global standards of accountability and transparency, protection of human rights and partnerships with other security agencies. To achieve this goal, the law improved not only the old norms but also new ones.[21] Some of the novel provisions of the new Act were evidenced in Section 4 of the Act[22] which extended the duties of the Police beyond detection and prevention of crimes and protection of rights, etc., to include collaborating with other agencies to assist citizens, victims of natural disasters and community synergy. The Police has also been saddled with responsibility of vetting and approval of the registration of private detective and investigative institutions. In addition, the Act[23] requires that every Police station must possess a legal practitioner for securing the compliance of human rights.[24]However, it is worthy of note that the Police Act was recently amended and in its place the Police Act of 2020 which introduced some new features that promises to improve policing in Nigeria. Conversely, the Court of Appeal has voided some of its provisions.

[17] Op cit, OdehAdiza Mercy & Umoh Nanji., p. 412
[18]CFRN
[19]Cap. P19, Laws of the Federation, 2004
[20]NPA, 2020
[21]The Lawpavilion Blog, Things You Should Know about the New Police Act, 2020(April 27, 2021)<https://lawpavilion.com/blog/things-you-should-now-about-the-new-police-act-2020> accessed October 20, 2022
[22]NPA,2020
[23]ibid
[24]Op Cit, the lawpavilion blog

Administration of Criminal Justice Ac, 2015 (ACJA)

Another enactment that saddles the police with duties, and functions and also regulates the powers of the police is the Administration of Criminal Justice Act (ACJA), 2015. The Act,[25] not only regulates criminal procedure but the entire criminal justice process spanning from arrest, investigations, custodial matters, and sentencing guidelines. Thus, the Act[26] in itself came with its innovations such as curbing unlawful arrests. By virtue of section 10 (1) of the Criminal Procedure Act[27] (CPA), the police can arrest an individual without a warrant especially where such a person cannot give a satisfactory account of himself. This provision was greatly abused by the police as shown in the indiscriminate arrest of people, but the advent of the ACJA,[28] such aberration has ceased to exist.[29] Also, the police cannot arrest persons in lieu of suspects,[30] and where there is an actual arrest; the suspect is entitled to be notified of the reason of the Arrest[31] and he shall be treated humanely, with regards to dignity of his person.[32]

In addition to the above laws, these laws also guide the conduct of the police as well as the operations and function of the police, these include:

a) The African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act 151
b) The Police Service Commission (Establishment) Act of 2001
c) The coroners' laws of the respective states of Nigeria

Understanding the Roles of Nigeria Police Force

Elucidating the role of the police in any society, there are two prominent schools of thought in sociology which have presented the issue from opposing views. These are the conflict and the functionalist schools of thought.[33] The conflict perspective begins with the assumption that the society is divided into strata or classes, with common interests in some areas and conflicting interests in many fundamental areas. They observed that the major areas where conflict arises include the organization, mobilization, and allocation of economic and political resources. This is predicated on two basic reasons, with one leading to the other: the first, scarcity of resources leads to the second, disparities in terms of access to these resources. As a result of this inequality in access to societal resources, those who have access to the resources will want the status quo ante to remain, while those who do not have access to societal resources will prefer a change in the structure.[34] This is the basis of conflict in society. Hence, conflict perspective argues that the police

[25]ACJA, 2015
[26]ibid
[27]Chapter 80. Laws of the Federation of Nigeria 1990
[28]2015
[29] The lawpavilion blog, "The Administration of Criminal Justice Act, 2015 (ACJA) "(21st October, 2019) <https://lawpavilion.com/blog/the-administration-of-criminal-justice-act-2015-acja/> accessed October 20, 2022
[30] Section 7, ACJA, 2015
[31]Section 6, ibid
[32]Section 8 (1), ibid
[33]LanreIkuteyijo& Kemi Rotimi *The Image of Nigeria Police: Lessons from History* Journal of Applied Security Research, Taylor & Francis Group (2014), p. 222 - 223

[34] Ibid

were not created to serve the society or the people but to serve some parts of the society and some people at the expense of others (Alemika & Chukwuma, 2000).

Conflict theorists opine that the police exist to perpetuate inequality in society and to further the suppression and repression of the lower class, which is alienated from sociopolitical and economic resources by the upper class, which has access to these resources. Several scholars have written about the police from this perspective. For example, Bowden (1978) noted that the role of the police include the repression of the poor and powerless in order to protect the interests of the rulers, while Brogden (1982) described the police in more radical terms, stating the "police forces are structured, organizationally and ideologically to act against the marginal strata."[35]

The foregoing school of thought, therefore, submits that the police exist to secure the interests of their sponsors and there can never be any mutual relationship between the police and the public, which constitutes the majority. Conflict theorists have expressed similar opinions about the roles of law and the criminal justice system in any society.

On the other hand, the functionalist perspective in sociology is of the opinion that there is order inherent in society. This order is consolidated by the fact that different structures in society work harmoniously for the sustenance of the society. The police are the most visible agent of government necessary to ensure that public peace is guaranteed through the maintenance of law and order and to ensure the safety of lives and property. Also, the police are usually the gatekeepers of the criminal justice system, and they work with other formal agencies like the courts and the prisons to ensure the maintenance of law and order in the society. All societies, irrespective of level of development, have in existence a policing system to maintain law and order. From the primordial African societies to more contemporary societies, the police consist of either uniformed personnel or a group of individuals saddled with the responsibility of ensuring conformity to social norms and punishment of deviants. The best scenario which illustrates the functional role of the police is assuming what will happen in a very busy junction where there are no traffic lights or personnel to control the movement of vehicles,[36]such experience is better imagined. In view of the above premise, conclusion can be drawn onwhy the Nigeria Police Force behave the way they do.

Findings and Challenges of Policing in Nigeria

The security situation in Nigeria has adversely affected every facets of life of every citizen. These situations are credited to several factors but most severe is the issue of poor Policing. This brings us to some of the challenges of policing in Nigeria to wit:

Language Barrier: The Nigerian police force is a multi-lingual organization bearing officers from different ethnic societies as well as diverse languages. Despite English language being the official language in Nigeria, it poses a challenge in communication between the local communities who are not vast in the language due to low level of education and lack of exposure to the non- indigenes

[35] Ibid
[36] Ibid

of the community. This in turn creates a barrier between the police (who themselves are from various communities) and the local or rural community.[37]

Environment/terrain: Due to the diversity of police personnel from several parts of the country, most officers are drafted from one geopolitical zone or state to another and in consequence have very poor knowledge of the environment or terrain they are assigned to protect. This creates a weakness in administrating their duties as offenders who have more knowledge of the terrain will tend to have the upper hand in any conflict and seemingly evade.[38]

Structural Detect: The structure of the police today pose a great challenge as it has inadvertently rendered policing ineffective. One example is that of the State Commissioners of Police taking orders only from the Inspector General of Police (IGP) who in turn only answers to the President rather than the Chief Security Officer of the state. The over-centralized structure of the police creates a lacuna in the need to connect with communities as it should.[39]

Political Influence: The high level of political interference in policing in Nigeria is at an alarming rate and couldn't get any higher else the police will then be regarded as a political party on its own. This demoralizes hard working officers as political patronage has becomes a basis for promotion and benefits. This interference has also depleted the number of Specialist Duty Officers in the Police force. They end up often opting to become security aides in violation of the police internal rules, and in such cases, once these officers assume duty of protecting politicians, they rarely return to their specialist duties. Another aspect of political interference that has greatly affected the policing in Nigeria is recruitment of officers. The recruitment process has been so damaged; it is no longer designed for those who are qualified but those with colossal political backing.[40]

Capacity: In addition to the personnel shortfall in the police force, 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 to checkmate the recruitment of those that are morally bankrupt into the force.[41]

Funding: It is an irrefutable fact that the allocation of funds is grossly inefficient for policing in Nigeria. The Nigerian police biggest fund donations is from corporate goodwill. Poor funding has rendered the police force with a malnourished infrastructure and equipment. This situation has deteriorated to a point that most police personnel can't afford their own uniform or transportations. The most problematic financial challenges facing the police is that of poor welfare, salaries and remuneration. The earnings of police officers in Nigeria as salaries and emoluments are embarrassingly poor and nothing short of stipends. This highly discouraging factor has robbed

[37]Omole C, "Challenges Affecting Policing in Nigeria" (*Financial Nigeria International Limited*) (19thMarch,2020) <https://www.financialnigeria.com/challenges-affecting-policing-in-nigeria-blog-525.html> accessed November 15, 2022
[38]ibid
[39]ibid
[40]ibid
[41]Ibid

 ISSN: 2736-0342

Nigeria of its finest brains who would have flourished in policing had the salary been made attractive. In contrast to what obtains in Nigeria, policemen in other countries are well remunerated aside the educational level. Looking at an example, a police constable in Britain earns £14.72 per hour while a police constable in Nigeria earns N51,000 per month, this means he earns N613,000 per annum while his London counterpart earns £28, 704 per annum: N14 million per annum. A Nigerian police constable earns 4.4 per cent of salary of his British counterpart. This calls for deep considerations in police funding in Nigeria.[42]

Comparative Analysis of Policing in the United Kingdom (UK), United States of America (USA) and Botswana

The Nigerian police on countless occasions reminded the world that Nigeria is far behind in policing through its performance as compared to other Asian or European countries and even among its fellow African countries. However, the Police is not the only aspect that exposes Nigeria's drawbacks. Ranking in areas like the educational sector, healthcare, electricity, infrastructure, human development, food security, poverty/prosperity, human rights among others have shown that the country is either at the bottom of the scale or very close to it, even amongst the world's poorest zone: sub-Saharan Africa.[43]

Despite Nigeria's poor rankings and ratings in virtually every aspect of human life, our focus here is on the police. To further analyze the performance of the Nigerian police, there is need to examine police in other climes, for the purpose of this article, focuses are on the United Kingdom (UK), United States of America (USA) and Botswana.

United Kingdom

In contrast to the Nigerian police system which is centralized, the policing of the United Kingdom (consisting of England and Wales, Northern Ireland and Scotland) though mirrored by the Nigerian police in effect to its structure by way of colonization has evolved from the 18th century practice whereby local communities recruits constables to guard the lives and properties of its citizens to a more modern one conglutinated by technology. The UK policing system is a three-layered structure comprising of the territorial police services, which involves in majority of policing. In 2013, there are 45 territorial police services that cover a particular region and possess its own independent police authority.

The second layer is the national law enforcement agencies, including the National Crime Agency and British Transport Police which the latter operates in Great Britain alone. These are regarded as Special Police Force by the Serious Organized Crime and Police Act, 2005

Lastly, there are the miscellaneous police, mostly having their foundations in older legislation. These have a responsibility to police specific local areas, counties or activities, such as ports and

[42]Okogba Emmanuel, "Security of Life and Property: The Nigeria Police: Problems and Challenges - Salaries and Remunerations (6)" (August 24, 2022)<https://www.vanguardngr.com/2022/08/security-of-life-and-property-the-nigeria-police-problems-and-challenges-salaries-and-remunerations> accessed October 20, 2022

[43] Okogba Emmanuel, "Our Police World Ranking" , *Vanguard News* (February 12, 2020) <https://www.vanguardngr.com/2020/02/our-police-world-ranking/> accessed October 21, 2022

parks. Regardless of these classifications, some of these arms of the police have cross-jurisdictional powers such as police constables having powers of arrest in another one of the UK's three legal jurisdictions than they were attested in. Basically, the unique feature of the British policing unlike many other nations is that their officers do not carry firearms on standard patrol, instead equipped with ASP batons and CS (compound 2-chlorobenzalmalononitrile) gas or Pelargonic Acid Vanillyl amide (PAVA) spray, among other non-lethal tools. The British police are funded both by the central government and the local government. The central government funding is estimated by a formula based on population and other economic factors used to determine the expected cost of policing a particular area.[44]

United States of America (USA)

There is a semblance in the modernization of the police force in the United States and the United Kingdom. This is understandable, given the ties between the two nations.

However, due to the rise of high gun crimes in communities and tensions caused by racial discriminations inclusive of the death of George Floyd, there have been some police reforms in the US. These reforms have led to community policing, which places minority officers in minority neighborhoods. This model means police officers were meant to become close and familiar with the residents in the community. This became increasingly popular and by early 2000s, two-thirds of police forces across the US implemented community policing policies. By this, crime rates in the US declined though the exact cause is not known, but research cited by the Brennan Centre for Justice[45] found that the hiring of more police officers further decreased crime up to 10 per cent. Another help was the adoption of technology by the police, such as crime tracking system, body cameras and databases.[46] In basic terms, along with the adoption of community Policing, Law enforcement in the United States is decentralized as Federal authorities deal with violations of federal law that fall within their specific jurisdictions with over 65 different federal police agencies. At the local level, all the 50 sovereign states have their own state laws and state constitutions along their own police cutting across all levels - municipal, county and state level.[47]

Botswana

It may be shocking to have Botswana make this list but interestingly Botswana packs a fairly impressive model of policing that involves its police consisting of two main police forces which are the Botswana Police Force (BPF) established under the Botswana Police Act of 1987 and the Local Police established under the Local Police Act. The Botswana Police Force previously operated under the Ministry of Presidential Affairs and Public Administration but in recent times began operating under the Ministry of Justice, Defence and Security whilst the Local Police operates under the Ministry of Local Government. The Local Police operates in the rural areas

[44] Ajayi Y, "Policing in Other Climes: A Comparative Analysis," *THISDAY LIVE (November 15th, 2020)* <https://www.thisdaylive.com/index.php/2020/11/15/policing-in-other-climes-a-comparative-analysis/> accessed October 21, 2022

[45] The Brennan Center for Justice, New York University School of Law, United States of America.

[46] Ibid

[47] "United States of America" (*United States of America | OSCE POLIS*) <https://polis.osce.org/country-profiles/united-states-america> accessed October 23, 2022

and in close contact with the customary courts, while the Police Force is led by a Commissioner assisted by two deputy Commissioners who oversee operational activities and support services.[48] Botswana like many countries in Africa and the world at large also experiences high levels of various crimes involving cybercrime, money laundering, corruption, murder, rape, armed robbery, etc. as modernization and population growth creeps in. In curbing these crimes, Community policing was then introduced in 1984, when the then Botswana Police Force (BPF) introduced crime prevention committees to encourage the community to cooperate with police in fighting crime. These committees were used countrywide to monitor and evaluate the BPF services. In 1995, BPF established the National Crime Prevention Coordinating Unit (NCPU) and trained police officers as crime prevention coordinators. These officers became facilitators of crime prevention seminars and workshops to educate the public on crime prevention at various police stations.[49]

Overall, the UK and USA police are among the top 10 best police in the world particularly 1st and 6th respectively.[50] Coming closer home in Africa, the Botswana police poses as the best in Africa despite being ranked 47th in the world out of 127. This is a far cry for the Nigerian police which sits embarrassingly at 127th especially for nation regarded as the giant of Africa in terms of economic prowess and population. These rankings are according to the World Internal Security and Police Index (WISPI) released by two bodies, the International Police Science Association (IPSA) and the Institute for Economics and Peace (IEP). The index places the Rwandan police as Africa's second best with a global position of 50th followed by Algeria at 58th, Senegal at 68th and Tunisia at 72nd, and again Nigeria at a whooping gap of 127th.[51]On the other hand, the Nigerian police force is a national body centralized and in control under the Federal government with its command from the Inspector General of Police. Police officers are deployed to the thirty-six states of the nation with each under the command of the Commissioner of Police for each specific state. In conclusion, the UK, USA, and Botswana Policing models all share a common factor of having a decentralized Police system that involves not only local or state police, technology, and numbers but most of all a police that has close ties and relationships with the local communities. Community policing strategies have shown to be effective due to their focus on developing and strengthening relationships between the police and members of the community, this model is one Nigeria is in dire need of.

Conclusion

The challenges faced by the Nigerian police are well known and can be resolved by a sincere commitment by all stakeholders. It will be fallacious to expect that their current performance of the police force will realistically yield any progressive results. Security of lives and properties cannot

[48] "Botswana" *APCOF (*July 21, 2022) <https://apcof.org/country-data-2/botswana/> accessed October 22, 2022

[49] Chabota Gaokgathege Jayson, "Effectiveness of Cluster Policing on Crime Prevention in Botswana, Case..." (May 2020)http://dr.ur.ac.rw/bitstream/handle/123456789/1081/Gaokgathege%20Jayson%20Chabota%20.pdf?sequence=1> accessed October 22, 2022

[50] Bridglal Brandon, "Top 10 Countries with Best Police Forces in the World" *Wonders list (*January 15, 2022) <https://www.wonderslist.com/10-countries-best-police-forces/> accessed October 22, 2022

[51] PRNigeria, "Fact-Check: Is Nigeria Police the Worst Police Force in Africa, World Ranking?" *PRNigeria News* (January 16, 2022) <https://prnigeria.com/2022/01/16/fact-check-nigeria-police/> accessed October 23, 2022

be compromised in anyway as it is the life wire of any nation and is the most paramount basic needs the society at large. An effective policing gives the citizens the confidence to go about their legitimate daily activities which is the greatest legacy any government offers its citizens. There is need to reposition the Nigerian Police Force to conform with modern day policing that will guarantee the safety of lives and properties of he citizens.

Recommendations

For there to be an effective policing in Nigeria, strategies should be put in place by the government. The following are few pivotal strategies toward effective policing in Nigeria.

1. Constitutional amendment, focus should be on section 215 of the Constitution, 1999 (As amended). Appointments of officers should tow the line of National Judicial Council (NJC) model of appointing Justices and Judges.

   We deem it fit to reproduce the Procedure adopted by the NJC which in our view is largely the reason why we see State High Courts giving Judgements against the State Government's it also safe guards Judicial Officers of Superior Courts in the State to exercise their Constitutional Responsibility without fear of removal from Office as that can only be done via the NJC.

   NJC Procedure which should be replicated for the State Police using the Police Service Commission at the Federal Level to do what the NJC is doing

PROCEDURAL RULES

RULE ONE

The Federal Judicial Service Commission, State Judicial Service Commission and the Judicial Service Committee of the Federal Capital Territory shall comply with these Rules in their advice to National Judicial Council for nominations or recommendations of candidates for appointment of Judicial Officers for the Superior Courts of Record under the 1999 Constitution of the Federal Republic of Nigeria (as amended).

RULE TWO

1. Whenever the Chairman of a State Judicial Service Commission proposes to embark on the process for appointment of candidates or a candidate to Judicial Office in the State, notice shall be given to the Governor of the State concerned stating the number of Judicial Officers intended to be appointed.

2(a) Whenever the Head of a Federal Court proposes to embark on the process for appointment of candidates or a candidate to the office of Judicial Officer of a Federal Court of which he/she is the head, notice shall be given to the Chief Justice/Chairman of the Federal Judicial Service Commission stating the number of Judicial Officers intended to be proposed for appointment.

2(b) In like manner whenever the Chairman of the Judicial Service Committee of the Federal Capital Territory proposes to embark on the process for appointment of candidates or candidate to the Office of Judicial Officer in the Federal Capital Territory, notice shall be given to the Chief Justice / Chairman of the National Judicial Council stating the number of Judicial Officers intended to be proposed for appointment.

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3. A copy of the notice sent to the Governor or, as the case may be, to the Chief Justice/Chairman of the Federal Judicial Service Commission/National Judicial Council, shall be forwarded to the Secretary at the same time as such notice is given to the Governor or, as the case may be to the Chief Justice/Chairman of the Federal Judicial Service Commission/National Judicial Council as provided in Rule 2(1) or Rule 2(2).
4. The Secretary shall upon receipt of the notice, advise the Chief Justice/Chairman of the National Judicial Council in regard to the number of Judicial Officers that can be appointed pursuant to the notice, having regard to relevant budgetary provision in the budget of the Council for the year. Upon consideration of the advice, the Chief Justice/Chairman of the National Judicial Council shall notify the Chairman of the State Judicial Service Commission/Committee or, as the case may be, the Head of the Court concerned that the exercise may (i) be proceeded with; or, (ii) not to be proceeded with; or, (iii) may be proceeded with, but with a specified reduction in the number of Judicial Officers proposed to be appointed.
5. The decision of the Chief Justice/Chairman of the National Judicial Council shall be communicated in writing to the Chairman of the Judicial Service Commission/Committee, or as the case may be, the Head of Court and shall be final unless the Head of Court shows grounds to the satisfaction of the Chief Justice/Chairman of the National Judicial Council why it should be reviewed.
6. A copy of the notice given pursuant to Rule 2(1) and the Governor's response thereto shall be served on each Member of the Judicial Service Commission/Committee concerned.

RULE THREE

1(a) Upon receipt by the Judicial Service Commission/Committee concerned of the decision of the Chief Justice/Chairman of the National Judicial Council rendered pursuant to Rule 2(4) advising that the exercise be proceeded with, the relevant Judicial Service Commission/Committee shall:

i. call expression of interest by suitable candidates by way of public notice placed on the website of the Judicial Service Commission/Committee concerned, notice Boards of the Courts and notice Boards of Nigeria Bar Association Branches;
ii. write to every other head of Superior Courts of Record in Nigeria and to every Judicial officer of the Court concerned asking for nomination of suitable candidates for the proposed judicial appointment;
iii. write, in the case of appointment to a Federal Court, to the President, Nigerian Bar Association; or, in the case of appointment to a State Court, to the Chairman of every Branch of the Nigerian Bar Association in the State concerned, asking for nomination of suitable candidates for the proposed judicial appointment and requesting that he/she brings to the notice of suitable candidates the call for expression of interest by each of them.

1(b) In the case of appointment of Judicial Officers for Court of Appeal and Supreme Court of Nigeria, the President of the Court of Appeal/Chief Justice of Nigeria shall as the case may be, write to Heads of Courts, serving Justices of Court of Appeal/Supreme

Court of Nigeria and President of the Nigerian Bar Association asking for nomination of suitable Judicial Officers/Legal Practitioners for appointment as Justice of Court of Appeal/Supreme Court of Nigeria.

2. Any person nominating a candidate must do so in writing and indicate clearly and in detail, that he/she has sufficient personal and professional knowledge of the candidate's requisite attributes for a reasonable period of time as would make him competent to make the nomination. He/she shall expressly certify that from his/her personal knowledge of the candidate, the candidate possesses the qualities set out in Rule 4 (4)(i)(a)-(b) of these Rules; and, where applicable the qualities set out in Rule 4(4)(i)(d) and/or (e).
3. The Judicial Service Commission/Committee shall specify the closing date for the receipt of applications and/or nominations in the call of expression of interest and in the request for nomination.
4. Soon after the closing date for the receipt of applications and or nominations, the Chairman of the Judicial Service Commission/Committee concerned shall make a provisional shortlist on the merits consisting of not less than twice the number of Judicial Officers intended to be appointed at the particular time and circulate the provisional shortlist together with a request for comments on the suitability or otherwise of any of the short listed candidates, as follows:
   i. among all serving and retired Judicial Officers of the Court to which an appointment of a Judicial Officer, other than the Head of a Court, is proposed to be made;
   ii. among all serving and retired Heads of the relevant State or Federal Court, including retired Chief Justices of Nigeria and retired Presidents of the Court of Appeal, in the case of appointment of a Head of Court;
   iii. among the Nigerian Bar Association branches in the State concerned where the appointment is to a State Court; provided that where the appointment is to a Federal Court the shortlist shall only be sent to the President of the Nigerian Bar Association; and
   iv. Among every Member of the Judicial Service Commission/Committee concerned.
5. The Chairman of the Judicial Service Commission/Committee shall place the provisional shortlist before the Judicial Service Commission/Committee for approval and upon such approval, with or without modification; the provisional shortlist shall become the final list.
6. In carrying out the provisional short listing exercise, the Chairman of the Judicial Service Commission/Committee shall take into consideration as much as possible, (i) professional expertise and competence, including in the case of appointment of Judges from the High Court to the Court of Appeal and Justices of the Court of Appeal/Chief Judges/Legal Practitioners/academicians to the Supreme Court, the quality of judgments and performance and demonstration of judicial skills of the Judge; and in the case of appointment from the Bar, evidence of 6 contested cases in the last 5 years; (ii) sound knowledge of law, (iii) seniority at the Bar and or the Bench, (iv) Federal character or geographical spread and where necessary and possible, without compromising the

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independence of the Judiciary or allowing politics to permeate or influence the appointment.

7. The Chairman of the Judicial Service Commission/Committee shall not include in the provisional shortlist any person whose reputation in the locality is low or had been tarnished; and, where applicable, shall not include any Judicial Officer whose performance has been consistently rated low or not satisfactory in Judicial performance evaluation reports.
8. Where the Chairman of the Judicial Service Commission/Committee has excluded any person from the provisional shortlist on any of the grounds stated in the provisional shortlist placed before the Judicial Service Commission/Committee.

RULE FOUR

1. The Chairman of the Judicial Service Commission/Committee shall forward or direct the Secretary of the Judicial Service Commission/Committee to forward to every shortlisted candidate NJC Form 'A', which shall be completed and returned to the Chairman by the candidate, together with all necessary attachments specified.
2. The Chairman shall then table before the Judicial Service Commission/Committee for its consideration a memorandum on each of the short-listed candidates with:
   a. The completed NJC Form 'A' and the necessary attachments there to;
   b. The comments of the persons specified under Rule 3(2) of these Rules;
   c. Any petition or protest against a short-listed candidate together with the response of the candidate, if any.
   d. Detailed Medical Certificate of fitness issued by Government Hospital or Medical Institution; and
   e. Report by the Department of State Security on the suitability of the candidate for appointment to a Judicial Office supported by verifiable facts on which the report is based and, in addition, stating clearly whether the Department kept a file on the candidate and, if so, whether the file contains reports adverse to the candidate being appointed as Judicial Officer.
3. The Judicial Service Commission/Committee may make such further enquiries about the candidate from reputable sources as to the suitability of the candidate as it deems fit.
4. In considering the candidates, Judicial Service Commission/Committee shall take into account the fact that Judicial Officers hold high office of State and occupy an office carrying enormous powers and authority. Accordingly, the National Judicial Council shall-
   (i) regard the following qualities as essential requirements for the selection of suitable candidates for the judicial office in any of the Superior Courts of Record in Nigeria;

   In all cases:

   a) Good character and reputation, diligence and hard work, honesty, integrity and sound knowledge of law and consistent adherence to professional ethics;

As may be applicable:

b) Active successful practice at the Bar, including satisfactory presentation of cases in Court as a Legal Practitioner either in private practice or as a Legal Officer in any Public Service;

c) Satisfactory and consistent display of sound and mature judgment in the office as a Chief Registrar or Chief Magistrate;

d) Credible record of teaching law, legal research in a reputable University and publication of legal works, and In addition to any or all of the above:

e) In the case of appointment of a candidate to the office of Kadi of a Sharia Court of Appeal, knowledge of Arabic language and grammar.

(ii) Consider that:

Candidate for the high office of Judicial Officers of the Superior Courts of Record including Court of Appeal and Supreme Court of Nigeria, shall be disqualified and shall not be recommended for appointment if found to have been involved in:-

a. canvassing or lobbying for the appointment directly or indirectly in any form and/or through any person or persons, such as but not limited to, politicians, traditional rulers, public officers or other Judicial Officers;
b. bad behaviour, whether in or out of Court;
c. activity suggesting impecuniosity's and/or display of lifestyle that indicates that the candidate has been living above his/her means;
d. influence peddling;
e. any act of dishonesty or corruption or corrupt practice either, on behalf of himself or of any other Judicial Officer or professional colleague;
f. rendering dishonest or questionable legal opinion or advice or suppression of truth and suggestion of falsehood in any legal matter in dealing with colleagues, clients, or the Courts of Law;
g. deliberate improper or wrong completion of NJC Form 'A' with intent to deceive or mislead;
h. submission of false credentials and or deceitful or fraudulent curriculum vitae;
i. or is shown to have nor very limited exposure to practice at the Bar and conduct of cases in the Superior Courts of Record.

5. The decision of the Judicial Service Commission/Committee in respect of nomination and advice for appointment of a Judicial Officer shall be authenticated by the Minutes of the Commission/Committee Meeting, duly adopted and signed by the Chairman and Secretary of the Commission/Committee.

RULE FIVE

1. Upon compliance with Rules 1-4 of these Rules, the Chairman of the Judicial Service Commission/Committee shall advise, or as the case may be, recommend to, the National Judicial Council by a memorandum which shall conclude with a clear declaration that the NJC Guidelines and Procedural Rules have been complied with strictly and fully.
2. The memorandum must state whether any of the shortlisted candidates had on any previous occasion been presented to the Council for recommendation for appointment

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as a Judicial Officer and, if so, contain particulars of such earlier presentation, including date of submission and decision of the Council on such earlier occasion or occasions.

3. The memorandum shall be addressed to the Chief Justice/Chairman of the National Judicial Council or Secretary and delivered to the Headquarters of the Council in Abuja. The Secretary after consultation with the Chief Justice/Chairman may not put such memorandum on the agenda for consideration by Council unless if it has been received not less than 30 clear days before a scheduled meeting of the Council.
4. The memorandum shall contain justification for the number of Judicial Officers sought to be appointed, and be accompanied by –
    a. Minutes of meeting of the Judicial Service Commission or Committee where the nomination of candidates was considered and a decision taken;
    b. All the materials and documents placed before the Judicial Service Commission/Committee as required by Rule 4(2) in respect of each nominated candidate;
    c. Proof of the establishment prescribed by legislation for the particular Court concerned;
    d. Proof of adequate Capital vote provision in the relevant approved Budget for the Superior Court of Record concerned;
    e. Real and verifiable proof of availability of suitable Court hall, Judge's residence, Car and Library, among others; and
    f. A chart which shall show at a glance, as much as possible, the essential particulars of the candidates shortlisted.
5. The Council in considering the number of Judicial Officers to be recommended for appointment shall in addition to all of the above, have regard to the workload of the Court, performance of the current serving Judicial Officers of the Court; and, may, in its discretion, reduce the number of Judicial Officers to be recommended for appointment; or, consider that the proposed appointment is not at all justified by need; or, direct that no such advice to Council be made in future until such time as the Council may determine, having regard to factors which may include: absence of need, very low performance of Judicial Officers of the Court concerned and low level of average judicial workload.

RULE SIX

1. Every candidate/Judge/Justice/Chief Judge/Legal Practitioner, who has been shortlisted shall undergo interview to be conducted by the National Judicial Council to ascertain his or her suitability for the judicial office sought.
2. The mode of interview shall be determined by the Council.
3. The result of the interview shall form a major part of the decision on the candidate's suitability for the judicial office for which he or she has been interviewed.
4. A candidate who is unsuccessful at the interview shall not be recommended for appointment by the Council.
5. A candidate once rejected on the ground stated in Rule 4(4)(ii)) shall not be re-presented to the Council for at least another 2 years or any such period as the Council may direct.

RULE SEVEN

In this Rules, unless the context otherwise requires

"Chairman" means the Chairman of a Judicial Service Commission or Committee;

"Chief Justice/Chairman" means the Chief Justice/Chairman of the National Judicial Council;

"the Constitution" means the Constitution of the Federal Republic of Nigeria.

"Council" mean the National Judicial Council established under Section 153 of the 1999 Constitution of the Federal Republic of Nigeria (as amended).

"Federal Court" means a Court established under Part 1 of Chapter VII of the 1999 Constitution of the Federal Republic of Nigeria (as amended);

"Head of Court" means the Chief Justice of Nigeria, the president of Court of Appeal, Chief Judge of Federal High Court, President of the National Industrial Court, Nigeria Chief Judge of Federal Capital Territory, Chief Judge of State, the Grand Kadi of Sharia Court of Appeal of Federal Capital Territory, Abuja, the Grand Kadi of a State Sharia Court of Appeal; President of Customary Court of Appeal of Federal Capital Territory, Abuja and the President of State Customary Court of Appeal;

"Judicial office" has the meaning assigned to it by the Section 318 of the 1999 Constitution of the Federal Republic of Nigeria (as amended);

"Judicial officer" means a holder of judicial office;

"Judicial Service Commission" refers to a Judicial Service Commission, whether Federal or State, and includes, and, where the context permits, the Judicial Service Committee of Federal Capital Territory;

"notice" means, unless otherwise stated or the context otherwise requires, notice given pursuant to Rule 2;

"Secretary" means the person appointed by the National Judicial Council as Secretary to the Council;

"State Courts" or "State Court" means Courts or Court established under Part II of Chapter VII of the 1999 Constitution of the Federal Republic of Nigeria (as amended);

"superior court of record" means the Court to which Section 6 of the Constitution relates;[52].

The Police Service Commission is the bridge that can insulate the State Police from the Political Interference that people fear.[53]

The case of HON. JUSTICE RALIAT ELELU-HABEEB & ANOR v. THE HON. ATTORNEY GENERAL OF THE FEDERATION & ORS.CITATION: (2012) LPELR-SC.281/2010 is a case study where the Supreme Court reinstated the CJ of kwara state who was removed from Office by the State House of Assembly without recourse to the NJC.[54]

2. Re-orientation of the Police force for a more improved image and integrity and enhancement of a cordial relationship between the public and the police through seminars and workshops s organized by the police authority to sway the minds of its officers from corruption.

[52] National Judicial Council (njc.gov.ng) Visited on 17th of November 2022

[53] The Police Service Commission (Establishment) Act No (psc.gov.ng) visited on the 17th of November 2022

[54] 2012 Notorious Judicial Precedent: Justice ELelu-Habeeb & Anor v. AG Federation & Ors: Only NJC can Punish or remove a State Chief Judge - Supreme Court - BarristerNG.com visited on the 17th of November 2022.

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3. Proper training personnel. An ill-trained police officer lacks the requisite knowledge and skills to effectively combat crime in the society. Regular and comprehensive training programmes in the tune of modern policing show be provided and this should include ethics, conducts, investigation, surveillance/intelligence gathering, dispute resolution and respect of human rights.
4. Funding is a major problem of the Nigeria police and this has been the bane of policing in Nigeria. In addressing this poor funding, a special intervention fund should be created to tackle infrastructural challenges and funding from other sectors and communities should also be encouraged.
5. Improving the welfare and Condition of Service of Police personnel as this has been a major issue that successive governments have failed to fully address. Welfares and salaries should commensurate with the hazardous nature of the job they perform. Also, improvement the structures they work and live as they that are not fit for decent human beings. The vehicles, boats and surveillance equipment re no left out
6. Provision of Firearms by the Government most especially modern firearms and ammunition to replace the outdated ones. The provision of modern equipment such as bullet proof vests, helmets modern communication devices, biometric database for suspects and criminals. Curbing these inadequacies with make room for an effective and efficient policing.
7. Motivation and performance evaluation is key in improving the police force in Nigeria. The presence of a good incentive will definitely improve the performance of the police officers and only a performing officer can have his performance evaluated. Any force that fails to evaluate the performance of its officers regularly, will continue to degenerate therefore rewards and sanctions of any institution such as the police should be based on performance evaluation.
8. Re-evaluation of the Recruitment and promotion process of the police. The recruitment and promotion process of the police should be based on merit rather than abstract or political considerations. There should be a minimum standard for recruitment of police personnel Promotion should also be based on merit, training attended, performance and track record. The quota system for promotion should be abolished as it has dampen the morale of officers and created room for misfits on roles and duties.
9. Total overhaul of the police structure. The Nigeria police has a centralized command structure which all the state commands take directives from the headquarters through Inspector General of Police (IG) who in turn only takes orders from the president thereby making the state commands bypass the state governors who are the Chief Security Officers of their states. It is wrong for an IG who may not have visited all state in his entire career as police officer to give directives on how to tackle insecurity in communities he has never been to and hundreds of miles away from his office at the headquarters.