

**AN APPRAISAL OF THE
LEGAL FRAMEWORK FOR POLICE ACCOUNTABILITY IN
NIGERIA**

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ABSTRACT

This research is to examine the Legal Framework for Police Accountability in Nigeria- An Appraisal. It takes a look at the present state of police accountability in Nigeria; the challenges faced by the police with regard to accountability and the possible solution to such challenges. It will also examine the prospects which abound for accountability in the police. Against this background, this work probes critically accountability in the Nigeria police force. It shall adopt secondary source of data collection mainly by relying on the grundnorm, statutory provisions, judicial decisions, text books and journals as well as the use of internet where necessary. There shall be recommendations and findings for an effective accountability in the Nigeria Police Force as an organization that is statutorily established to achieve a desired goal for the greater number of the general public.

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CHAPTER ONE

1.1 INTRODUCTION

The police and other law enforcement institutions are entrusted with a vast set of tasks demanding a high degree of probity within security sector as an organization and its oversight.¹ Where this does not function well, law enforcement officers (police officers) may become vulnerable to acting unlawfully and outside their remit. To rescue the situation, police reform interventions are much needed. Reform can be in the form of retraining for police officers with a particular focus on human rights principles. In addition, a long-term effort is required to establish a functional framework for police oversight and accountability in order to strengthen accountability within the system of policing.

The Nigeria police force is constitutionally given the responsibility of maintaining internal security of the country. The constitution of the Federal Republic of Nigeria ², in its *section 214* expressly provides for this responsibility state the provision here. Also, instructive is section 4 of the Police Act³, which is another source where the police derives its powers them equally contains this responsibility under *sections 4 and 27* respectively.

In enhancing police oversight and accountability, efforts must be one of the three key, related priorities. Firstly, where policing has been militarized and may be undemocratic and authoritarian, efforts must be made to enhance civilian control over the police. Secondly, it is necessary to increase public confidence in the police by upgrading the levels of police service delivery as well as by investigating and acting in cases of police misconduct.

¹ Sections 214 and 215 CFRN, 1999

² The 1999 CFRN

³ CAP P19 LFN, 2004.

Finally, reducing corruption within the police is crucial and apt.

While accountability is not restricted to dealing with complaints, an effective complaint system is to key to ensuring accountability. The police officers themselves are the key players in maintaining or restoring police accountability. The police accountability is not limited to the police and the independent police bodies. The various institutions that can be considered to constitute the state, each play a distinct role, not just as “clients” who need to be able to share their concerns, but also in sharing responsibility for fair and effective policing and accountability.

Police accountability, in particular, lies at the heart of security development. The term refers to more than ensuring that police services and its personnel uphold the law, respect human rights, and do not engage in misconduct, malfeasance, or corrupt behaviour. Accountability also applies to ensuring that the policies of the police continually evolve toward greater congruence to current criminology best practices, such as in the use of force and firearms. Police accountability also means that the police’s performance and responsiveness corresponds to the priorities of the populace to whom the police deliver its service and is appropriately calibrated to meet the needs of different societal demographics⁴.

This research aims to contribute to the growing body of knowledge on police accountability in Nigeria, Prospects and challenges. The research outcome, recommendations and conclusions will served as practical tools for policy-makers and police seeking to enhance an effective police accountability system in Nigeria.

⁴ Organization for economic co-operation and Development, OECD, DAC Handbook on security system reform: supporting security and Justice, Paris, 2007. P.5.

Police accountability involves a system of internal and external checks and balances aimed at ensuring that police perform the functions expected of them to a high standard and are held responsible if they fail to do so. Its aims are to prevent the police from misusing their powers, to prevent political authorities from misusing their control over the police, and most importantly, to enhance public confidence and re-establish police legitimacy.⁵

It also means that the police accept being questioned about their decisions and actions and accept the consequences of being found guilty of misconduct including sanctions and having to compensate victims.

A large body of police practice and police development literature explores accountability, advocating for greater accountability and hitting its principles. Numerous methodologies and instruments have been proposed for undertaking a police accountability assessment and an equal number espouse guidance on various approaches to increase accountability and tackle police corruption.

Background of the Study

In Nigeria, prior to the advent of colonialisation, different communities that existed then had different kinds of arrangement for the maintenance of law and order while in some communities religion played vital roles in the maintenance of such laws and orders. (for Nigeria, Age grades in other communities also carried out such roles akin to police duties today).⁶ Also, oracles and supernatural forces played significant roles in the same vein.

⁵ The report of the secretary – general on securing peace and development: The United Nations in supporting security sector reform (A/62/659/-s/2008/139).

⁶ A. B. Dambazau: “Criminology and criminal Justice” Chapter 5, P. 227

To restrain anti-social behaviour, the communities applied native restraints like social sanctions, public opinion, fears of retaliation, customary beliefs and other economic, moral, institutional pressures were used. In some areas, trial by ordeal were used to investigate crimes.⁷

The methods of maintaining law and order in our pre-colonial communities were virtually free and peaceful.⁸ The Nigeria Police Force had its origin in Lagos between 1845 and 1861, it came into existence when the British officials serving in the Lagos territory during the second half of the 19th century encountered serious law enforcement problems resulting from their increased involvement in the “self-imposed” as to protecting the lives and properties of the indigenous people, the European merchants, other business and Christian Missionaries. British consul charged with the administration of Lagos colony whose numerous duties included the maintenance of law and order, that a consular Guard comprising 3 men was established in 1861.⁹

The modern police started as a consular guard of thirty (30) men in Lagos. In 1863, the guard became known as the “Hausa Police”. The force was later recognized in 1879 by an Ordinance creating the constabulary of Lagos in 1894, the Niger constabulary of Lagos forced in Calabar. The Royal Niger Company formed another constabulary in Lokoja in 1888. Landmark development in the history of the Nigeria Police Force came in 1930, when the Northern and Southern Police were merged to form the Nigeria Police Force with Lagos as the force headquarters.

⁷ Ibid, P. 229

⁸ The police in Modern Nigeria, 1861-1965, Ibadan, Ibadan University Press, pg. 90

⁹ Innocent Chukwuma, “Police transformation in Nigeria: Problems and Prospects, Ibadan, University Press, 1970 P. 129

Upon attainment of independence in 1960, the independent Constitution re-organised the Nigeria Police Force as a Federal Force. This Constitution also set up two bodies, the Police Council and the Police Service Commission, respectively. The Constitution of Nigeria 1963,¹⁰ 1979¹¹ and 1999.¹² also empowered the Nigeria police to operate as a single Federal Force.

The grundnorm⁵ of the existing legal order in Nigeria, clearly stipulates the existence of only one police and until it is amended, the recent agitation for the creation of a State Police cannot be achieved.

The police institution enjoyed constitutional provisions in 1979 and subsequent Constitution of Nigeria. *Section 214(1)(2)* of the 1999 Constitution as amended provides:¹²

- (1) 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.
- (2) Subject to the provisions of this Constitution –
 - (a) the Nigeria police force shall be organized and administered in accordance with such provisions as may be prescribed by an Act of the National Assembly.
 - (b) The members of the Nigeria Police Force shall have such powers and duties as may be conferred upon them by law.

The 1999 Constitution also provides for the command structure and administration of the Police. The Nigeria Police as an institution under the 1999 Constitution is headed

¹⁰ See chapter viii of the 1963 Constitution, section 105

¹¹ See sections 194-196 of the 1979 Constitution

¹² Ibid

by the Inspector General of Police to be appointed by the President on the advice of the Nigeria Police Council from among the serving members of the Nigeria Police Force.¹³

The Constitution also provides for a Commissioner of Police for each State of the Federation who shall be appointed by the police Service Commission by virtue of the provisions of the Police Act made pursuant to *section 214(a)* of the 1999 Constitution, the structure of the Nigeria Police is fashioned along the Federal system in such a way the unit of command at the Federal, State and local levels is placed under a police officer in order of seniority.

i. *Section 6 of the Police Act*¹⁴ provides:

“The Force shall be under the Command of the Inspector General and contingents of the Force stationed in a State shall, subject to the authority of the Inspector General be under the command of the Commissioner of Police of that State”.

The Nigeria Police command structure is divided into three categories of force Headquarters, Zonal Command and State Command. The Inspector General of Police is appointed by the President. Below the Inspector-General of Police (IGP) are six specialized offices of the Deputy Inspector-Generals (DIGs) in charge of different specialized departments. DIG ‘A’ Department is in charge of Financial and Administration of the Force. DIG ‘B’ Department is in charge of logistics and supply. DIG ‘D’ Department is in charge of investigation and intelligence. DIG ‘F’ Department is in charge of research and planning.

¹³Section 215, CFRN, 1999

¹⁴CAP. P19 L.F.N, 2004

An Assistant Inspector General (AIG) is the force secretary who is under the office of the Inspector General of Police.¹⁵

From the organization at the Force Headquarters, the force is further organized into twelve zones with each zone comprising of two to four state commands under the leadership of an Assistant Inspector General of Police who is answerable directly to the Inspector General of Police.¹⁶

In all the thirty six states of the federation and the Federal capital, the command structure of the force is headed by a Commissioner of Police, followed by a Deputy Commission of Police in the day to day administration of the command.

*The general duties of the police are stipulated in Section 4 of the Police Act which provides that.*¹⁷

The Police shall be employed for the prevention and detection of crime, the apprehension of offenders, the preservation of law and order, the protection of life and property and the due enforcement of all laws and regulations with which they are directly charged, and shall perform such military duties within or outside Nigeria as may be required of them by or under the authority of this or any other Act.

Further, the powers of the Police are clearly spelt out such as power to arrest without warrant are in the police Act to include:

¹⁵ Section 27 of the Police Act, L.F.N, 2004

¹⁶ 2004Atidoga, D. F., *The Nigeria Police, Human Rights Violation and Corruption: The Need for Reorientation*, in *Journal of Contemporary Legal Issues*, Vol. 1. No. 1., Lagos, Sam Artrade Ltd, 2009, pg. 50-52.

¹⁷The report of the Secretary-General on Securing peace and development. The United Nations in supporting security sector reform (A/62/659/-S/2008/39).

- (1) Maintain public order¹⁸, prevent and detect crime in the State;
- (2) execute all orders and warrants lawfully issued to the Police Officer by a competent authority;
- (3) prevents the commission of offences and public nuisance;
- (4) detect and bring offenders to justice and apprehend all persons whom the Police officer is legally authorized to apprehend;
- (5) lay any information before a Magistrate and apply for a summons, warrant, search warrant or other legal processes against any person committing offence;
- (6) take charge of unclaimed property and disposing it subject to the Magistrate order;
- (7) regulate assemblies, processions and license them;
- (8) stop any procession that violates the condition of a license;
- (9) take custody of any person without warrant, who commit crime like slaughtering cattle, firms, driving, obstructing passengers, etc;
- (10) Produce arrested persons to the nearest Magistrate court within a period of 24 hours from the time of arrest;
- (11) after investigation of the case prepare the charge-sheet and sent it to the court for trial within a stipulated period;
- (12) provide the necessary check against the ambivalence of the human nature.

¹⁸ Nakate, S., Duties of a Police Officer, retrieved from <http://www.buzzle.com/articles/duties-of-a-police-officer.html> 6th April, 2015.

1.2 Statement of Research Problem

The ineffective accountability of the police in Nigeria and the prospects as well as the challenges, will be the basis for this research and suggestions will be drawn and proffer better effective police accountability to the members of the public and the laws that established its functions and duties.

1.3 Aim and Objectives

The objective of this research is to examine the prospect and challenges of effective police accountability in Nigeria. It shall also consider the internal and external police accountability mechanism as well as suggest ways and means of achieving the required goal.

1.4 Research Questions

- (a) Whether police as an institution should be accountability
- (b) What is the current status of police accountability in Nigeria?
- (c) How can they be improvement in police accountability in Nigeria

1.5 Contribution to Knowledge

The contributions to knowledge by this research includes:

- (i) A review of the present State of Police accountability that provides for the primary purpose of maintaining peace and order.
- (ii) The consideration of factors necessary to promote Police accountability.
- (iii) An assessment of the current composition and police integrity.

1.6 Research Structure

It comprises five (5) chapters. Chapter one deals with the introduction of the subject matter, while chapter two pontificates on the structures and challenges for an effective police accountability in Nigeria. Chapter three unfolds prospects for an effective police accountability in Nigeria. Chapter four captures comparative analysis of an effective police accountability in and finally chapter five offers conclusion as well as recommendations.

1.7 Focus and Limits

Generally, the legal scope of this work centers mainly on effective police accountability in Nigeria: problems and prospects. The research will examine the effective police accountability and further delve into the causes of improper police accountability and the way forward.

CHAPTER TWO

STRUCTURES FOR POLICE ACCOUNTABILITY IN NIGERIA

2.0 Introduction

This chapter deals with the structures for effective Police accountability in Nigeria. under *section 214* of the 1999 Constitution¹⁹ as amended, together with *sections 4 and 23* of the Police Act and Regulations,²⁰ there are certain duties and functions that the police are expected to perform, where they act outside these provisions such conduct is deemed unlawful.

The contemporary Nigeria Police Force is established by the Constitution. Though the Constitution do not give details regarding the establishment, control and command and how such can function for satisfactory performance of Police duties, the *1999* Constitution like its predecessors²¹ did provide generally that the Nigeria Police Force shall be organized and administered in accordance with such provisions as may be prescribed by an Act of the National Assembly.²² It further provides that the Police shall have powers and duties as may be conferred upon them by law.²³ It is on the basis of this provision that the Police Act and

¹⁹ 1999 Constitution

²⁰ Police Act

²¹ 1960, 1963 and 1979 Constitution.

²² Section 214(2)(a), 1999 Constitution.

²³ Ibid, section 214 (2)(b)

such other laws have their constitutional validity. The Police Act itself provides for making of regulations with respect to the organization and administration of the Police Force.²⁴

2.1 LEGAL FRAMWORK FOR POLICE ACCOUNTABILITY

2.1.1 Accountability is defined as a system of internal and external checks and balances aimed at ensuring that police carry out their duties properly and are held responsible if they fail to do so. Such a system is meant to uphold police integrity and deter misconduct and to restore or enhance public confidence in policing. Police integrity refers to normative and other safeguards that keep police from misusing their powers and abusing their rights and privileges.

2.1.2 International accountability alludes to the global investigation that police might be exposed to by worldwide human rights settlement bodies like the Human Rights Committee or provincial arrangement bodies like the European Committee for the Prevention of Torture, and in certain occasions likewise to explicit concessions to oversight set down in international agreements and different arrangements

2.1.3 International Criminal Police Organization (INTERPOL), aim to ensure that police have high standards of integrity and promote and strengthen the development of “measures needed to prevent, detect, punish and eradicate corruption in the police forces/services within its national boundaries and to bring to justice police officers and other employees of police forces/services who are corrupt.

²⁴ Section 4 of the Police Act, CAP 359, LFN 2004.

2.1.4 The Global Standards to Control Police Forces/Services, adopted by the International Criminal Police Organization (INTERPOL), aim to ensure that police have exclusive requirements of trustworthiness and advance and reinforce the improvement of "measures expected to forestall, distinguish, rebuff and destroy debasement in the police powers/administrations inside its public limits and to deal with police officials and different workers of police powers/administrations who are bad." The Global Standards call for the establishment of a mechanism such as an oversight body to monitor the above-mentioned systems and measures and their adequacy. The Standards include a provision authorizing the INTERPOL General Secretariat to monitor their implementation in member countries.

2.1.5 Domestic legislation

Different legislations are in place in Nigeria for the control and regulation of the activities of the Police. Some of these are briefly discussed here.

The Constitution.

Section 214(1) and 215 (2) of the 1999 Constitution provide for the establishment and operation of the Nigeria Police. The following provisions are sacrosanct in terms of control of the activities of the Police:

i. Establishment of the Police Council

The Constitution provides for the establishment of the Police Council. The council comprises of the President, all the state governors, chairman of the Police Service Commission and the Inspector General of the Police²⁵. The mandate of

²⁵ See the Third schedule. Part 1.1 to the Constitution of the Federal Republic of Nigeria 1999.

the council is to supervise the Police institution, oversee its administration and organization and advise the president on appointment of the Inspector General of the Police.

ii. Police Service Commission

Established under the 1999 Constitution²⁶, the Police Service Commission is an executive body for the regulation of the Police in the federation of Nigeria. The Commission has the power to appoint, promote, discipline and dismiss all officers of the Nigeria Police, except the Inspector General of the Police.

iii. Fundamental Rights Provisions under Chapter IV of the Constitution

Chapter IV of the 1999 Constitution contains different provisions on the different rights of Nigerian Citizens. These provisions are binding on all institutions and government officials including the Police. Cases of violations of human rights abound in the court on a regular basis against the police

iv. The Judiciary.

Section 6 of the Constitution of 1999, creates the judicial powers of the governments of Nigeria. It creates different categories of courts, with clear mandates and jurisdictions. Under Section 6 (6) of the Constitution, the court is empowered to adjudicate over any form of disputes between parties including actions against the police. Both federal and state high courts have jurisdictions on human right cases.

²⁶ Section 153, Constitution of the Federal Republic of Nigeria 1999.

2.2 Obligations and Responsibilities of the Police under a Democratic Government

The Control Structure

The 1999 Constitution by virtue of its *sections 214* and *215*, established the Nigeria Police Force as a federal force and charged body with the responsibility for maintenance of law, and order throughout Nigeria. The Constitution provides for the Nigeria Police Council and the Police Service Commission.²⁷ It also provide for the composition and functions of the Police Council under the third schedule. There are also provisions for the composition and powers of the Police Service Commission in the same schedule.²⁸

The membership or the composition Nigeria Police Council is as follows: -

- (a) The President, who shall be the chairman
- (b) The Governor of each State of the Federation
- (c) The Chairman of the Police Service Commission
- (d) The Inspector-General of Police.²⁹

The functions of the Police Council are:

- (a) The organization and administration of the Nigeria Police Force and all other matters relating thereto, (not being matter relating to the use and operational control of the force or the appointment, disciplinary control and dismissal of members of the force).
- (b) The general supervision of the Nigeria police force and
- (c) Advising the President on the appointment of the Inspector-General of Police.

²⁷ Section 153(1)(L) of the 1999 Constitution.

²⁸ Ibid

²⁹ Section 215 CFRN, 1999

The Police Service Commission comprises the following:

- a) the chairman and
- b) such member or other person not less than seven but not more than nine, as may be prescribed by an Act of the National Assembly.

The Constitution gives the commission the following powers to:

- (a) appoint persons to offices (other than the office of the Inspector General of Police) in the Nigeria Police Force;
- (b) dismiss and exercise disciplinary control over persons holding any office referred to in the sub-paragraph (a) of this paragraph.³⁰

The Nigeria Police Council is at the apex of the control functions of the Nigeria police. The basic functions assigned to it enable it to control the police structure. The fact that the state governors are members of the council makes them stakeholders in the maintenance of peace and order within the realm. The State Governors are also the chief security officer of their states, and as members of the police council's they have a constitutional responsibility in seeing to the organization as well as general supervision of the police. The president cannot act alone as it was the case under the 1979 Constitution.³¹

The provision of the Constitution make the action of Nigeria Police Council unconstrained, because the Constitution provides that their functions "shall include" the three items specially mentioned above. It appears that the Nigeria Police Council can include

³⁰ Section 214(a) (b)

³¹ Ibid

in its function anything under the sun. With the inclusive nature of the council functions, it has the police in its grip. The failure and success of the police is easily determined by their genuine interest in the role of the police. The two non-political members of the Nigeria police council are the Inspector-General of Police and the chairman of Police Service Commission.

The President appoints the duo, that is the IGP and the chairman of Police service commission. The nature of the position of the two appointees under the *1999 Constitution*³² can make or mar the police force. With the police command under the IGP and the appointment, discipline and dismissal of Police officers (save the IGP) fall within the jurisdiction of the PSC headed by the chairman, the president as their appoint or will always have his way even if he acts contrary to the law in respect of issue affecting the Police and Police service.

The composition of the Nigeria Police Council makes it look the boardroom where the Police board of directors thinks out policies with regard to organization, administration and supervision of this law enforcement institution.

The mechanisms established by government to protect people's rights, establish and maintain order and guarantee stability and security are usually referred to collectively as the security sector.¹² It is generally agreed that the security sector includes "core security actors (i.e. armed forces, police and other paramilitary). An important factor in the security sector is the police, whose functions are:

³² Ibid

- Prevention and detection of crime
- Maintenance of public order
- Provision of assistance to the public.³³

In order to carry out these functions, the police have certain powers, namely, the power to arrest and detain and the power to use maximum force where necessary. It is precisely this monopoly on the use of force and the power to arrest and detain that place the police in a unique and sensitive position within the democratic system of government, so that adequate control mechanisms are required to ensure that these powers are consistently used in the public interest. Like any other public service, the police must operate with impartiality and be accountable to the law that established them.

The description of the police as the strong arm of the government reflects their authorization to enforce laws and policies defined by government institutions. It is a constitutional requirement for the police to be responsive to the people's needs, given that they are carrying out their functions on people's behalf.³⁴ Neither acting exclusively on the instructions of government representatives nor simply honoring public requests will ensure policing in the public interest. To promote impartiality, including political impartiality and accountability, professional decision-making in particular with regard to the use of police powers, the police must be allowed to use independent professional judgment when responding to particular situations. The police leadership at all levels must be granted sufficient autonomy to decide, within an established budgetary framework and in line with

²⁹ Police accountability: Too important to neglect, too urgent to delay (New Delhi, 2005)

³⁴ Section 214 (b) of the 1999 Constitution

laws and policies, how to respond to law and order situations and how to allocate security apparatus, based on their professional expertise and intelligence as well as on their community contacts, subsequently accounting for their decisions. This is known as police accountability to the law and or the government/the people as the case may be.

In other words, appropriate police action involves finding a balance between serving the government, which in itself must serve the public interest, serving the public with its potentially varying community needs, and police professionalism.

The operational independence of the police leadership filters down to rank-and-file officers, where it takes the form of discretion or discretionary powers. While on duty, a police officer typically has discretionary power in deciding which deviant behaviour to act on obviously, acting within the bounds established laws that empowered their duties.

Exercising some discretion is at the very heart of policing: not every offence is worthy of police action nor is police action always the best solution to a problem. Generally, police officials typically have some room for maneuver when using police powers, with the authority to make decisions on such matters as how force to use and on whether to carry out arrests or searches.

Effective police accountability under a democratic regime requires police

- To have a high degree of professionalism and independence from political influences;
- To act in conformity with the law and established policies;
- To operate on the basis of public consent (within the framework of the law), as evidenced by the levels of public confidence;

- To take responsibility for their decisions and operation, accepting liability when required, and to exhibit full transparency in decisions and openness to the public.

In sum total, effective police accountability is good policing that is both effective and fair. Police officers who are ineffective, or illegitimate or unfair, in protecting the public against crime will lose the public's confidence. Good policing is policing with legitimacy on the basis of public consent; rather than repression.³⁵

Achieving public confidence is key to effective police accountability where police functions can be carried out on the basis of legitimacy rather than force. Good police accountability requires public cooperation. Members of the public may be witnesses and victims of crime, and they can provide the police with relevant information.

It is only when people trust the police and regard them as legitimate that they are willing to assist them and comply with their instructions, enabling the police to succeed in carrying out their core functions of maintaining public order and preventing and detecting crime. This may be achieved through establishing a system of civilian oversight; Accepting external, civilian scrutiny is a hallmark of a democratic police force, that is, one that is responsive and accountable to the needs of the public.

However, enhancing effective police accountability and integrity is primarily meant to establish, restore or enhance public trust and re-build the legitimacy that is a prerequisite for effective policing. The most basic feature of installing civilian oversight is to demilitarize the police and ensure that they report to civilian rather than reporting to themselves as an commanded commanders, such reports could be directed to the Ministry

³⁵ United Nations, Treaty Series, Vol. 1249, No. 20378

of Interior. The police must also respect and accept judicial authority from an independent (civilian) court. Beyond this, accepting civilian oversight means that the police are prepared to be scrutinized not only by ministries, the judiciary and the parliament but also by civil society and independent oversight bodies.

Thus, not only do the police need to accept external civilian oversight but the community needs to perceive that they are effectively held to account for their operations and actions, as well as misconduct, in a transparent and fair way.

Accountability involves a system of internal and external checks and balances aimed at ensuring that police perform the functions expected of them to a high standard and are held responsible if they fail to do so. It aims to prevent the police from misusing their powers, to prevent political authorities from misusing their control over the police, and most importantly, to enhance public confidence and re-establish police legitimacy.³⁶

It also means that the police accept being questioned about their decisions and actions and accept consequences of being found guilty of misconduct, including sanctions and having to compensate victims. Without such transparency, corruption and other forms of police misconduct thrive, given that some secrecy is inevitably associated with misconduct,

On the other hand, effective police accountability is unlikely in police systems that lack integrity, where the lack of integrity and ineffective accountability are connected to scrutiny, integrity and legitimacy are mutual reinforcing, as shown below:

³⁶ www.vanguardngn.com/2015/10/policing-Nigeria-the-challenges. (accessed June, 2018)

Enhancing Effective Police Accountability

Given that accountability includes responsibility for giving directions and preparing police officers for their work, it follows that accountability is not limited to the actions of individual police officers but applies to supervisors as well as the agency as a whole. Misconduct is seldom restricted to one individual. Supervisors need to be aware of the conduct of those under their command and are responsible for it, as their supervisors, in turn.

In general, accountability means that the police as a whole need to be accountable to society at large for their success in maintaining order and security and in controlling crime in a cost effective way and with integrity.³⁷

2.3 Internal and External Police Accountability

In a democratic society, the police are accountable to the line of command within the police force and also external authorities, usually at a minimum, the Nigeria Police Council, the police service commission, the minister of police affairs who can command the police,³⁸ the judiciary whose verdicts and orders the police have to comply with and the legislature which drafts laws and approves the police budget; and there is often a natural human rights institution that plays a role in police oversight – offices of the auditor-general may also exercise financial oversight function over the police. Additionally, in a civilized society, the police have to report to and cooperate with independent and civilian oversight bodies.

³⁷ Ibid

³⁸ Section 215 (1-5) CFRN, 1999S

An effective police accountability is in fact a “conglomerate of processes” in which different actors share responsibility this include.³⁹

Internal accountability is assured through an effective internal chain of command that includes the reporting system and internal disciplinary system and or measures.

- (1) Accountability to the State can be divided among the three branches of government (state accountability is not limited to the national level but also involve local and or provincial institutions) that is:
 - The executive: the police are accountable to the government department, usually the Police Council, the Police Service Commission, the Minister of Police Affairs, and to the Auditor-General for spending the police budget and resource allocation.
 - The Legislature: The police are accountable to the public through their representatives in parliament and the city council (also called democratic or political accountability or community policing whichever way it is called).
 - The Judiciary. The police are accountable to the law and to judges and prosecutors (this is also known as legal accountability).
- (2) Public accountability is any mechanism through which police are accountable to the public either directly or indirectly, including community policing forums, civilian oversight boards and the media.
- (3) Independent accountability refers to any mechanism that does not represent a particular entity, state or civilian and whose prime concern is the quality and non-arbitrariness of policing, such as a national rights institution, ombudsmen, (public complaint commissions and bodies).

³⁹ United Nations, Treaty Series, Vol. 1520, No. 26363

- (4) International accountability refers to the international scrutiny that police may be subjected to by international human right treaty bodies such as the Human Rights Committee or regional treaty bodies such as the European Committee for the Prevention of Torture, and in some instances laid down in peace accords and other agreements.

These different processes complement each other, and there may be some overlap. In a democratic society, an effective police accountability is limited to internal and state accountability, and hence to state-related institutions. The state is often believed to be best placed to serve the public interest; the executive is seen as neutral, with the judiciary providing independent oversight and the legislature representing the public.

Whoever controls the police is in a powerful position, it is however important to ensure that no single party or person/individual dominates just as it is unwise to vest all powers and discretion entirely in the police, giving them complete operational independence and relying entirely on their professional judgment, it is also unwise to vest all authority over the police in any single body, regardless of whether that body represents the executive or the community or is an independent oversight body.

External oversight is complementary to internal mechanisms, it can reinforce them and sustain police managers in their efforts to enhance effective police accountability. Internal and external police accountability mechanisms both have strengths and weaknesses. While external systems are likely to be more credible in the eyes of the public, they are less likely to succeed in unraveling systematic police misconduct without the support of the

police management. They often lack the necessary investigative skills, especially when having to operate within the context of insular police culture.⁴⁰

Internal mechanisms can only be effective as the commitment of police managers to tackling misconduct, and such managers are often reluctant to expose large-scale misconduct because of its overall effect on the image of the entire force. As a result of the widespread belief that police managers will protect their own, there is every need for an external mechanism because the internal mechanism would be less credible from the standpoint of citizens. Public confidence may also be compromised should the police be allowed to check themselves by the fact that obtaining access to information acquired using internal mechanisms is often difficult because the process can be opaque.

Furthermore, internal mechanisms are often limited in scope and tend to concentrate only on reactive (punitive) measures, as opposed to proactive (preventive) measures. Nevertheless, the police still bear the prime responsibility for the effective accountability and overall performance of their work as it is contained under *section 214 of the 1999 Constitution as amended* and *sections 4 and 23 of the Police Act*.⁴¹ And as a consequence they should continue to carry out internal investigations as this can also help to prevent external bodies from becoming overloaded with work, which may seriously jeopardize the effectiveness.

The advantages of each system can be summarized as follows:

⁴⁰ Ibid

⁴¹ Section 214 CFRN, 1999 and CAP P19, LFN, 2004

An effective police accountability lies at the heart of security section development. A large body of police practice and police development literature examines and advocates for more and better accountability. Numerous methodologies and instruments propose ways of undertaking police accountability assessments, lists the underlying principles, and espouse guidance on how to increase effective accountability and reduce police misconduct against members of the public.

In fact, evaluations of police accountability projects with reliable evidence of effective results are largely non-existent. The literature rarely advances past the abstract championing of police accountability and does not address the practical challenge of what is feasible and achievable. This research goes beyond rhetorical statements of advocacy and guidance to present credible empirical evidence of what works and what is reliably known about strengthening police accountability so that policy makers and practitioners can support effective police accountability programming.

Police are a monopoly instrument of the government and, therefore, the political elites' control over the mechanism of police accountability and a valuable asset in their exercise of power. There may be instances, however, when elite networks may promote efforts to improve police accountability, as doing so can accrue to their benefit.⁴²

Both operators in internal and external mechanisms need to know the above so as to be able to determine when such windows of political opportunity exist, which calls for a new temporal approach to political economy assessment. This research identifies four windows

⁴² Section 215 CFRN, 1999

of opportunity and outlines how to support police development and accountability programming accordingly.

Police accountability can be exercised on four different dimensions.⁴³ As in integral part of government system, police are held accountable for their policies, budgets, and actions by other institutions and agencies of the government, such as ministries of finance, and justice, parliaments, anti-corruption and ombudsman offices. Secondly, the police's own internal managerial system function as an accountability mechanism through professional standards units, internal affairs departments, information management systems, Inspector-General and early intervention procedures. Thirdly, independent mechanisms and groups that lie outside the official governance system engage in accountability mechanism when they observe, record, and report on police policies, tactics, operations, and performance.

This accountability method or modality may also include think tanks and research centres; human rights commissions and ombudsman offices that are not official government offices; labour relations boards, and the national and local bar associations.⁴⁴

Each of these three dimensions of police accountability fall under the broad rubric of the long route to accountability. There is, unfortunately, little empirical evidence to suggest that programming that adopts this long route to accountability is either productive or feasible. The crux of the problem is that this type of programming which is essentially a form of institutional capacity building, has repeatedly been found to be impractical and largely ineffective. Each programming that adopts the good enough or best fit methodology

⁴³ Democratic oversight of police services: Mechanisms for Accountability and community policing, NDI, 2005

⁴⁴ Ibid

has not resulted in tangible improvements in police accountability. Among the many problems with this range of programming is, first, the principal agent model and, second, the independence of the institutional capacity building approach on the belief that the primary constraint is technical and structural, whereas the real underlying dynamic relates to questions of power, institutional leadership, incentives, and norms.

However, these findings are echoed in current empirical criminology research.⁴⁵ There is little credible evidence to guide police development practitioners on what they should or should not do when establishing and structuring police professional standards or internal affairs departments and equally little evidence what constitutes their effective management and training protocols. The same situation exists with regard to external accountability mechanism.

25 Evaluation of USIP's strengthening the rule of Law, P.5

Absent credible theories of cause for adoption, these findings suggest that neither internal nor external accountability programming offer value-for-money and that, if they are to be supported, such assistance is more question of ideology, politics, and personal preference than effectiveness.

What is known is that written manuals, policies and guidelines alone are ineffective. Effectiveness depends upon close supervision and management of police personnel, particularly with respect to the use of force and firearms protocols and reporting

⁴⁵ Evaluation of USIP's Strengthening the of law, P.5

mechanisms. Unfortunately, very few police development initiatives explicitly target these protocols.

Furthermore, it is unlikely that the required close supervision is transferable into development environments because of the range of managerial and information management deficits, not to mention cultural and normative factors, under which the environments labour.⁴⁶ However, within the larger governance agenda, there is a plausible approach to improve an effective police accountability. Such accountability is called the short route to accountability or social accountability. In police development parlance, this is also characterized as the fourth dimension of police accountability or accountability from below, when local neighborhood and demographic groups organize themselves to discuss their specific safety and security needs and attempts to correlate those needs with the service they receive from their police.

The importance of this fourth dimension cannot be underestimated, as it appears to be the most feasible approach to improving police accountability, a finding supported in police development lessons learned.⁴⁷

This finding is echoed by evidence that when all the police in a police station or command are trained or "soft skills", such as communication, mediation, leadership, team building, their relationship with the communities and neighborhoods they serve will improve. That improvement reflected in greater trust and confidence on the part of both stakeholders, may be the foundation upon which better accountability can be developed.

⁴⁶ Citizen police review, 2007: www.idmalbanig.org/p=2618 downloaded may, 2016

⁴⁷ Samuel Walker, Police accountability: current issues, P.3

Police accountability is part of an overall governance agenda. The merits derive from that larger agenda can inform and be applied to the challenge of what works in police accountability. For an effective police accountability, police development literature is to be presented, first from current criminology research and, second, from development initiatives.⁴⁸ Also, attention is to be given to credible, reliable, and valid evidence of what works in police accountability. That requirement is loosened only when a preponderance of evidence once accumulated, suggests that sufficient data exists to warrant the conclusion that there is a good probability and a plausible theory of change that, that initiative or activity could lead to effective police accountability.

2.4 Police Accountability: A Comprehensive Analysis

An effective police accountability systems need to provide control mechanisms that are capable of preventing the misuse of police powers and that reflect the need for the police to find a balance between government directives, communities concerns and professional principles while at the same time accepting independent scrutiny.⁴⁹

In a democratic society, it is expected that the quality of policing is the product of its effectiveness and legitimacy police can establish, restore or enhance public confidence through measures that enhance effective accountability, in particular by accepting civilian oversight. Such oversight requires transparency; police force with high levels of integrity will have fewer difficulties being transparent and accountable.⁵⁰

⁴⁸ Ibid

⁴⁹ Tamuno T.N, *The Police in modern Nigeria*, Ibadan, University press, 1970, p.240

⁵⁰ Ibid

An effective police accountability entails both preventive and corrective measures, which involves a range of players representing different groups, both from within and outside the police, and targets individual police officers as well as their time managers and the organization as a whole. It is cyclical rather than linear, in that past experience needs to inform new guidelines and procedures to prevent the recurrence of wrongdoings. Effective police accountability requires a tailor-made approach based on a thorough assessment of the context in which the police are to operate.⁵¹

An effective police accountability involves numerous actors before, during or after police actions and operations. These usually include:

- Police
- Ministry and parastatals
- Police inspectorate
- Prosecution
- Judges
- Parliament or parliamentary committees
- National Human Rights Commission
- Police complaint bodies
- Independent police oversight bodies
- Non-governmental organization and civil society organizations
- Academics
- Media

⁵¹ Tinubu K. Police statutory functions and powers in Alemika and Akano, policing past, present and future (Ikeja, Malthouse printing press, 1993.p. 320)

- Individual members of the public
- International treaty bodies
- Specific bodies set up under peace agreements

Participation

Similar to the belief in increased information, higher rates of public and citizen participation is an hallmark of an effective police accountability. The belief is that higher levels of participation from all actors in the security sector and also that of internal and external mechanisms will change the incentive structures of politicians and public goods and service providers and encourage the police to be more accountable.⁵²

In the distribution of public goods and services, full community participation produces higher satisfaction levels within the community,

even if the result of that participation means that individuals in those communities receive fewer public goods and services and even when those “outcomes are not consistent with their expressed preferences”. It seems, therefore, that participation by everyone is perceived to be a higher order good and that full participation is equated to fairness and fairness is a highly prized value. The evidence also suggests that participation varies according to the structure of the police and the community where they serve.⁵³

Community Policing

⁵² Adegbenro Adebajo, A Godfather's Redcard. Tell magazine of August 15th, 2005

⁵³ Onyinyechi Udego, Correction in the Nigeria police, this Day Newspaper July 10th, 2002.

One of the modern and common projects undertaken by the police to achieve an effective police accountability are community policing schemes, from scorecards to various other mechanisms by which to hold providers to account. Overall, both internal and external oversight mechanisms are most effective when other higher-level institutions of accountability function well and communities have the capacity to effectively monitor service provider and others in charge of public resources.

There seems to be a preponderance of evidence that effective accountability initiatives need to be multi-layered and tied into both internal and external oversight mechanisms or “long route” donor-supported projects.⁵⁴

According to a leading criminologist, “little is known about the effectiveness of accountability procedures...” Even though it is standard procedure in police development to call for support to building professional standards units or internal affairs departments, little is known about the effectiveness of such departments.

None problematically, “there are no studies indicating that one approach to the structure and management of internal affairs units is more effective than alternative forms in reducing citizens complaints, use of force, or other unacceptable conduct....” This is not to suggest that these units are ineffective, but there is little credible evidence to guide police development practitioners on what they should or should not do when establishing, structuring, managing and training them.⁵⁵

⁵⁴ Osisioma B.C. Nwoke. *The Nigeria Police in International peace – keeping under the United Nations*. Abuja, spectrum Book Limited, 2004. P. 73

⁵⁵ Ibid

Lack of such empirical knowledge and concomitant theories of change, programming these types of endeavors is a shot in the dark and is unlikely to produce value for money. It may, nevertheless, be necessary to undertake such activities, but then doing so should be done with the full knowledge of their uncertain effectiveness.

Similarly, little research has been done on what constitutes effective organizational structures and managerial strategies to motivate police to comply with administrative and operational rules and regulations.

There has been limited work conducted to determine the effectiveness of administrative controls of police practices and behaviours other than the knowledge that the production of written policies are not in themselves effective accountability instruments. Producing manuals and codes of control may be necessary first steps, but it is not likely that the principles embedded in them will be implemented or that police behaviours will change after the introduction of the published materials.⁵⁶

Use of force and firearms is the central protocol of policing and there is some evidence or iota of facts to suggest what works to increase an effective police accountability in this area. A review of literature indicates that restrictive policies on the use of deadly force can effectively reduce the police discharge of their weapon. In addition, it has been found that when a supervisor or another police officer is required to complete the filling and recording of use of force reports, the result is that those police services have lower use of

⁵⁶ Ibid

force complaint rates than similar departments where only the involved police officer completes the necessary paper work.⁵⁷

In another review, it was shown that close supervision is correlated with lower levels of the use of force. There seems to be further supporting evidence or proof that the style of police leaderships directly related to the quotient of force used by police officers. Not all use of force by police officers is deadly and there seems to be no comparable study that directly investigate whether restrictive policies on the use of force reduce the overall rates of force or the incidence of excessive force by police officers.⁵⁸

External accountability mechanisms – human rights commission, citizen complaint and review boards, police auditors – are widely heralded as important instruments of police accountability, but there is very little credible evidence or provided fact regarding the effectiveness of citizen oversight agencies....” More issues for police development, there is no evidence to determine whether external accountability mechanisms are more or less effective than internal ones, this suggests that the choice of implement is more of a question of technology, politics and personal preference rather, than effectiveness.⁵⁹

Study shows that aside from increased close supervision of police officers in the field by qualified experienced colleagues, there is little reliable and credible knowledge about how to improve police effective accountability and what is known does not lead to enhance police accountability. Close supervision is externally important, but the assumption that such managerial techniques can be readily transferred to non-western contexts is dubious.

⁵⁷ Ibid P. 78

⁵⁸ Ibid p. 80

⁵⁹ George O.S. Amadi, Police powers in Nigeria, Nuka, Afro – Orbis publications Ltd (2000) P. 10

Another mechanism that may have the potential to strengthen police accountability is; EIS. An EIS is an information management tool whose purpose is to identify police officers whose behaviour is problematic so that corrective supervisory actions can be taken before disciplinary procedures would need to be implemented. This is important because “it has become a truism among police chiefs that 10 percent of their officers cause 90 percent of the problems. In the review, the introduction and implementation of EIS, reduced citizen complaints and lowered use of force reporting.⁶⁰

2.5 The Challenges and Importance of Effective Police Accountability

The Nigeria police force is constitutionally entrusted with a diverse set of tasks requiring a high degree of effective accountability within its remit and their oversight.⁶¹ However, where this does not function well according to the statutory provisions, police officers may become vulnerable to acting unlawfully and outside the extant law.⁶²

There are many challenges facing the Nigeria police force. The police is indeed, in dire need of fundamental reforms and recharge targeted at vision actualization and rapid results in its mission/goals achievement drive. However, what is wrong with the police in Nigeria appears to be the absence of cohesive coordination. This, glaringly translates to improper human capital management at the mid and lower levels. The average operative seems to be working for himself or his unit (team) or station head. This incorrect role

⁶⁰ Fox, Social Accountability. P. 348

⁶¹ Section 214 CFRN, 1999

⁶² Section 214 and 215 CFRN, 1999

interpretation, leads to distortions in the discharge of functions, thereby obscuring the good works of a noble few.⁶³

Constant in-house trainings should be geared towards re-orientating officers of the force with the original vision and mission they are called to help actualize. A comprehensive reward/ punishment system should also be injected, with the same elephant energy required to carry it through to its goal. From the hue and any by the public about attention of even serious complaints being heavily monetized, it is obvious the salaries and allowances of officers of the force need to be urgently reviewed in line with current realities.⁶⁴

Another possibility for an effective police accountability is more recent and relates to rethinking policies of use of force and firearms. Adopting this method, it shows that it teaches police officers through a decision-making approach how to ratchet down and the de-escalate confrontations. This approach has been proved to be successful in a number of police critical issues.

This approach requires rethinking and moving away from the use of force and firearms “continuum” where levels of lack of cooperate and resistance by the individual approached by the police tactics, in which the use of coercive instruments progressively rackets up until the application of deadly force. The emerging approach is to judge incident with a greater range of possible police responses, among which is the awareness of how to de-escalate which may imply a tactical reposition or withdrawal, rather than the gradual increase in the application of coercive methods.⁶⁵

⁶³ www.vanguardngn.com/2015/10/policing-nigeria-the-challenges (accessed Dec. 2016)

⁶⁴ Ibid

⁶⁵ Samuel Walker, *Social Accountability*, 2005

The organization and command of the Nigeria police force have a common denominator of administration. The organization involves the utilization of men and material to achieve the force objectives while command implies the hierarchical order of personnel with varying degrees of supervisory authority.

However, peculiar to the Nigeria police force, organization and command may not be synonymous with control. Control for the Nigeria police force connotes external influence⁶⁶.

Thus, while the Inspector-General of Police (IGP) might be in command of the force, the police council or police service commission are in control.

The Inspector-General of Police and the State Commissioners of Police are the professional command in the day-to-day running of the force while the police council and the police service commission have the political and disciplinary control.⁶⁷

The organizational structure of the police force is not static. It is dynamic, changing with the demands placed on it. Sometimes, the functions determine the organizational structure. More often, the political, constitutional and structural changes determine it. This explain the sundry organizational structures that existed from the colonial period to the present day.

To maintain at all time a relationship with the public that gives reality to the historic tradition that the police are the public and the public are the police; the police being only the

⁶⁶ Section 215 CFRN, 1999

⁶⁷ Police Act, CAP P. 19, LFN, 2004

members of the public that are paid to give full-time attention to duties which are incumbent in every citizen in interest of community welfare and existence.

According to Sir Mike Mbama Okiro, a former Inspector-General of Police, the importance of local initiatives in effective policing in Nigeria, when in his report on police effectiveness.

If a rift is not to develop between the police and the public as a whole (not just the members of the ethnic minority communities), it is my view essential that a means be derived of enabling the community to be heard not only in the development of policing but in the planning of many, though not all, operations against crimes

For effective police accountability, the police as an organization needs to be above board in obeying laws at all times. Essentially, the courts have always followed the established legal norm that where a law creates an offence, punishable by a measure affecting the liberty of the subjects, the law must be constructed strictly and if the law lay down a procedure, it must be scrupulously followed. Failure to do so will render the disciplinary measure or proceeding leading to it, null and void, this is one of the challenges in the police. Some of such court decisions are understandable, as due to over zealousness on the part of those responsible for the act. Others, with due respect, border on the side of executive legalism.

*Adedeji v. Police Serving Commission;*⁶⁸ *Roberts v. The Police*⁶⁹

⁶⁸ (1968) 1 All NLR 67

⁶⁹ (1967) 1NLR 127

The import of the above is that the police is not only to be accountable to the public but also to the laws that established the organization. In the case of *Ibe v. The State*,⁷⁰ the Court of Appeal through Niki Tobi, JCA (as he then was) has this to say:

One of the functions of the police in this country and indeed in any democracy, is the protection of the citizen and the prevention of crime. It is therefore paradoxical that the appellant, a police officer, instead of assisting in the dispersal of the crowd and arresting the suspects, took the uncouth and irregular action of killing the Dawudu brothers. There is evidence that after the gunshot, the appellant waved his riffle from side to side. This was apparent show of ‘victory’ in a situation where there was no ‘war’ between the deceased persons and the appellant....

This shows the rate with which there is little or no iota of police accountability in the country and it is therefore advocated if not for anything but for the sake of our democracy and especially for the growth of our laws.⁷¹

An effective police accountability system must take account of the special needs of vulnerable groups and the concerns of minority groups. Any attempt to enhance police accountability should always start with an assessment of the country’s current overall situation, covering economic, historic, cultural and rule-of-law characteristics, and its police accountability system, taking an open-minded approach to its specific qualities⁷².

⁷⁰ (1993) 7 NWLR (Pt. 187)

⁷¹ Ebo. O.H.P., Human Resources Management in policing Nigeria, (Ikeja. Malthouse press, 1990) P. 368

⁷² Ibid

It should also be noted that enhancing effective accountability must not be limited to establishing a new, independent structure but must include strengthening the capacity, capability and competence of existing internal and external accountability structures, such as community policing, etc.

The primary pragmatic effort in police accountability, however, is on the implementations of policies, procedures, and training programs designed to increase the police's capacity to conduct internal and external investigations all of which can be considered varying form of institutional capacity development with a focus on skills, systems, and structures. Thereafter, police accountability will tend to focus on human rights commissions, civil society groups and non-governmental organizations (NGOs).

For an effective police accountability, the Police Act must be made known to and understood by sworn-in police officers. It is crucial that there is a piece of legislation that is accessible to the public stating the functions and duties of the police.

The primary and most basic principle of an effective police accountability is accountability to the enabling law and the general public. It is considered good practice for police to be accountable to a governmental structure. Following accountability to the law for the Nigeria police force, this should be the first line of accountability outside the force.

Finally, the general importance of an effective police accountability is to build a good relationship between the police and the members of the public. It also creates a standard and modern integrity for the police. It seems as a medium of demilitarizing the Nigeria police

force, as it will make the police to be more civil in performing their functions and duties as it is contained both under the Constitution 1999 and the Police Act.⁷³

Prospects of an Effective Police Accountability

Accountability involves a system of internal and external checks and balances aimed at ensuring that police perform the functions expected of them to a high standard and are held responsible if they fail to do so. It aims to prevent the police from misusing their powers, to prevent political authorities from misusing their control over the police, and most importantly, to enhance public confidence at all times.

2.6 The Command Structure of the Nigeria Police Force

The Constitution 1999 and others⁷⁴ before it provided for the police command structure. The command structure of the police is headed by the Inspector-General of Police⁷⁵. According to the provision of the Constitution:

The Nigeria police force shall be under the Command of the Inspector-General of police and any contingents of the Nigeria Police force stationed in a State shall subject to the authority of the Inspector-General of police, be under the command of the Commissioner of Police of that State.

The word ‘command’ implies the hierarchical order of personnel with varying degrees of supervisory authority. The Inspector-General of police being in charge of the

⁷³ Ehindero S.G. Police and the law in Nigeria, Lagos. Times press, 1986, 123

⁷⁴ The Constitution of 1960, 1963 and 1979.

⁷⁵ Section 215(2) of the 1999 Constitution

command of the force is vested with the day-to-day operational use of the force while the command of the State is vested in the commissioner of the police.

The Inspector-General of Police is in charge of the overall command of the police force. He is assisted by six Deputy Inspector-General of Police who are in charge of the six departments of the force, that is, “A”, “B”, “C”, “D”, “E”, and “F” Departments. The force is divided into 37 commands based on the 36 States of the federation and Federal Capital Territory Abuja. Each command is under a commissioner of police assisted by a Deputy Commissioner and an Assistant Commissioner of Police. Each State command is further divided into Police Area Command, commanded by an Assistant Commissioner of Police. The Area Commands are further divided into Divisions headed by Divisional Police Officers (DPOs). The Police divisions are further divided into police stations, mostly headed by superior police officers (SPOs) and police post headed by an Inspector of Police or Non-Commissioned Officers (NCO).⁷⁶

The command structure though headed by the Inspector-General of Police is not independent of the control structure. The control structure, the command structure receives through the Inspector-General of Police lawful directions from the President or his ministerial delegate concerning the maintenance and securing of public safety and public order.

The same applies to the Governor of a State vis-à-vis the State commissioner of police. The command structure is a professional set-up as opposed to the control structure

⁷⁶ Police Act, CAP P.19 L.F.N, 2004

which is a political phenomenon.⁷⁷ As stated earlier, the command is not entirely independent of the control structure. The Inspector-General of Police who is the head of the command structure is a member of the control structure as a subordinate.

The President as the Chairman of the control structure and the appointor of the Inspector-General politically controls this command structure and this is likely to affect the impartial performance of police duties under the command structure. To enhance the effective police accountability and the eradication of some of the challenges so as to bring certain prospects, the use and operational control of the police force and matters relating thereto should be vested in the command structure or any independent external body without politicians and devoid of partisan politics. This should be the case since the Nigeria police force is an exceptional public institution which should give no allegiance to anybody or government of the day but to the people through its adherence to the rule of law, and that is, accountability to the law, the extant law.⁷⁸

⁷⁷ George O.S. Amadi, *Police powers in Nigeria*, Nsukka, Afro-Orbis Publications Ltd (2000). P. 10

⁷⁸ G. Oka Onewa, *We All Guilty*, Ibadan Spectrum Books Limited, 1997 P. 93

CHAPTER THREE

PROSPECTS FOR AN EFFECTIVE POLICE ACCOUNTABILITY UNDER A DEMOCRATIC DISPENSATION

3.1 INTRODUCTION

The expected prospects of an effective police accountability under a democratic regime in Nigeria lie in the mutual relationship between the police and the members of the public.⁷⁹ The Global Standards to combat ineffective police accountability, adopted by the International Criminal Police Organization (INTERPOL), aim to ensure that police have high standards of effective accountability and promote the development of “measure needed to prevent, detect, punish and eradicate corruption in the police within its national boundaries and to bring to justice police officers and other employees of police who are corrupt”.⁸⁰

The Global Standards call for the establishment of a mechanism such as an oversight body to monitor the internal accountability of the nation’s police and their adequacy.

Noting that accountability and the oversight mechanisms for policing form the core of democratic governance and are crucial to enhancing rule of law and assisting in restoring public confidence in police, to developing a culture of human rights, transparency within the

⁷⁹ Tamuno, T.N. The police in modern Nigeria, 1861-1965, Ibadan University Press, P. 90

⁸⁰ Article 1. The general Assembly of INTERPOL adopted the Global Standards in 2002 by its resolution AG – 2002 – RES – 01 at its 71st session in Yaounde

police and to promoting a good working relationship between the police and the public at large.⁸¹

In 2001, the Committee of Ministers of the Council of Europe adopted the European Code of Police Ethics, which is the most elaborate such code in the world. The principles of the Code state that national laws relating to the police should accord with international standards to which the country is a party and must be clear and accessible to the public, and that the police should be subject to the same legislation as ordinary citizens. It contains the following provisions on accountability:⁸²

- The police shall be accountable to the State, the citizens and their representatives.
- They shall be subject to efficient external control,
- Public authorities shall ensure effective and impartial procedures for complaints against the police;
- State control of the police shall be divided between the legislative, executive and the judicial power;
- Accountability mechanisms, based on communication and mutual understanding between the public and the police, shall be promoted,
- Codes of Ethics of the police, based on the principles set out in the Code; shall be developed in member states and overseen by appropriate bodies.

⁸¹ Democratic Oversight of police services: Mechanisms for Accountability and community policing NDI, 2005

⁸² Articles 59-63 of the European Convention for the prevention of Inhuman or Degrading Treatment or Punishment of people

The Code also states that the police must be organized with a view to earning public respect, they must be under the responsibility of civilian authorities, they should normally be clearly recognizable; they should enjoy “sufficient operational independence” and should be accountable for the tasks carried out; police personnel at all levels should “be personally responsible and accountable for their own actions or omissions or for orders to subordinates; there should be a clear chain of command and “it should always be possible to determine which superior is ultimately responsible for the acts or omissions of police personnel, the police should be ready to give objective information on their activities to the public; the police organization should “contain efficient measures to ensure the accountability and proper performance of police staff, in particular to guarantee for individuals’ fundamental rights and freedoms; there should be effective measures to combat corruption; and disciplinary measures brought against police staff should be subject to review by an independent body or a court, and the public authorities should support police personnel who are subject to ill-founded accusations concerning their duties.⁸³

3.2 Police Accountability: Best Practices

Democracy is a maximum standard for measuring certain system or type of government in any part of the world, Nigeria is no exception. The International Convention on Civil and Political Rights.⁸⁴ set out principles on the fundamental rights of individuals to observe by States under democratic system of government.

The Code of Conduct for law Enforcement Officials, which refers to the various functions of law enforcement as well as different aspects of accountability as contained in

⁸³ Ibid

⁸⁴ General Assembly Resolution 2200 A (XXI) annex

the above named Convention, states that the Code needs to be supported by additional important principles and prerequisites for the humane performance of law enforcement functions, namely:⁸⁵

- (a) That every law enforcement agency, especially the police should be representative of and responsive and accountable to the community as a whole.
- (b) That the effective maintenance of ethical standards among law enforcement officials, depends on the existence of a well-conceived, popularly accepted and humane system of laws;

That every law enforcement agency, in fulfillment of the first promise of every profession, should be held to the duty of disciplining itself in complete conformity with the principles and standards herein provided and that the actions of law enforcement officials should be responsive to public scrutiny, whether exercised by a review board, a ministry, a citizen's committee or any combination thereof, or any other reviewing agency.

Articles 7 and 8 of the Convention⁸⁶ require police to oppose and combat corruption and to oppose and report any violation of the erring officers internally or to "other appropriate authorities or organ vested with reviewing or remedial power".

An important police accountability mechanism under a democratic system of government is the practice of making police offices to be promptly accountable to the law and the general public in the course of the duties as contained under the 1999 Constitution

⁸⁵ Ibid

⁸⁶ Ibid

as amended.⁸⁷ Should the police go outside the remit of their functions, *Habeas corpus* (a writ ordering a prisoner to be brought before a judge or the civil right to obtain a writ as protection against illegal imprisonment) is a fundamental measure to hold police accountable under a democratic system of government.

The Convention referred to above, focuses on structures that the government operating a democratic system or type of government should set up in order to enhance or ensure effective police accountability. Noting that effective accountability and the oversight mechanisms for policing are crucial to enhancing rule of law and assisting in restoring public confidence in police; to developing a culture of human rights, and transparency within the police and to promoting a good relationship between the police and the public at large.⁸⁸

International standards also give directions to police officers in carrying out their duties and advising them on conduct to be avoided. They also enable both internal and external mechanism including individuals and groups, to monitor police actions with a view to enhancing democratic system. Transparency is a necessary part of accountability. It is about laws, policies, practices and circumstances of any limitations of the right to life as well as about the process and outcomes of necessary element in fulfilling the right to life.

Under a democratic system of government, police accountability mechanisms can be clustered in four different areas that correspond to the levels they operate at. ⁸⁹They are:

- (i) Internal accountability

⁸⁷ Sections 214 and 215 CFRN, 1999

⁸⁸ Fox, Social Accountability. P. 348

⁸⁹ DFID, Practice paper, Accountability, February, 2008.

- (ii) Accountability to the state;
- (iii) Accountability to the public
- (iv) Independent Internal oversight

For accountability to be effective, these should not be isolated clusters, but mutually complementing mechanisms. They are expected to cooperate with each other in good faith to ensure police accountability. For the police to strive to its functions under a democratic structure, the officers are to ensure that internal systems guarantee discipline, performance and all round good policing. ⁹⁰The police is an hierarchical organization with a strict chain of command responsibility – the continuous oversight process, whereby superiors are to control their subordinates.

“Accountability is about ownership of work or results, and being answerable for outcomes; it also means personal responsibility for the consequence of our efforts; ensure people know what is expected of them, how their work will be evaluated and how success is measured or determined; allow individuals and teams to make decisions about their work; give feedback on work performance.”⁹¹

3.3 Independence Investigation into Police Misconduct

For police accountability to be fully effective, it must involve multiple actors and institutions performing multiple roles, to ensure that police operate in the public interest. It is crucial to have an institution overseeing the entire police accountability. Independent police oversight bodies (i.e. the police council, the police service commission “P.SC”, Police

⁹⁰ Ibid

⁹¹ Conflict, security and development report, 2011

Community Relation Council (“PCRC”) and other bodies as they currently exist have different mandates. One focus on receiving, investigation and or recording complaints, another have general oversight functions, (over police performance in general, usually without focusing on specific cases); while others provide policy guidance for police deployment and personnel issues, usually, specifically focusing on the selection and appointment of the national head of the police (i.e. Inspector-General of Police).

Furthermore, independence is best maintained if the oversight body has statutory underpinning, rather than being established by a rule or directive. These independent oversight bodies come under the Police Act, which may compromise public perception of the body’s independence.

For effective police accountability, there must be a fair and transparent appointment process for these bodies and its staff, which should be based on merit rather than on political or any other affiliation. Preferably, the heads of these bodies must be appointed for a fixed time period only, with a strict procedures for their removal.

Independence is best served if the appointments are made based on the ideal principle and staff carry out their functions with the highest degree of accountability and professionalism. Selecting the right staff or officers who meet the criteria of independence presents a particular challenge. Newly established independent bodies often have to do redeployment of police officers because of their unique experience in conducting investigations, which cannot be acquired otherwise. This was a similar situation with Economic and Financial Crimes Commission (EFCC) when it was established.

Dealing with complaint and general oversight are evaluation functions aimed at correcting or punishing misconduct while direction-setting and personnel management are functions aimed at providing guidance and preventing police officers misconduct.

For effective police accountability, it is essential that an independent bodies are mandated to deal with complaints against police officers.⁹² The following are the models used for oversight whose mandate are only to deal with complaints;

Investigation and quality assurance models: These share responsibility for investigations into allegations of misconduct with the police. They usually deal only with certain types of complaints and more serious complaints.

- **Review and appellate models:** After the police have completed an internal investigation into a complaint, the boards under this model review the file and decide whether a specific case was competently or fairly handled and, if not, request that the problem identified be corrected.
- **Evaluative and Performance-based model:** These do not concentrate on individual complaints, but are geared to identifying patterns and practices of police misconduct and systemic failures to deal with them.

⁹² A 2013 mid-term review of the Nigeria Justice for all (J4A) programme, October 18-November 1st 2013. P.

- **Mixed model:** Oversight bodies may use a combination of two or more of the above models.

Under the complaints structure, sometimes referred to as the “post box” model, the independent body can receive the complaint and refer to the police, but cannot investigate or make recommendations.⁹³ Although in general, it is considered good practice for the independent body to have investigative powers and the capacity to initiate an investigation, this does not mean that it needs to investigate all complaints. It is considered good practice for it to investigate serious complaints only and monitor the rest.⁹⁴

In principle, the independent body must investigate all deaths and serious injuries suffered while in police custody or as a result of police action; any use of lethal force (firearms) must always be investigated independently. It must be mandatory for the police to report these types of incidents to the independent bodies, and the investigation must commence immediately upon receipt of a complaint involving an allegation that could lead to criminal or disciplinary outcomes.⁹⁵

It is good practice for the independent bodies to have oversight over the entire complaint system. It needs to monitor investigations of complaints, including the investigations conducted by the police, and complaints filed directly with the police must be forwarded to the independent body. The independent body must also be authorized to intervene in police investigations that are not conducted properly. This goes to show that the

⁹³ Mehta, “International models for Civilian Oversight of the Police”.

⁹⁴ Democratic nations – police accountability in Commonwealth countries (New Delhi, 2007).

⁹⁵ Tama Hopkins, An Effective system for investigating Rights compliance in Police complaint models in the USA, Canada, UK (Melbourne, Victorian Law Foundation, 2009).

independent bodies need to have access to police reports (the outcome of the investigation, the information considered and the decision) and inform the police if the investigation has not been performed satisfactorily.

The monitoring functions of the independent bodies should be well defined. As a minimum, the independent bodies must do the following for effective accountability:

- Have the capacity to receive complaints directly from the public, as well as from the members of the government functionaries.
- Record all complaints filed against police, whether submitted at the police station, police headquarters or directly to the independent bodies.
- Have the capacity to start an investigation on its own initiative.
- Have sufficient investigative powers to make an assessment of the case in hand, including-
 - The power to hear any person and subpoena powers,
 - The power to obtain any information required, including the powers to access police dockets and to conduct searches and seizures,
 - The power to compel the presence of witnesses including the police,
 - The capacity to offer witness protection
- Have the power to recommend further penal or disciplinary action.
- Have the capacity to make recommendations for structural change, hence enabling the police to prevent the recurrence of misconduct.
- Have the capacity to follow up on its recommendation.

Having investigative powers does not mean that the independent bodies must have the power to prosecute, sentence, or discipline the subject of the investigation. Instead, it needs to recommend penalties to police authority or refer a case for criminal prosecution.

Under a democratic system of government where government agencies are perfectly functioning, rights concerning independent and effective determination of complaints against the police, a suggestion is made that an independent police complaint bodies could be granted powers to press criminal charges to address the concern that the case working relationship between the police and the prosecution authority might undermine independent and impartiality.⁹⁶

An independent bodies need to complement existing police accountability. It is safe to alter an existing structure to meet the criteria for independence. The best way to come about it, is an assessment of the strengths and weaknesses of the present system, the challenges it faces and their causes, to ensure that the new body or bodies is or are complementary.

The effectiveness of any accountability structure is dependent on visible and real political commitment on the part of both the executive and the parliament. The independent body or bodies should have sufficient funds to achieve its objectives⁹⁷. Human resources are

⁹⁶ Ibid

⁹⁷This notion is also reflected in Article 36 of the United Nations Convention against corruption. “such persons or staff of such body or bodies should have the appropriate training and resources to carry out the tasks...”

equally important. The management and leadership of the independent bodies is or are crucial factor in its success.⁹⁸

The confidence and cooperation of the police are necessary for any external body or bodies, to carry out its functions effectively. It is important to ensure that the independent oversight body or bodies do not alienate itself from the police. Its function is to preserve the police and its effective accountability as and when due, which must be a concern not only for the police but also for the general public.

Care should be taken to avoid placing all responsibility for police conduct outside the police.

¹⁹ This notion is also reflected in Article 36 of the United Nations Convention against corruption. “such persons or staff of such body or bodies should have the appropriate training and resources to carry out the tasks...”

²⁰ Miller, “Civilian Oversight of Policing: lessons from the literature, A Workshop series – A Role for Democratic policing (Washington, D. C. United States, Department of Justice, National Institute of Justice, 1997).

Establishing the degree of responsibility on independent oversight body or bodies is/are to have many challenges. The body must respect the operational independent of the police and support the police leadership as the disciplinary authority in command.

⁹⁸ Miller, “Civilian Oversight of Policing: lessons from the literature, A Workshop series – A Role for Democratic policing (Washington, D. C. United States, Department of Justice, National Institute of Justice, 1997).

It is helpful to establish a clear division of tasks and responsibilities between the independent oversight body or bodies and the police, with full police cooperation, to help maintain high professional standards of conduct.

Given the important role of public perception in police accountability, meaningful communication with the public is essential. Just as the police could never investigate, let alone prevent, all crimes, it is impossible for a complaints body or bodies to investigate all complaints and prevent all police misconduct. The success of the complaints process must not be evaluated only on the basis of complainant's satisfaction, as studies have shown that such satisfaction is mostly biased by the outcome of the case.

One of the features of an effective accountability system is a procedure for dealing with complaints against police officers, as filed by the public as well as by fellow police officers. While accountability comprises more than a complaints system alone, an effective system that enjoys the confidence of the public and the police alike is an important indicator of high standards of accountability and is likely to help police in restoring or enhancing public confidence.

3.4 Four Dimensions of Accountability

Analysis of police accountability rarely refer to the broader literature on accountability in the belief that the police are a unique institution and that the value added of more generalized studies. It is a misguided perception, although every public institution and agency is unique, police accountability is a subject of the wider literature on accountability and good governance.²¹ This does not necessarily imply that what worked in

advancing accountability in other governance arrears are readily transferable to police accountability, but only that there may be valuable lessons from which to draw inference(s).

More also, unlike police accountability, over the last decade empirical research has been conducted in development in other governance areas. The research has produced reliable and valid findings. From these findings, a plausible picture of how accountability can be strengthened in policing can be drawn.

For any public institution or agency, including the police, there are four possible dimensions along which accountability can be strengthened. These dimensions are not mutually exclusive and the first three fall under the “long route” to accountability category and, taken together, can also be labeled institutional capacity building. The fourth defines the “short route” and is under the purview of “social accountability”.

The four dimensions,⁹⁹with an illustrative list of the organizations and mechanisms of each in the context of policing, are as follows:

1. **Horizontal Pertains to the Governance System of Checks and Balances:** At the National and State levels, parliaments and ministries of finance and justice conduct horizontal checks on the police.¹⁰⁰ Other ministries may also exercise horizontal accountability on the police, such as ministries of women affairs and defence. Anti-Corruption offices as well as legal and organization, also conduct vital accountability functions and fall under this category. Also, federal auditors check and balance police

⁹⁹ This framework has been adopted, updated, and refined from DFID practice paper, Accountability Briefing Note. February, 2008.

¹⁰⁰ Cornwall et al, 2007, Isunza Vera 2006

performance too. The law and its provisions are an accountability mechanism and there may be a need to strengthen or tighten varying codes of procedure and other legal standards, ranging from public access to information, and intimate partner violence. The process by which citizens can sue police frequently is a key mechanism, as is the legislation concerning the establishment and organization of civil society, given their potential to function as an accountability mechanism on the police.

The Nigeria police force being a federal government agency, horizontal governance structures include all federal mechanisms meant for checking the police and other sister agencies for effective accountability. They may be capable of performing check and balance function on the police.

2. **Vertical:** This refers to an institution's internal mechanisms that perform accountability functions.¹⁰¹ These begin with the police service's mission statement and protocol principle of policing.

It extends to codes of conduct and a range of operational manuals that prescribe tactical police practices and behaviours.

Organizational units include professional standards and internal affairs units. These rules, regulations and process by which police officers are disciplined by their own service for misconduct or malfeasance, sit at the heart of an internal accountability system.

Policy, information management and audit units also exercise accountability functions as well as personnel departments, responsible for career development.

¹⁰¹ Ibid

Personnel department may also be mandated to manage allegations of misconduct against police affairs.

3. **External Accountability:** This relates to independent organization, and groups that lie outside the official public governance system and whose activities are observe, records, and report on police policies, tactics, operations, and performance.¹⁰² These groups include think tanks and research centres that collate and analyse police data. Human right commissions and civil society organizations that are not official government offices – labour relations boards; and the national bar association. External complaint systems and independent police auditors fall within this category as well.

Police officers are liable to be sued by citizens for alleged wrongdoing. That is often overlooked but invaluable accountability mechanism and are rich in information on police performance and behaviour.

Because such suits are frequently supported by civil society organizations, this mechanism is considered to be external.

4. **Social accountability:** In contradiction to external accountability, this category is a much more local and grassroot mechanism. It is also primary way in which, in the development context, the performance of the police corresponds and is made accountable to the needs of local communities and neighbourhoods. Most policing is by definition an activity performed in specific areas and neighbourhoods and sometimes for identifiable demographic groups as well.

¹⁰² Cornwall et al, 2007

This effectively leaves the issue of which among the four dimensions a body or bodies should adopt in executing accountability generally.

Going by the tenet of the above proposition, it is apt to state that social accountability, also referred to as accountability from below, which is the fourth of the listed dimensions, involves how citizens initiatives can better ensure that the distribution of public goods and services by their provider more closely corresponds to what the communities and neighbourhoods want.¹⁰³ This does not imply that social accountability mechanisms are a panacea.¹⁰⁴

To the contrary, the empirical record as to what works is decidedly mixed.¹⁰⁵ The claim is, however, that the inclusion of the “short route” in an accountability initiative appears to be a necessary component, if not the central element for effective programming.¹⁰⁶ Studies have shown that there is a preponderance of evidence that the most effective programming is multi-layered, with various social accountability mechanisms taking centre stage, but to be effective, requires integrating elements of the other three dimensions of accountability.

¹⁰³ “ Social accountability can be defined as an approach towards building accountability that relies on civic engagement, i.e. in which its ordinary citizens and or civil society organizations who participate directly or indirectly in exacting accountability. Mechanisms of social accountability can be initiated and supported by the state, citizens and both, but very often they are demand – driven and operate from the bottom up”. Carmen Malena, et al social accountability: An introduction to the conception and emerging social practice. Social development paper, No. 76. World Bank 2004, P. 3

¹⁰⁴ An internal weakness in social accountability is its inability to enforce or sanction, except through social and peer group pressure.

¹⁰⁵ Rosemary McGee, et al. Review of Important and Effectiveness of Transparency and Accountability Initiatives. Synthesis Report. *Institute of Development Studies*, 2010, p. 11.

¹⁰⁶ Fox, Social Accountability, p. 346.

CHAPTER FOUR

COMPARATIVE ANALYSIS OF POLICE ACCOUNTABILITY

4.1 INTRODUCTION

The history of police reform generally in the sense of modern day notions of police professionalization, is more than a century old¹⁰⁷. Over that time period there have been successive waves of reform movements with a changing set of objectives and programmes¹⁰⁸, and much has been accomplished to improve policing evidence of the reforms are especially significant in police management, crime fighting, tactics, police personnel standards and training, the diversity of the work force constitutional critical situations.¹⁰⁹

As policing concerns the institutionalized use of authority in the tasks of governing security, it requires governing in ways that hold those responsible accountable to democratic bodies. Accordingly, a key focus of policing debates has been on the institutional arrangement established for ensuring its structures of governance are democratically accountable.

Police accountability in this work is seen or defined as policies and procedures designed to ensure that police officers obey the law, also policies on treating citizens in a lawful, respectful, and unbiased manner.¹¹⁰ It could also mean policies and procedures

¹⁰⁷ Samuel Walker, *A Critical History of police Reform ix* (1977).

¹⁰⁸ Ibid.

¹⁰⁹ E. Alemika, "Police accountability institution and challenges in Nigeria, unreported manuscript, 2009.

¹¹⁰ General Assembly Resolution 2200 A. (XX1) Annex.

ensuring that incidents of alleged misconduct are properly reported and then investigated thoroughly and fairly.¹¹¹ The standard with which it is expected of the Police accountability or its benchmark globally is the best practices and that police officers are to be accountable to the law and the citizens at all times.

4.2 CURRENT POLICE ACCOUNTABILITY IN NIGERIA

There is a long history of major police reforms that were considered important in their time that later faded away. During the colonial and post-colonial governments, the police was used for the maintenance of order in a way that engendered repression, culture of impunity, corruption, incivility, brutality, lack of transparency and accountability.¹¹²

Also, the deplorable condition of the police continued during the 30 years of military rule in Nigeria from 1966 - 1999 excluding the civilian regime in between. There were acute underfunding, shortage of office and barracks accommodation, Meagra salaries and unpaid allowances were not paid. Above all, there was abuse of fundamental rights of citizens, while impunity was the order of the day for the above proposition, the following decided cases are instructive and to put the records straight.

In the case of *A.C.B. v. Okonkwo*,¹¹³ the court through justice Niki Tobi, J.C.A. (as he then was) held on the issue of ineffective accountability

I know of no law which authorizes the police to arrest a mother for an offence committed or purportedly committed by the son. Criminal responsibility is personal and cannot be transferred.

¹¹¹ Social/police accountability, P. 346

¹¹² E. Alemika, "Police accountability institution and mechanisms in Nigeria, 2009.

¹¹³ (1997) 1 NWLR (Pt. 480) 195, (Pages 207 – 208, Paras – H – B).

While I am aware of cases of vicarious liability in criminal law, the instant case is certainly not one. A police officer who arrests “A” for the offence committed by “B” should realize that he has acted against the law, such a police officer should, in addition to liability in civil action, be punished by the police authority.

As a matter of fact, it bothers us so much for the police operating the law of arrest after three decades of Nigeria’s independence, to arrest and detain innocent citizens of this country for offences committed by their relations. That is a most uncivilized conduct and one that any person with a democratic mind should thoroughly deter and condemn. I detest and condemn the uncouth practice.

Similarly, in the case of *Oludamilola v. The State*¹¹⁴, the Supreme Court through Justice Niki Tobi, JSC (as he then was) held as follows on the issue of ineffective accountability.

This is a bizarre case of murder of an innocent citizen by a police officer. Visiting the police station is not an offence. Visiting the police station in sympathy with an arrested person is not also an offence. And also the appellant had no right to shoot Solomon to death. There is evidence that the appellant was drunk at the time he shot the deceased. This brings to the fore the need to check police officers, immediately before and during duty, of drinking alcohol. I am sure that if the appellant was checked before he was posted to duty, there was the possibility of dropping him from the beat.

¹¹⁴ (2010) 8 NWLR (Pt. 1197) 565 S.C. (Page 576: Paras, B – E.

In recent time, there are cases of drunken police officers shooting innocent citizens to death. This is very serious and the Inspector-General of Police should do something about it.

The police therefore failed in its statutory responsibility to the citizenry and confidence was eroded¹¹⁵. The situation was further compounded by the military government assenting to needless proliferation of parallel security agencies in the country. These include the Economic and Financial Crime Commission; Independent Corrupt Practices and Other Related Offences Commission, Federal Road Safety Commission, Nigeria Security and Civil Defence Corps, National Drugs Law Enforcement Agency, etc.¹¹⁶ Consequently, the scarce resources that could have been used to strengthen the various organs of the Nigeria Police Force for effective accountability were expended in creating and sustaining these new agencies.

Since 1994, various attempts by governments were made to examine these problems with a view to reforming the Nigeria police force through the establishment of various panels and committees which made recommendations for reforms.¹¹⁷

The GoodluckEbele Jonathan government continued in this regard to set up the Parry Osayande Presidential Committee on the Re-organization of the Nigeria Police Force in 2012 with 80% acceptance of its recommendations. It is worthy of note that there has been a significant improvement in the Nigeria police force since 2009.

¹¹⁵ Cross Ref: the case of Oludamilola V. The state

¹¹⁶ The creation of various security agencies amount to duplication of duties

¹¹⁷ M. D. Yusuf Panel to Reform and Reorganize the Nigeria Police Force, 1994.

The panels and committee that have worked on police reforms in Nigeria from 1994-2012 include:

- (1) M. D. Yusuf Panel to Reform and Re-organize the Nigeria Police Force, 1994.
- (2) Danmadami Committee on Police Reforms, 2006.
- (3) M. D. Yusuf Presidential Committee on the Reform of the Nigeria Police Force, 2008.
- (4) Parry B. O. Osayande Presidential Committee on the Re-Organization of the Nigeria Police Force, 2012.

Unfortunately most of the recommendations were not implemented. However, the MD Yusuf Committee 2008 under President Umaru Musa Yar'dua's administration marked the beginning of a new era of accountability for the Nigeria Police Force. The late President Umaru Musa Yaradua, had reiterated that ... 'this government will not relent in its commitment to transform the Nigeria Police Force into a highly modern and responsive force'.¹¹⁸

(i) **Effective implementation of policies for the Nigeria Police Force.**

A dedicated police reform office should be established and provided with all the necessary resources and facilities to guide and monitor the implementation of all the approved recommendations.

The government should immediately produce a comprehensive National Police Reform Policy that clearly articulates and defines the role of the police accountability in the

¹¹⁸ Danmadami Committee on Police Reforms, 2008.

polity. The major objective of the policy will be to achieve functional responsibility for the force while enhancing its accountability and effective governance.

The Police Council should be institutionalized so that it meets regulatory and participate effectively in the management and funding of the force.

(ii) **Adequate Funding for the Police:**

The Nigeria police force should be well funded; be self-accounting and in total control of their budget as against the Ministry of Police Affairs controlling their budget. All police Zones, Commands and Formations should be involved in providing inputs into the budgetary process according to their needs.

(iii) **Decent Office and Residential Accommodation for Police Officers:**

New and modern police office complexes designed with security in mind should be built at the State, Division, Command and detachment levels. All dormitories in all the training colleges and institutions should be renovated and furnished with mattresses, pillows and adequate toilet facilities.

(iv) **Effective Police Operation:**

The force intelligence should be revamped for better performance and the operatives should be spread across the country

- Intelligence gathering technology aids should be procured for the Nigeria police.
- A major police criminal data base should be set up at the National Level with links to State Commands and other government agencies responsible for the administration of criminal justice.

- The rules and regulations governing the deployment of police orderlies to eligible individuals as approved by Mr. President should strictly adhered to and any violation should be severely sanctioned.
- To ensure operational effectiveness, 85% of police personnel should be made up of operational agents, while 15% is made up of specialists and other supporting/auxiliary staff.
- There should be harmonious interaction between the Inspector-General of Police and the Police Service Commission.
- Enforcement of the various Rules; such as, the Financial Regulations, the Police Force Regulations and Force Order. Others are the Police Service Commission Guidelines on Appointment, Promotion and Discipline in the Nigeria police force as well as the code of conduct for police officers on Election duties.

(v) Discipline in the Police Force:

A sound system of addressing police accountability to the people at every level should be established. The Police Service Commission, the Public Complaints Commission, and other Oversight Agencies should play a more proactive monitoring role over the police in order to improve the level of police accountability and public confidence.

(vi) Adequate Training for the Police:

The Police Service Commission should ensure that only those screened and adjudged suitable for training are recruited into the training colleges and or institutions.

(vii) Promotion in the Force:

The Police Service Commission should ensure the clearance of all backlogs of promotion in the force. Promotion should be an annual exercise for all deserving officers in accordance with the criteria adopted by the Police Service Commission. The IGP should establish promotion boards at the State and Zonal levels, staff training institutions and police colleges as well as formations to follow strictly the laid down procedures

4.3 POLICE ACCOUNTABILITY BEST PRACTICES

Police accountability is a key concept in thinking and writing about western political systems¹¹⁹. The normative prescription that those in positions of power should be obliged to justify their use of power within a political forum that may lead to sanction is widely seen to be an intrinsic characteristics of ‘democratic governance’¹²⁰

To date, however, research on the accountability of policing has focused almost exclusively upon public police organizations in the Western world or developed states so to say.

(a) Police Accountability in the United States of America

The history of police accountability in the United States of America, in the sense of modern day notions of police professionalism, is more than a century old.¹²¹ Over that time

¹¹⁹Ronald West, Democratic Oversight of Police Forces: Mechanisms for accountability and community policing (National Democratic institute, 2005)

¹²⁰ Bovens, 2005.

¹²¹ Samuel Walker, Professor Emeritus of Criminal Justice, University of Nebraska at Omaha. A Critical History of Police Reform in the US (1977)

period, there have been successive waves of reform movements, with a changing set of objectives and program. Much has been accomplished to improve policing over this long period.

In New York, United States of America, the Civilian Complaint Reviewboard, the board staffed entirely by civilians, investigates thousands of civilians complaints each year, leading to disciplinary measures for hundreds of police officers.¹²² It is an independent agency empowered to receive, investigate, hear, make findings and recommend action on complaints against New York City police officers when there are allegations of the use of excessive or unnecessary force, abuse of authority, discourtesy or the use of offensive language.¹²³

The Board did not initially have civilian investigators.¹²⁴ The history of the Board, as described on its website, shows the importance of engaging the public.¹²⁵ The Board as a body was set up in the early 1950s as a police department, investigations were conducted by police officers, and decisions on whether or not to recommend disciplinary action were made by the deputy commissioners who were also police officers. In the mid-1960s, the major, John Lindsay, who was the police union leader planned to introduce civilian representation to the Board in the context of police reform. He met with intense opposition from the Patrolman's Benevolent Association (the police union). The Police Union playing on the fear of crime, stating that with civilian oversight, the police would not be able to do their job properly, managed to gain considerable support from the public, and managed to keep out

¹²² www.nyc.gov/htmlccrb/home.html (accessed 18, December. 2009)

¹²³ Burack Miller, "Civilian oversight of policing"

¹²⁴ Ibid

¹²⁵ Burack Miller, A Workshop series – A role for Democratic policing (Washington, D.C. United States, Department of Justice, National Institute of Justice, 1997)

the civilian investigations.¹²⁶ Only in 1987 civilian Board members and investigators accepted, though these civilians served alongside police department investigators and were supervised by department employees. Only after a serious incident in 1988, in which police used excessive force and which was investigated and heavily criticized by the Board, did public opinion start to favour an all-civilian review board, which was finally created in 1993¹²⁷.

(b) Police Accountability in England and Wales

In England and Wales, there are about 142,000 police officers for a population of slightly over 53 million, resulting in a ratio of one police officer for every 372 people.¹²⁸ Prior to its existence, the creation of an independent body to oversee and investigate police complaints had been under consideration for more than 20 years. Both the inquiry into the Brixton riots in 1981 and the Stephen Lawrence inquiry in 1999 called for establishment of an independent body for effective Police Accountability. In 2000, partly in response to these calls, the government carried out consultations on a new complaints system. These consultations culminated in the Police Reform Act 2002 that created the Independent Police Complaints Commission (IPCC), which was established in 2004,¹²⁹ a non-departmental public body funded by the Home Office, it has both national and regional offices. IPCC oversees the whole of the Police Complaints system.

¹²⁶ Joel Miller, "Civilian Oversight of policing: (New York, Vera Institute of Justice, 2002)

¹²⁷ *Ibid*

¹²⁸ Figure taken from the Home Office website at www.homeoffice.gov.uk (accessed 11 December, 2017)

¹²⁹ See the IPCC website at www.ipcc.gov.uk. (accessed December, 2017)

Who can choose to manage or supervise a police investigation into a case and independently investigate the most serious cases.¹³⁰ If members of the public are dissatisfied with a case that has been handled by the police, they can refer the case to or lodge an appeal with IPCC. There is a mandatory duty for the police (mandatory referral) to refer to IPCC incidents where persons have died or been seriously injured following some forms of direct or indirect contact with the police and where there is a reason to believe that the contact may have caused or contributed to the death or serious injury. The police must also refer complaints and conduct matters that include serious assault criminal behaviour, cases aggravated by discrimination and those involving serious corruption.¹³¹

The chair of IPCC leads a team of 12 commissioners, each overseeing a particular region and altogether almost 400 staff (including 120 investigators). IPCC is to monitor more closely whether the police took its advice. Commissioners cannot have worked with the police. IPCC is funded by the Home Office, but by law is entirely separate from the police, interest groups and political parties, and decisions on cases are free from government involvement.¹³²

(c) Police Accountability in Canada

In Alberta, Canada, the Alberta Serious Incident Response Team has jurisdiction over all sworn police officers in the province of Alberta.¹³³ Its mandate is to investigate incidents or complaints involving serious injuries or deaths of any person and matters of a

¹³⁰ www.homeoffice.gov.uk (accessed November, 2017)

¹³¹ Ibid

¹³² See the IPCC Website at www.IPCC.gov.uk

¹³³ More information about the Alberta Serious Incident Response Team is available from www.so/gps.alberts.ca/programs_and_services_security/ASIRT/pages/default.aspx (accessed 2017).

serious or sensitive nature that may have resulted from the actions of a police officer. The team does not take complaints from the public, files are forwarded to it by the Solicitor-General. The public needs to forward any complaints to the police agency in question. The team is led by a civilian director, who is a lawyer and crown prosecutor. His team consists of a civilian assistant director, two (2) civilian criminal analysts, four (4) civilian investigators and ten (10) sworn police officers. The director may also engage public overseers from the community to ensure independence in the investigation process. Once an investigation has been completed, the director reviews the results to ensure completeness and fairness. A report can be forwarded to the office of the crown prosecutor requesting an opinion on charges.¹³⁴

(d) Police Accountability in Europe

The member states of the Council of Europe are subject to scrutiny by the European Committee for the prevention of Torture and Inhuman or Degrading Treatment or Punishment. This committee “shall by means of visits, examine the treatment of persons deprived of their liberty with a view to strengthening, if necessary, the protection of such persons from torture and from inhuman or degrading treatment or punishment...”¹³⁵

Delegation from the Committee visit member states periodically and may organize additional adhoc visits. States are notified of forthcoming visits, but the committee does not have to specify the exact time of the visit. Pursuant to the convention, delegations have

¹³⁴ Ibid

¹³⁵ European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (Council of Europe, European Treaty Series, No. 126), Art. 1. More information on the European Committee for the Prevention of Torture and Inhuman or Degrading or Punishment is available at; www.cpt.coc.int.

unlimited access to places of detention and the right to move inside such places without restriction. They interview persons deprived of their liberty in private and communicate freely with anyone who can provide information. The recommendations that the committee may formulate on the basis of facts found during the visit are included in a report that is sent to the State concerned. This report is the starting point for an ongoing dialogue with the State concerned. The Committee also publishes extracts from its general reports containing minimum standards that police must observe it at all times.

In 2001, the committee of Ministers of the Council of Europe adopted the European Code of Police Ethics, which is the most elaborate of such code in the world.¹³⁶ The principles of the code state national laws relating to the police should accord with international standards to which the country is a party and must be clear and accessible to the public, and that the police should be subject to the same legislation as ordinary citizens. The code contains the following provisions on accountability:¹³⁷

- The police shall be accountable to the State, the citizens and their representatives. They shall be subject to efficient external control;
- State control of the police shall be divided between the legislative, executive and the judicial powers;
- Public authorities shall ensure effective and impartial procedures for complaints against the police;

¹³⁶ More information about the Alberta Serious Incident Response Team is available from www.solgps.alberta.ca/prgrams_and_services/public_security/A51RT/pages/default.aspx (accessed, 2009)

¹³⁷ Ibid, Article 59 – 63.

- Accountability mechanisms, based on communication and mutual understanding between the public and the police, shall be promoted;
- Code of Conduct ethics of the police, based on the principles set out in the code, shall be developed in member states and overseen by appropriate bodies.

From the forgoing, it is evident that police accountability globally has a unique characteristics, that is, that the police should while in their course of duties be accountable to the State, the citizens and their representatives and that they shall be subject to efficient external control. However, it is ubiquitous that these features stated above are no doubt alien to the bodies saddled with the responsibility of checking the police and its excesses in Nigeria.

4.4 The Challenges and Prospects of an Effective Police Accountability

In Nigeria, police officers are faced with various internal and external challenges. According to the first Indigenous Inspector-General of Police, Mr. L. O. Edet,

I am conscious of the weakness in the relationship between the force and the public they serve and it is my intention to do all in my power to improve this odd relationship...¹³⁸

To achieve this objective, the Nigeria police force established the Public Relations Department to help shore up the police image in 1964 but till date, not much has been achieved as members of the police still behave like occupational force and they perceive the public as their foes that have to be coerced, harassed and executed.¹³⁹

¹³⁸ Ehindero, S. G., *Police and the Law in Nigeria*, Lagos, Time Press, 1986, page 123.

¹³⁹ Alemika, E. *Police accountability institutions and mechanisms in Nigeria*. Unpublished manuscript,

It is worthy of note that the adverse relationship that characterized the police and community in Nigeria is not entirely attributable to the police officers. The public lack adequate understanding of police functions and powers under the Constitution. As a result, lawful police acts are sometimes misunderstood and resisted and the police on their part do not tolerate anyone challenging their power and this will resort to force as well as violence to enforce it. A good example of these is the issue of Apo Village, FCT, a crisis between the police and the said villagers in 2008. This in most cases results in hostile police/community relationship.

What could also cause an ineffective police accountability is the wrongful deployment of police officers by the ruling government, to enforce unpopular laws or to pursue narrow party or corporate interests, this could also lead to poor police/public relationship.¹⁴⁰

The police/citizen relationship should be stressed however, that the negative evaluation that characterizes majority of police/citizens encounter usually is not due to police misconduct alone but also that of organizational and institutional inadequacies such as poor training, inhuman working conditions, office and residential or accommodation problems, inadequate transportation and communication facilities, obsolete firearms and ammunition, inefficiency and even insensitivity, all of these have enduring negative police accountability.¹⁴¹

2009

¹⁴⁰ W.A. Adeboye, "Nigeria Police structure, powers and functions" in Abegunde et al (eds). "Power of police to prosecute criminal cases. Nigeria and international perspectives" European Journal of Business and social sciences, Volume 2. No. 11

¹⁴¹ Ibid

The Official Report of National Orientation Agency in 1994¹⁴² identified the following factors that affect effective police accountability in Nigeria, vis:

- (a) Use of unnecessary violence;
- (b) Poor management of public demonstration and procession,
- (c) Incivility to members of the public;
- (d) Unnecessary delay by the police in attending to the complaints;
- (e) Poor handling of firearms;
- (f) Rootless activities of the mobile force;
- (g) Use of physical violence during crime investigation;
- (h) Negligence of duty;
- (i) Pathological hatred for the members of the public.

One of the germane challenges militating against effective police accountability in Nigeria is political interference/control.¹⁴³ The 1999 Constitution of the Federal Republic of Nigeria¹⁴⁴ vests the power of appointing the Inspector General of Police by the President on the advice of the Police Council. The president and other members of the police council (except the IGP) are all politicians.¹⁴⁵

¹⁴² Report of National Orientation Agency in 1994 cited in Alemika, Anti-Corruption Transparency and Accountability in the Nigeria Police Force, *paper presented at the Retreat for all Uniform Officers (Police) held at the Force Headquarters, ShehuShagari Way, Abuja on 18th August, 2001, page, 3.*

¹⁴³ Section 215 (1) (a)

¹⁴⁴ Section 215(1) (a).

¹⁴⁵ 3rd Schedule of the 1999 Constitution of the Federal Republic of Nigeria as amended.

By this provision, the President is given a wide range to choose whosoever he wishes because the constitution do not expressly provide for any qualification to be eligible for the appointment of the IGP except being a serving member of the Nigeria police force.¹⁴⁶ The politicians knowing the strategic nature of the office of the IGP and the enormous power wielded by the police, the President and members of the police council readily settle for a stooge or puppet that will obey their beck and call and do their bidding.¹⁴⁷

The constitution also empowers the President or Minister authorized in that behalf to give lawful direction to the IGP with respect to maintenance and security of public safety as well as public order as he may consider necessary and the IGP shall comply with those directions or cause them to be complied with immediate alacrity.¹⁴⁸ Unfortunately, the constitution oust the court from enquiring into any direction so given.¹⁴⁹

The aforementioned constitutional provisions put the control of the police force entirely in the hands of the President, and by extension the ruling party. Mention must be made of political interference in police activities especially and particularly in the area of senior officers promotions and postings. There are no laid down procedures for the promotion and posting of police officers. The political class mostly determine the promotion and transfer of their chums, merit is not a consideration.

¹⁴⁶ Ibid.

¹⁴⁷ Gibson KamauKuria, Harvard law school Cambride Massa Chusset "The challenges posed by security and state apparatus to the protection of human rights in Africa – yesterday, today and a vision of tomorrow by tunyi; Abayomi Esq. quoted by O.S Oyelade

¹⁴⁸ Section 215(1)(3) of the 1999 Constitution of the Federal Republic of Nigeria as amended.

¹⁴⁹ Ibid (1) (5)

In many instances, junior police officers are promoted and appointed into offices above and over their superiors.¹⁵⁰ The involvement of the political class in the promotion and posting of police officers enable them, (politicians) to use the police to oppress and suppress perceived oppositions. Until the above challenges are corrected much may not be expected from the police as the politicians have seized the police and its constitutional functions.

For an effective police accountability, it is interesting for members of the public to be able to file complaints against the erring police officer or officers. They should be in a better position to file a complaint against the police and indeed be facilitated in doing so, if they feel that they have been wrongly treated by the police. This is important because if there is no complaint, the police will miss a potential learning opportunity that could lead to an effective accountability.

A key to effective police accountability appears to be a series of facilitated dialogues, which bring together communities, police and other relevant stakeholders, to establish collaborative problem-solving relationships. This could be that of the communities, police, bar association, NGOs coming together at interval to discuss matters of importance that affect police accountability.

In achieving effective police accountability in Nigeria, it must be made mandatory for complaints to be made easily without discrimination and the procedures should be

¹⁵⁰ Most of the promotions and postings are done on the basis of loyalty. The appointment of C. P Johnson was done by Alhaji Adedibu, the acclaimed politician, strongman of Ibadan politics, from a junior Deputy Commissioner of Police to Acting Commissioner of police over his senior and that of A.I.G. Nuhu Ribadu, the Pioneer Chairman of EFCC. (self analysis of the force).

comprehensible instead of the public crying-foul about an ill-treatment meted on them by police officer or officers. Complaints must be accepted at any police station; the police officers on duty must be obligated to accept the complaint and there should be no fees and most importantly, the complainant's security must be guaranteed and such a member of the public should not be pressured in any way to refrain from filing a complaint against the police. The complaints of this nature need to be treated sympathetically right from the start, should the complaint is gender-specific, this should be taken into account, with consideration given to having a female officer record the complaint.

For police accountability to be fully effective in Nigeria, it must involve multiple actors and institutions performing multiple roles, to ensure that police officers operate in the public interest.. As these actors and investigations often represent particular interests, it is crucial to have a complementary independent institution overseeing the entire system.

CHAPTER FIVE

RECOMMENDATIONS AND CONCLUSION

5.1

The challenges facing the Nigeria Police Force has seriously affected effective Police accountability in Nigeria: these work posits ways and means with which these challenges could be reduce to a lowest minimum if not to be eradicated totally.

5.2 CONCLUSION

Admitted, that the police in Nigeria are in the state of dilemma over the balance to be placed on the state of security and civil liberties. The good people of Nigeria have suffered from the worst criminal mayhem, some have witnessed wanton destruction of lives and properties while the police charged with the constitutional responsibility of ensuring public safety watch helplessly.

Exploring the intricacies of human relation or public relation between the police and the general public as well as seeking to making a lasting impact on the minds of the people that the “police is your friend”. For the proper functioning of an effective police accountability under a democratic system of government, there must be an institutional value which must be practiced and accepted by most of the members of the society. Apart from an undergirded written constitution, there are informed, prudential or traditional basis which prompts behaviours in the society.

The quality of police service to the members of the public depends on the types of people, the leaders and those in authority whose role is to give legitimate commands to

others. This means that, the police is replicate of its society. A major signpost of an effective police accountability is the Institutional Best Practice.

As between the police and the people, there is the need for legitimate and voluntary exchange and collective needs and also individual preferences if police accountability must be achieved. This is suggesting that, the police and the members of the public need to work together for there to be peace in the society.

It is advocated that an effective police accountability should be subscribed so as to satisfy collection needs and exercise legitimate authority without destroying individual preferences and controlling any illegal acts of the people at any time.

The citizens are the most distinctive elements under a democratic government, therefore, the police is by law not only to be accountable to the law that established the police as an institution but also that the police must be accountable to the public in the course of doing or executing their constitutional functions as it is contained under *sections 214 and 215* of the 1999 Constitution as amended and *sections 4 and 23* of the *Police Act*.¹⁵¹

The need to control the police power is as a result of the inherent danger in allowing the police officers to perform their functions as stated above without checks and balances. The tit for that idea would always win but it creates disorderliness in the society because after either a winning or losing streaks people and they tend to attribute their success to confidence and the loser for lack of it. Some hinge their successes to moral luck phenomenal but all these are mere chimera because experience had shown that aggression always carry

¹⁵¹ ¹The 1999 Constitution and Sections 4 and 23 of the Police Act.

the day in conflict because there might be acquiescence from the other players who may not want conflict. But lack of an effective police accountability may set in after a lot of losing streaks.

Force cannot like opinion ensure for long unless the tyrant extends his empire far enough a field to hide from the people whom he divides and rules. The reality is that real power lies not within the oppressor but the oppressed, this is axiomatic, Eugene Erlich while writing on sovereign immunity wrote thus:

The original expression that the king can do no wrong, but that he should not be seen to do what is wrong... is actually the opposite of which the king was not allowed, entitled to do wrong...

The king as the foundation and head of justice, equity shall not be presumed to be defective nor can be derogate from the honour conferred by office not to pacify those that he had caused heavy pain.

The above means, the police should not be seen to be above the law and if they are found wanting, the law should take its course, that is the whole essence of an effective police accountability.

The community/police relationship should be employed to rectify the ineffective police accountability that the Nigeria police is known for now because it is only rehabilitation and repentance that could make the government achieve an effective police accountability under a democratic dispensation.

A system where there are structures to monitor internal and external mechanisms oversights had been believed to be more effective in achieving effective governance, therefore, it is apt that an effective police accountability be advocated for it to be introduced into the Nigeria police force which is to be an internal part of the force, it therefore means that accountability would be a *sine qua non*.

If Nigeria is going to live up to its claim as a democratic country, the development of the country is a very important factor to be considered and the police as the mother of the security sector is advised to welcome the idea of an effective police accountability as its duty or function to be given account of its duties both to the law and the general public, judging by the foregoing, the police as an organization would regain its lost glory in the country.

The Nigeria police has so many challenges as already highlighted in this research and is perceived ineffective as a result of those challenges. The literature review showed that developed nations of the world, have had to review or reform their local police at one time or the other over and over again in order for it to meet up with the needs of their societies, the Nigeria police force should not be left out of this modern revolution, if really our democracy is of value to us as a people.

It is sacrosanct to add that, internal security operations are activities which are collectively undertaken by the police and other sister security agencies towards the restoration of peace and order, in view of the above, this call for the review of the National Security strategy and cooperation amongst the security agencies and also there should be absolute accountability even with other sister security agencies as this would bring total confidence and integrity to the security sector.

Better still, there is the need for every police department to implement a comprehensive system of external and internal effective accountability to maximize incidents of police misconduct and to assure citizens that their lives and properties are taken seriously.

Finally, when setting up an independent police complaints body, care should be taken to ensure that it is complementary to existing police accountability mechanisms. It may sometimes be more effective to alter an existing structure so that it meets the criteria of independence or add a police-specific chapter to an existing independent oversight body overseeing the entire public sector rather than to create a new structure.

The Police Act must be known to and understood by sworn-in police officers. It is crucial that there is a piece of legislation that is accessible to the public stating the functions of the police. The primary and most basic principle of effective police accountability is accountability to the law and the members of the police.

5.3 Recommendation

Again, in order for police and security reforms to be effective under the present democratic dispensation, certain structural changes are necessary, also key institutional reforms must be implemented for community based policing to be effective. In addition, one of the challenges of the Nigeria Police Force is the unitary structure of the police in Nigeria and this has been claimed to be an impediment to effective police accountability. It is submitted that efforts should be made to introduce both internal and external mechanisms of oversight as part of the constitutional functions of the police.

There is no visible or functioning effective police accountability under the present democratic dispensation, so an attempt to review an effective checks and balances and what reliably known about police accountability did not yield result but sufficient indications exist to suggest that effective police accountability programming is not only possible but also feasible. Of the four types of police accountability, the dimension along which it is most likely to achieve effective programming is from below, at the state levels when the performance of the police corresponds to what citizens want.

The literature review also showed that a key to effectiveness in the security sector and the police in particular appears to be a series of facilitated dialogues, which bring together communities, police and other relevant stakeholders or mechanisms to establish collaborative problem-solving relationships.

As social accountability research indicates, effective programming is multi-layered, with more than one activity targeted to the same community, neighbourhood, and police service. The more varied the support offered, consistent with the lessons learned of social accountability, the more likely it is for improvement in police accountability to occur and be sustainable.

The reason for the above is because the extent and level of communication and the exchange of information appear to be casual for police accountability to be enhanced, it also seems essential for the police to be trained on “soft skills”, such as communication, mediation, leadership, team building. Having stated the above assertion, a crucial caveat appears to be that all police commands in the country should be made to be involved in programming and must be trained to ensure as close to 100% coverage as possible.

Nevertheless, more speculatively, there appears to be specific component that could be efficacious because it coincides with the multi-layered approach of accountability from below. As originally introduced in the United Kingdom, it seems vital to institutionalize new approaches to the use of force and firearms which has been often, overlooked in police programs.

Of particular import would be to emphasize de-escalation skills, behaviours, and norms. The challenges, however, would be to ensure that these approaches are aligned with the culture and values of the police, communities and neighbourhoods in which programming is being conducted and that all stakeholders that are involved in the institutionalization of new use of force and firearms protocols.

As for police development along the other three dimensions of police accountability – vertical, horizontal and external – there is little credible empirical evidence that such endeavor will result in enhanced an effective police accountability.

Taken together, the last three dimensions of accountability only define the long route to accountability and there is little existing credible evidence to suggest that they generate effective programming.

In conclusion, the topic under review has been rigorously studied and the research reveals the important role the police should play in furthering the course of an effective police accountability in Nigeria. Surely, there are vocal public outcries that the challenges responsible for an effective police accountability in Nigeria are virtually human factors, these include; lack of adequate training and retraining of the officers and men of the police

force, poor condition of service, lack of logistics, inadequate funding, poor public cooperation and political interference or control.

The study also reveals that the police have not been effective and accountable to the extant laws that created or established the organization as well as the general public, the beneficiaries of the police services. What this means is that, some of the rank and file who are the officers carrying out field work and also having one-on-one contact with the members of the public do not have the wherewithal to actualize an effective police accountability and thereby they tend to drag the name of the force into the mud.

It is submitted that, for police to be able to accept accountability for their actions, they need to be provided with the framework and tool to ensure expectations are met. Proper and close supervision is required during actions and operations. Also, internal and external review of operations and actions is required to promote improvements in subsequent performance.

The responsibilities of different actors are not always as clearly demarcated as suggested here. However, the specific responsibilities assigned to the different actors are less important than the fact that the functions are covered, and that the staff of the institutions involved have clear guidelines on their objectives that also specify their distinct positions and lines of accountability.

This can prevent illegitimate cross-interference and prevent the avoidance of responsibility. What is also important is the distinction between what needs to be done by an independent body and what can be done by the police, being the body representing the government.

As stated repeatedly, to ensure impartiality and prevent interference, oversight over the police complaints system should lie with an independent body, that is, an external mechanism. It is worthy of note that, the confidence and cooperation of the police are necessary for any external body to carry out its functions effectively. Care should be taken to avoid placing all responsibility for police conduct outside the police in establishing the degree of responsibility, the independent body must respect the operational independence of the police and support the police leadership as the disciplinary authority in command. It is helpful to establish a clear division of tasks and responsibilities between the independent body and the police, with full police cooperation, to help maintain high effective accountability.

Given the important role of public perceptions in police accountability, meaningful communication with the public is essential. Just as the police could not only investigate, let alone prevent all crimes, it is impossible for a complaints body to investigate all complaints and prevent all police misconducts. A challenge also arises in connection with the perceived relationship between police accountability and police effectiveness in fighting crime.

When crime rates are high, especially for violent crimes, politicians may engage in “law-and-order politics”, thereby often fueling public fear of crime, which in turn may create a high tolerance of police misconduct (such as brutality and illegal arrests, detention and searches) and lower levels of accountability if the public believe or are led to believe that this will help to restore order. Police and the general public alike frequently raise the concern that enhancing police accountability will hinder the police force from using its powers and tactics effectively.

Should the foregoing suggestions are given due attention, there is no doubt that the Nigeria police force would be more effectively accountable to the citizens and the laws that established the organization. Establishing an independent oversight structure must not be the last step. The structure must be monitored for both the quality of its service delivery and its impact on police performance so that it can identify problems and their causes and endeavor to improve its performance. Like the police, the independent oversight body is accountable for its effectiveness, its resource utilization (efficiency and integrity). Also, similar to the police measures of success include aspects of both effectiveness and legitimacy.

It also should be noted that, the success of the complaints process must not be evaluated only on the basis of complaints' satisfaction, as studied have shown that such satisfaction is biased by the outcome of the case. Therefore, combined evaluation strategies that include the alleged offender must be used.

For an effective police accountability to be achieved, the system should include an independent body that has complete discretion in the exercise of its functions and powers, has a statute underpinning and independent and sufficient funding, reports directly to parliament and whose commissioners and staff are transparently appointed based on merit rather than any affiliation, such as an affiliation with a political party.

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