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Constitutional Imbalances and Corrupt Practices in the Nigeria Police Force: A Security Anathema

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Abstract

This paper critically examined the constitutional imbalances and systemic corrupt practices that undermine the effectiveness of the Nigeria Police Force. It argued that the centralised structure of the police, as entrenched in the 1999 Constitution, creates operational inefficiencies by concentrating control in the federal government while rendering state governors powerless in maintaining security within their jurisdictions. The ouster clause further shields executive actions from judicial scrutiny, fostering impunity. Additionally, the paper exposed pervasive corruption within the police hierarchy, from extortion at checkpoints to high-profile embezzlement of pension funds and police equipment budgets by senior officers. These twin challenges—constitutional defects and institutionalized corruption—have rendered the police ineffective in addressing rising insecurity, including armed robbery, terrorism, and kidnapping. The paper advocated for comprehensive constitutional amendments, including the establishment of state police, removal of ouster clauses, and institutional reforms such as enhanced accountability mechanisms, improved training, and better welfare packages to restore professionalism and public trust in policing.

Keywords: Constitutional crises, corrupt practices, security, police

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1. Introduction

The Nigeria Police Force is where it is today because of its human problems and other factors associated with sheer lack of political will to give the country a modern, effective, efficient, combat-ready, crime-bursting and proactive Police Force which is able, willing, ready and capable of checkmating organized crime and combating haywire criminal actions prevalent in our society today. The police have failed to perform for many reasons.¹ The nation is confronted, at

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¹ Oliver Okpala, 'Emasculation of the Combat Readiness of the Nigerian Police', *Daily Sun Newspaper*, Tuesday, December 27, (2011), 22.

present, with a myriad of crimes threatening to destroy it. Armed robbery, terrorism, kidnapping, unlawful possession of firearms, bombings, rape, cultism, arson and cyber-crimes are on the increase. Criminals are literally on rampage. The sophisticated nature of their raids, their strategic calculation regarding when to strike, and the relative ease with which they pull off their operations are major challenges to the Police Force.

The police have not been able to prevent, control or check the crimes. Regular warnings and alarms are raised over plans to bomb some national institutions and public buildings. Citizens are in a state of fear. The government continues to give assurances of its readiness to control the situation. But no sooner does Government issues a public statement that it is on top of the situation than another bomb blast occurs with losses in human and material terms.² Yet, these are crimes the police ought to check and control. The police ought ideally to be on top of the situation. Unfortunately, this is not so. The police is not forthcoming with any credible and substantial solution to the problems and, every year, the problems remain. What are these problems and the challenges facing the police that made them ineffective? In this paper, we shall focus on the constitutional challenges and corrupt practices of the police in Nigeria. Our narration of these challenges may not be exhaustive; such nevertheless may be seen as a manifestation of the intractable worries facing the Nigeria Police Force. For easy assimilation and understanding, this paper shall discuss the crises or challenges of policing under two broad headings: (1) Constitutional imbalances (2) Police corrupt practices.

2. Constitutional Imbalances

The 1999 Constitution of Nigeria provides that the President or such other Minister of Government of the Federation as he may authorize in that behalf, may give to the Inspector-General such lawful directions with respect to the maintenance and securing of public safety and public order as he may consider necessary. The Inspector-General shall comply with those directions or cause them to be complied with.³ The constitution retained the clause that the question whether any, and or what directions have been given under section 215(3) and (4) shall not be inquired into by any court.⁴

Under the Constitution,⁵ the Nigeria Police Force shall be organised and administered in accordance with such provisions as may be prescribed by an Act of the National Assembly.⁶ The 1999 Constitution equally gave powers to the National Assembly to make provisions for branches of the Nigeria Police Force forming part of the Armed Forces of the Federation.⁷ Yet, no member of the Force is a member of the National Defence Council⁸ although he is a member of the National Security Council.⁹

The Constitution made provisions for the appointment of Inspector-General of Police, who shall be appointed by the President on the advice of the Nigeria Police Force.¹⁰ At the state level, however, the Commissioner of Police shall be appointed by the Police Service Commission,¹¹ but

² *Ibid.*

³ Constitution of the Federal Republic of Nigeria 1999 (as amended), s. 215(3).

⁴ *Ibid.*, s. 215(5).

⁵ s. 214(1) of the 1999 Constitution of Nigeria as Amended 1999.

⁶ *Ibid.*, s. 214(2)(a).

⁷ *Ibid.*, s. 214(2)(c).

⁸ See the 1999 Constitution, Third Schdl, Part I, G, paras 16 & 17.

⁹ See the 1999 Constitution, Third Schdl, Part I, K, paras 25(h) & 26.

¹⁰ *Ibid.*, s. 216(2).

¹¹ *Ibid.*, s. 215(1)(b).

the constitution did not specify whether such commissioner shall be appointed from among serving members of the Nigeria Police Force.

With respect to the maintenance and securing of public safety and public order, the President or such other Minister of the Government of the Federation as he may authorize in that behalf, may give such lawful directions as he may consider necessary, and the Inspector-General of Police shall comply with those directions or cause them to be complied with.¹² Similarly, the Governor of a State or such Commissioner of the Government of the State as he may authorise in that behalf, may give to the Commissioner of Police of that State such lawful directions with respect to the maintenance and securing of public safety and public order within the state as he may consider necessary, and the Commissioner of Police shall comply with those directions or cause them to be complied with, provided that before carrying out any such directions, the Commissioner of Police may request that the matter be referred to the President or such Minister of the Government of the Federation as may be authorised in that behalf by the President, for his directions.¹³ This clause has been one of the causes of rising insecurity in the country, and which necessitated this Article. The issues which will be discussed shortly have been whether State Governors have the constitutional powers to give lawful directions to the Commissioner of Police without recourse to the Presidency or not.

Another problem with the constitution is the inclusion of an ouster clause which made the courts incompetent to inquire into any direction or orders given by the President or any Minister of the Government for the purposes of maintenance and securing public safety and public order.¹⁴ The 1999 Constitution, however, created the Nigeria Police Council¹⁵ which has the function to advise the President on the appointment of the Inspector-General, general supervision of the Nigeria Police Force and the organization and administration of the Nigeria Police Force, excluding matters relating to the use and operational control of the Force or the appointment, disciplinary control and dismissal of members of the Force. The Police Service Commission¹⁶ was established under the constitution with the power to appoint persons to offices (other than the office of the Inspector-General of Police) in the Nigeria Police Force, and dismiss and exercise disciplinary control.

2.1 On the powers of state governors

Since the return of democratic rule in 1999, the centralised structure of the police has been a subject of debate among those who insist that the practice of proper federalism is key to Nigerian's democratisation process and that the existence of symbols of unitarism such as the Nigeria Police Force amount to a contradiction in terms and serves as a source of tensions and stresses in the polity. Questions have been raised about the capacity of the Nigeria Police Force, as presently structured and constituted, to discharge its duties. In the last twelve years, there have been more strident calls for police reforms.¹⁷ These calls necessitated the President to set up, a Presidential Committee in 2012, for the reformation of the Police Force.¹⁸

¹² *Ibid.*, s. 215(3).

¹³ *Ibid.*, s. 215(4).

¹⁴ *Ibid.*, s. 215(5).

¹⁵ *Ibid.*, s. 153(L), Third Schdl, Part L, paras 27 & 28.

¹⁶ *Ibid.*, s. 153(M), Third Schdl, Part I, M, paras 29 & 30.

¹⁷ Reuben Abati, 'State Police and the Challenges of Internal Security', www.thenigerianvoice.com/Nvnews/262 (visited 2012, 13 February).

¹⁸ Radio Nigeria Network News (FRCN) at 4:00pm, on Friday, 16th Day of February, 2012.

The source of contention is section 214(1) of the 1999 Constitution which provides expressly 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. The contradiction here is easy to discern. Whereas the 1999 Constitution stands on the principle that Nigeria is a Federation, it contains many provisions such as section 214(1) which fit perfectly into the mould of unitarism. This has drawn criticism from scholars and policymakers who argue that a unitary policing system in a federation is detrimental to the very idea of federalism. It is contradictory that while providing for a single policing system in Nigeria, the constitution in section 14 holds both the federal and state governments accountable for the welfare and security of the people, as the ultimate purpose of government. Thus, this renders state governments redundant in the discharge of their primary responsibility.¹⁹

The provisions of the 1999 constitution are unequivocal about establishing a single Police Force. Section 215(1-3) vests the authority for the control of the Police Force in the President, the Nigeria Police Council and the Police Service Commission. The Inspector-General of Police is an appointee of the President and Commander-in-Chief of the Armed Forces, and since State Commissioners of Police also take directives from the Inspector-General of Police, all orders for police function in the Federation derive from that central authority. Section 215(4) introduces an element of mischief when it states that a State Governor may give directions to the State Commissioner of Police “with respect to the maintenance and securing of public order within the state as he may consider necessary”.

However, what is thus given with one hand is immediately taken away with another hand as the succeeding paragraph enters a caveat that, to carry out such instructions, the State Commissioner of Police should request that the matter be referred to the President or any Minister with appropriate authority. The reality, therefore, is that although state governors are described as the chief security officers of their states, they have no power to direct the police or any security agency to act.²⁰ Consequently, the clamour for decentralisation of the Nigeria Police Force and the amendment of section 214 and 215(4) of the constitution has received greater acceptability. A situation whereby the police in a particular state have to take directives from a far-away President delays the process of operation in an emergency.²¹ Secondly, the powers of the Inspector-General of Police seem limited and confined in the clause because the Commissioner of Police may not recognize or consult the Inspector-General before taking any action in the State he is operating since the President must always be referred to for any authorisation.²²

Generally, the inability of state governors to have effective control of their police has led to security lapses in some parts of Nigeria.²³ For instance, Governor Jonah Jang of Plateau State blamed the various disturbances in the state, where over 1,000 lives were lost in less than three years, on security operatives who he said disobeyed his instruction to prevent bloodshed in his state.²⁴ Over the past years both the state and federal governments have been trading blames over

¹⁹ Abati, (n 17).

²⁰ V.L. Antom, ‘Interrogating the Powers of the Governor as Chief Security Officer of the State in Nigeria: Any Need For State Police?’, (2021) 3(1) *Int’l Rev. L. & Jurisprudence*, 70.

²¹ T. Akinyetun, ‘State Policing in Nigeria: Beyond Necessity’, (2016) 6(8) *International Research Journal of Social Sciences*, 752-773.

²² s. 215(4) of the 1999 Constitution.

²³ T.A. Okojie & P.O. Iyere, ‘Decentralised Policing System and Insecurity in Nigeria: An Opinion Survey of Residents of Ovia North East Local Government Area, Edo State’, (2025) 3(4) *Kashere Journal of Politics and International Relations*, 104.

²⁴ Seriki Adinoyi, ‘Jos Security Agencies Ignored Me, Says Jang’, *Thisday Newspaper*, Vol. 16, No. 5982, Friday, September 9, (2011), 1.

the incessant carnage. While the Federal Government has continued to berate state Governors for their inability to stem the tide of violence, the latter has consistently maintained that the solution to the problem lies with the authority at the centre.²⁵ Thus, the centralised structure of the Nigeria Police Force ultimately defeats the objective for which it is created since it is always difficult to get marching order from the Presidency.

Premised on this, there have been clamours for state police in Nigeria to reflect certain international standards. Parts of these challenges that stirred up the agitation for the creation of state police is the threatening state of insecurity in the country, especially the menace of *Boko Haram* and Fulani herdmen attacks.²⁶ Many governors have resorted to establishing Vigilante Groups, but even this is hampered by a lack of constitutional authority to do so.²⁷ State policing allows governors to take responsibility for the security situation in their states, as much as it allows them to also enjoy the leverages of power and authority over the police command. The present situation is that while the governors can take responsibility for lapses in security maintenance in their states, they lack the power to command.²⁸ Secondly, it will strengthen ownership of the security process and make the people an integral part of security surveillance because the Police Force that has its origin in the state will feel more committed to the state than otherwise. Thirdly, it will boost intelligence-gathering capacity of the police, based on the synergy between the people and the police. If genuine security is to be guaranteed, it can only come through people who are familiar with the terrain. That way, criminals in the neighbourhood can easily be identified. Fourthly, state police is better in terms of easier funding of an efficient, disciplined and dedicated Police Force. Every State would be able to raise a Force that meets its security needs and not what the Inspector-General, at Abuja can muster.²⁹

Interestingly, the strongest argument against the idea of state police is that the native administration, Native Authority and Local Government Police Forces of old were abused by local politician in the first Republic.³⁰ The biggest lobby against state police comes from the police hierarchy itself. Obviously, such opposition comes from selfish reasons, as the establishment of state police will most definitely whittle down the power and influence of the federal police force.³¹ The secret of multi-forces policing of any nation is jurisdiction. Once each service jurisdiction is clearly defined, a well political community follows. States with resources can give its Police Force the kind of training and facilities it can afford necessary for securing its states against criminal elements.

2.2 Ouster clause

Section 215(5) of the 1999 Constitution of Nigeria, states thus: “the question whether any, and if so, what directions have been given under this section shall not be inquired into in any court”. This clause seems to give arbitrary and despotic powers to the President who may decide to abuse the provisions of the constitution, bearing in mind that no court can question his actions. The

²⁵ Omoniyi Salaudeen, “How Desirable is State Police?” *Saturday Sun Newspaper*, October 16, (2011), 60.

²⁶ Akinyetun, (n 21) 752.

²⁷ Peter Duru, “Be Prepared to Defend, Protect Benue Communities”, Ortom Charges BCG Trainees, www.vanguardngr.com (visited 2022, September 20).

²⁸ Paul Ojenagbon, “Making a Case for State Police”, *Thisday newspaper*, Vol. 16, No. 5923, Tuesday, July 12, 2011, p.IS.

²⁹ Noah Ebije *et al.*, “Is Nigeria Ripe for State Police?”, *Sunday Sun*, October 16, 2011, p. 34; Fred Itua, ‘Atiku Backs State Police, as Tinubu wants Senate Scrapped’, www.sunnewsonline.com (visited 2012, September 20).

³⁰ Femi Otubanjo, ‘National Security’, in Tekena N. Tamino and J.A. Atanda (eds.), *Panel on Nigeria Since Independence, History Project; Nigeria Since Independence: The First Twenty-Five Years*, Volume IV, Government and Public Policy, (Ibadan; Heinemann Educational Books (Nigeria) Ltd., 1989), 49.

³¹ Abati, (n 17) 5-6.

absolutism that is thus suggested is imperialist, and it is reminiscent of the totalitarianism of successive military juntas in Nigeria. Although the constitution refers repeatedly to “lawful” directions, and whereas section 96(1)(h), Part XII of the Police Act, 2020 directs that ‘every police officer shall be personally liable for any misuse of his powers or for any act done in excess of his authority’, and whereas section 32(2) of the Criminal Code protects a person from carrying out any order in the course of duty which is manifestly unlawful, the powers granted the President under section 215 of the 1999 Constitution are never questioned. What has been seen is the willingness of successive Inspector-Generals of Police and their Commissioners in the states to carry out all kinds of order, thus turning the Federal government and the ruling party into absolute sovereigns.³²

In *Barclays Bank of Nigeria v. Central Bank of Nigeria*,³³ the Court held as follows:

In considering whether or not a court has jurisdiction to entertain any claim, it is our view that while a person’s right of access to the courts may be taken away or restricted by statute, the language of any such statute will be watched by the courts and will not be extended beyond its least onerous meaning unless clear words are used to justify such extension. That is why it is now well established that a provision in a statute ousting the ordinary jurisdiction of the Court must be “construed strictly”. This means that if such a provision is reasonably capable of having two meanings, that meaning shall be taken which preserves the ordinary jurisdiction of the Court.

In *Musa v. Auta Hamza*,³⁴ the court stated that the jurisdiction of the courts cannot be taken away lightly by means of construction extraneous and exotic to the expressed intentions and aspirations of the constitution. Lastly, Alhaji Balogun J. remarked in *Adeyemi Ladejobi v. the A.G.*³⁵ that “the citizen’s access to the courts cannot be ousted or taken away or restricted unless by clear language in the statute”. This access to the courts had enabled the Governors of Anambra State,³⁶ Oyo State and Plateau State³⁷ to have their impeachments reversed by the law courts. Without the courts, their fate could have been “dashed to the woods” while constitutional disorder, anarchy and insecurity may prevail.³⁸

Some scholars have argued in favour of ouster clauses, that the inclusions of these clauses are meant to check excessive litigation so as to avoid unnecessary distractions on the implementations of executive decisions.³⁹ Be that as it may, in most jurisdiction of the world, inclusion of ouster clauses and immunity clauses appears to be an anathema. Our law in this field is also much behind the laws of the older Commonwealth countries such as Canada, Australia and New Zealand. Britain, to whom we owe our law of proceedings by and against the state, has long revised and modernized its law relating to Crown Proceedings.⁴⁰ It is our opinion that the

³² B. Saidu, Z.H. Rasheed, U.A.A. Zakuan & K.Z.H. Yusoff, ‘Restructuring and the Dilemma of State Police in Nigeria: to Be or Not to Be?’, (2019) 5(1) *Journal of Business and Social Review in Emerging Economies*, 41-50.

³³ [1996] S.C. 175. See also *Nwosu v. I.S.E.S.A.* [1990] 2 N.W.L.R. (Part 135) 688.

³⁴ [1982] 3 N.C.L.R. 232.

³⁵ [1982] 3 N.C.L.R. 563, at 625.

³⁶ See *Balonwu v. Obi* [2007] 5 N.W.L.R. (Part 1028), 494-512. See also section 188(1) of the 1999 Constitution.

³⁷ *Dapianlong v. Dariye* (No. 1) [2007] All F.W.L.R. (Part 373), 4-19.

³⁸ C. Molokwu, ‘Impeachment: Processes & Crisis’, (unpublished LL.M Dissertation, Faculty of Law, Delta State University, Oleh Campus, November 2008) 25-28.

³⁹ Olaniyi Olayinka, ‘Judicial Review of Ouster Clause Provisions in the 1999 Constitution: Lessons for Nigeria’, (2018) 9(1) *Nnamdi Azikiwe Univ. J. Int’l L. & Jurisprudence*, 138.

⁴⁰ C.O. Anatogu, ‘The Constitutionality or Otherwise of Judicial Restraint in Adjudicating Certain Matters: Criticism of the Ouster of Court Jurisdiction’, (2025) 2(2) *Nnamdi Azikiwe Univ. J. Pub. L.* 65, 70, 75.

time is overdue in Nigeria, for an express abolition of the ouster clauses and the privileges and immunities enjoyed by the state in litigation.⁴¹

2.3 On the powers of the Nigeria Police Council

Section 153(1)(L) of the 1999 Constitution created the Nigeria Police Council and under the Third Schedule, Part I and L, paragraphs 27 & 28, the composition and functions of the Nigeria Police Council are clearly enumerated. This provision rendered the existence of the Nigeria Police Council indolent and impotent. Firstly, the governors of each state of the Federation and the chairman of the Police Service Commission, who are members of the Council, have no controlling power over the Inspector-General of Police as we have seen and, as a result, cannot give “marching orders” to the police. So, their membership of the Nigeria Police Council seems to be meaningless. Secondly, where the Nigeria Police Council cannot discipline nor dismiss any member of the Force renders the Council inoperative. If the Nigeria Police Council shall have a “general supervision of the Force, it then means that their powers should not be limited, and where the Nigeria Police Council cannot handle matters relating to the “use and operational control” of the Force, it follows therefore that the Council is a “toothless bull dog”.

2.4 On duration of the office of the Inspector-General of Police

Section 216(2) of the 1999 Constitution of Nigeria provides that “before making any appointment to the office of the Inspector-General of Police or removing him from office, the President shall consult the Nigeria Police Council”. Impliedly, the Constitution did not state the duration or expiration term of the office of the Inspector-General of Police. What this means is that the removal of the Inspector-General of Police is under the whims and caprices of the President. The constitution stated that the “President shall consult the Nigeria Police Council”. The word “shall” or “consult” seems not to carry any compelling force. Accordingly, the President can accept or reject the advice of the Nigeria Police Council. The office of the Inspector-General of Police is a delicate and sensitive office and therefore should not be subjected to the fancies of the President. Besides, even where the Inspector-General of Police may have grounds to seek judicial interpretation of his removal, he is estopped by virtue of section 215(5) of the constitution which ousted the jurisdiction of the Court as earlier stated.

The totality of our argument is that the processes for the appointment, and removal of the Inspector-General of Police are incoherent and inconsistent with modern realities and as a result, require a rethinking if we must have stability in our polity. At present, under the National Human Rights Commission Amendment Act, 2011, the President nominates members for approval by the Senate and they may only be removed by 2/3 majority of the members of the Senate.⁴² This, to a large extent, addresses the questions of tenure, security and independence which the President may be advised to follow in the case of the Inspector-General of Police.

2.5 On the name of the force

There is an adage within the Igbo cosmological setting of Nigeria which states that “it is the name you ascribe to a dog which the dog will answer”.⁴³ Consequently, section 214(1) of the 1999 Constitution of Nigeria ascribed “Force” to the name of the Nigeria Police. Thus, the use of force

⁴¹ M.C. Okany, *Nigerian Administrative Law* (Onitsha, Nigeria: African First Publishers Ltd., 2007), 359-360.

⁴² Tobi Soniyi, ‘Human Rights... Still waiting on the Senate’, *Thisday Newspaper*, Vol. 16, No. 6028, Tuesday, October 25, (2011), VII (*Thisday Lawyer*).

⁴³ A.N. Obika & O. Eke, ‘Completeness In Characterizing The Dog: A Study Of Igbo Folktales’, (2016) 6(1) *International Journal of Social Sciences and Humanities Reviews*, 134.

by the Nigeria Police Force now appears to be constitutional, which may explain why the police have engaged in serious acts of brutality and extra-judicial killings even to this day.⁴⁴ The Police Force Order 237 instructs officers in riot situations to single out and fire at ring leaders in the forefront of the mob. The definition of *riot* is so vague that all protesters, however peaceful, are at risk.⁴⁵ The Force Order also directs officers to fire at the knees of the rioters and explicitly prohibits firing in the air.⁴⁶

Regardless of where a police officer aims the gunshot, shooting at protesters or rioters is likely to result in death. Instances of such inordinate use of force and killings are widely reported across the country, which portrays the police as a coercive organisation rather than a civil security institution dedicated to preserving and saving lives. This is in contrast to the rules of engagement and *modus operandi* of the police in developed countries, where protesters and rioters are dispersed using non-lethal tools or equipment such as batons, warm water pump, or rubber bullets.⁴⁷

3. Police and Corrupt Practices in Nigeria

Corruption, a global malaise, has not been known to absolutely spare any nation in the world;⁴⁸ hence, its occurrence in Nigeria is not unique.⁴⁹ However, the depth and reach of the phenomenon in Nigeria creates the negative impression that the malaise is indigenous to Nigeria.⁵⁰ From a relatively mild manifestation at the country's independence in 1960, corruption grew at an alarming rate through the second Republic, the military interregnum, the aborted Third Republic, and continued its rampaging course across the socio-political landscape of Nigeria even under the fourth republic.⁵¹

Corruption, apparently, lacks any precise or clear-cut definition in our law. But the Criminal Code contains provisions dealing with diverse aspects of corruption.⁵² Although no definition is offered by the Criminal Code, each of the provisions dealing with corruption states what conduct amounts to corruption. However, in *Ojo v. Federal Republic of Nigeria*,⁵³ corruption is defined as connoting the impairment of a public official's duty by bribery. It is an act of gross impropriety. *Transparency International* generally defines corruption as "the abuse of public offices for private gain".⁵⁴ The World Bank includes, in its definition, situations where "police officials

⁴⁴ E.U.M. Igbo, 'The Use and Abuse of Police Powers and Extrajudicial Killings in Nigeria', (2017) 10(1) *African Journal of Criminology and Justice Studies*, 83.

⁴⁵ Nigeria Police Force, 'Standard Operational Guidelines/Rules for Police Officers on Duty, para. 3.3, available at: <https://www.inecnigeria.org/wp-content/uploads/2019/11/STANDARD-OPERATIONAL-GUIDELINES-RULES-FOR-POLICE-OFFICERS-ON-ELECTORAL-DUTY.pdf>

⁴⁶ Davidson Iriekpen, 'Protests: When is Use of Force by Police Justified', *Thisday Newspaper*, Vol. 16, No. 6112, Tuesday, January 17, 2012.

⁴⁷ UNODC, Resource book on the use of force and firearms, Office of the United Nations High Commissioner for Human Rights, United Nations Office on Drugs and Crime, Criminal Justice Handbook Series, 2017, available at: https://www.unodc.org/documents/justice-and-prison-reform/17-03483_ebook.pdf

⁴⁸ S. Arambam, 'Corruption: A Malaise in Need of a Remedy', (2020) 12 *Technium Social Sciences Journal*, 126-136

⁴⁹ Federal Ministry of Information, 'The Obasanjo Reforms: Anti-Corruption Crusade', Production, Publications and Documentation Dept. Radio House, Abuja-Nigeria, 1.

⁵⁰ A.S. Zango & I.S. Mohammed, 'An Overview of Corruption and its Challenges to Nigeria's National Development', (2025) 3(1) *Kashere Journal of Politics and International Relations*, 335.

⁵¹ *Ibid.*

⁵² Chapter 12, ss. 98-111; Chapter 49; s. 494.

⁵³ [2008] 11 N.W.L.R. (Part 1099) 473.

⁵⁴ See, Human Rights Watch, 'Everyone's in on the Game: Corruption and Human Rights Abuses by the Nigeria Police Force', August 17, 2010, available at: <https://www.hrw.org/report/2010/08/17/everyones-game/corruption-and-human-rights-abuses-nigeria-police-force>

accept, solicit, or extort bribes, and when private actors offer bribes to subvert or circumvent public policies for competitive advantage and profit”.⁵⁵ The World Bank also classifies corruption as the theft of state assets or the illegal diversion of state revenue, as well as patronage or nepotism by government officials.⁵⁶

A leading juridical approach to the hazy definition of corruption is found in *Biobaku v. Police*,⁵⁷ where a booking clerk at a railway terminus was paid some money by a passenger to help him (the passenger) secure a position on a bus which ferries passengers from the terminus to another place. The clerk was not entitled to the money. His conviction of “corruptly” receiving the money, contrary to section 98(1) of the Criminal Code, while performing his public services, was quashed. In his judgement, Bairamian J. held the term “corruptly” did not imply “improperly”. According to the Leaned Judge:

The mischief aimed at by section 98 of the Criminal Code is the receiving or offering some benefits, reward or inducement to sway or deflect a person employed in the public services from the honest and impartial discharge of his duties – in other words as a bribe for corruption or its price.⁵⁸

It is submitted that this statement does put forward any better definition than the ordinary meaning of corruption. As Amadi stated, “corruption is a manifestation of debased character, a moral deterioration... it is not possible to do one’s duty honestly and impartially if it is done corruptly”.⁵⁹

In Nigeria, police officers commit fraud with careless abandon and yet no serious measures are taken to ameliorate the situation.⁶⁰ Generally, police officers use their position of trust and power to commit the very crimes they are duty-bound to prevent or control. Perhaps, there are three main aspects of the form of police corruption: revealing the identities of informants to criminals; protection of criminals from arrest and prosecution; and direct involvement in the crime.⁶¹ There are two celebrated cases of these forms of police corruption. In *Patrick Njovens & ors v. The State*,⁶² three police officers⁶³ were charged with, *inter alia*, abetting the offence of armed robbery and attempt to screen the robbers from arrest and prosecution. Their conviction by Adesoyun J. was upheld by the Supreme Court.

The second case occurred in 1987 involving the trial of a police officer, Deputy Superintendent of Police, George Iyamu, and four members of a notorious armed robbery gang that operated in Benin. In his testimony, the leader of the gang, Lawrence Anini, revealed the gang’s liaison with the police officer in the following words, “he (DSP George Iyamu) is a friend of all criminals.”⁶⁴ By his friendly disposition towards criminals, the police officer hired out police guns to the

⁵⁵ World Bank, *Helping Countries Combat Corruption: The Role of the World Bank*, (Washington DC: The World Bank, 1997), 8.

⁵⁶ *Ibid.*

⁵⁷ [1973] 1 N.M.L.R. 251.

⁵⁸ G.O.S. Amadi, ‘Police Powers and the Rights of Citizens in the Nigeria Criminal Justice System’, (Unpublished Ph.D. Thesis, Faculty of Law, University of Nigeria, January, 1993) 846.

⁵⁹ *Ibid.*, 846.

⁶⁰ Oluwaseun Osewa, “Why IGP Ordered Arrest of Police Inspector in Lagos-Politics –Naira Land”, www.nairaland.com/535897/why-igp-or... (Visited 2023, December 9).

⁶¹ Amadi (n 58) 851.

⁶² [1973] 1 N.M.L.R. 331.

⁶³ Chief Superintendent of Police, Patrick Njovens, Assistant Superintendent of Police, Bello Yesufu and Chief Inspector of Police, Amusa Abiodun.

⁶⁴ Quoted in *The African Guardian*, Jan 22, 1987, p. 11. See generally Amadi, (n 58) 852.

robbers in consideration of sums, ranging from ₦4,000 to ₦7,000”.⁶⁵ The evidence of the robbers during their trial conveyed one message, that the robbers, at a very high fee to the police, were protected from the law.⁶⁶ Like the other robbers, George Iyamu was convicted, sentenced and publicly executed⁶⁷ as prescribed by the law under which he was tried.⁶⁸

Generally, bribery and extortion includes practices in which law enforcement roles are exploited specifically to raise money. Bribery is initiated by the citizen; extortion is initiated by the officer. Bribery or extortion can be a one-shot transaction, as when a traffic violator offers a police officer \$100 to forget about issuing summon. Or the relationship can be ongoing one, in which the officer solicits (or is offered) regular pay-offs to ignore criminal activities such as gambling or narcotics dealing. This is known as “being on the pad”.⁶⁹ Sometimes, police officers accept routine bribes and engage in petty extortions without considering themselves corrupt. They consider such payments as some of the unwritten benefits of police work.

There are litanies of incidents in Nigeria where the police have been engaged in one form of bribery or extortion particularly at checkpoints. Ordinary Nigerians travelling on the country’s roadways, buying or selling at markets, running daily errands, or working within their offices are routinely subjected to police extortion. Those who resist and fail to pay the bribes demanded are often threatened and unlawfully detained and, at times, physically and sexually assaulted, tortured, or even killed by the police.⁷⁰ For instance, an unidentified police sergeant attached to Area C Police Command, Iponri, Surulere, Lagos, allegedly went berserk and shot a truck driver on his left hand and a stray bullet he fired killed another person while he was making efforts to escape from the scene of the incident to avoid being lynched by an angry mob. According to media report, the policeman, after checking the truck’s particulars and they were up to date, demanded ₦20,000 bribe which the driver pleaded he could not afford because he was in the area to off-load empty containers.⁷¹ Similarly, on June 27, 2003, a Nigeria Police officer who was identified as Corporal Emmanuel was said to have fired his riffle at a Peugeot Station Wagon injuring the driver in the face and another passenger.⁷²

As a result of the nefarious activities of the police at checkpoints, various Inspector-Generals of Police have purportedly dismantled checkpoints across the country,⁷³ only for them to resurface due to the insecurity and vacuum arising from the absence of the police. However, there is a socio-economic factor underpinning the existence of these checkpoints which makes them irresistible to police officers. For instance, a Police Inspector’s monthly pay is about

⁶⁵ *Ibid.*

⁶⁶ M. Orodare & F. Adejoke, ‘Lawrence Anini – the 26-year-old notorious robber who terrorized Nigeria’, Neusroom, available at: <https://features.neusroom.com/lawrence-anini/>

⁶⁷ *Ibid.*, See also *Vanguard*, February 16, 1987, pp. 8-9, showing the pictorial record of the public execution of Iyamu and other armed robbers. For a detailed account of the life history of Anini, See “Anini,” *Daily Times of Nigeria Publication*, 1987 where the case is reported as: *The State v. Anini & ors*, Charge No RFT/B/1/87, The Robbery and Firearms Tribunal 1, Benin City. See also, G.O.S. Amadi, (n 5) 851.

⁶⁸ The Robbery and Firearms (Special Provisions) Decree No 5, 1984, s. 1(2)(a). See generally Amadi, *Ibid.*

⁶⁹ L.J. Siegel & J.J. Senna, *Introduction to Criminal Justice*, 10th ed., (Belmont, C.A: Thomson Wadsworth, 2005), 235.

⁷⁰ Human Rights Watch, ‘Everyone’s in on the Game: Corruption and Human Rights Abuses by the Nigeria Police Force’, August 17, 2010, available at: <https://www.hrw.org/report/2010/08/17/everyones-game/corruption-and-human-rights-abuses-nigeria-police-force>

⁷¹ Paul Iyoghojie, “Police Goes Mad over N20,000 Bribe: Shots Driver, kills Painter”, *PM News*, Vol. 18, No 54, Monday, March 19, (2012), 1.

⁷² See *Daily Sun*, Monday, June 27, 2011, Vol. 6, No 2117, p. 21.

⁷³ “Editorial Opinion”, *Thisday Newspaper*, Vol. 17, No. 6150, Friday, February 24, (2012) 15.

₦100,000.00,⁷⁴ and that is nothing compared with the daily “tax-free collections” they get from bribery and outright extortion at the checkpoints.⁷⁵

There is no doubt that corruption in the Police Force is a reflection of what goes on in the society.⁷⁶ Thus, apart from corruption arising from the rank and file of the police involving the citizens generally, corruption has also permeated the top hierarchy of the police in Nigeria. There is evidence that senior police officials have embezzled and misappropriated staggering sums of public funds meant to cover basic police operations and equipment. Some of these high-profile police corruption is discussed below.

3.1 Alhaji Abdurashheed Maina and the fraud of ₦21 Billion police pension fund⁷⁷

The Deputy Commissioner of Police, DCP Toyin Ishola, who is the then Chief Accountant of the Police Pension Fund told the Senate Committee investigating the management of the National Pension Scheme on the 16th Day of April 2012⁷⁸ that the chairman of Pension Reform Task Force Team, Alhaji Abdurashheed Maina allegedly defrauded the Police Pension Fund of ₦21 billion.⁷⁹

The Senate tried in futility to invite Maina for explanations on the fraud by issuing warrant of arrest to the Inspector-General of Police to be served on him, yet Maina ignored the Senate and went to Court⁸⁰ claiming that the said warrant of arrest is unconstitutional and illegal and a breach of his fundamental rights based on the provisions of sections 35(1), 36(1), 38(1) and 6(6)(b) of the 1999 Constitution.⁸¹ He further claimed that the said warrant of arrest is not in conformity with the provisions of section 88(1) and section 89(1) of the constitution which requires the Senate to publish the said warrant of arrest in the official Gazette of the Government of the Federation. The Court on 27th Day of March, 2013 held that the “warrant of arrest” issued by the Senate to Maina was unconstitutional simply because the Senate failed to show proof that the said “warrant of arrest” was published in the official Gazette of the Federal Government based on the provisions of section 88(1) of the 1999 Constitution.⁸² Subsequently, Maina was arrested, tried for the offence of embezzlement of public funds and convicted to eight years imprisonment.⁸³

⁷⁴ *Ibid.*

⁷⁵ Human Rights Watch, (n 70).

⁷⁶ A.B. Dambazau, *Criminology and Criminal Justice*, 2nd ed., (Ibadan, Nigeria: Spectrum Books Limited, 2009), 263.

⁷⁷ O.I. Eme, O.A. Uche, & I.B. Uche, ‘An Analysis of Police Pension Fraud and the Future of Pension Administration In Nigeria’, (2014) 4(1) *Kuwait Chapter of Arabian Journal of Business and Management Review*, 495.

⁷⁸ Kunle Akogun, ‘Nigeria: ₦6 Billion Police Pension Fund Can it be traced?’, available at: www.allafrica.com/./201204170763.html (visited 2012, May 27).

⁷⁹ I. Shaibu, “Maina, Others Defraud Police Pension Fund of ₦21bn-DCP”, available at: www.vanguardngr.com/2012/03/maina, March 9, 2012 (visited 2012, May 27).

⁸⁰ See *Abdurashheed Maina v. The Senate of Federal Republic of Nigeria (supra)*.

⁸¹ On January 10, 2013, the House of Senate, threatened to summon the Inspector-General of Police (IG), Mr. Mohammed Abubakar for his inability to arrest the Chairman of the Presidential Pension Task Force Team, Mr. Abdurashheed Maina over his alleged involvement in ₦19.5 billion missing money. The Senate further stated as follows: “We also said that Maina is a bad example in the public service and should be relieved of his appointment and prosecuted. He claimed that he has been spending ₦500 million monthly to pay police pension, and on our own, we discovered that he was spending between ₦600 million and ₦1 billion monthly to pay. Therefore, we say the difference is between ₦500 million and that is the margin of fraud and that he must return the money to government treasury. We calculated the money and it was over ₦9 billion. We have also stated in our report that we found Maina to have ridiculed the system by awarding contracts through splitting to the tune of ₦1.8 billion without any authorized approval. See Dele Ogbodo, “Senate Threatens to Summon IG over Maina”, *Thisday Newspaper*, Vol. 17, No. 6470, Thursday, January 10, (2013) 11.

⁸² See section 88(1) of the 1999 Constitution which provided as follows: subject to the provisions of this Constitution, each House of the National Assembly shall have power by resolution published in its journal or in the Official Gazette of the Government of the Federation to direct or cause to be directed an investigation into – (a) any matter

3.2 Yakubu Yusuf

On 28th January 2013, an Abuja High Court sentenced John Yakubu Yusuf to two year stealing ₦23.3 billion over the police pension scam.⁸⁴ He pleaded guilty to counts 18, 19 and 20 in which he was alleged to have connived with Essai Dangabar, Atiku Abubakar Kigo, Ahmed Inuwa Wada, Veronica Ulomma, Sani Habila Zira, Uzoma Cyril Attang and Christian Madubuike, to convert ₦24.2bn, ₦1.3bn and ₦1.7bn belonging to the Pension Office⁸⁵ to their own use, an offence punishable under section 309 of the Penal Code Act, Cap 532 Laws of the Federal Capital Territory, Abuja, Nigeria 2007.⁸⁶ Shortly after the judgement, an elated Yusuf quickly paid the fine of ₦750,000 and walked away a free man.⁸⁷ Before the sentence however, the accused who had no previous criminal record, voluntarily pleaded guilty to the charges and agreed to forfeit the money he stole as well as the property he acquired with the ill-gotten money.⁸⁸

3.3 Tafa Balogun

The most notorious case of embezzlement by a police officer of funds destined for the Police Force is that of former Inspector-General of Police (IGP) Tafa Balogun.⁸⁹ The case led to his resignation as IGP in January 2005 – a position he had held since March 2002. In April 2005, he was charged by the Economic and Financial Crimes Commission (EFCC) with the theft of more than \$98 million during his time in office as Inspector-General of Police. Much of this money came directly from the Police Force budget.⁹⁰ Balogun was also accused of having laundered, through Shell Companies, large sums of money from bribes and kickbacks he had received while in office.

or thing with respect to which it has power to make laws; and (b) the conduct of affairs of any person, authority, Ministry or government department charged, or intended to be charged, with the duty of or responsibility for – (i) executing or administering laws enacted by (ii) disbursing or administering moneys appropriated or to be appropriated by the National Assembly.

⁸³ FRN vs Abdurashed Abdullahi Maina (Former Chairman of Pension Reform Task Team) & 1 other, available at: <https://corruptioncases.ng/cases/frn-vs-abdurashed-abdullahi-maina-for>

⁸⁴ Godwin Tsa, 'N23bn Police Pension Scam. Director gets 2-year Jail Term', Daily Sun Newspaper, Vol.10, No.2549, Tuesday, January 29, (2013), 8.

⁸⁵ *Ibid.*

⁸⁶ *Ibid.*

⁸⁷ *Ibid.*

⁸⁸ *Ibid.* The judgment by Justice Abubakah Talba of the Abuja High Court over the light sentence imposed on the former Assistant Director of the Police Pension Office, Mr. John Yakubu Yusufu, who admitted conniving with others to defraud the Police Pension Office (PPO) of N27.2bn was protested by members of civil rights groups who marched on the premises of the Ministry of Justice, the National Assembly and the Supreme Court in Abuja on Wednesday, January 30, 2013. Some of the inscription on the banners and placards read, "Judiciary is the hope of the highest bidders," Egunje don spoil judges", "Same Justice Talba did to Kenny Martins fine", "The blood of dead pensioners will hunt commercial judges and "Talbanism. Generally media report had it that the Economic and Financial Crimes Commission (EFCC) may appeal against the Talban judgment. These scenarios seemed to have depicted the inadequacies of our Laws and the need for amendment of certain section of our laws that does not encourage stiffer penalties on erring public officers. See generally Friday Olorok & Ihuoma Chiedozie, "Protesters Storm Supreme Court over Pension Thief", *The Punch Newspaper*, Vol. 17, No. 20327, Thursday, January 31, (2013) 2.

⁸⁹ Human Rights Watch, (n 70) 68.

⁹⁰ "Nigerian Ex-police Chief Charged", BBC News, April 4, 2005, <http://news.bbc.co.uk/2/hi/Africa/4409291.stm> (Visited 2010, February 2).

On November 22, 2005, Balogun, pleaded guilty to charges of failing to declare his assets in a plea bargain agreement with the EFCC and was sentenced to six months in prison.⁹¹ Eight of his front companies were also found guilty of money laundering and the court ordered the seizure of his assets reportedly worth in excess of \$150 million.⁹² This stolen staggering police funds and resources that could have gone towards legitimate police expenditure, would have been enough to fund the total budgeted operating costs of the Police Force, including personnel costs and capital projects, for nearly two and a half years⁹³ or, more importantly, to provide uninterrupted electricity for police officers living in the barracks for five years.

Again, the former Inspector-General of Police was accused of collecting bribe to release arrested criminals in different payoff amounts ranging from ₦15 million to ₦350 million.⁹⁴ Most strikingly, he was also implicated in the payoff that led to the failed kidnap attempt of the former governor of Anambra State, Chris Ngige on March 10, 2003.⁹⁵ The late AIG, Raphael Ige who spearheaded the “Anambra kidnap” Saga was said to have demanded and received his own ₦15 million⁹⁶ cut from the Inspector-General before embarking on the risky project.

If the highest hierarchies in the Nigeria Police Force are caught in kidnapping the citizens they swore to protect,⁹⁷ it follows that no Nigerian is safe and that, apparently depicts the poor institutional structures in our policing system. The Nigeria Police Council⁹⁸ that is supposed to have an oversight function on the police, perhaps, is ignorant of their duties.

3.4 Kenny Martins and the police equipment fund⁹⁹

Various efforts have been made over the years to improve the Police Force by purchasing vehicles and equipment with private-sector funding. The most notable corruption allegation involved members of the Presidential Committee on Police Equipment Fund, set up in 2006 by then President Olusegun Obasanjo, and headed by President’s brother-in-law, Kenney Martins.¹⁰⁰

⁹¹ Bashir Adigun, ‘Former Nigeria Police Chief Sentenced to Six Months in Jail For Graft’, *Associated Press*, November 22, 2005. The conviction was a landmark in anti-corruption campaign.

⁹² “Nigeria ex-police Chief Jailed”. BBC News, November 22, 2005, available at: <http://news.bbc.co.uk/1/hi/world/africa/4460740.stm> (Visited 2009, November 7). As part of the plea bargain agreement, Balogun pleaded guilty to the lesser charge of failing to declare his assets, while his front companies received the more serious charges of money laundering. Section 18 of the Money Laundering (Prohibition) Act, 2004, provides that a corporate body may be found guilty and prohibited for offences under the Money Laundering Act. Where a corporate body is convicted of an offence under the Money Laundering Act, the court may order the closure of the corporate body and its assets forfeited to the Federal Government.

⁹³ The total police operating budget in 2005, apart from personnel costs and capital projects, was ₦8.3 billion (\$63.1 million). See 2008 Presidential Committee on Police Reform Nigeria, Main Report, p.25. The former Inspector General of Police, who was dismissed from the Force on January 17, 2005 was described by the media as “an epitome of corruption” was said to have \$150 million in Swiss Bank Accounts, \$200 million in London and ₦500 million in various denominations in Nigeria. E. Onyeozili, ‘Obstacle to Effective Policing in Nigeria’, (2005) 1(1) *African Journal of Criminology and Justice Studies*, 44.

⁹⁴ Onyeozili, *Ibid.*

⁹⁵ *Ibid.*

⁹⁶ *Ibid.*

⁹⁷ See s. 4 of the Police Act, 2020.

⁹⁸ See 1999 Constitution, Third Schedule, Part 1, s.153L. Para. 28(b) & (c).

⁹⁹ Human Rights Watch, (n 70) 69.

¹⁰⁰ “Report of the House of Representatives Committee on Public Petitions on the Petition by Festus Keyamo, counsel on behalf of Godson Ewulum, Alleging Fraud in the Operation of the Presidential Committee on Police Equipment Fund”, House of Representatives Committee on Public Petition, 2008, p.2. The Police Equipment Fund was later changed by Kenny Martins to a private foundation known as the Police Equipment Foundation, allegedly without government consent.

The fund raised some ₦50 billion (\$387.5 million) from a combination of government funds and private donations.¹⁰¹

Martins and his fellow administrators were accused of squandering and embezzling vast sums of money from the Police Equipment Fund (PEF). A report by the Nigerian House of Representatives accused Martins and the fund administrators of siphoning at least ₦1 billion (\$7.8 million) for their personal use, and transferring to various individuals and companies at least ₦1.3 billion (\$10 million) for purposes other than police matters.¹⁰² The report alleged that the fund purchased hundreds of vehicles – including at least 100 BMWs and luxury sport-utility vehicles – that went to people who had no connection with the police.¹⁰³ In May, 2008, the police charged Martins and his deputy with fraud. The EFCC, in June 2008, also charged Martins, his deputy and a former permanent secretary in the Ministry of Police Affairs with the embezzlement of public funds.¹⁰⁴ A High Court in Abuja dismissed the charges on November 24, 2009, but the EFCC appealed the case.¹⁰⁵ In spite of the appeal, nothing tangible has been done about the fraud. It may, like every other case involving high placed individual be forgotten.¹⁰⁶

4. Causes of Police Corruption in Nigeria

4.1 Police officers can be powerful

By virtue of their authority, they encounter widespread opportunities for corruption. They are constantly exposed to situations in which the decisions they make can have positive or negative impact on a person's freedom and well-being. Citizens may try to influence this discretion by offering free coffee and meals, money, sex, property, any item of value that will result in a favourable decision. Sometimes an offer can be extraordinarily tempting. Once officers begin to accept pay-offs, they may become "addicted" – that is they begin to depend on the extra income, and spend accordingly.¹⁰⁷

4.2 Environmental influences

The community and political environments are influential in establishing attitudes towards corrupt activities. Corruption in other government agencies, among prominent politicians and in the business world enables police officers to rationalize their own behaviour. Murphy and Caplan made this point in the following statements:

Operating in this larger environment, it is not surprising that police become cynical about their work and feel that "nothing is on the level", when they meet citizens from every walk of life who are willing to pay them to overlook the law...some officers come to see themselves as operating in a world where

¹⁰¹ Y. Alli, 'EFCC Issues 7-day Deadline for Return of PEF'S Cash, Cars', *The Nation Newspaper* June, 20, 2008. See also "Report of the House of Representatives Committee on Police Petitions on the Petition by Festus Keyamo", House of Representatives Committee on Public Petitions, p. 23. See also *Nwaigwe v. F.R.N* [2009] 16 N.W.L.R (Part 1166) 174 at 175.

¹⁰² "Report of the House of Representatives Committee on Public Petitions on the Petition by Festus Keyamo", House of Representatives Committee on Public Petitions, pp. 25 – 27.

¹⁰³ *Ibid*, 10, 16 and 21.

¹⁰⁴ See Godwin Tsa, 'Martins, Dumuje, Others Docked, Remanded in EFCC Custody', *Daily Sun* (Lagos), June 24, 2008. See also *Yakubu v. F.R.N* [2009] 14 N.W.L.R (Part 1160) 160.

¹⁰⁵ See I. Nnochirim, 'Kenney Martins – EFCC Appeals Judgement', *Vanguard Newspaper*, December 1, 2009.

¹⁰⁶ HEDA Resource Centre, A COMPENDIUM OF 100 HIGH PROFILE CORRUPTION CASES IN NIGERIA November 2020, p.28. Available at: <https://hedang.org/wp-content/uploads/2019/05/2020-Compendium-1.pdf>

¹⁰⁷ R. Roberg, K. Novak and G. Cordner, *Police & Society*, 3rd ed. (Los Angeles California: Roxbury Publishing Company, 2005), 300.

money is constantly floating about, and they would be...stupid and... faint-hearted not to allow some of that money to stick to their fingers.¹⁰⁸

In Police Departments, there are often many standard of behaviour for officers to follow. In fact, there are so many standards that it is difficult to adhere to all of them. This multiplicity is also true of society in general. There are many laws, some of which are often violated by citizens, particularly traffic laws. Officers see instances of such behaviour all around them, in both the public and private sector, among both the poor and the rich. Many officers even come to believe that if they are to be good police officers (example, to help people maintain order, keep citizens from being afraid, make arrests and ensure a successful prosecution), they have to violate some of the rules they are supposed to follow.¹⁰⁹

4.3 Tolerance among citizens

There is widespread tolerance among citizens of some kinds of police deviances. Citizens encourage the police to violate due process and citizens' rights in order to arrest felons. Businesses encourage small corruption by giving offers gratuities and other pecks for preferential treatment.¹¹⁰

4.4 Corrupt department

It has also been suggested that police corruption is generated at the departmental level and that conditions within the department produce and nurture deviance. In some departments, corrupt officers band together and form what is called a "rotten pocket".¹¹¹ Rotten pockets help institutionalize corruption because their members expect new comers to conform to their illegal practices and to a code of secrecy.

5. Remedies for Police Corruption and Constitutional Imbalances in Nigeria

5.1 Constitutional Remedies

To achieve peace and security in Nigeria, the two Chambers of the National Assembly must endeavour to work harmoniously in the overall interest of the country. There is a compelling need for the lawmakers, as elected representatives of the people, to ensure robust, painstaking, detailed and timely legislation on police matters, and their oversight functions, so that Nigerians can begin to derive the benefits of good governance. Therefore, the following constitutional provisions must be amended:

- a) A structural amendment of the 1999 Constitution of the Federal Republic of Nigeria to include, among other items:¹¹² (i) change of the name of the Nigeria Police Force, to read "Nigeria Police Service". (ii) removal of ouster clauses as stated under section 215(5) of the 1999 Constitution. (iii) making the state and local governments fully autonomous, in handling the security details of their domain with a federal police agency to handle specialised areas like the FBI in the USA. (iv) a redefinition of the tenure of the Inspector-General of Police (IGP) as earlier stated. (v) an inclusion of a police court in the constitution is recommended and to be headed by a High Court Judge, and

¹⁰⁸ P.V. Murphy and G. Caplan, "Fostering Integrity", in W.A. Geller (ed.), *Local Government & Police Management*, (Washington, D.C. International City Management Association, 1991), 239-271.

¹⁰⁹ Roberg *et al.*, (n 107) 300.

¹¹⁰ E.S.I. Agbontaen & O.L. Omoruyi, 'Public Perception of Corruption in the Nigerian Police Force and Its Effect on Crime Control' (2025) 62(2) *Journal of the Management Sciences*, 222.

¹¹¹ Siegel & Senna, (n 69) 236.

¹¹² See ss. 214 – 216 of 1999 Constitution of Nigeria.

established in State Police Commands to handle police excesses and the punishment that awaits a police officer who commits extra-judicial killing or other corrupt practices. This will enhance faster and speedy dispensation of justice. A situation where a judge handles more than 20 cases in a day calls for a rethink.

- b) In amending sections 214, 215 and 216 of the 1999 Constitution of Nigeria relating to the Police Force, the following recommendations should be inserted:¹¹³
- i) Without prejudice to the foregoing provisions of sections 214, 215 and 216 of the 1999 Constitution of Nigeria, a state of the Federation shall be free to establish and maintain a Police Service for the maintenance and securing of public safety within the state and enforcement of all relevant laws of the state.
 - ii) For the purpose of (i) above such a state shall establish a Police Training School regulated and compliant to standards in force in Police Forces in terms of discipline, schedule of duty, weaponry, ranks and promotions amongst other issues.
 - iii) The Head of the State Police shall be designated by the title Chief of Police who shall be appointed by the Governor on the advice of the State Police Service Commission.
 - iv) Notwithstanding the provisions in this section, a state of the federation shall be free to retain at all times the existence and services of the Nigerian Police for the purpose of maintenance and securing public safety.
 - v) Where the act of the Nigerian Police Force conflicts with that of State Police Service that of the Nigerian Police Force shall prevail.
 - vi) It shall be lawful for any person who feels that his right has been infringed upon by the State Police Service to apply to a Federal High Court to have his matter transformed to the offices of the Nigerian Police Force immediately within jurisdiction.

Finally, in view of the recommended amendments, there must be put in place measures to constrain and control abuses of state police organisations by incumbent state officials. State governors must not be allowed to convert the police into an instrument of political oppression and intimidation.

5.2 Combating police corrupt practices

Several measures have been suggested to control police corruption in Nigeria, some of which include:

- a) One approach is to strengthen the internal administrative review process within police departments. A strong and well-supported internal affairs division has been linked to lowered corruption rates.¹¹⁴ However, asking police to police themselves is not a simple task. Officers are often reluctant to discipline their peers. For example, a 1999 review of disciplinary files found that hundreds of New York City police officers escaped punishment when their cases were summarily dismissed by the police department without

¹¹³ T. Odiadi, "The Imperative of State Police", www.ngguardiannews.co (visited 2012, August 10).

¹¹⁴ L. Sharman, *Police Corruption: A Sociological Perspective*, (Garden City, N.Y.: Doubleday, 1974), 194.

ever interviewing victims of witnesses or making any other efforts to examine the strength of the evidence.¹¹⁵

- b) Having a strict accountability System where supervisors at each level are directly held accountable for the illegal behaviours of the officers under them, can significantly rein in corrupt practices within the police service. Consequently, a commander can be demoted or forced to resign if one of his command is found guilty of corruption.¹¹⁶ Close scrutiny by a department, however, can lower officers' morale and create the suspicion among the officers.
- c) Guidelines and standards can also be put in place within the police service to help reduce corruption. There must be strict conformity to these rules and guidelines within the service, such as policies on receiving complaints against police officers, policies on keeping of data base of complaints against police officers, policies on internal affairs concerning complaints against police officers, and policies on use of force and rules of engagement.
- d) A more realistic solution to police corruption in Nigeria, may be to change the social context of policing in the country.¹¹⁷ Police operations should be made more visible, and the public should be given freer access to controlling police operations. All too often, the public finds out about police problems only when a scandal hits the newspaper. Some of the vice-related crimes the police now deal with may be decriminalized or referred to other agencies. Although decriminalization of vice cannot in itself end the problem, it can lower the pressure placed on individual police officers and help eliminate their moral dilemmas.
- e) Another approach to solving police corruption is to create outside review boards or special prosecutors, to investigate reported incidents of corruption. However, outside investigators and special prosecutors are often limited by their lack of intimate knowledge of day-to-day operations. As a result, they depend on the testimony of a few officers who are willing to co-operate, either to save themselves from prosecution or because they have a compelling moral commitment.¹¹⁸

In general, citizens are in favour of outside review boards. A citizens' board can play several general roles:¹¹⁹ (i) provide an independent review of complaint; monitor both the complaint process and general police department policies and practices; and provide policy review for the department when looking into the underlying problems that resulted in the citizen's complaint.

5.3 Reorganisation of the Nigeria police force and observance of the rule of law

The Nigerian police force needs to be reorganised to respect the rule of law and service the people better. The rule of Law is universally acknowledged as necessary for the maintenance of liberty and democracy, and hence for the effective existence of a free society.¹²⁰ It cannot, however, be effective as an active principle governing the actions of government and its agencies,

¹¹⁵ K. Flynn, "Police Dept. Routinely Drops Cases of Officer Misconduct, Report Says", *New York Times*, September 15, (1999), 1.

¹¹⁶ Siegel & Senna, (n 69) 237.

¹¹⁷ *Ibid*, 238.

¹¹⁸ *Ibid*.

¹¹⁹ J.S. Dempsey & L.S. Forst, *An Introduction to Policing*, 4th ed. (Belmont, CA: Thomson Wadsworth, 2008), 219.

¹²⁰ S.P. Anuye, A.E. Ityavkasa & A.M. Deji, 'The Doctrine of the Rule of Law; a Necessity to Democratic Governance', (2017) 17(4) *Global Journal of Human Social Science*, 29.

as well as those of private organisations and individuals, unless the spirit of respect for it (otherwise referred to as the “spirit of the law”) has permeated the entire society.¹²¹ The spirit of the law embraces the habit or tradition of respect for the constitution, other laws and the institution of the state on the part of both the rulers and the ruled.¹²² To ensure the perpetuity of our constitution, the rights and privileges of citizens, the three arms of government have an onerous duty to work with one another in a harmonious and congenial atmosphere for the purpose of promoting good government and welfare of all persons in our country on the principles of freedom, equity and justice, and for the purpose of consolidating the unity of our people.

Policing is a principled and disciplined profession, which must be practiced in accordance with the set down rules and guidelines. Hence, in executing their duties, the police must do so calmly, purposefully, intelligently and constitutionally.¹²³ To achieve this, the following recommendations are necessary.

a) *Continuing Training and Improvement of the Welfare of the Police*¹²⁴

- i) Develop “concurrent” and “predictive” validation tests for use in selection of “suitable” policemen, both at recruitment and immediately after probationary period (for example social, psychiatric, psychological aptitude tests in addition to the normal educational, physical and medical requirements).
- ii) Increase the length of training of recruits to a minimum period of 18 months.
- iii) Make training conditions human (for example, there is no need for any form of physical brutalities) to minimize inculcation of unwholesome inhuman disposition into police personnel.
- iv) Training curricula should considerably emphasize (in addition to practical police work) knowledge about our society, the importance of the policeman’s community-service role, the meaning and use of initiative and discretion, the position of citizens as consumers of police work; the supremacy of the rule of law, the type of ethics to be internalized by policemen and the crucial importance and observance of human rights.
- v) Trainees should be exposed to lecturers and teachers from outside the Police Force (for example guest lecturers from universities, trade unions, and other occupational associations); it is an aberration to observe that a policeman who is not a lawyer is teaching criminal law to new recruits in the police college.
- vi) Intensify internal re-organisation of the police to revitalize and enforce, on a systematic and continuous basis, rules concerning police courtesy, response to (and handling of) citizens reports or complaints, use of only necessary force, observance of the legal and other rights of citizens, including offenders.

¹²¹ *Alhaji Awwal Ibrahim v. Col Cletus Emein, Military Administrator of Niger State & 3 ors* [1996]2 N.W.L.R. (Pt. 430), 322; *Gadi v. Male* [2010] 7 N.W.L.R. (Part. 119) 246.

¹²² B. Nwabueze, *Constitutional Democracy in Africa*, Volume 3, (Ibadan, Nigeria: Spectrum Books Limited, 2004), 346; Nnamdi Azikiwe, *Nigeria in World Politics*, (London: Diplomatic Press & Publishing Co., 1959), 8.

¹²³ M. Bobb and J. Spiegel, ‘The Vision that Changed American Policing’, *Los Angeles Daily Journal*, March 30, 2011.

¹²⁴ S. Findlay-Williams & W. Saranya, ‘The Impact of Training and Development on the Performance of the Guyana Police Force’, (2025) 11(2) *Texila International Journal of Management*, DOI: 10.21522/TIJMG.2015.11.02.Art046.

- vii) Establish/ensure systematic and regular (foot/motorized) patrol and deployment according to population-needs to eliminate or reduce the opportunity to commit crime or increase the opportunity for apprehension during or immediately after a crime has been committed.
- viii) Refurbish/establish a target-oriented squad for corruption in the force.
- ix) Mobile Police (MOPOL) should be categorically divorced from the Nigeria Police Force, and constituted as a separate organization for riots and paramilitary tasks, for example the sort of outfit callable at short notice and responsible to the highest political authority of the day who should be accountable for their action.
- x) Police (excepting MOPOL) should be encouraged to live in the community rather than in barracks as the latter is a colonial carryover with a mentality of an isolated “army of occupation”.
- xi) The salary and conditions of service, rank, mobility, promotion-criteria and procedure of the police should be made more appropriate to the risk of the occupation and reviewed for considerable improvement, for example promotion should be based on performance and length of service, whether in the area of crime-fighting, community service or public relations, and there should be horizontal progression of remuneration for the rank and file.

b) Prioritizing Internal Control Mechanism

- i) Streamline and prioritize internal control mechanisms by establishing a Public Complaints Unit at each police station. The unit should include a human rights officer, an anti-corruption officer, and an officer responsible for service-delivery complaints. These personnel should be assigned the exclusive duties to: (a) Receive and investigate complaints against police officers filed by members of the public. (b) Monitor the conditions and treatment of persons held in police custody. (c) Liaise with community leaders and civil society organisations in matters regarding incidents of police abuse within the community. (d) Report incidents of police abuse, including extortion and bribery, to the divisional officer and external officer, as well as to the anti-corruption X-Squad and appropriate internal and external oversight bodies; and (e) Protect members of the public who file complaints against the police from harassment, violence, or any other form of reprisal.¹²⁵
- ii) Ensure that the Public Complaints Unit is able to effectively perform its work by providing sufficient funding, training and institutional support to its personnel.
- iii) Publish detailed quarterly reports of the outcome of complaints received by the Public Complaints Unit.
- iv) Revamp the anti-corruption X-Squad. The X-Squad should give priority to investigations on: (i) senior police officers implicated in embezzling and misappropriation police funds or in taking monetary “returns” from subordinates; and (ii) junior and senior police officers implicated in extorting money from complainants, criminal suspects and other members of the public.¹²⁶

¹²⁵ Human Rights Watch, (n 70) 7.

¹²⁶ *Ibid.*

- v) Publish detailed quarterly reports of the outcome of cases investigated by the X-squad.
- vi) Strengthen the internal disciplinary procedures of the Nigeria Police Force by including in the Force Disciplinary Committee a representative from the Police Service Commission, and by making public the outcome of decisions on disciplinary matters.
- vii) Thoroughly investigate and promptly arrest police officers implicated in corruption and other serious abuses, and promptly submit investigation report to the Attorney-General for prosecution.
- viii) Promptly discipline any police officer, including any officer of senior rank, who hires out, or assigns without authorisation, police officers to serve as private guards for individuals or companies.
- ix) Improve financial oversight of state commands by requiring them to submit to the Force Headquarters monthly revenue and detailed expenditure reports for each police division, and by conducting and publishing periodic and comprehensive internal audits of the reports.
- x) Provision of medical facilities to officers to care for their medical needs, particularly stress-related problems.
- xi) Insurance scheme should be provided for officers to enhance their efficiency. A police officer is ready to perform if he is assured that when something happens to him during active duties; government will take care of his family, apart from the usual Force burial or mere immortalization of his name.¹²⁷

c) *Need for Team-Work:*¹²⁸

The essence of team work in police departments cannot be over-emphasized. No single policeman can carry the burden of protection of human lives and properties alone. When the police officers are firm and tight, they're tough to bend. Once firm and tight, a crew of police officers becomes enormously strong.¹²⁹

Although establishing teams frequently involves much hard-work, the effort provides four important factors to police effectiveness: (i) Synergy. (ii) Interdependence, (iii) a support base for community-oriented policing – all of which encourage (iv) total high-quality police services.¹³⁰

d) *Total Quality Services*

¹²⁷ A.A.Z. Okemwa, 'Imperative of Insurance-Based Welfare Schemes for the Nigeria Police Force', *Chartered Insurance Institute of Nigeria*, 2017, available at: https://www.academia.edu/36217128/IMPERATIVE_OF_INSURANCE_BASED_WELFARE_SCHEMES_FOR_THE_NIGERIA_POLICE_FORCE

¹²⁸ R. Espevik, BH Johnsen, ER Saus, S Sanden, & OK Olsen, 'Teamwork on Patrol: Investigating Teamwork Processes and Underlying Coordinating Mechanisms in a Police Training Program, (2021) 12 *Front Psychol.* 702347.

¹²⁹ *Ibid.*

¹³⁰ M.A.J. Malaya & N.C. Nabe, 'Team Effectiveness and Performance of Philippine National Police: The Mediating Role of Unit Head's Transformational Leadership', (2026) 8(1) *International Journal for Multidisciplinary Research*, 1.

Finally, it takes teamwork to build successfully the required high degree of care for quality. One officer who really cares about quality is nice to have. But it is “care” in the day-to-day behaviour of a team of police personnel that really counts. From this caring comes great enthusiasm and commitment which generate an upward cycle of even greater quality of services, innovation, and self-initiation. This means that you are doing it right the first time, and doing it better tomorrow than you do today.¹³¹

e) *Positive Attitudes*

The ability of a police manager to perform his job successfully is limited directly to his understanding and respect for values and attitudes and those of his assigned personnel. With this understanding and respect, he is fortified to influence and lead others in the accomplishment of their assigned duties. The focus must be two-fold. The manager must first comprehend his or her values and attitude. Once the manager has done that, he or she is in a better position to understand clearly those held by other employees.¹³² An understanding of job attitude, attitude formation, and attitude change is important to police managers for three reasons.¹³³ (i) Attitudes can be found in every aspect of police work. We have job attitudes about most things that happen to us, as well as about most people we meet. (ii) Attitudes influence our job behaviour. Much of how we behave at work is governed by how we feel about things; therefore, an awareness of attitudes can help you understand human behaviour at work. (iii) Bad attitude on the job causes problems, for job attitude can be reflected in subsequent poor performance, turnover, and absenteeism, all of which impede excellence in the police agency.

6. Conclusion

In Nigeria, there is widespread concern about the performance, integrity and conduct of the Police Force. For example, the police are widely criticized for extra-judicial killings, corruption, incivility, brutality, torture and non-response to distress call by citizens. It is imperative to state that no Police Force can be accountable if the government lacks accountability, as in the case of Nigeria. The critical issue is: where does Nigeria stand in terms of institutions, mechanisms and procedures for holding police accountable? In general, the country has multiple institutions for holding the police accountable but, incidentally, the institutions are weak, ineffective, inoperable and uncoordinated.

As a result of the ineffectiveness of government institutions, the near collapse of security and order in the country and the sophisticated nature of arm robbery, it becomes imperative to find better ways of improving security and order in the country. The Nigerian government and the police leadership have, on multiple occasions, acknowledged many of the problems enunciated in this paper.

In spite of the inherent problems of poor funding, corruption, brutality, abuse of power, public acrimony brought about mainly by the nature of police work itself which makes the police watchdogs of the society in their efforts to sort out criminals from non-criminals, coupled with the chequered history of the country since independence, the Nigeria Police have remained intact. However, for us to have peace, we must embrace tolerance, constitutionality, decency and good neighbourliness. Extremism in religion, nationalism, or in any other human emotion is self-destructive.

¹³¹ *Ibid.*

¹³² *Ibid.*

¹³³ *Ibid.*

If Nigeria is to tread the path to greatness, it must embrace rule of law and its citizens must have mutual respects for each other in all aspects of life. Police departments should be able to meet aggressive crime control target with unyielding integrity. They should have passion for excellence, resist bureaucracy, have the self-confidence to empower others, be committed to team-work, be open to ideas and stimulate and relish change. Specifically, the Nigeria Police should be operationally neutral, organizationally autonomous, functionally specialized, institutionally accountable and service-oriented.

Generally, a strong law reform on policing may not be attainable if the indiscriminate killing of police officials cannot be prevented. Policing is a highly risky job that demands adequate training, sophisticated equipment, including bullet proof vests, sound managerial supervision and accountability at station and unit levels. Unfortunately, apart from the deplorable quality of training, Police Officers in Nigeria are poorly kitted, sparsely equipped and inadequately mobilized to face the increasing sophistication of criminal gangs.

Top level officers may perhaps re-work the operational strategies that have seen policemen being regularly killed in ambushes by criminals when they go for rescue missions. The leadership has to wriggle its way out of the current unethical practice where a large number of officers are posted to guard private individuals, leaving an infinitesimal fraction of officers to protect the rest of the society.

Lastly, this paper is not in favour of a unitary, national police system, or a unitary state police system, for the dangers inherent in the abuse of any of such systems can very well undermine the strength of our nascent democracy. We are in favour of change in our constitutional structure which would protect the autonomy of our police institution and, yet, allow for a more efficient, less expensive police operation in a tripartite arrangement among the Federal, State and Local authorities, as obtainable in the U.S. and Britain.