

POLITICAL ECONOMY OF MAINTAINING LAW AND ORDER BY THE NIGERIAN POLICE FORCE AND PRISON SERVICE, 1993-2001

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Abstract

The fact remains sacrosanct that of all obligations people expect of their government, none is as important as public safety and guarantee of justice. The broad objective of this paper is to interrogate the prospects and challenges of maintaining law and order using Nigerian Police and Prison Service as a case study. We employed the aid of Marxian political economy frame of analysis to observe that the problem of maintaining law and order emanates from corrupt tendencies of law officers. We recommended first, an enhanced salary structure for law personnel so that their take home pay will take them home. Secondly, promotion of intelligent law officers from their present status and setting up ethical spirited and intelligent led-personnel as a semi autonomous unit devoid of the present rank and file dominated squad for effective crime prevention and reduction.

Keywords: Police, Prison, Law, Order, Enforcement

Introduction

Crime and criminality are as old as mankind. The first crime recorded in the Holy Bible was of course the brazen murder of Abel by Cain in Genesis 4. This underscores the fact that crime is not of recent development. Hale (1977) also noted that the first recorded criminal code on earth was developed in Babylon under King Hammurabi about two thousand years before the birth of Christ. Arising from the above is the enormous challenges of maintaining law and order in every society. This is because "of all the obligations that people expect of their government, none is as important as public safety and guarantee of justice. This obligation could only be fulfilled to the citizens through effective maintenance of law and order; a function of law enforcement agents as enshrined in the 1999 Nigerian constitution. A

fundamental concern of any government is to protect the citizenry from violence and intimidation and to secure their personal properties. This is achievable with the effective enforcement of law and order through apprehension of law breakers, investigation of the crimes committed, adjudication of justice by the courts and incarceration of guilty offenders at the prisons to serve as a deterrent to the intending offenders. These expectation forms the basis of social contract proposed by Hobbes, Rousseau and Locke whereby people submitted their lives, liberty and property to the dictates of the state in return for the protection of their lives and properties.

In Nigeria, the story is different. The state seems to have failed in this fundamental task. The Abuja car bomb incidents of 1st October 2010, the religious uprising in the Northern Nigeria, killing of youth corpers in the recent 2011 Post-Presidential election violence in Bauchi and the most recent Boko Haram insurgency coupled with the killing of the Ibos and the destruction of their properties, in other states in the North attest to this failure. Also cases of undergraduates killed as a result of cultism in universities abound. Apart from this, cases of kidnapping and armed robbery are reported more often than not. Hence, it has become familiar news.

These reports seem to have failed to attract the intervention of law enforcement agents since there are no convincing records of arrest of the perpetrators of the crimes. Even when some people are arrested, investigation process is abused. The worst of it all is that, those incriminated after successful trials turn out to be ardent criminals. In Nigeria, the upsurge of crime is manifest with the break down of law and order despite the renewed efforts of the anti crime policeman on street patrol, and other paramilitary agencies like Nigerian Civil Defense Corps, Nigerian Prisons, Nigeria Drug Law Enforcement Agencies and the likes. In this paper, we shall interrogate the political economy of maintaining law and order by law enforcement agencies with a view to determining the prospects and challenges facing Nigerian Police Force and Prison Service.

Theoretical Framework

Modern societies are characterized by what can be termed 'police fetishism, the ideological assumption that the police is a functional prerequisite of social order so that without a police force chaos would ensure. In fact, many societies have existed without a formal police force of any kind, and certainly without the present model. It is important to distinguish between the ideas of 'police' and 'policing'. 'Police' refers to a

According to Marx, in the social production of their existence, man inevitably enter into definite relations, which are independent of their will, namely relations of production appropriate to a given stage in their development of material forces of production. The totality of these relations of production constitutes the economic structure of society, the real foundation, on which arises a legal and political superstructure and to which correspond definite forms of social consciousness.

The mode of production of material life conditions the general process of social, political and intellectual life. Marx strongly argued that the economic structure of society determines the character of the superstructure which includes the political, legal, cultural and religious relations and institutions of society; but this does not imply a unidirectional model. Account is also taken of dialectical relations, a form of feedback process in which the superstructure also influences the economic substructure. The application of this theory to the understanding of police and policing suggests that the problems of order, law and lawlessness are to be understood as the reflections, perception or products of the way the society organizes its economy, especially the dominant interests that drive it. Criminal law which is the law against the state and its agents, of which the rationale for enforcement constitutes the establishment and sustenance of police and judicial institutions, contains rules prohibiting the behaviour and activities deemed detrimental to the dominant economic and political interests of society. Pretentiously, the law is assumed to exist for the overall interest of societal inmates but the application and its enforcement portrays negativity of this assumption.

However, societies are constituted into classes and groups with varying degree of power or influence over political and economic decision-making. Classes and groups with dominant economic power control political decision-making, including the enactment of criminal law by the legislature, its enforcement and interpretation by the police and judiciary respectively. A case in point is the accelerated enactment, passage of Nigerian Anti-Kidnapping Law 2011 by both Houses of National Assembly and its assent by President Goodluck Jonathan. The usual trend is possible delay to allow lobbying to commence in all dimensions before its passage but because the target of kidnappers is mostly rich men and their relations, it attracted acceleration. Hence, the law stipulates death penalty. The question is whether kidnapping, collection of ransom from an individual kidnapped victim is greater than individual fraudulent collection of billions of naira from

defusing demand for democracy and elimination of oppression and injustices. Similarly, in a democratic, just and equitable society, police have greater chances of serving as vanguard for social democracy, human rights and socio-economic justice (Alemika, 1993). Analysis of the roles of state police must be located within the social, political and economic order that police forces are required to secure, preserve and fortify. The utility of this theory will assist us to see police roles and performance as well as police violence in Nigeria as the product of interaction among political, economic, legal, institutional and personality factors. Generally, police bureaucracies are organized to manage (detect, investigate, sort out, sieve, arrest, detain, prosecute, harass) those considered to be dangerous for the preservation of the status quo. Although the above argument seems to hold sway Carter and Radelet (1999: 9) argued that the police "are part of and not apart from the communities they serve".

Police in Post-Colonial Nigeria: 1960-66

Between 1930 and 1966 the Nigeria Police Force (created in 1930 with national jurisdiction) coexisted with local administration police forces in local government areas in Western Nigeria and the native authorities in Northern Nigeria. These local forces were disbanded because they were poorly trained, corrupt and used for partisan political purposes, including brutalization of opponents, by traditional rulers and politicians in Northern Nigeria as well as by political parties and governments in power in the Northern and Western Regions (Ahire 1993; Rotimi 1986, 1993; Ohonbamu 1972).

The dual system of police involving multiplicity of local forces and a national police force continued until 1966. But it became one of the earliest victims of military rule in the country. The first military coup occurred on 15 January 1966. Major-General J.T.U. Aguyi-Ironsi emerged as the Head of the Military Government. In March 1966, Major-General Aguyi-Ironsi empanelled a Working Party on Nigeria Police, Local Government and Native Authority and Police and Prisons, to examine among other issues, "the feasibility of the unification of the Nigeria Police, Local Government Police. This was in respect of the police force in the Colony of Lagos between 1860s and 1890s. See letter from McCallum to Chamberlain on July 9, 1897 in CSO/1/1/1/9 at the National Archives, Ibadan (NAI); S.C. Ukpabi (1987) *The Origin of the Nigerian Army* (Zaria: Gaskiya Corporation: 53-54), and the unification of prisons in Nigeria". It must be borne in mind that the government's attempt

the present dispensation of clamour for state police forces, there is an attempt by the proponents to foster a collective amnesia on the Nigerian public. Ohonbamu reported that "in the Western Region there were mass recruitment into the local forces of party thugs and stalwarts - people against whom the police were supposed to be giving protection to the law abiding citizens." He also reported that in the North, "political opponents were arrested by native authority police for holding private meetings to discuss political issues, handcuffed or chained and marched through the streets as an ocular demonstration of what fate awaited those who sought to exercise their fundamental right"

Rotimi (1986) recorded that "a wedge was driven between the Nigeria police and the public because the policemen also used their status to oppress their fellow-citizens through bribery, blackmail and intimidation". Naturally, the Native Authorities and their colonial mentors, the Residents and District Officers, applauded the policemen for their 'good' work. They only occasionally frowned at misdemeanors such as misappropriation of taxes and brutal treatment of culprits. Ahire (1993:257) also provided additional evidence about the "political abuse of local police powers in Northern Nigeria. The fiercest criticisms of the Nigeria police system relate to its handling of opposition politicians in the 1950s when party politics started in Nigeria". It is on record that police forces earned notoriety by using undue coercion and intimidation to enlist support for the ruling party; deny opposition parties permits for rallies; disrupt meetings of opposition parties and generally enforced the obnoxious 'unlawful assembly' laws against opposition politicians. The excesses of police forces in support of the ruling party in Northern Nigeria prompted a loud outcry which eventually led to their extinction".

Police, Policing and Incidence of Corruption in Nigeria

Successive Nigerian Constitutions since 1979 have provided for the existence of the Nigeria Police Force. The 1999 Constitution had provisions on the Nigeria Police Force, Police Council and the Police Service Commission. Section 214(1) of the 1999 Constitution provided that: there shall be a Police Force for Nigeria, which shall be known as the Nigeria Police Force, and subject to the provisions of this section, no other police force shall be established for the Federation or any part thereof. Members of the Nigeria Police Force have statutory powers to investigate crimes, to apprehend offenders, to interrogate and prosecute suspects, to grant bail to suspects

Residential Areas (GRAs) – the home of indigenous and expatriate elites... such practices teach the rank and file who needs protection and who does not, who is entitled to services and whose demand can be rejected.

Coomassie, (1988:10) a former Inspector-General of Police of the Nigeria Police Force observed that:

any time a citizen becomes a public figure, his first official correspondence on assuming duty is to write the Inspector-General of Police to ask for an orderly and policemen to guard his house... Everybody wants to use the Police as status symbol, yet the members of the organization remain without accommodation, adequate remuneration, tools to work with, transport to patrol, effective communication and appropriate intelligence outfit to support their operations.

This pattern of police service delivery persists until now and reflects the economic and political hierarchies in the country. Police brutality is one of the major obstacles to the prospect of the Nigerian police being a positive factor in pro-poor change initiatives. The police in Nigeria, with the backing of autocratic leaders and repressive laws frequently acted outside the rule of law. Often, they impose laws unto themselves, maiming, killing and detaining persons arbitrarily and with impunity. In Nigeria, police repression had been institutionalized since colonial rule. However, police repression became increasingly intensified under the successive military regimes after 1966. As has been observed, police repression has persisted, and in most cases intensified. For instance: "The Nigeria Police Force is still largely vicious and corrupt. Political opponents of civilian governments and military administrations usually workers, students, radicals and human rights activists continue to suffer excessive and recurrent waves of brutalities, abductions, unwarranted searches and violations of privacy and private family life, extra-judicial killings, bodily injury, intimidation, harassment and loss of personal liberties in the hands of the police and sundry state "intelligence" and security agencies in the country" (Alemika, 1993b:208).

Police repression (especially extra-judicial killings) did not abate after an elected government came to power on May 29, 1999. A press statement by the Force Police Public Relations Officer, in early January 2001 showed

the main barrier between the police and public in Nigeria. Resource and management inadequacies have also impacted on police efficiency and conduct (Alemika 1997, 1998, Osoba 1994 and Balogun 2003).

Nigeria Police and the Challenges of Democratic Policing

The Nigeria Police Force has not met the minimum demands of democratic policing which cardinal elements are "justice, equality, accountability and efficiency" (Law Commission of Canada 2002). These elements imply the following: Justice entails that all individuals ought to be treated fairly and their "rights are respected. Equality means, first, that all ought to receive policing service sufficient to feel safe in their community. Equality also means that there ought to be representative participation from all members of society in the delivery of policing services, i.e. that it requires equal and inclusive security force. Accountability means that the actions of a body are subjected and that there are formal channels than individuals can use to lodge a complaint. Finally, efficiency means that services are provided in a cost effective manner (Law Commission of Canada, 2002:5).

As it affects quality and justice, available information shows that the police have not fared well. In 1993, women constitute 4.8% (6,900) of the 137,734 officers in the Nigeria Police Force. Further broken down, women constitute 4.1% and 8.0% of the junior and senior officer cadres. Women officers suffer statutory discrimination in the areas of marriage and posting. Unmarried women must seek and obtain approval to marry a man of their choice, but their male counterparts are not so encumbered. The justification for the discrimination is that male criminals may marry female police officers and thereby undermine police crime control efforts. Women also suffer discrimination in respect of posting to command posts. They are prevented from bearing arms, though recently a female wing of the anti-riot squad known as the Mobile Police Force has been created.

In a study of gender relations and discrimination in the Nigeria Police Force, 44.6% and 57.6% of male and female police respondents reported that there are discriminations in the Force. Gender and ethnic discriminations were the most frequently cited (Alemika and Agugua 2001). Members of the police also experience discrimination in their relation to the police. Alemika and Chukwuma (2000) discovered that highly educated persons were less likely to report arrest by the police. Commercial drivers reported the highest level of arrest, detention and brutality. More than two-thirds of the respondents have ever observed the police receiving bribe, abusing, beating

- Creation of difficulties for the maintenance of sanitary conditions in prisons resulting in a high incidence of epidemics, disease and death.
- Congestion and present daunting challenges to the meager resources of the Nigerian prisons which include; feeding, clothing, healthcare, correctional program and general operations.
- Congestion also stretches the immaterial resources of the Nigerian prisons services to the limit. These include; the tenacity, endurance and skills of its custodial staff.
- The detention of inmates awaiting trial under the above conditions amount to punishment since such conditions violates their fundamental rights. The argument here is that prison congestion indirectly impose both physical and psychological torture on inmates.
- Even though un-convicted, the social and economic contributions of the awaiting trial prisoner are lost to his immediate family, friends and relatives. If in the end he is acquitted, the law makes no provision whatsoever for any form of compensation (Ahire, 2004:29).

The gruesome picture of the nature of congestion in our prisons will become clearer with an examination of general break down of prison admission in the year 2000 alone. Prison admission for that year had shown that:

i.	Total number of convicted male prisoners	=	65,303
ii.	Total number of convicted female prisoners	=	2,165
iii.	Number of un-convicted male prisoners	=	126,097
iv.	Number of un-convicted female prisoners	=	7,612
v.	Overall prison admission during the year	=	201,177

Source: Nigeria Prisons Annual Report 2000:31

The above figures which are expected to be better than the current situation (ten years after) must be viewed against the background of the fact that crime statistics generally and especially in Nigeria are grossly underestimated and in most cases very unreliable. The endemic problem of corruption, which has permeated criminal justice administration, has further compounded the problem of crime statistics especially as it concerns prison population in Nigeria.

payment to the police officer whose job was to go get my friend out of the prison! And of course, we still needed to provide a car to pick her to our houses and back to the office.

In a similar view, Chiedu, (2011:1) reacting to British Broadcasting corporation news of February 11,2011 with the headline Nigerian freed fifteen years after awaiting trial lamented thus:

How are people left in Nigeria prison like this man? This clearly exposes the amount of corruption in Nigeria police and judiciary. If this victim was a rich man or from a rich family will he spend such time in jail for what he didn't do? I hope the world is watching.

The Nigerian Prisons Service today claims to have a total of 144 convict prisons and 83 satellite prison camps. Over the past years, the Nigerian prison service has been associated with corruption and total negligent of their constitutional duties. The Nigerian prisons service has been characterized as a dysfunctional institution and a total failure. This poor state of the prisons informs this opinion:

The living conditions in the prisons are appalling and damaging. Inmates are forced to survive in the worst living conditions such as poor sanitation, lack of food, lack of medication, overcrowding, poor clothing, insecurity and denied visitation by family and friends. Inmates are forced to sleep two to three on a bed or on the cold concrete floor. There are prisons that have no running water, toilets are cloaked with human waste and taking a bath once a week is nearly impossible. Prison guards are also in the habit of demanding bribes from inmate families in the form of money and sexual favors for such "privileges" as receiving visitors, using the telephone, taking a clean bath, visiting the hospital, etc. Some prison guards have been known to engage in the illegal trafficking and distribution of banned drugs within the prison (Chikwem, 2008:3).

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