
**PRESIDENTIAL CONTROL OF THE NIGERIA POLICE: CONSTITUTIONAL REFORMS
FOR ORGANIZATIONAL PERFORMANCE DEVELOPMENT AND POLITICAL
NEUTRALITY**

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ABSTRACT: *As a federation, Nigeria recognizes three tiers of governance: federal, state and local governments. There is no state or local government police in Nigeria, a single federal police force is responsible for maintaining peace and order in all nooks and crannies of the federation. The Constitution grants virtually unrestricted control over the Police Force to the President. This excessive control impedes the ability of the police force to cultivate and imbibe a culture of respect for the rule of law and recognition of the equality of all citizens before the law. This article interrogates the legal scope of Presidential control over the Force and how it affects the efficiency, impartiality and employment indices of the Nigeria Police. Adopting the doctrinal research method, it was posited that the performance output job security, and deployment of the police force is adversely affected by excessive presidential control. Citizens' confidence in the impartiality of the Police is at an all-time low, especially as regards political neutrality. It is recommended that the President's control over the police force be whittled whilst the independence of the Police Council and the Police Service Commission are strengthened.*

KEYWORDS: Nigeria Police, presidential control, legal reforms, employment efficiency, political neutrality, state policing.

INTRODUCTION

The police are a legally recognized security outfit, usually set up to carry out the functions of law enforcement and maintenance of order upon citizens of a nation state. They are also the major emergency arm of the community in times of personal and public crisis.¹ The police perform vital functions of crime prevention, protection of lives and properties, preservation of order, arrest of offenders, crime detection, prosecution of offenders, conducting searches and personal identification.² All of these functions aim to

¹ Idowu Johnson, 'Policing in Contemporary Nigeria: Issues and Challenges' (2013) African Journal for the Psychological Study of Social Issues, 70 – 77.

² S. 4 of the Police Act (Cap P19, Laws of the Federation of Nigeria 2004) for general duties and Part IV of the Police Act (ss. 23 – 30) for specific duties.

build and maintain a secure society without which a nations' economy would quickly deteriorate into crime, anarchy and poverty. A professional, dedicated and motivated police force that effectively maintains law and order indispensable for economic growth. An efficient and responsive police force contributes to the confidence of members of the society to go about their work and invest in businesses, which in turn makes money for the State.

Legitimate use of force to coerce conformity with the legal and political system is a vital feature of any police force. This perspective has influenced the viewpoints of many legal scholars on the role of the police. For instance, Alemika³ sees policing as a coercive/ideological regimentation of social life through the activities of police and sundry state intelligence and security forces, and through other measures aimed at deducting and suppressing behaviours, actions, and orientations that threaten the prevailing social order. Every society has an element of criminality and whilst levels vary from place to place, the efficiency of the police force plays a large role in suppressing criminal activity to the barest minimum. A breakdown of law and order will always lead to chaos and economic loss, the disruption of normalcy, escalation of crime and attendant insecurity.

An organization like the police is like a double-edged sword. In the hands of a just leader, its aims and objectives are carried out for the greater good of the society; in the hands of a bad leader, it becomes an instrument of intimidation, harassment and human rights abuses such as has been reported in Nigeria. A number of factors ranging from funding, proper training, adequate remuneration, discipline, leadership and so on will determine the output of the organization. It follows that control of the police is not an issue to be treated with levity.

In Nigeria, the President wields considerable influence over the Nigeria Police Force. The authority to wield this influence is enshrined in the Constitution. This article will interrogate the impact of presidential control on the labour efficiency of the Nigeria Police and on the confidence of Nigerian citizens to go about their work lives unhampered by executive intimidation..

The Police Authority Structure and Oversight

The 1943 Police Act⁴ makes provision for a rigidly enforced command structure. Orders and directives flow from the Inspector General of Police (IGP) and the Deputy Inspectors General (DIG's) down the chain of command to any officer positioned to implement such orders. Disobedience or failure to carry out a directive attracts punitive sanctions.⁵ Each of Nigeria's 36 states, as well as the Federal Capital Territory, is served by an administrative unit known as a State Command; hence there are 37 Commands plus the Force Headquarters. The Force Headquarters is the office of the Inspector General of Police. The state commands are grouped into 12 Zonal Commands—with two to four states in each zone—each under

³ EO Alemika, "Criminology and the Philosophy of Policing" in Tamuno, TN et al (Eds.), *Policing in Nigeria: Past, Present and Future*, (Lagos: Malthouse, 1995).

⁴ Cap P19 LFN 2004

⁵ Section 6 Police Act

the supervision of an Assistant Inspector General of Police (AIG).⁶ Each state command is headed by a Commissioner of Police (CP) who is directly accountable to the AIG in the respective zone. 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. State commands are divided into smaller areas manned by Assistant Commissioners; and police divisions each of which is headed by a divisional police officer (DPO). Within these police divisions, there may be any number of police stations, police posts, and village police posts.⁷

Presidential Control over the Police.

The Constitution provides for a sole Federal Police and unequivocally prohibits the establishment of any other Police Force in Nigeria. Section 214(1) reads: ‘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.’⁸

The implication is that other tiers of Government are estopped from establishing or constituting any organization that could act in the stead of the Nigeria Police, whether at state or local government level. To further buttress that there is no question as to which tier of Government the Police belongs, the Exclusive Legislative List found in the Second Schedule of the 1999 Constitution, lists the Police as the sole responsibility of the Federal Government.⁹ These double-barreled provisions lay to rest any ambiguity that may arise from any question as to whom the Police is answerable.

Not only did the Constitution make the Police a Federal parastatal, it vested enormous powers of control over the force in the President. Thus in section 215(3) reads:

The President or such other Minister of the Government of the Federation as he may authorize in that behalf may give to the Inspector-General of Police such lawful directions with respect to the maintenance and securing of public safety and public order as he may consider necessary, and the Inspector-General of Police shall comply with those directions or cause them to be complied with.

Furthermore, to show the totality of the control the Constitution gives the President over the Police, section 215 (4) provided as follows:

⁶ Nigeria Police Force, 2009 Annual Report of the Nigeria Police Force, <http://www.nigeriapolice.org/police-annualreport.html>, accessed 27th February 2020, p. 81.

⁷ Ibid , p. 94.

⁸ Section 214(1) Constitution of the Federal Republic of Nigeria (CRFN) 1999

⁹According to section 4(2) CFRN, the National Assembly has powers exclusively to legislate on any matter included in the exclusive legislative list and any matter in the concurrent legislative list to the extent prescribed in the second column opposite thereto. See also Section 214(1)(a) and (c).

Subject to the provisions of this section, the Governor of a State or such Commissioner of the Government of a State as he may authorize in that behalf, may give to the Commissioner of Police of a State such lawful directions with respect to the maintenance and securing of public safety and public order within the State as he may consider necessary, and the Commissioner of Police shall comply with these directions or cause them to be complied with.

Provided that before carrying out any such directions under the foregoing provisions of this subsection the Commissioner of Police may request that the matter be referred to the President or such Minister of the Government of the Federation as maybe authorized in that behalf by the President for his directions.

The import of the above sections is that due to the scheduling of the Nigeria Police Force within the exclusive legislative list, the Federal Government exercises absolute control over it. Political heads of the other two tiers of government, the State Governors and the Local Government Chairpersons are mere rubber stamps in matters pertaining to the routine maintenance of law and order within their jurisdictions. The Commissioner of Police heads the Police Command in every state of the Federation and is responsible to the Inspector General of Police who in turn, reports to the President on maintenance of peace and order within the nation. Despite their *de jure* recognition as Chief of Security Officers of their constituencies, a sitting governors or local government chairs of federating states the Republic of Nigeria do not have the authority to command the obedience of any police officer serving within the jurisdiction of their states or local governments.

Presidential Appointment/Removal of the Inspector General of Police

The Constitution placed the powers of appointment and removal of the Inspector-General in the hands of the President thus removing any doubt as to who truly runs the Police Force. The constitution was explicit in this intent when it provided in section 215 (1) (a) that:

An Inspector-General of Police who, subject to section 216 (2) of this Constitution shall be appointed by the President on the advice of the Nigeria Police Council from among serving members of the Police Force.

In addition, in section 216(2) that:

Before making any appointment to the office of the Inspector-General of Police or removing him from office the President shall consult the Nigeria Police Council.

The president is required to consult the Nigeria Police Council¹⁰ over which coincidentally (or not), he is the Chairman, before appointing or removing an IGP.¹¹ The Police Council is the highest policy making body on police affairs and is meant to play a supervisory role over the organization and deployment of police assets in the country. The Council also advises the President on the appointment of the Inspector-General of Police.¹² Other members of the Council include Governors of each state, the Chairman of the Police Service Commission and the Inspector-General of Police. The inclusion of state Governors as members of the Police Council in the 1999 Constitution is an improvement from the 1979 Constitution which did not include them. It was hoped that their inclusion would make the selection process more equitable and less politically biased. In reality however, the President is not bound by the advice of the Nigeria Police Council and there is no loss of validity for any appointment made without such consultation.¹³

Apart from the appointment of the Inspector General, the appointment and promotion of any other person to any rank or position in the Nigeria Police Force lies with the Police Service Commission.¹⁴ In other words, the Deputy Inspector-General and Assistant Inspector-General and Commissioners of Police are appointed by the Police Service Commission.¹⁵

From the foregoing, there is no question as to whether or not the President controls or influences the Nigeria Police Force. The constitution still **further consolidated the command of the president** when it ousted the authority of the courts to delve into any matter that has to do with directions of the President to the Police.¹⁶

Ouster of Courts Jurisdiction to Hear Matters Relating to Directives of the President to the Police.

The President or such other Minister of the Government as he may authorize in that behalf, may give to the Inspector-General of Police such lawful directions with respect to the maintenance and securing of public safety and public order within the state as he may consider necessary and the Inspector-General of Police has no choice than to comply with those directions.¹⁷ In the same vein, the Commissioner of Police of a state is required to carry out or cause to be carried out, any lawful direction given to him by the Governor of a state or such Commissioner of the Government of the state as the Governor may authorize in that behalf.¹⁸ However, with respect to directions from a State Governor, a Commissioner of Police has

¹⁰ Section 153(1)(l) and (m) of the 1999 Constitution established the Nigeria Police Council and the Police Service Commission to oversee specific aspects of the Nigeria Police.

¹¹ Section 29 of the Third Schedule to the 1999 Constitution, Sections 215(1)(a) and 216(2).

¹² Section L28 (a)(b)(c) of the Third Schedule to the 1999 Constitution.

¹³ Section 9(1) of the Police Act

¹⁴ Section 6 (1) (a) of the Police Service Commission Act, 2001

¹⁵ Section 215(1)(b) CRFN

¹⁶ Section 215 (5) of the CFRN

¹⁷ Section 215(3) CRFN

¹⁸ Section 215(4) CRFN

the discretion to refer such directions to the President or authorized Federal Minister for ratification or variation of the Governor's directions.¹⁹

Section 215(5) of the Constitution ousts the jurisdiction of the court to enquire whether any of the above stated directions were given to the IGP or CP and the type of directions given. This outer prevents the Courts from examining the reasonableness or motive behind directions given to the Police by State and Federal Executive Officers. Such liberal and incontestable discretion is justifiable on grounds of national security, that is, when such directions are made to protect lives and property. To allow security matters to be a subject of inquiry before a court could be detrimental to public safety.

It should be noted that the word 'lawful directions' was not defined either in the Constitution, or the Police Act. Although it could be literally interpreted as "a directive that is not in contradiction with any existing the laws of the state", such definition is vague, permitting a variety of interpretations which could be exploited by unscrupulous State Executives. This proviso should be amended to clearly exempt only lawful directions from the Court's jurisdiction. Where an unlawful direction is given, the court should have jurisdiction to entertain a legal challenge to it.

Rationale for the control of the Police Force by the President

It is important to understand the reason the Constitution grants powers of control over the Police. So many calls have been made by individuals and groups asking that the Police be decentralized to enable adequate policing. These calls have not been heeded for a number of reasons. One of the many reasons advanced is that a Federal Police would go a long way to help in keeping the nation united as a Federal Police will help allay the fears of small ethnic groups being the custodian of the fundamental rights of the people. The fact that a regionally controlled police force could be used to suppress political and ethnic minorities is a serious argument against the clamour for a regionally controlled police.²⁰ Also it has been argued that the formation of a State Police will not reduce levels of criminality as the State Government may use the Police to harass perceived enemies. Politicians use all manner of men as personal thugs to terrorize opponents and ruin elections, it could get worse if they get control over the Police that operate in their regions.²¹

The impact of globalisation, increasing transnational nature of crime and criminal networks, as well as the huge budgetary demands of policing the community have combined to justify the argument for the centralization of policing structure and functions across various jurisdictions in the world. This drift was hastened by the post 9/11 terror incident in the United States which clearly exposed the challenge of inter-agency collaboration among the various policing frameworks.²² For instance, the United Kingdom which

¹⁹ Ibid.

²⁰ O.M. Adefi, Re-Awakening the State Police Controversy in Nigeria: Need for Rethink (2013), 3 (11) *International Journal of Asian Social Science* p. 2307

²¹ O.I. Eme and A.N. Ogbochie, 'Limitations of State Police in Nigeria' (2014) 5(15) *Mediterranean Journal of Social Sciences*, MCSER Publishing, Rome-Italy, 130.

²² Solomon Ehigiator Arase (Fmr. Inspector General of Police) 'A Critical Analysis of the Pros and Cons of State Policing: To Be or Not To Be' being a paper presented at the Nigerian Bar Association (NBA) Benin Branch 2018 Law Week on 11th June, 2018. For instance, It is on record that eleven days after the September 11, 2001, terrorist attacks, Pennsylvania

was reputed to have 43 police forces before the 9/11 terror incident was forced to come up with a new centralized policing model after numerous local terror attacks trailed 9/11. The National Crime Agency (NCA), a centralized, triple warranted²³ policing agency was set up.²⁴ The NCA today takes primacy in UK law enforcement's response to serious and organised crime and it has national and international mandates.²⁵

Against these global perspectives, the argument for the state police in a country that is grappling with weak budgetary base (especially at state level of governance) and deep ethno-religious sensitivity may not present a credible policing future for the country. The trend is a movement from multiple police forces to a single centralised police force. It is less expensive, more unifying, more effective, result oriented and very useful for crime prevention and detection.²⁶

It must also be borne in mind that the Police Working Committee recommended the abolition of local police in 1966 because they were corrupt, poorly trained, mostly illiterates and used for all manner of things including repressing political opponents and for partisan politics. The recommendation informed the decision of the Federal Military regime of that time to centralize the Nigeria Police as it is today.

Negative Effect of the Presidential Control over the Police

The Constitution in granting wide powers of control over the police to the President has afforded that office with excessive influence over all police matters. This has brought about a number shortcomings and anomalies such as:

Insecurity of the Employment Tenure of the Inspector General

The constitution gave powers of appointment and removal of the Inspector-General to the President. The President can exercise this power arbitrarily. Though the law provides for the Nigeria Police Council to advise the President with respect to removal and appointment of Inspector-general, the President heads the Nigeria Police Council and can always overrule the members.

Governor Tom Ridge was appointed as the first director of the office of Homeland Security in the White House to coordinate a comprehensive national security strategy to safeguard the country against terrorism and respond to any future attacks. Subsequently, the Homeland Security Act was promulgated by Congress in November 2002 and the Department of Homeland Security became operational from March 1 2003. The establishment of Department of Homeland Security witnessed the integration of 22 different Federal Law Enforcement Departments and agencies into a unified national security agency with national and international policing mandate.

²³ NCA officers are granted the powers and privileges of a constable, powers of a customs officer, and powers of an immigration officer.

²⁴ National Crime Agency website <http://www.nationalcrimeagency.gov.uk> (accessed on 10/3/20).

²⁵ Arase, *op cit*.

²⁶ Ibid. Drawing on his experience as a former Inspector General of Police, Arase suggests decentralization of the policing functions by encouraging community partnership and neighborhood watch as panacea to internal security management in the country rather than state police.

This means that the Inspector-general has to be politically connected and willing to completely submit to the whims and caprices of the President to be appointed in the first place. The implication of this total submission to the will of the President can be devastating in the hands of a corrupt President. In addition, the Inspector-general would likely spend his working hours trying to be in the best book of the President rather than facing his job completely. He would have to keep looking over his back and watching his footsteps in order not to offend the President. The implication is that the Inspector-general does not really work for the people. He does not serve the public, he serves the President and his whole act is to please the President.

Moreover, the only qualification for this exalted position of IGP is membership of the force. This means that there is no restriction on the cadre of officer to be appointed, whether senior or junior. The requirements of competence, merit and experience are not mentioned in the Constitution.²⁷

Inadequate Security

In the past few years, Nigeria has faced a plethora of security challenges ranging from terrorist insurgencies such as Boko Haram and Islamic State in West Africa (ISIS-WA), the rampage of armed Fulani herdsmen into rural farmlands, ethno-religious clashes and land feuds, an increasingly organized spate of kidnappings, armed bandits stealing from commuters while in transit etc. The increased levels of violent crime begs the question of whether the President, through the instrumentality of a single centralized police force, is capable of protecting the lives and properties of Nigerian citizens. The bitter truth is that, in spite of the efforts of the Federal Government, insecurity continues to be a menace.

The Nigeria Police has not been able to come up with lasting solution to all of these troubles. Part of the reason is that some of these crimes, like the herdsmen's attack on farmers and farmlands occur in rural communities that do not have police posts, or in terrains with which the police is unfamiliar. The federal nature of the Police means that members are recruited from different parts and transferred all over the country, most often to places that are foreign to them. Nigeria is home to over 250 languages and since some of the killings are in rural areas, the language barrier creates a problem. The Police are handicapped if they cannot speak the language of the area because although English is the official language, many rural dwellers do not have a formal education and cannot speak it.

This unattended blight of insecurity has forced state governments to form community vigilante groups, made of youths, hunters and other volunteers to complement the security of lives and properties, which the President ought to provide through the Police.²⁸ A good example is the Enugu State Forest Guards

²⁷ Section 215(1) (a) of the CFRN

²⁸ President Obasanjo in April 2004, initiated Community policing in collaboration with police authorities under the tutelage of former Inspector General of Police, Mr. Tafa Balogun. Hence, six states including Benue, Enugu, Jigawa, Kano, Ondo, and Ogun were selected for the pilot scheme. The involvement of people in the pilot states by the Police covered issues of quality service delivery, partnership, accountability, empowerment and problemsolving. By 2007, the number of states where community policing was introduced increased to 18, as 12 more states were added to the previous 6. Those additional states included Lagos, FCT (Abuja), Cross River, Kaduna, Anambra, Edo, Bauchi, Kogi, Oyo, Imo, Katsina and Borno. See MA Kasali and RG Odetola, "Alternative Approach to Policing in Nigeria: Analyzing the Need to Redefine Community Policing

which was formed to curb the spate of killings and clashes between herdsmen and local farmers.²⁹ The Forest Guard is fully funded by the Government of Enugu State and has purchased vehicles and motorcycles for their operation.³⁰ The Government of Anambra came up with a slightly different idea for the same problem. It set up an organization known as the Anambra State Cattle Menace Control Committee. Recently, the committee set about registration and enumeration of all cattle herders in the state. This is to help trace and fish out culprits in case of any attacks.³¹

The above-listed are examples of community policing but there are still instances of formal security agencies established in the country. However, because the Constitution prohibits the formation of any police force other than the Nigeria Police, these agencies have not been officially designated as state police but play equivalent roles.³² An instance is the Civilian Joint Task Force (CJTF), a nongovernmental self-defence militia that coordinated and at times, aligned with the military to prevent attacks against civilian populations by boko haram and ISIS-WA in the northeast. The CJTF receives funding from Borno state and the federal governments. Again, Kano and Zamfara States governments set the Hisbah Corp, a religious police force used by the Commissions to enforce the tenets of sharia personal, civil and criminal law.³³ The South-West region of Nigeria recently set up a regional security outfit network, ‘Ametokun’, which despite being called out by the Federal Government as illegal and unconstitutional has gained wide popularity.³⁴

Poor Training and Service Orientation

The next big problem currently bedeviling the society is the poor training of members of the police force. Many of them are unable to express themselves in the *lingua franca* making their jobs more difficult. Worst of all, their poor service orientation is exhibited in their lack of regard for fundamental human rights. Many are either unaware or unconcerned about of the provisions of the law regarding sensitive matters like arrest. They arrest citizens arbitrarily and incarcerate them without charging them to court. They intimidate citizens and extort money from them indiscriminately.³⁵

Lately, they have resorted to arresting and harassing young men who wear tattoos and dreadlocks. They also arrest anyone carrying a laptop in the name of tackling internet fraud. They go as far as intimidating

in Tackling the Nation’s Security Challenges.” Now, due to the increased levels of violent crime, most states engage in community policing.

²⁹ Emmanuel Uzodinma, ‘Security: Forest Guards Kick Off in Enugu as Government Purchases 260 Vehicles, Motorcycles, Others’ *Daily Post* (Nigeria, August 27 2019) <https://www.google.com/amp/s/dailypost.ng/2019/08/27/securiyt-forest-guards-kick-off-enugu-government-purchases-260-vehicles-motorcycles-others/amp/> The government of Enugu State came up with the idea of Forest Guards to curb the spate of killings and clashes between herdsmen and local farmers.

³⁰ Ibid.

³¹ Joe Chukindi, “Killings: Anambra Begins Registration of Herdsmen” *Daily Post* (Nigeria, September 5, 2019) <https://www.google.com/amp/s/dailypost.ng/2019/09/05/killings-anambra-begins-registration-herdsmen-/amp/>

³² U. James, Can State Police Solve Nigeria’s Security Problem? *Nigeria News World Magazine*, Thursday 19th June 2014

³³ AR Mustapha and M Ismail, “Sharia Implementation in Northern Nigeria Over 15 Years: The Case of Hisbah,” *Nigeria Stability and Reconciliation Programme*.

³⁴ QueenEsther Iroanus, “Amotekun: Don’t Back Down Nigerians Tell South-West Governors” *Premium Times* of January 26 2020, www.premiumtimesng.com.

³⁵ Amnesty International “Nigeria 2018 Human Rights Report”

citizens with guns and asking to go through their phones without any warrant. They do not secure the lives of the people but instead have become a menace in spite of their motto “Police is your Friend.” They collect bribes and pervert the course of justice.

All of these point to the poor training that member of the force have received. Worst of all is that they lend themselves to the highest bidder by allowing influential members of the public to use them to harass citizens in purely civil cases or for the fun of intimidation. They allow ethnic and religious sentiments to colour the quality of their service and allegiance. This means only one thing, that the members of the force are not aware of their true responsibility to the nation and to the public. The perceived mentality is that because they serve at the pleasure of the president and his political allies, they need only satisfy their paymasters

Failure to Adequately Fund the Police Force

The Police being a Federal parastatal is funded by the Federal Government. Budgetary allocation is made for them annually in the budget. However, the Police is grossly underfunded. IGP Ibrahim Idris told the National Assembly in 2018 that the Force required N1.3 trillion annually for its operation. But in 2016, the Police received N10.02 billion out of a capital appropriation of N16.1 billion. For overheads, it got N6.34 billion from a vote of N9.25 billion. It had had proposed to spend N331 billion and N90 billion on capital and overhead costs respectively that year. The current IGP Mohammed Adamu told legislators that from a capital budget estimate of N342.9 billion for 2018, the force received only N25.2 billion.³⁶

Other than salaries, the Police budget represents a contribution to costs rather than an attempt to fund the Police.³⁷ A 2008 Presidential Committee on Police Reform headed by M.D Yusuf recommended an estimated N2.8 trillion or N560 billion annually – to effectively reform and transform the NPF over a period of five years³⁸

The issue of underfunding of the Police began during the Military regime that lasted between (1983-1999). The force was neglected in terms of funding and equipping. This was attributed to the fear of the military that a strong police force may constitute a threat to the Armed forces, especially by acting as a counterforce during military coups.³⁹ The Federal Government has still not being able to adequately fund the Police over the past years. Every year, the quality of their infrastructure continue to deteriorate. The police barracks are in shambles, the offices and stations are ill equipped, members are poorly remunerated and access to retirement benefits for the retired ones is a nightmare. They also do not have the arms or

³⁶ Editorial ‘IG’s Alarm on Police Strength, Funding’ *Punch* (Nigeria, 2019)

<https://www.google.com/amp/s/punchng.com/igs-alarm-on-police-strength-funding/amp/> accessed on 12 January 2020

³⁷ Ben Ezeamalu ‘How Poor Budgeting Hampers Nigeria Police Operations – Report’ *Premuim Times* (Nigeria, 2018)

<https://www.google.com/news/headlines/267011-how-poor-budgeting-hampers-nigeria-police-operations-report.html>

accessed on 12 January 2020

³⁸ *Ibid.*

³⁹ Prof. E. E.O Alemika, ‘History, Context and Crisis of the Police In Nigeria’ (2010) <https://psc.gov.ng> accessed on 10th January, 2020

equipment to effectively carry out the functions. Technology eludes them as they rely on tools and old methods which yield little or no result. All of these woes are brought on by lack of funds.

State Augmentation of Police Funding

The state government has no financial responsibility towards the security apparatus of the State, since policing lies within the exclusive legislative list. However, the constitution recognizes the Governors as the Chief Security Officers of the State. The worsening security situation of the country has forced state governors to seek an increased role in the security of their states.

In order to ensure effective policing in the states, many states of the federation make their own contribution towards the funding of the Police. This is because the Governors are the Chief Security Officers of the State and will always bear the blame for insecurity in their States. State governments routinely provide the police with vehicles, uniforms, infrastructure and generally try to improve their work environment. However, a lot still needs to be done and technically, the Federal Government has the responsibility of providing for the Police.

Lagos State for instance established the Lagos State Security Trust Fund in order to augment the meagre amount made available to the Police by the Federal Government. Governors of other states also provide support to the Police by equipping them with patrol vehicles and other materials needed to effectively secure the State. In 2019, 109 vehicles were procured and equipped with state of the art electronic devices to work in unison with super smart gadgets by the Anambra State Government⁴⁰. Also the Inspector-General of Police commissioned Anambra State's state technology-driven security initiative, the Smart City Project which includes installing super smart closed-circuit cameras in select towns.⁴¹ These are just a few examples of concerted effort by various states of the Federation to ensure security in the States in spite of the fact that the burden is by law on the Federal Government.

The issue of the poor funding of the Police by the Federal Government shows that the absolute control the President has over the Police does not guarantee much needed security. The President cannot guarantee security when Police is underfunded.

Unaccounted Security Votes disbursed to State Governors

A discussion on funding of the police and provision of adequate security in Nigeria would not be complete without mentioning security votes. Security vote is a monthly allowance allocated to all the state of the federation by the federal government. Although the amount varies based on the security needs of a given state, the vote generally runs into hundreds of millions or billions of naira per month. In theory, they are monies kept for unforeseen security problems but they are usually circulated in cash and are neither subject

⁴⁰ Don Adinuba 'The Anambra Digital Security Level' (2019) <https://anambrastate.gov.ng/news?r=the-anambra-digital-security-level&hs=a80d98f52ec06f6e67e3826b8cd55> accessed on 12 January 2020

⁴¹ Ibid.

to audit nor legislative oversight due to the secretive nature of the fund.⁴² The governor has absolute discretion over the security vote and is not required to account for its expenditure.

In spite of this fund being termed a ‘security vote,’ there is no evidence of its use either in improving the lives of the security forces or providing sufficient equipment for security operations in the states. In other words, in spite of how poorly funded the police has been, security vote is disbursed and used at the discretion of government officials without any meaningful contribution to security itself. Among average Nigerians, the term ‘security vote’ is synonymous with official corruption and abuse of power.⁴³ Yet the beneficiaries of security votes argue that it is needed to subsidize the operations of Nigeria’s overstretched and underfunded federal security agencies.⁴⁴

Transparency International estimates that these secretive, unaccounted-for cash expenditures add up to over \$670 million annually.⁴⁵ On the other hand, security votes exceed 70% of the annual budget of the Police, and is more than the annual budget of the Nigerian Army, Nigerian Navy and Nigerian Air force combined.⁴⁶ In opposition to continued disbursement of security votes, the Chief of Army Staff, Lt. General Tukur Buratai stated that in contrast to the assumption that security vote is spent on security by heads of executive arms of government, the money is usually spent on things that cannot be classified under security. He therefore insisted that security vote must be made a constitutional allocation with proper guidelines on its utilization duly spelt out.⁴⁷

Recommendations

Over the years, different administrations that have set up committees to come up with plausible solutions on how to reform the police in order to ensure that they properly discharge their responsibilities to the public. In 2005, then President Olusegun Obasanjo set up the Dan Manladi led committee to make recommendations regarding the reformation of the police. The committee rejected the idea of creating state police and instead recommended that the police should be insulated from partisan politics by making the appointment and removal of the Inspector-general of police subject to the decision of two-third

⁴² Matthew Page ‘Camouflaged Cash; How ‘Security Votes’ Fuel Corruption in Nigeria’ Transparency International, 2018.

⁴³ Ibid.

⁴⁴ In 2012, the Governor of Kano State, Rabiu Musa Kwankwanso in a rare move abolished security votes in Kano State. In his words, ‘here in Kano State, we do not set aside a kobo for security votes, if the police needs funding they should come and tell us what they need money for. This happened at a time when his fellow governors were asking for increment in their security vote. See ‘Kano State Takes the Lead, Governor Abolishes Security Votes’ *Proshare Ecosystem* (2012) <https://www.proshareng.com/news/Nigeria%20Economy/Kano-State-takes-the-Lead-Gov-abolishes-Security-Votes/16795> accessed on 13th January 2020

⁴⁵ Ibid.

⁴⁶ Federal Government of Nigeria Appropriation Act (2017) <http://www.nationalplanning.gov.ng/index.php/budget-office/nigeria-budget/2017-appropriation-act>

⁴⁷ Editorial, ‘Public Officials and Security Votes’ *This Day*(October 15, 2019) <https://www.google.com/amp/s/www.thisdaylive.com/index.php/2019/10/15/public-officials-and-security-votes/amp/> accessed on 13th January 2020

majority of the Senate on the recommendation of the President.⁴⁸ The committee also recommended that the office of the Inspector-general should have a term of years. These are laudable recommendations.

The foregoing recommendations will greatly reduce the influence of the President over the Police and the guarantee of a tenure gives the Inspector-general the peace of mind to execute his duty, having in mind that he would not be pulled out of office for going against the whims of the President in the interest of the general public.

In 2008, then President Umaru Musa Yar'adua, set up a presidential committee led by Alhaji M.D Yusuf to make recommendations for the reform of the police. The committee also recommended a secure tenure for the inspector-general in the form of a five-year term.⁴⁹ It is further recommended that the grounds for the removal of the Inspector-general before the expiration of his tenure should be gross misconduct and activities which may be considered gross misconduct must be specifically set out in the law. This is in line with the need for the control of the Police by the President to be minimal. This committee also turned down the idea of state police citing the issue of the unique and complex nature of Nigeria's socio-cultural and political environment.

Furthermore, in 2012 President Goodluck Jonathan also set up another committee chaired by Mr. Parry Osayande to also look into police reforms. The panel likewise called for the amendment of the Constitution to enable a competitive and transparent process in appointing the Inspector-general of the police. However, this committee did not totally cancel the idea of establishing state police. Instead, it recommended the establishment of a state police and the establishment of framework that will enable the state police work hand in hand with federal police⁵⁰. It is disappointing that after spending taxpayer's funds setting up different committees in a bid to reform the police, many of the recommendations made by these panels have not been implemented. This paper recommends the adoption of these police reforms as a matter of urgency.

Equally important is the need for the Police Council and the Police Service Commission to function more effectively through regular sittings to deliberate on operational police matters. Council members and those nominated to represent them should be people with experience and skill in managing a complex institution like the Police. They should be objective, vocal and pragmatic in carrying out their mandate for the good of the country and not for sectional interests. It has been observed that the Council sits infrequently and when it does, majority of the members place their discretion at the disposal of the President to curry political favour. This sycophantic and laizze affaire attitude is the bane of positive human capital development and efficient systems management. It has slowly but surely been corroding the impact of

⁴⁸ Chukwuma Innocent, 'Motion without Movement, Report of Presidential Committees on Police Reform in Nigeria' (2008) *CLEEN Foundation Lagos*

⁴⁹ *Ibid.*

⁵⁰ Civil Society Panel on Police Reform in Nigeria, 'Submission of Report of the Civil Society Panel on Police Reform in Nigeria' (Nigeria, 2012) <http://cleenfoundation.blogspot.com/2012/10/civil-society-panel-on-police-reform-in.html?m=1> accessed on 15th January 2020

these police regulatory bodies and makes a sham of the positive check and balances put in place by the Constitution drafters.

The presidents influence over the Nigeria Police though a necessity of office, should be reduced to enable the Force to discharge its duties more effectively and without fear of executive retribution. The president's appointment of the IG is should be made subject to confirmation by the Senate. The IGP should have a tenured of duration of 4years and only removed on grounds of gross misconduct or incompetence subject to majority approval by the Police Council. Whilst a strict seniority based nomination to the office of IGP is not advisable, the presidents' nominees should be drawn from the pool of Deputy Inspector General's of Police, unless cogent reason is adduced to do otherwise.

It is undeniably obvious that a federal centralized Force has been unable to police the entire nation. It is time for Nigeria to adopt the option of State policing.⁵¹ The current unitary arrangement should be restructured to reflect Nigeria's federal nature. All matters connected with the police and other government security services established by law should be expunged from the Exclusive Legislative List to the Concurrent Legislative list. This would enable state houses of Assembly to pass laws creating their own police departments to secure public safety within the State and enforce all relevant laws of the state. The federal police would still operate across the country but only for offences that cross state boundaries and for issues of national interest. This will leave make the NPF more effective in carrying out their constitutional mandate.

Sections 214, 215 and 216 of the Constitution should be amended to provide for the establishment and maintenance of State Police. Adequate resources and responsibilities should be devolved to the state and local governments for this purpose. As it stands, the security votes gifted to state governors on monthly basis would require relatively minor augmentation to be able to fund state policing. Structures of checks and balances which insulate the police from partisan politics and control by political officer holders should also be put in place.⁵²

CONCLUSION

Presidential control over the police is a thorny issue in contemporary Nigeria. The much touted police reforms have not yielded the desired result in terms of protection of lives and property; rather the police force seems to be weakening in the face of ethno-religious insurgencies, terrorism and organized crime. The states have resorted to forming vigilante groups to augment what little security the police provide. The state has also supported the police financially in order to make up the poor budget on which the force operates.

⁵¹ A bill seeking to alter the Constitution of the Federal Republic of Nigeria to provide for the establishment of State Police for effective policing in Nigeria passed second reading on 12th March 2020 at the Senate. See www.ripplesnigeria.com/bill-for-state-police-passes-second-reading-in-Senate/.

⁵² DD Aaron, 'Reforming the Police Force in Nigeria: a Case for Effective Legislation', National Institute for Legislative and Democratic Studies, National Assembly, Legal Brief Issue 1, No. 3, July 2019, www.nils.gov.ng, accessed 12th March 2020.

Decentralisation of the federal police by establishing state police can improve the security situation in Nigeria. This would automatically whittle down the influence of the president over the police and make them operationally independent to deliver their mandate efficiently.