

**THE IMPACT OF POLICE REFORM IN THE ADMINISTRATION OF  
JUSTICE, PRISON DECONGESTION AND ABUSE OF JUDICIAL  
PROCESS**

**A PAPER DELIVERED BY HON JUSTICE HELEN MORONKEJI  
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RETREAT ON**

**“SUSTAINING POLICE REFORMS IN NIGERIA”**

I feel highly honoured and it gives me great pleasure to be asked to present a paper at this two day stakeholder’s biennial retreat on “Sustaining Police Reforms in Nigeria”.

I am particularly delighted because all my colleagues call me “police lawyer” because every opportunity I get at any legal fora, I always present the case of the police and the urgent reform of the Nigeria Police. I have been given a very wide topic. However I will try to touch on each area of the topic as it concerns Criminal Justice Administration.

**Administration of Justice**

The issue of administration of justice particularly criminal justice is intertwined with prison decongestion. The truth of the matter is that the question of delayed criminal trials has reached alarming proportions and is a source of embarrassment not only to judges and lawyers but to the government as well. There is high and unprecedented congestion of pending cases in our law courts and consequently Awaiting Trial Inmates in our prisons. The maxims abound. The most trite being “*justice delayed is justice denied*”. In Blacks Law Dictionary 5<sup>th</sup> Edition, “Justice” is defined as “*The constant and perpetual disposition of legal matters or disputes to render every man his due*”. For a man to have his “*just due*”, it must be given to him “*when due*”. When due, connotes that it must be without delay otherwise the right is for all practical intents and purposes lost.

The main concern of criminal justice administration centers around the following issues:

1. The delay in case processing and handling.
2. The lack of accountability of the officials in the institutions causing this delay.
3. Abuse of rights of suspects and accused persons through mistreatment in custody awaiting trial and coerced confessions.
4. The long period of time accused persons are detained in custody awaiting trial.
5. The undue protraction of proceedings when they eventually commence.
6. Absence of support and legal representation in the criminal process from point of arrest, detention and prosecution.
7. Persons who are charged with capital offences are remanded on holding charges before Magistrates who have no jurisdiction to try the offences.

The theme of this paper in my humble view is not supposed to be academic, but a fact finding exercise to elicit solutions to the factors impeding the speedy dispensation of criminal justice. We cannot profitably talk of attaining speedy disposal of criminal cases unless we can genuinely address the inherent factors that cause these delays. Delay sometimes starts from the investigation and pre-trial stage of the criminal justice system. Delay also abounds during the prosecutorial process.

The Institutions involved in the criminal justice system are mainly – the law enforcement agents, the prosecutorial agencies, the courts and the prisons service. The criminal trial itself is a process. We have the Investigative and pre-trial phase, the actual trial phase and the post trial when a conviction has been entered and the last step is the sentencing.

I have to say that in societies worldwide, the surge in crime wave is usually abetted by the citizens' lack of confidence in the capacity of their criminal justice systems to apprehend and success-fully prosecute perpetrators of criminal activity. It is beyond doubt that no visible development can firmly take root in an environment where the criminal justice process does not enjoy the confidence of its citizens. All societies

yearn for a criminal justice system that is seen as fair, just, responsive and efficient.

### **The Nigeria Police**

It is therefore not surprising that on the 17<sup>th</sup> of February, 2012 his Excellency, the President of Nigeria, Dr Goodluck Ebele Jonathan inaugurated a nine-person presidential committee on the reform of the Nigeria Police chaired by Mr. Parry Osayande, retired deputy inspector general of Police. It had five terms of reference to advise the Government on measures that could be taken to improve the performance of the Nigeria police and restore public confidence in the institution. The said terms of reference are set out below:

1. Identify the challenges and factors militating against effective performance in the Nigeria Police Force and make recommendations for addressing the challenges.
2. Examine the scope and standard of training and other personnel development activities in the police to determine their adequacy or otherwise.
3. Determine the general and specific causes of the collapse of public confidence in the police and recommend ways of restoring public trust in the institution.
4. Examine records of performance of officers and men of the Nigeria Police Force with a view to identifying those that can no longer fit into the system due to declining productivity, age, indiscipline, corruption and or/ disloyalty.
5. Make any other recommendations for the improvement of the Nigeria Police Force.

A perusal of the above shows that the most significant change this reform seeks to imbibe is to strengthen the formal investigative capacity of police to gather evidence and investigate criminal activity. As the police is the life line and their work is critical to criminal investigation and proceedings, it is essential and urgent that they become adequately prepared to carry out these responsibilities to ensure that justice is done.

Pursuant to S. 23 of the Nigeria Police Act Cap P19 Laws of the Federation 2004, and subject also to section 160 and 191 of the constitution of the federal republic of Nigeria, the Nigeria Police is

responsible for investigating and prosecuting criminal offences. By S. 24 and 25 they can arrest with or without warrant, by S. 27 they can grant bail to persons arrested without warrant. S. 28 and 29 gives the policeman power to detain and search suspected persons.

When a complainant reports that a serious crime has been committed, the first contact an alleged offender makes with the criminal justice system is the Investigating Police Officer who arrests and investigates the allegation. The Investigating Police Officer exercises large discretionary powers. He may decide to investigate the crime or merely arrest and prosecute the person "suspected" by the complainant. The general perception of the public is that the Nigerian Police arrest first and investigate later. We all know suspects are kept in police custody for weeks while the police are "investigating" the allegation against them. As High Court judges most of us have been faced with the problem of I.P.O's armed with nothing more than what the complainant told them as what constitutes "investigation". Sometimes the only evidence brought before the court is a confessional statement from the accused persons. Often, these confessional statements are retracted and the court is constrained to conduct a trial within trial to determine the circumstance and the process of obtaining same. When the confessional statement does not pass muster, the bottom falls out of the prosecution's case and sometimes someone as guilty as sin is perforce discharged by the courts to the dismay and disenchantment of the general public. The police should investigate crimes properly and not rely on merely the complainant's report or the confessional statement from the suspect which may be retracted during trial.

It is suggested in this regard that the police should use audio tape and video recording during interrogation to avoid allegations of abuse of civil rights and involuntary confessions. Some IPO are transferred before or during the commencement of the trial involving accused persons they investigate. This is a major cause of delay in criminal trials. The Police IPO as federal officers are sometimes transferred with complete disregard for their current assignments. It is always an uphill task to get such officers to come back at their own expense to give evidence at the trial.

The solution in my view is that the officers in the Criminal Investigation Departments of each police command should become

specialized officers in that department who should be highly trained in forensic investigation. Intensive exposure to criminology, criminal law, procedure and investigation methods would be a great help.

Since they would be specialists in their area and would not be field officers, the Police Command as a matter of policy should cease from transferring them from the Investigation Departments to other departments where their experience, training and knowledge of investigation would be lost. Better still they should not be transferred from one police division or one command to another until they have resolved all cases in hand.

I.P.O.s have always complained that their tardy investigation of cases is due to lack of funds. They need to travel, they need stationary etc. Many cases are adjourned to enable the police complete investigation particularly when not mobilized by the complainant.

The Nigeria Police is poorly funded and ill equipped to carry out the functions of investigation. I daresay, no police division or even State Command has its own scientific personnel and equipment to engage in document analysis and forensic investigation which aid in police investigation. Several charges which involve forensic analysis and fingerprint expert's opinion take several years to conclude because there are very few experts in the country.

It is recommended that special funds should be made available to the Investigating Departments of the police to enable them perform optimally. We can see that special agencies established to combat economic crimes like the EFCC and corruption of public officers like the ICPC which are well funded produce speedy results of their investigations.

### **Police Prosecution**

In most Magistrates' and Area Courts, police officers from the rank of Sergeant upward, do the actual work of prosecuting criminal cases. They are not trained lawyers. The Police do not have enough lawyers to prosecute criminal cases in the Magistrates' courts and Area Courts. The police prosecutors are poorly trained and most have had to learn on the job. Sometimes, a defence lawyer who has a bad case would use adjournments to frustrate the trial process and the policeman has neither

the confidence nor the knowledge to checkmate the ruse. Delays are also caused because of lack of proper knowledge of the law as prosecutors call irrelevant witnesses who cannot prove the ingredients of the offence, whereas they leave out important ones.

It is recommended that professionalizing of the police force would be a big step in the right direction. Diverse professionals such as criminologist, psychologists, sociologists, pathologists and others should be employed as police officers to ensure a proper that optimal professionalism of the Police.

### **Objections to police prosecution**

There have been calls by civil society groups and human rights activities for a cancellation of policemen as prosecutors at the lower Courts. Their basis of objection includes the following:

1. Police arrest, interrogate, collect evidence, decide to prosecute or not.
2. There is need to separate the bulk of the investigatory process from the prosecutorial process.
3. The policeman is concerned with obtaining a conviction and may ignore facts which a legally trained mind would take into consideration before initiating prosecution.
4. The practice of police advocacy entails the police exercising a function proper for only professional advocates. The judicial officer is better able to ensure that justice is done when dealing with a lawyer as the prosecutor because a lawyer's training is divorced from and presumably detached from the investigatory process.

### **Solution to Police Prosecution**

Looking at the situation pragmatically, we are still stuck with police prosecution in view of the fact that the Nigeria Police does not have enough lawyers to take on prosecution at the lower courts. The number of lawyers in the office of the DPP cannot cope with the volume of cases in the Magistrates' courts alone.

In the short term, more lawyers should be employed by the Police and the office of the DPP. It is suggested that the police should have a

Prosecution Department created within the Nigerian Police and it should be carved out as a distinct unit of the force.

Prosecutors should not be transferable to other units of the force. Intensive exposure to criminology, criminal law and procedure and investigative methods would be a great help in revamping the police. Organized in service training and retraining of prosecuting officers would be beneficial. These training programmes would emphasise current trends in the decision of the Courts and areas where police procedure are lacking. The local bar can be engaged by the office of the DPP either at the state or federal level to undertake prosecution in the Magistrates Courts and high courts.

### **Evidence of Witnesses**

During trial, the evidence of witnesses also sometimes constitute a hindrance to speedy trials. There are three categories of witnesses – the special or expert witnesses, the ordinary witnesses and the police witnesses.

### **Expert Witnesses**

The expert witnesses comprise of medical doctors, handwriting experts, forensic experts etc. There are from my investigation only two forensic science laboratories in Nigeria where the law enforcement agents can resort for resolution of some investigation which would be acceptable in the law courts.

It is recommended that the Federal and State Governments should as a matter of urgency establish in each Local Government a forensic science laboratory accessible to the law enforcement agencies.

### **Ordinary witnesses**

Most jurisdictions have no provision for compensating witnesses who have expended their time, money and energy to suffer several adjournments before they can give evidence. Most witnesses refuse to turn up after a few adjournments unless financially mobilized by the complainant. Locating witnesses and getting them to suffer the various adjournments is a major cause of delay in criminal trials. The arduous duty of serving witnesses

hearing notices is left to the IPO who has to utilise his time and money to do this.

### **Police Witness**

Police witnesses also can be problematic. The IPO and other police witnesses bear personal expenses of giving evidence when they are transferred to other police divisions. It becomes a Herculean task to get them to court. Sometimes they fail to turn up due to lack of funds. It is suggested that the special prosecution division of the police force or the judiciary should be responsible for expenses incurred by these officers to encourage them to perform their duties of getting witnesses to court.

### **Resolution**

All the above categories of witnesses must be paid to come to court. They cannot be expected to personally bear the financial and transportation costs of appearing as witnesses for the State. Under **S.195-198** of the CPA the transportation costs of witnesses are required to be borne by the State. A similar provision exists in the CPC.

There are similar provisions in the various states' criminal procedure laws and criminal procedure codes.

It is suggested that adequate provision be made in the budget of each State and Federal Government for this purpose. For effectiveness, this money should be remitted quarterly to the judiciary for disbursement to witnesses. Better still, the money may be budgeted for by the judiciary and disbursed by the Chief Registrar of the High Court.

### **Witness Protection:**

Some witnesses and sometimes victims of organized crime may refuse to turn up to give evidence and dangerous criminals are let loose on society.

Various law enforcement agents should have a standardized internal witness protection scheme whereby vulnerable witnesses are protected financially and physically. Funds should be specifically sought and maintained for this purpose. This will increase the co-operation of



witnesses and is also sensitive to the needs of witnesses and victims of crime. We recommend the following strategies:

- Reviewing laws and procedures that relate to vulnerable witness, such as women and children and bringing them into line with values enshrined in the Constitution.

### **Legal Frame work for Policing and Prisons**

The Police Act which still governs the day to day work of the police came into force during the colonial period. There is a need for a new Police Act that would provide the legislative framework for a fundamental change in the mission and the operations of the force.

At various fora organized by the National Judicial Institute and various State judiciaries in conjunction with the Police, the following recommendations have been made to ensure that delay in criminal trial which cause the prolonged incarceration of awaiting trial inmates are reduced.

1. There should be provision for **well-equipped and functional Libraries, photo-copying machines** and other equipment to facilitate and ensure prompt response to matters that require the advice/opinion of the Director of Public Prosecutions.
2. The issue of holding charge in capital offences taken to the Magistrate Courts should be discouraged and that such matters should be referred to office of the DPP for immediate and appropriate action.
3. Police Prosecutors who are lawyers should be allowed to prosecute at the High Court.
4. More **specialized units of the Police as the forensic laboratory and Fingerprints Analysis;** etc should be established in each local government of the country to hasten trials that require the use of such facilities.
5. **Police Prosecutors should be motivated, encouraged and trained.**
6. **The IPOs should be encouraged** by the provision of adequate and necessary tools and facilities in the discharge of their duties.
7. **Police Prosecutors should be exempt from other routine duties, except** where necessary, so as to avoid stress and

fatigue for the purposes of concentration and better performance.

- 8. Appointment of (IPOs) should be on merit and indiscriminate transfer of (IPO) should be discouraged.**
9. Developing and implementing a Victims Charter that enhances the co-operation of witnesses and victims and also ensures their safety and well-being.
- 10. The Investigating departments of each Police Division and State Command should be well funded.**
- 11. Legal Framework for policing will involve the enactment of a new POLICE ACT that would provide the legislative framework for a fundamental change in the missions and operations of the police.**

### **The Prison System and Prison Decongestion**

The penal system today in Nigeria is an inheritance from our colonial masters and is modelled on the British system. The emphasis is on punishment and deterrence. The Nigerian prison service is under the ministry of internal affairs. It has a command structure with the Controller-General as the chief Executive officer. He is responsible to the president through the Minister and the Immigration and Prison Board. He has deputies for the six administrative divisions. Personnel are made up of Headquarters general staff, the zonal commands and the state commands. The last rung of the ladder is the prison unit. This could be a convict prison, with maximum or minimum security rating. It could also be a farm centre or a Borstal Institute. Inmates consist of convicts, awaiting trial inmates some of which are considered vulnerable prisoner.

Nigerian prison staff work long and stressful hours for low wages. Poor pay often leads to extortion of prisoners and their relatives. Low staff strength creates security risks for both staff and inmates. Inmates are often relied on to govern themselves and have taken on disciplinary functions, including meting out corporal punishment, close confinement and diet restrictions. All these are against international standards.

Nigeria has to shift from a punitive and retributive penal system to a reformatory and rehabilitative system whereby the welfare of the offender is of first consideration. The inmate of the prison either as convict or awaiting trial is a human being as most times a citizen of Nigeria. They are entitled to all the fundamental human rights guaranteed under the 1999

Constitution saving the provisions, allowing their incarceration through due process of law. Where the penal policy is rehabilitative, inmates are treated as citizens with certain inalienable rights despite being in prison and not just as criminals whom society are well rid of. Specialists like psychiatrists, psychologists, social workers and medical doctors should be employed into the prison system.

## **Legal and Institutional framework**

Establishing a legal framework is the first step in the creation of a proper context for a humane prisons system. The legal framework should clearly define prisoner's rights and the minimum standard for all aspects of life in prison.

The Prisons Act 1972, the enabling law of the Nigerian Prisons Service provides that the prisons Service shall:

- Take into custody all persons legally interned
- Identify the causes of their anti-social behavior
- Set in motion mechanism for their training
- Generate revenue through prison farms and industries

The capacity of the Prisons Service to fill these objectives has been gravely weakened by a number of factors such as lack of adequate and qualified human resources, outdated management processes, lack of technical facilities, improper budgeting process and inadequate financial allocations to the prison.

Even though detailed legal framework for the Nigerian Prisons Service is provided in the Prisons Act 1972. The Act does not provide for the proper and efficient administration of prisons, protection of human rights and upholding of international standards. To ameliorate this problem there have been several executive intervention prison reform. They include:

### **Executive Intervention in Prison Reforms**

- 1) National working group on prison reform and Decongestion inaugurated in 2005.
- 2) The Inter-ministerial summit on the state of Remand inmates in Nigeria prison 2006.
- 3) The Presidential Committee on Prison Reform and Rehabilitation in 2006.
- 4) The presidential Commission on the Reform of the Administration of the Justice – 2006

- 5) The committee on Harmonization of reports of the Presidential Committees working on Justice Sector Reform 2007
- 6) A draft Prison Bill was presented to the National Assembly in 2004. It is yet to become law.
- 7) The Police Act Amendment Bill is also yet to be passed into law.

These interventions have led to a crystallization of some strategic objectives for prison reform. The report of the Presidential Committee on the Reform of Administration of Justice in Nigeria submitted to government in 2006 recommended the following objectives for Prison Reforms:

## **NIGERIAN PRISONS SERVICE (NPS)**

### **STRATEGIC OBJECTIVES FOR PRISONS REFORM**

- To take all those legally interned and hold them in custody for the purpose of executing court sentences.
- To ensure that all prisoners are held in conditions that are appropriate to their age, gender, status before the law, the security risk that they pose and their dignity as human beings.
- To ensure that remand prisoners and indeed all other prisoners are produced promptly and regularly to courts where their cases are pending.
- To assess the needs of prisoners and to allocate the appropriate resources.
- To set in motion mechanisms for the treatment, training and eventual reintegration of prisoners.
- To administer Prison Farms and industries in such a way as to provide vocational training for prisoners.
- To take effective action in order to mobilize the resources of the community to contribute to the effective reintegration of offenders into society.
- To develop appropriate administrative procedures, planning and data gathering.
- To contribute to public health by ensuring that prisoners health is not adversely affected by their imprisonment.

- To develop a management style that motivates staff, supports initiative, self direction, acceptance of personal responsibility on the part of staff for high quality work.
- To raise public awareness of the professional work of the NPS.
- To constantly improve the professional competence of staff through training and retraining.
- To expand NPS logistical fleet in such a way that every prison will be able to serve its judicial divisions adequately.
- To upgrade the Borstal institutions in |Kaduna and Abeokuta to ensure that juvenile offenders are treated according to the national and international standards on juvenile justice administration.
- To collaborate with other organs in the administration of criminal justice in order to fashion out a comprehensive and coordinated strategy to tackle the problems of awaiting trial inmates in Nigeria prisons.
- To pursue vigorously an informed policy for continuing education and appropriate funding for improved working conditions facilities and tools for better performance and effective realization of the NPS tripartite objectives, legal custody, reformation and rehabilitation.

### **CORE VALUES OF THE NIGERIAN PRISON SERVICE**

The Nigerian Prison Service seeks to recruit and train its staff in the light of these core values:

- Every officer must endeavor to treat those in custody with compassion, understanding and dignity in the context of their fundamental rights as human beings.
- Every prison officer should adopt a posture that is natural in his/her assessment of the prisoner regardless of the nature and degree of the criminal acts, which they may have committed.
- All staff should conduct themselves and perform their duties in such a way as to influence prisoners for good by their example.
- Every prison officer must at all times deal honestly with prisoners and all who come into contact with the prison.
- There shall be no discrimination on the basis of colour, ethnicity, gender, age, health status, religion or creed, geographical location, status or class.

- The achievement of the mission and strategic objectives of the NPS are dependent on the commitment and dedication of all its staff.
- The Prison Service recognize and regards diligence, honesty, dedication and hard work from all its staff at all times.
- The Nigerian Prison Service is committed to collaboration with other agencies of the Criminal Justice, as well as Non-Governmental Organizations, voluntary agencies and the wider community in the pursuit of its objectives.
- As a public institution the NPS is committed to openness in all its dealings with prisoners, staff and the wider community.
- To create, at all times, mechanisms for enhancing staff development and welfare in the pursuit of these objectives.

## WHAT HAS BEEN DONE

### **Administrative**

- Establishment of the National Working Group on the Administration of Criminal Justice.
- Establishment of Presidential Committee on Police Reforms.
- Establishment of a Police Equipment Fund.
- Establishment of Presidential Committee on Prison Reform and Rehabilitation.
- Design of a NPS Blue Print for a better and more efficient prison service.

### **LEGAL FRAMEWORK**

- ❖ Administration of Criminal Justice Bill -YET TO BE PASSED
- ❖ Review of the Evidence Act - PASSED
- ❖ Police Act Amendment Bill -NOT YET PASSED
- ❖ Prisons Act Amendment Bill - YET TO BE PASSED
- ❖ Community Service Bill - YET TO BE PASSED

In 2002, the committee on Internal Affairs, House of Representatives with the assistance of the Legal Resources Consortium prepared a draft prisons bill and began drafting the relevant subsidiary legislation. The preparation of the bill was overseen by a steering committee, which includes representatives of the Ministry of Internal Affairs, the Ministry of Justice and the Nigerian Prisons Service. The draft bill is aimed at making the administration of prisons consistent with the requirements of the Constitution and international standards applicable to prison regimes.

## **OVERSIGHT OF PRISONS CONDITIONS**

An important component in encouraging penal reform and ensuring that conditions in our prisons are in line with our constitutional framework and democratic practices is the existence and the proper functioning of an independent oversight body on prisons. This must be seen as giving effect to the principles of accountability, responsiveness and open governance that is embraced in severally stated policies of the Federal Government. There is at present no such independent structure within Nigeria's Prisons. This lack of independent inspection of prisons is not only contrary to the principles of the Constitution, but also those espoused in the principles for the protection of all persons under any form of detention or imprisonment and the UN standard minimum rules for the treatment of prisoners.

It is recommended that the Government must urgently begin renovation of prisons nationwide, particular those built during the colonial era. There is the need to equip them with proper facilities to improve not only the prisoners' welfare but also that of prisons officers.

### **Preventive measures for special cases**

A certain number of offences, such as murder, proceed from mental illness, mental defect or physical abnormalities and most of these call for adequate medical and health facilities/provisions for the special cases before there is conflict with the laws and even after.

A number of adult offenders are in conflict with the law because of abuse of drugs, and such abuse can be prevented by a national policy on the import, sales and effective monitoring of distribution of drugs. Indeed, its effective prevention and control must involve diagnosis, treatment, medical rehabilitation and education as well as joint participation of the communities and law enforcement agencies.

### **A National Crime Prevention Strategy**

Lack of co-operation, communication and coordination between the different participants in the criminal justice system which include judges, prison staff, police officers and social workers is one of the main causes of malfunction in this sector. The criminal justice system must work as an integrated system. To achieve this, all the role players including the victims of crime and their communities, the police, the courts, the Nigerian Prisons

Service, should act together to make sure that there are no obstacles in the system, and that it works efficiently and effectively. At present, all these role players are working together on the modalities of a National Crime Prevention Strategy (NPCS).

Section 30 of the Police Act provides that it shall be lawful for any police office to take and record for the purposes of identification the measurements, photographs, and fingerprint impressions of all persons who may from time to time be in lawful custody. I understand there used to be such a data base till the 1970's before the high rise in criminal activity. I suppose the police just gave up on trying to keep up the record. A criminal database is an important tool in crime prevention and control, as it provides a computerized database for ready access by a criminal justice agency making an inquiry and for prompt disclosure of information in the system from other criminal justice agency about crimes and criminals. This information assists authorized agencies in criminal justice and related law enforcement objectives, such as apprehending fugitives, locating missing persons, locating and returning stolen properties, as well as in the protection of the law enforcement officers encountering the individual described in the system. The National Crime Data base is a must do to fight crime.

Let me tell you why this issue concerns all of us. It is a grave security issue. Every year, all over the country, Chief Judges go about the various prisons with a lot of fanfare often shown on the T.V to release long convicted criminals or Awaiting Trial inmates who have stayed in prison longer than the term of imprisonment if convicted. There is no social worker to ensure that in the first few months he/she is supervised almost on a daily basis to ensure that the integration into society is smooth. There is no state plan to absorb them into an industry where they can earn money for the first three months. These persons are released into society. They are treated by their immediate families with fear and contempt and by the larger society as pariahs. There is no social welfare structure on ground to monitor and ensure their smooth transition into society. During their incarceration their lives have been in limbo. They have not learnt anything but how to survive in the prison. They are let loose on society either by the authorities or by the fact that they have served their prison terms and paid their debt to society. They go to what is left of their home and family. There is no job, no employer would employ them. They have no money to engage in trade or business. They go back to the basic instincts of survival learnt in prison and most times are now hardened criminals. Most white



collar petty criminals emerge from prison as hardened violent criminals. They trace their friends from prison and they swell the ranks of robbers and kidnappers plaguing our society every minute of the day. This is not a matter we can disconnect from because it concerns you and I.

I am of the strong view that the Nigeria prisons service should be decentralized. In most working Federal democracies, the prison service is run by the State. The Courts, the prisons and the social welfare department partner to ensure that released convicts properly integrate into society. A prisoner released into a foreign environment cannot easily integrate and become useful to society. If the State is in charge, no prisoner would be released without being handed over to a family member. Most people after all except the hardened criminals who commit armed robbery perpetrate these petty crimes within their own environment. There must be a social welfare framework to supervise released convicts or accused persons. That must be part of a National Crime Prevention Strategy.

### **Sustaining Police Reform**

Let me go back to the police and how the reform agenda can be actualised.

I have a favourite quote attributed to one August Vollmer a former Police Chief and Professor of Police Administration at the University of Chicago. He said this in 1929.

The Police is

Denounced by the Public

Criticized by Preachers

Ridiculed by the Movies

Booted by the Newspaper

And supported by prosecuting officers and judge

He is

Shunned by the respectable

Hated by the criminals

Deceived by everyone

Kicked around like football by  
Brainless and crooked politicians  
Exposed to countless temptations and dangers  
Condemned when he enforces the law  
Dismissed when he doesn't  
He is  
Supposed to possess the  
Qualification of a soldier  
Doctor, Lawyer, Diplomat, Educator  
With remuneration less than that of a daily paid laborer.

I daresay this is our perception of and attitude to the Nigerian Policeman in 2013 Nigeria. A lot of criticisms have been leveled by Nigerians, at the Nigeria Police over the years, but still there exist the hope and possibility of developing a police force to the international standard equal to any in the world.

Much of the problem with the Nigeria Police is the fact that Nigeria as a democracy is still in the process of developing a “democratic” police force. The lack of operational autonomy has led to politicization and police are used as an instrument of patronage and political coercion. There is therefore a need to unambiguously separate the operational control/directives of the Nigeria Police Force and its department to rest with the Inspector general of police. This constitutional reform need not affect lawful policy directives but must provide for a competent and transparent process in the appointment of an IGP.

The adversarial relationship between the police and civil society, including the press contributes to negative perception about the police. The police therefore need to partner with civil society groups and the media to help drive reform and secure both public and government support to improve its services and the quality of its performance.

It must be emphasised that for the Nigeria police force to be effective, they should totally absent themselves from politics of any kind.

The Nigeria Police should embark on a strategic organization that respects human rights, works on partnership with the community and is impartial before the law in carrying out its functions of ensuring the security of persons and property , detecting, investigating the prosecution of offenders.

The poor public presentation of the police and its members must be highly criticized. The unkempt and unfit appearance of the police officer, the shabby and often stinking police stations, and the filthy and dilapidated police barracks (poor public presentation) have greatly added to the disdain the public has for the police. Poverty breeds corruption. The Police should be paid their salaries and allowances as at when due. There should be an increase in the budgetary allocation to the Police to ensure that it can properly provide a steady and balanced home for the police officers. The policemen are sent out on special duty to places where they are not provided with accommodation. Such situations must be provided for to ensure that policemen are humanely treated. Then they can in turn treat with kindness and humanity the members of the public they are bound to deal with. There must be life insurance cover for all cadres of the police to ensure that the beneficiary of the officer will have some insurable interest.

Provision and maintenance of habitable living quarters, stations and barracks for police officers, improved conditions of service e.t.c Also with the rise in violent crimes such as kidnapping, robbery, terrorism, the apparent inability of the police to bring the perpetrators to justice have left the public completely disillusioned. The factors affecting police performance include but are not limited to inadequate articulation of the Nigeria Police mission, weak legal framework, weak oversight agencies, corruption, lack of specialization of functions and improper performance appraisal systems. When all these are solved it will necessarily raise the standards of police performance and conduct.

I personally applaud the Inspector General of Police, Mohammed Abubakar for the removal of roadblocks from Nigeria's highway, for it surely took a man of integrity, ethical code and vision to implement and sustain it. This removal of road blocks has reduced 80% per cent corruption and drastically reduced accidental discharge.

We expect so much from our policemen. However, we must remember that from whom much is expected much should be given. I am very passionate about the reform of the police. There cannot be any

meaningful improvement in the security of society and effective administration of criminal justice until we treat the issue of better conditions of service for the police with the urgency and seriousness it deserves. We cannot continue to pay lip service to the issue of security. We must put our money where our mouth is. The reason why my friends call me police lawyer as I said at the beginning of this paper is that I believe Nigeria has the police it deserves. Train the police, equip them, pay them well, treat them well, let them know they will not die in line of duty in vain, and all members of Nigeria police would be heroes. I thank you all for listening.

**HELEN MORONKEJI OGUNWUMIJU**  
**JUSTICE, COURT OF APPEAL.**