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Federalism and the Nigeria Police vis-à-vis the Calls for the Establishment of State Police

O.I. Usang (LLM)*

Abstract:
The present worsening security situation in Nigeria has made the issue of the competence and effectiveness of the Nigeria main civil security agency i.e. the Nigeria Police a burning national issue which many blame on the central structure of the Nigeria Policing system. Frequently, issues, analysis, debates and discussions occur on how the deteriorating situation can be improved. At the forefront of these are the calls for the establishment of state police in Nigeria. Many making this calls argue that, if the Nigeria police which is the key policing agency in Nigeria is decentralized, allowing States to establish their police, the internal security of Nigeria would drastically improve. Those arguing against these calls, state that Nigeria is not ripe for the operation of State police as it lacks the resources, capacity and the political will to operate same concluding that if established, State police would be seriously abused by state governments who will misuse same for their selfish purposes. This work is therefore aimed at succinctly examining, police in a federal state, implications of federalism, arguments for and against the establishment of state police in Nigeria and lessons drawn from other jurisdictions. It is the findings of this study that there would be more challenges; inter-states conflicts; lack of adequate training and funding and abuse in their operations if States are allowed to establish their own police now and it is recommended that the present central police structure be maintained and improved for better performance pending the existence of a better atmosphere for State police to be established.

Key Words: Federalism, Police, State, Security

1. Introduction

The *Constitution of the Federal Republic of Nigeria (CFRN*) made firm and strict provisions establishing the Nigeria police force as the only police in Nigeria and prohibiting the establishment of any other police force for the federation or any part thereof[1]. The organization, administration and operation of the police force is governed by the Nigeria *Police Act*[2]. Also it is only the National Assembly that the Constitution gives the powers to enact laws making specific provisions on the organization, administration and duties of the police in Nigeria. It is headed by the Inspector General of Police who is appointed by the President and is only accountable to the

*O.I. Usang Esq,(LLM)is a Lecturer, Department of Commercial and Property Law, Faculty of Law, Nnamdi Azikiwe University, Awka. This Article is an improved and updated part of LLM Dissertation of the Author, at the Faculty of Law, Abia State University, Uturu on the topic: *'An Appraisal of the Legal Implications of the Calls for State Police in Nigeria'*(2017).

[1] See CFRN (as amended)s. 214(1)

[2] . See The Police Act, ss. 3, 4, 5 and 6 Cap P19, LFN, 2004 hereinafter referred to as 'PA'

President or national government while the Commissioners of Police in the various States are accountable to the Inspector General of police and not the Governors or government of the States where they operate [3].

It is only the President of Nigeria that can give binding orders or directives to the Inspector General of Police while orders or directives from the State Governors to the Commissioner of Police are subject to the discretion of the Commissioner or referral of such directions to the President or such other Minister of the federal government as may be authorized by the President [4].This has rendered the States Governors insignificant in terms of being incharge of policing activities in the various states.

Despite the prohibitive provision of the Constitution against the establishment of any other police force in Nigeria, there are other groups or organizations established by the States which have similar powers and operation structure like the Nigeria police even though given other names such as *Hisbah*, *Vigilante*, *Amotekun* and of recent the Eastern Security Network (ESN) and *Ebubeagu* operating side by side and in some cases in conjunction with the Nigeria Police Force[5].

2. Police in a Federal State

A federal State is a State where powers and duties of government including sovereign powers such as Executive, Legislative and Judicial are shared between the national government and the federating units in such a way that there is separation and independence in their operations while all the units co-exist harmoniously. In the same vein, it has been stated that federal State is

> *An arrangement whereby powers of government within a country are shared between a national country wide government and a number of regionalized government in such a way that each exist as a government separately and independently from the others operating directly on persons and property within its territorial areas with a will of its own and its apparatus for conduct of its affair*[6].

The emphasis of the above definition is that, the federating units should be separate and independent of the national government, operating directly on persons and property within its territory[7]. It is upon this separateness and independence that the agitations for the establishment of State Police are founded.

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[3] . See CFRN (as amended) S. 215(1)(a)

[4] . See Third Schedule part 1 of CFRN (as amended) and the Police Act s. 9(1), (2) and (3)

[5]*Hisbah* operates in the North, *Amotekun* was not too long ago established in the West while Vigilante, ESN and just recently the *Ebubeagu* are found in the East which are regional arrangements and not on State basis

[6] B O Nwabueze, *ThePresidential Constitution of Nigeria*(London, C. Hurst& Co,1982)p .13, see also B O Nwabueze, Constitutionalism in Emergent State, London, (C. Hurst & Co Ltd 1973); *FRN V Anache (2004)14 NWLR(pt312)p 15 and AG Abia State v. AG Federation (2004)4 NWLR (pt588)p142*

[7] Ibid and see also S G Ehindero, *The Nigeria Police and Human Rights*, (Jos, Ehindero Press 1988) Pp. 11-12; B O Nwabueze,' Reflection on the 1999 Constitution, a Unitary Constitution for a Federal System of Government' Being a Paper presented at a seminar organized by the International Commission of Justice in Abuja, February, 1999 p. 34 and J. B Bulama, 'Federalism and the Nigeria Experience: A Sword or a Shield' in *The Advocate*, Unijos vol,4(2000) Pp. 100-108

In line with the principles of federalism, Police arrangement in every federal State is normally decentralized. Also many countries operating democracies and with federal structures normally have what can be called a decentralized Police system. That is, States having their own police within the State and the federal government have what can be called Federal Troopers or Police. The balance is that, State Police handles State matters while Federal Police deal with federal matters but are above the State[8]. This can be seen in advanced countries such as United States of America, Canada, and England/Wales and even in India and Pakistan[9].

However, the African countries that had tried the establishment of decentralized Police ended up in failure as a result of brake down of law and order and misuse of Police powers caused by tribal and ethnic sentiments[10]. Nigeria, though a Federal State refused to decentralize its Police after the experiences from the 1959 elections and early 1960's when politicians used the Police as private army to deal with their opponents. That was more than fifty years ago[11]. The realities on ground show that nothing has changed since 1960 in the politicians. The leaders are different but their ways are still the same if not worse[12].

A few Nigerians without properly considering the peculiarities of Nigeria and the negative realities on ground, have been arguing in favour of the creation of State Police in Nigeria on the grounds that Nigeria operate democracy under a federal structure, hence it must also operate a decentralized Police system like every other Democracy and federal State.

Ike Ekweremadu, the then Deputy Senate President is one of the public figures who support the establishment of State Police on the ground that Nigeria is a federal State. He stated thus:

> *Nigeria is the only federal country in the world where we have central police. Even countries without this system of government like the United Kingdom have a decentralized police arrangement*[13].

It is also the opinion of the eminent Lawyer and Scholar, B.O. Nwabueze[14] that the operation of a federal system of government ought to allow the States as federating units to have their say on security and law enforcement agencies in the country in line with the principles of federalism. He states thus:

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[8] Ibid and see *Vanguard Newspaper,* Monday, October 25 1999 p. 10; and P Adiyie, '.The Imperative of Local Police, State and Federal Police in Nigeriia' at <http://www.Nigerdeltercongress.com> accessed 12th December,2020.

[9] See R M Bohn and K N Haley, *IntroductiontoCriminalJustice*(4thedn. Boston McGraw Hill 2005) Pp. 146-152

[10] Ibid.

[11] Ibid and see J. B Bulama, Op. cit, p.100 and S.A N Nweke, *Law Enforcement in a Democratic Society(Nigeria in Focus)* (Enugu, De' Sanctity Communication 2004)p.6, Nnamdi Ebo, 'It's Time for State Police' at <http://www.allafrica.com> accessed 6th September, 2020 and C F Okeanonife, *Inter-AgencyIntelligentGatheringandSharingforEffectiveCrimeControl:TheIntelligencePerspective* (Lagos, Victory Press,2012) p.2

[12] C. Achebe, *No Longer at Ease,* (New York. Penguin Books,1960).

[13] Ike Ekweremadu,' Policing and National Security in Nigeria: The Choices Before us' Paper presented at the Annual Lecture Series of Unizik, 2013 and see also O. Falobi, *State Police:To be or not to be? In Sunday sun Newspaper,* August 5, 2012. P.34.

[14] B. O Nwabueze, (1999) Op. Cit. p. 34

> *….it is incompatible with the autonomy of a state government that a federal force on which it relies to maintain its authority and to enforce its law should be under the control of a federal government…*

It is opined that, there are some more important and people oriented attributes other nations have, Nigerians should insist on being replicated in Nigeria. Attributes such as good governance, true democracy, sincere fight against corruption and insecurity etc should give Nigerians more concern than the establishment of State Police as of now. What determine the system of Police to be operated by a nation, whether unitary or federal, is the existing provisions of the law relating to the type of police system to be operated. Where the Constitution as in the case of Nigeria[15] does not have provisions that allow the establishment and operation of a decentralized Police system, then such a nation should abide by the provisions of the Constitution.[16].

3. Implications of Federalism

Federalism implies a type of government in which power is divided between national government and other government units. It contrasts with a unitary government, in which a central authority holds the power and a confederation, in which States, for example are clearly dominant[17].

Although the Constitution sets up a federal system of government, nowhere does it define what federalism is. However, makers of the Constitution were determined to create a strong national government and address the shortcomings of a confederal system of government which allowed the States too much powers.

Federalism as well, implies the functioning of the federal government as a system with levels of government, with each level performing the tasks that make the most sense for that level[18]. Now the question is, can the task of establishing State Police make the most sense for that tier of government, when States in Nigeria are not capable of operating their own Police?. Federalism does not mean the establishment of every agency that exists at the federal level in the federating units without considering whether such agency is needed or can do well in that level of government or not.

According to Justice Kayode Eso, (rtd.) who aligned himself with the principles of true federalism, the over centralization of power inwardly prevents local initiative; promotes inefficiency and a sense of over-dependence on the central government[19]. Federalism should be more concerned with the agitation for more powers particularly more powers over the national

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[15] *See* CFRN*(*as amended*) s.* 214 *(1)* and the *Police Act,* Cap p 19 LFN 2004 s.3, S A N Nweke, Op. cit and C F Okeanomife, Op cit p.2.

[16] It is unlawful and unconstitutional for any State or any part of the country Nigeria to establish or operate any other Police without an amendment of CFRN *s. 214* and related laws.

[17] See D S P Alamieyeseigha, *Thoughts on Federalism, South – South and Resource Control(Yenagoa,* Treasure Communication Ltd 2005) Pp. 1-8, K C Nwogu, ' Constitutionalism in Nigeria: Imperatives for a Sustained Democracy'' in *UNIZIK Law Journal(* VOL 7, No.1 2010) p. 58 and R M Bohn and KN Haley,Op. cit. p. 147

[18] Edward N Zalta *Standard Encyclopedia of philosophy*<http://www.lw.ua.edu/pubs/irarticles> accessed 8th April, 2021.

[19]Nnamdi Ebo, Op. Cit. p.3 and B R Robert, *Studies in Federalism* at <http://www.plutostandard.edu/entries/federalism> accessed,12th December, 2020.

and natural resources. The States capabilities to own and operate State Police would naturally flow from there without the States begging the federal government to establish State Police for them and provide fund for its operation as the case seems to be now. Some advocates have gone so far as contending that federalism implies that the maintenance of law and order should be a matter reserved for the States, while the Federal Police may come in only where a State cannot cope and at the request of the State[20].

Federalism implies the operation of the central government called federal government and the federating units within the powers given to them by the Constitution[21]. No two Constitutions in the world are the same despite how much one country cherishes the provisions of a particular country's Constitution and want to copy same or imbibe it. That being the case, federalism can be said to be relative. Some advanced nations such as United States of America, may have and operate a more liberal system of government which the developing nations have not[22]. The truth is that. these nations are copying and imitating what has existed in the United States and other developed nations for very many years hence both cannot be the same in terms of standard and the forms of operation[23].

4. Arguments for State Police

The controversy over centralization of the Nigeria Police has existed in Nigeria since 1954 when the Constitution of Nigeria abolished the regional police system.

In a more formal way and in one of the debates in the house of representatives of the Federal Republic of Nigeria, one Honourable S. Akintola in March, 1955 advocated for the decentralization of the control of the Nigeria Police as opposed to the central and singular control by the Inspector General of Police[24].

On the hard side, in 1958, Willink's Commission found and recommended that a Federal Police arrangement would be in a better position than a Regional Police to allay the fear of the ethnic minorities and vehemently opposed the establishment of Regional Police[25].

Again in September 1958, the Action Group led by Chief Obafemi Awolowo presented an argument in support of the establishment of Regional Police in addition to the Federal Police. In very strong terms, the group argued on the following grounds

(a) That it was wrong in principle and humiliating in practice for a regional government vested with power and authority to maintain law and order to be without the means of discharging its responsibility

[20] Ibid.
[21] See B O Nwabueze, (1999) Op. cit p. 34 and B O Nwabueze (1977) Op. cit p. 13 and *AG Abia State Vs AG Federation, supra.*
[22] See R B Robert, Op.cit.
[23] Ibid.
[24] T N Tamuno, *The Police in Modern Nigeria1861-1961, Origin, Development and Role* (Ibadan, University Press, 1970)p. 152 see also Agbo, G *Jonathan, Boko Haram and Islam, in Daily Sun Newspaper Tuesday August 21, 2012 p.20;* VIzeko, 'Tackling Security Challenges in Borno' in *Daily Sun Newspaper,*Tuesday August 21, 2012. P. 20. And the Guardian *Newspaper,* Thursday, September 6, 2012. Pp. 1-2.
[25] T N Tamuno, Op cit. p. 152

(b) That there is no constitutional precedent in the federal Constitution of the British commonwealth, except the federation of Malaysia, to justify the centralization of the police proposed for Nigeria
(c) It was insulting to think that only federal ministers, not Nigeria regional ministers could be trusted to use the Police forces in the country responsibly; and
(d) Police service should be "Regionalized" so as to arrest the possibility of a totalitrerian regime emerging in Nigeria[26].

The issue gained further prominence on the coming into force of the 1999 Constitution of the Federal Republic of Nigeria and the end of the military rule in Nigeria. Prominent Lawyers; Ben Nwabueze, Itse Sagey, chiefs Kola Awodehin and Niyi Akintola have condemned what they called over-centralization of police, pointing out its implications for public order and safety. They argue that Governors are the chief security officers of their states with security votes, yet they have no control over the Police. It is the IGP in Abuja through his Commissioners of Police in each State that has the sole power over this intractable command-structure.

A retired Deputy Inspector General of Police, Chief Chris Onehen, while arguing in support of the establishment of State Police stated:

> *We are over-ripe for State Police. All these talks that the State Police would be misused are rubbish. Why do we keep on deceiving ourselves? When we were a smaller body, a unitary police was okay. Now that we are very big, and the bill has become larger, we should decentralize and let the State government take 60 percent of the bill. The federal government should only provide control, monitor and establish standard. Not when they steal a fowl, Federal Police would go there. Ghana, our next door neighbour has a local government Police[27].*

Surprisingly, the retired DIG is conceding control of State Police to the federal government as against the popular call for the decentralization of the control of the Police[28]. He also argued that States should provide 60 percent of the bill when the States are complaining of lack of funds to provide essential amenities to the people. The former Vice President of Nigeria, Alhaji Atiku Abubakar, also supports the establishment of State Police in Nigeria. He advocates the restructuring of the current system of government by giving more powers to what he called confederating units[29].

The advocates of State Police got a big support, when the former military Head of State turned President, allayed the fears of those opposed to State Police and described them as unfounded. General Babangida, said that opponents of State Police were only advancing fears which had existed since the 1950s and wondered why after over 60 years, fears of State Police should continue to hunt Nigerians. He said:

[26] Ibid.
[27] O Falobi, 'State Police: To be or not to be?'in Sunday Sun Newspaper, August, 5, 2012 p.6.
[28] Ibid. see also N A El-Rufai,' BetweenTerrorismAndCorruption *(1)*'Nigeria*VillageSquare*. Com/nasirelrufai.
[29] *Daily Sun Newspaper* Wednesday, September 19, 2012. P.7.

> *Left for me, the whole essence of government is to provide adequate security for the people and in whatever way this is acceptable. I don't believe the fear of what happened in the 50s should continue to hunt us*[30].

General Babangida, went on to define the limits of which the Federal and State Police shall operate thus:

> *The Federal Police should be responsible for federal laws. The State Police should handle the internal security of their states and should only buttress the efforts of the Federal Police*[31].

The Federal Police and the State Police have to operate on Federal and State laws respectively as suggested by the General. What would happen if a Federal Police man on duty found a person breaking a State law and vice versa? Would he look the other way because the law violated is a State law? There would be operational conflicts. Coming from a meeting on Monday, June 25, 2012 in Abuja, the Nigeria Governors forum (NGF) led by Governor Rotimi Amechi, called on the Federal Government to create a special intervention fund for States to tackle their security problems. The forum after condemning the current insecurity and violence, called for a multi-dimensional approach to security issues and stated in its communiqué thus:

Finally, the forum identified the increasing need for State Police as a strategy for combating the rising insecurity in the country[32].

The Northern Governors' Forum (NGF) two days later came out with a completely different position in its own communiqué led by Niger State Governor, Babangida Aliyu[33]. The 19 Governors noted that, instead of State Police, the Constitution should be modified for Governors to control Commissioners of Police in their respective entities[34].

Paul Adujie, in his support for the establishment of State Police emphatically stated:

> *Nigeria's past, present and even future makes the establishment and operation of a federal, state and local government policing or law enforcement undebatably mandatory. Nigeria needs and should have Federal Police, State Police and Local Police. The local authorities know the neighbourhoods, the local people and local circumstances better*[35].

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[30] *The Nation Newspaper* Friday, August 17, 2012. P.6

[31] Ibid.

[32] See *Sunday Sun, August5, 2012 p. 34., see also* Daily Sun Newspaper *of Thursday, November 1, 2012. P.12; The Nation Newspaper* of Friday November 2, 2012. Pp 1-4 and *The Nation Newspaper* of Friday, August 17, 2012 p.58.

[33] Ibid.

[34] Ibid.

[35] P Adujie, *The imperative of Local Police, State and Federal Police in Nigeria at* <http://www.nigerdeltacongress.com> *accessed 12th December, 2020*

He further suggested that local Police is logistical and cost effective as the movement of Federal Police Officers from State to State in Nigeria and their accommodation should be spared[36].

It has also been argued that, the fact that the justice system which includes States and federal courts is found both at the federal and State levels, there is need for the establishment of State Police at both levels.

In our mind, we believe the foundation needed for State Police in Nigeria is lacking if not entirely absent. Our attitudes, our thinking and reasoning, our approach to issues as a people and our level of development do not support the establishment and operation of State Police[37].

5. Argument Against State Police

There are very strong arguments by some notable writers and public commentators including personalities in government that, Nigeria as presently constituted is not matured for State Police. The synthesis of their argument is that, the call for the establishment of State Police is like handing over a fully loaded pump action riffle to a child to operate. What he or she would use the rifle for can better be imagined than experienced.

Most State governors are vehemently opposed to the establishment of State Police even when those agitating for State Police argue that it would directly and ultimately favour the autonomy of States and enhance federalism[38].

One of the reasons given by those opposed to State Police is that State Governors would use State Police against their perceived and actual opponents[39]. That it would be easier for them to manipulate State Police in their favour than Central Police[40].

The ruling PDP has always opposed State Police until recently when some of its members such as the Senate President, David Mark, and his Deputy, Ike Ekweremadu, changed their stance and started arguing in favour of the State Police[41].

Amid the agitation of the establishment of State Police, the then President of Nigeria, Goodluck Jonathan constituted a Presidential Committee on the reorganization of Nigeria Police headed by the chairman, Police Service Commission, a retired Deputy Inspector General of Police, Osayande. At the end of its work, the committee condemned the calls for the establishment of State Police and came out with far reaching recommendations to strengthen the Nigeria Police.

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[36] Ibid and *The South East Cooperation on Security<http:<http:<www.sunnewsonline.com> accessed 5th May, 2021and the Guardian Newspaper* Tuesday September, 11, 2012 Pp 1&12.

[37] See Willink's Commission Report on Nigeria Police 1958

[38] Ibid and see *Sunday Sun Newspaper* of August 5, 2012 p.34 and B O Nwabueze, (1992) *Military Rule and the Constitution.* (Ibadan spectrum). Pp. 120-121.

[39] See NnamdiEbo, Op. cit, U A Kalu, *Police in a Federal State: the*Nigeria *Case*, LLM Dissertation, Faculty of Law, ABSU. p. 100 and D Falobi, Op. cit Daily Sun Wednesday September 19, 2012 p.7.

[40] Ibid. see also E EAlemika, 'Democracy and Criminal Justice Administration in Nigeria' in *New Vista in Law, Faculty 0f Law unijosvol 2 (2002)p 309*

[41]*See The Nation Newspaper*, Friday, August 17, 2012. P.6 and D Iwambo,' *Giving State Police a Second Thought', in Blueprint Newspaper September 3, 2012.*

Instead of State Police, the Committee called for the autonomy of the Nigeria Police and the scrapping of the Ministry of Police Affairs to enable the hierarchy of the Police high command prioritize and maximize the resources allocated to the force by the Federal Government[42]. At the presentation of its report to Goodluck Jonathan, the panel of the retired Police chiefs argued that the clamour for State Police was an invitation for anarchy because it was not in the interest of the nation's democracy. They argued further that the most unreasonable thing for any administration to do at this time was to allow State Police to exist, stressing that with the current political climate in our country, State Police would only be a tool of oppression in the hands of political leaders at State level[43]. The panel stated that, the nation's Police Council should be allowed to function effectively since it is composed of the President who is the chairman, the chairman of the Police Service Commission and the Inspector General of Police. Osayande, stated further that the institution of State Police in Nigeria would be a prelude to the disintegration of the country[44].

Bruce Maloga; while commenting against the agitation for the establishment of State Police stated 'State Police is sentiment and demagoguery aside, one monster this country cannot tame. I say that because I know this country inside out, upside down'[45].

He went further and made the following serious point:

> *There is nothing wrong with State Police. In fact, State Police as a concept is noble and as a mechanism for effective management of law and order, it is civilized. It works beautifully in most countries of its practice. It is a glaring, prominent characteristic of a federation. All these are acknowledged. A testimony of countries where it is practiced is not only normantic, it is infectious as well, but that is where its attraction for us should stop, it shouldn't go beyond that. State Police is not congruous with our system. It is an invitation to chaos, to tyranny. It is a call to impunity of the powerful and privileged[46].*

Maloga, took on the Governors likely abusing State Police as follows;

> *Of all centres of apprehension, the greatest are even Governors themselves. Pointedly, State Police cannot work. Nigeria governors are not the best of people to leave that to. This country would be in graver situation that we have ever witnessed. One ogre at the centre in Abuja is enough. At least, we know that our troubles are centralized. To add 36 more caverns to that will be apocalypse. We are conversant with the temperament of the Nigeria politician. He operates from the principle that wining is the game and a winner takes all, and the loser? tied to the stake. You don't give such character the unbridled power that is attached to State Police[47].*

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[42] See the *Guardian Newspaper,* Wednesday August 15, 2012 pp.1-2 see also A Madu,' *Time to make Nigeria Police Effective'* in *National Mirror Newspaper,* Tuesday *October 23, 2012 p.17.*

[43] Ibid and see *Report of the 1977 Constituent Assembly in Nigeria*

[44] Ibid

[45] B Malogo,' *State Police? Don't go ther'e in Sunday Sun Newspaper* September 2, 2012 p.44; *Daily Sun Newspaper* Thursday, September 6, 2012 p.24 and O Falobi, Op. cit. p.34.

[46] Ibid.

[47] Ibid see also *Sunday Sun Newspaper,* August 5, 2013 p. 34; *Daily Sun Newspaper,* Thursday, September 6, 2012 p.24 and *Sunday Sun Newspaper,* September 2, 2012 p.44

Some of the States in Nigeria in whose favour most of the agitators for the creation of State Police seem to be speaking, have out rightly and consistently cried out loudly that they are not ready for and do not want State Police[48]. One of such advocates is the former Governor of Kwara State, His Excellency, Adulfatai Ahmed. He argued,

> *State Police is desirable to the extent of advance society… but at the same time, the current political situation we have found ourselves, the current financial situation and current social situation will require to be put into serious cognizance before taking that big step of moving towards creating different levels of Police… States are currently under sincere pressure of not being able to meet up with their various expenditure needs[49].*

Governor Ahmed did not only argue against the establishment of states he went on to proffer solutions to the problems endemic in the Nigeria Police system and submitted that the strengthening of the present Nigeria Police would bring better and lasting solution to the present security challenges that brought about the hasty calls for the establishment of State Police in Nigeria[50].

One may take it for granted that, countries especially the United States of America that operate decentralized Police system have been enjoying perfect and smooth operation of the system and reaping optimum benefits from it. Contrary to the above, Geller and Morris argued follows

> *Potential efficiency- squandering of scarce resources that are desperately needed for societal problems besides crime and disorder is not the only cause for concern about the untidy pattern of federal, state and local police jurisdiction in United States. Effective consideration can arises as well for poor husbanding of resources and deficient co-ordination of anti-crime[51].*

Another commentator, Isibor, in support of the above argument and opposing the calls for the establishment of State Police argued that;

> *While it may be true that current inadequacies of the NPF may have informed the grounds- well calls for its decentralization with allusion to such a system operates efficiently in other lands, the scenario here is a different ball game. For a country made up of 36 States excluding the central government, States made up of several ethnic group with equally several distinctive different historical, cultural and traditional backgrounds to accede to calls for State Police would be a shift in anarchy[52].*

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[48] Ibid.

[49] See *Daily Sun Newspaper,* Thursday, September 6, 2012 p.24

[50] Ibid.

[51] See K Omeje, and J Mwanji, *The challenges of State Police in Kenya* Peace Conflict Review and W A Geller, and N Morris,. *Relation between federal and Local Police* cited in N Tonry, and N Morris (eds) *Modern Policing, (*Chicago, Chicago press 1999),P 233.

[52] *THISDAY Newspaper* Sunday October 1, 2000 pp. 69-7; E EAlemika, Op. cit. p. 309 and B O Nwabueze, (1992) Op. cit p. 20 and see also T Mamman,) *The Law and Practice of Constitution Making in Nigeria, 1862-1989: Issues, Interests and Compromises.* (Maiduguri, Eduniformservice1998)p.225.

Granted that both sides in the argument have advanced and in some cases established very strong and convincing reasons in support of their stance, certain facts stand out clearly:

(i) The idea of State Police is a good one that have succeeded on other places including USA and Britain.
(ii) Nigeria cannot afford the establishment and operation of State Police now.
(iii) The reasons given by the Willink's Commission to settle for a single federally controlled police in Nigeria are still intact.
(iv) The states cannot even afford the immediate and necessary needs of the people. Adding the provision of security to them would amount to putting more loads on States crying for lack of funds.
(v) There would certainly be conflicts in the inter States and States-Federal Police operations in Nigeria and the consequences are enormous.
(vi) Our political leaders are not yet matured and also lack discipline and integrity to operate a decentralized police system.
(vii) The argument that the creation of State Police is a necessary requirement of true federalism is a fallacy. State Police is not necessarily an essential element or principal of true federalism. True federalism does not require the establishment of projects or programmes that would not work. Anything that would not work in federalism is anti-federalism to that federation. Serious abuse of State Police powers by politicians is very likely in Nigeria and this would render the system in-effective.

It is therefore our opinion that, the calls for the establishment of State Police is a kind of distraction to the system. What we should be calling for now is the improvement on the policing system provided in our country's Constitution by increasing the funding and provisions of good equipment, working conditions and training for the officers and men of the Police.

6. Lessons from Other Jurisdictions: United States Of America And England and Wales

6.1 United States of America (USA)

Like in many other countries, the USA Police organization is established and regulated by the Constitution. According to Walker Neil, all policing systems are profoundly influenced by the Constitutional order in which they are situated[53]. Because of the preference for local control, the United States has more Police departments than any other nation in the world. Even small communities in lack of resources provide it. This is essentially responsible for the difference in the standards of America Police operations. Before formal police departments came into

[53] See the tenth amendment to the United State Constitution and N Walker, *Policing in Chicago Constitutional Order*, (London, Sweet and Maxwell , 2000) p. 3 see also D H Bayley, *Comparative Organization of the Police in English-Speaking Countries* cited in Tonry& Morris, N Op. cit. Pp. 538-539.

existence some other efforts have been made to improve law enforcement in America[54]. American law enforcement and criminal justice basically originated from England[55].

Colonist from England came with constable –watch system they were used to. In 1634 Boston established a night watch. The watch system in the cities was the means of preventing crime and arresting criminals with military assistance in major disturbance[56]. The office of the Sheriff was later established in the rural areas and the power of the posse[57] was used to enforce law and order. Municipal Police began in 1844[58].

Individual states have power to establish police and in turn delegate the powers to the local government upon which they create special departments of Police, apply the law to prevent fraud and crime, and protect the distorted, safety, health and prosperity of its citizens. The Federal government and the State government both have Police powers to exercise in the country. There is a federal Police that enforce the federal laws and the State Police that enforce the State laws. Some States formed State law enforcement agencies due to ineffectiveness of the sheriffs and constables.

In 1905 Pennsylvania established the first modern State Law Enforcement Agency. All other States followed before 1930s[59]. The Federal Police in United States are the Federal Bureau of Investigation (F.B.I) established in 1908. Apart from those laws assigned to other law enforcement agencies, the FBI investigates all Federal laws[60]. Most of the Municipal Police departments are small in size[61].

The work force of law enforcement in America is the local Police. The Federal Police duties include: Law enforcement which include investigating a burglary, arresting a car thief, serving a warrant or testifying in court, holding back crowd at sporting events, delivering mails, taking people to hospitals, intervening in domestic dispute, escorting funeral processors, chasing bats from house[62] etc.

The United States laws have provisions that adequately take care of the problem of possible conflicts in police operations. For instance the constitution provides that:

> *A person charged in any state with treason, felony, or other crimes, who shall flee from justice and be found in another state, shall on demand of the executive*

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[54] R M Bohn, and K N Haley, *Introduction to Criminal Justice.(* California. Glencoe/Mcgraw. 2005)P. 148

[55] Ibid and see also *History of Police in the United States of America* at <http://www.en.wikipedia.org/wiki/lawenforcement> accessed 8th January, 2020.

[56] Ibid

[57] Group of young men engaged by the law enforcemet officers in the USA to assist them in arresting offenders. They are not formal Policemen

[58] Ibid p. 153

[59] Ibid and see further *State Police in United State of America*<http://www.en.wikipedia.org/wiki/statepolice> accessed 8th January 2021..

[60] Ibid and seeJ Kraut et al Op. cit p. 551 and R M Bohn, et al Op. cit. p. 151 and *Police functions in United States of America at* http://www.en.wikipedia.org/wiki/law-enforcement accessed 6th Febuary, 2021

[61] Ibid.

[62] R M Bohn, et al, Op. cit p. 162

> *authority of the state which he fled, be delivered up, to be removed to the state having jurisdiction over the crime*[63].

The Governors of the States have the above stated duty to perform in United States and they have been performing same effectively[64]. Can Nigerian governors be willing and ready to spend their resources to arrest and deliver up a suspect or criminal who violated the laws of other State to the offended State? Can the Police in the State where the suspect ran to be ready to arrest and deliver up the suspect if that suspect is their relative? These and many more are questions that do not have positive answers in Nigerian situation. Also there are uniform laws to facilitate smooth operations of inter-state policing in USA. Some States have since removed all the laws that could hinder smooth law enforcement process among the States.

6.2 England and Wales

The Police system in England and Wales started in 1285 with the passage into law of the statute of Winchester that formalized the Constable- Watch system of protection[65] and gave Constables the power to select individuals as night guards[66].

The massive migration of people from the countryside looking for work in factories during the industrial revolution increased the cities population. There was as a result, increasing poverty, public disorder and crime. Efforts to establish a Central Police for London has been opposed by people on the ground that it would bring back to the kings the absolute powers they had in the past. However the London Metropolitan Police Act which created a 1,000-Officer Police with professional standards to take over from community police system was passed into law in 1892[67].

Presently the Police in England and Wales consist of the Metropolitan Police, the city of London Police, County Police, the combined Police established or continued under the Police Act 1964 and the North Umbria Police Authority[68]. Though Appreciable attempts at unification have been made by Home Secretary under the Police Act 1964, there is no uniform police system in Britain and the Central government does not maintain a national police[69]. The ranks to be held, discipline and conditions of services for officers and men of the Police are regulated by the Secretary of State.

The Metropolitan Police district is headed by the Home Secretary. The city of London Police is headed by the Common Council, while the Police authority for a Metropolitan County is the

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[63] Article IV, *S. 2 paragraph 2.*
[64] U A Kalu, Op.cit page 24.
[65] B R Robert Op. cit. see further *Local Crime Policing and Criminal Justice in United Kingdom*http://www.police.uk.com acessed7th January, 2021 and *Police Forces of the United Kingdom at*http://www.en.wikipedia.org/wiki/p olice-offices accessed 12th April, 2021..
[66] Ibid.
[67] Ibid. p. 150.
[68] A Davies, et al (eds). *Halbury's Statutes of England and Wales(* 4thedn)., vol, 33.(London. Butterworth 1993) p. 615.
[69] Ibid.

Metropolitan County Police Authority. The Police committee of the County Council is the Police authority in a non-metropolitan County[70].

The local government boundaries define the Area and extend each Police authority acts. However, the Metropolitan Police District is a special area defined by the London Government Act of 1963 and is the only Police that cover same Local Government Area in its operation[71]. For smooth operations certain measures are put in place for a coordinated approach to law enforcement by the different police forces in England and Wales, assisting each other in times of need with ease.

It is very clear from, the above that, a decentralized police system is a very complex and expensive security arrangement that can only be successfully established and operated by developed nations with deep rooted democracy and respect for human rights. In our opinion, Nigeria is yet to attain the maturity that would enable it to establish and operate State police.

Conclusion:

Obviously the insecurity in Nigeria is getting worse by the day, and this is one of the causes for the calls for the establishment of State Police in Nigeria. When the situation was relatively better, the calls were never this loud until when insurgency, kidnapping and armed robbery became like a daily occurrence in all parts of Nigeria. Most agitators for the establishment of State or decentralized police forces argue as if insecurity or worsening security situation is the ultimate or only reason or condition upon which States should have their respective police formations they can control. This is a fallacy as there are even more critical conditions and requirements for any nation thinking of the establishment of State Police should take into consideration such as, national unity, human rights, funds, law etc.

It is in this work clearly shown that the ground norm – the Constitution of Nigeria prohibits in very strong terms the establishment or operation of any other Police force other than the Nigeria Police force it established. That Nigeria is not yet ripe for a decentralized Police force and that it is very likely that such arrangement will be abused by those in power.

The nations operating decentralized police never did so because of worsening insecurity or because they operate federal system of government or because they want to copy what other nations are doing as some Nigerians are arguing. It is rather the history, resources, laws and level of development that necessitated the decentralized police system. Nigeria would get worse in terms of security if State Police is created. This has started manifesting in some regions of Nigeria where security agencies other than the Nigeria police are established and operating.

[70] Ibid. see also B RRobert, Op. cit p. 148 and M Banton, *The Police in the Community, (*New York Bases Books Inc,1964) p.89.

[71] A W Bradley, *Constitutional and Administrative Law.(*London, Longman 1977) Pp. 340-341 see also *The Police Act of the England and Walesss 13&14, A* Davies . Op. cit p. 614 and "*Police in Federation of England and Wales"* at <http://www.en.wikipedia.org/wiki/policefederation>accessed 7th December,2021.