

COMBATING CORRUPTION IN THE NIGERIA POLICE

**A Presentation By the Independent
Corrupt Practices & Other Related
Offences Commission At the Police
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The Independent Corrupt Practices and Other Related Offences Commission (ICPC) is honoured and pleased to partner with the Police Service Commission (PSC) in its bid to address the issue of corruption within the police, specifically, on this occasion. It has come at an auspicious time when the issue of corruption is on the front burner in our nation. The Commission is however certain that our observations, contributions and suggestion apply as much to all local, state and federal governments and their agencies as it does to the police. The Commission therefore expresses its appreciation to the PSC for this opportunity and hopes that in the not too distant future both institutions will partner further.

2. Corruption has eaten deep into the fabric of Nigerian society and seems intractable, but the situation can be remedied given disciplined and forthright leadership and a citizenry that is united in its resentment to corruption. Prior to the establishment of ICPC and its sister agency EFCC, governance in Nigeria was by and large characterised by a lack of transparency and accountability, which created a scenario where government business had moved away from its essential purpose of governance and development, to values which failed to promote merit, accountability, transparency, probity, and good conduct in government. Eventually government and its leadership lost credibility as it was seen as lacking values that were cherished in the society. By March 1987, corruption and indiscipline had been identified as the two most serious problems confronting Nigeria since independence. It is pertinent to note that corruption had always being the excuse given by the military in the seizure of political power but it persisted nonetheless.

3. Corruption In The Nigeria Police

The police is arguably the most visible agent of government and citizens often assess the character of a government through its police force. This is because

the police are the “guardians” of society. To a large extent, the growth, actions and behaviours of the police as an institution, not only reflect the political and economic character of society, but also mirror what those in power are willing or able to tolerate or condone or perhaps even demand of the police. Thus any adequate analysis of the problems and challenges of the Nigeria Police must start with the appreciation of the history and dynamics of its development, which from its infancy in 1861 was characterised and cultured in impunity, incivility, brutality, a lack of transparency and accountability all of which eventually metamorphosed into large scale corruption.

4. This however is not a presentation on the development or growth of the Nigeria Police no matter how relevant it is to the present regrettable situation. It is rather mentioned merely to remind the reader that corruption within the ranks of the police owes its origins in part to the wishes, desires and goals of its colonial creators. As we all know, habits once formed are hard to shake off. Hence the seeming inability and or reluctance, to steadfastly address this issue within the police.

5. Corruption within the Nigeria Police is not unique. Corruption exists in the Nigeria Police Force much the same as it does in any other police organisation the world over, except perhaps, in terms of its extent and the organisation’s reaction to it. However, the issue of corruption in the Nigeria Police as noted above cannot be treated in isolation of the larger society. To achieve any success in combating corruption in the Nigeria Police one has to take a holistic approach and most importantly understand the growth and existence of corruption within the police as briefly narrated above.

6. The foregoing notwithstanding, corruption is really a complex phenomenon and does not readily lend itself to easy analysis. This can be

gleaned from the fact that over the years policing has developed and changed; but corruption has continued virtually unabated and largely unchanged in form and format. It has merely adapted to developments in society. On a weekly if not daily basis, the media in Nigeria reports on one act of corruption or other illegality perpetrated by the police somewhere in the country. Transparency International, a body universally recognised as an authority on corruption and adjudging the extent of corrupt practices in countries around the world, not only listed Nigeria as one of the foremost nations afflicted by this malaise, but also ascribed to the Nigerian “law enforcement” a contributory percentage of the activity that caused the rating. Nigeria has not been delisted nor has its rating significantly improved.

7. The effects of corruption are social and economic. Governments and communities suffer from the malaise as it makes them uneconomic in that:

- Less revenue is collected, with a loss to government much greater than the individual gains;
- More money is paid for the goods and services procured ;
- Policies are distorted to maximise corrupt gains, usually in favour of capital intensive spending;
- Resources are diverted away from social and developmental priorities;
- Investment is discouraged;

Society becomes unstable, because

- People become angry, particularly the poor who cannot afford to pay bribes and who get hurt the most, and others whose human rights are violated;

- The rich provoke resentment, through wanting more riches and flaunting their corrupt gains they make corruption a political issue;

Society becomes unsafe because

- Bribes protect criminals and facilitate drug-smuggling, gun-running, terrorism and other crimes;
- Bribes make the protection of society fail, because people pay bribes to avoid compliance with the requirements for health, safety and the environment.

8. Corruption has been defined severally with each definition prospered from different perspectives. The Independent Corrupt Practices and Other Related Offences Act No. 5, of 2000 under Section 2 defines “Corruption” to include “*bribery, fraud and other related offences*.” Corruption within the police is both internal (within the organisation) and external (its “official” relations with the public), which for obvious reasons attracts the greater attention. By way of definition, corruption in policing is “*the misuse of authority by a police officer acting officially to fulfil or achieve his personal needs or wants*”. It involves the simultaneous presence of three distinct elements (i) Misuse of Authority, (ii) Misuse of official capacity and (iii) misuse of personal attainment.

9. There is no reason to believe that police officers as individuals are necessarily of a stronger moral fibre by upbringing or training than any other member of society. However, when a police officer is found wanting, or worst still violates the law, the outrage expressed by society is at its highest. This is simply because the deviance of a police officer “betrays” the confidence and trust of society and worst still, taints the entire organisation. The impact of this realisation may further be compounded by the knowledge that corruption in the police can invert the goals of the organisation to the extent that police powers encourage and create crime, rather than deter it.

10. Where police deviance ends and corruption begins is sometimes difficult to determine. Brutality, discrimination, sexual harassment, intimidation and illicit use of weapons constitute deviant behaviour. If it is designed to achieve personal wants it also characterises itself as corrupt. But corrupt behaviour as understood by the ordinary Nigerian probably consists of (i) pay-offs to the police by essentially law abiding citizens for infringement of statutes such as traffic laws, (ii) pay-offs to the police by organised crime or individuals who habitually break the law to make money such as drug dealers or prostitutes, (iii) the receipt of money, favours or discounts for services rendered, (iv) pocketing recovered money from the proceeds of crime, (v) giving false testimony to ensure dismissal of cases in court and (vi) the actual perpetration of criminal acts to mention a few. The danger apparent is that in extreme cases, police are not just “protecting” criminals, but have become a complicit part in the planning and execution of crimes.

11. What therefore can be done? How best do we combat this menace in the Nigeria Police? From a national view point, Nigeria seems to have trodden a similar path to that which was taken in Hong Kong, which in 1974 set up the Independent Commission Against Corruption (ICAC) to combat corruption with particular emphasis on their police force. The rationale was simple. If the police force was clean, corrupt segments of society were in “danger”. Similarly, here in Nigeria the Independent Corrupt Practices & Other Related Offences Commission (ICPC) was established by statute in 2000. Its mandate was also similar – clean up on graft in the country. The only real difference was that the catalyst for its establishment was the state of corruption within all sectors of the entire economy/country, rather than just specifically that of the police.

12. Operationally, ICPC is designed to match and interface strict law enforcement with strong preventive measures and community education. Consequently the,

- **Investigation/ operations** department handles enquiries in response to complaints, but also has the capacity to react proactively. Operatives have the power to arrest, detain, search premises, seize documents, access and freeze accounts on court order and impound assets of suspects;
- **Planning, Research & Review** department handles corruption prevention, and is designed to assist government departments and agencies in identifying and eliminating opportunities for corruption in their systems and procedures; and
- **Education & Public Enlightenment** department is principally concerned with educating the public regarding the evils of corruption and to enlist public support against it.

This approach by ICPC has yielded significant results and in-roads in the fight against corruption, and where the police is concerned has led to the conviction and imprisonment of several of its officers, but there is much to be done.

13. It is our view however, that the police force must take ownership of the fight against corruption within its organisation and master the in-house battles against graft. It is not so much the fact that officers are tempted by money that is important, but whether an institutional culture exists to discourage it. In truth everything from increasing salaries and allowances, ensuring better training and education, to the development of policies which focus on factors leading to corruption within the police have been tried without a comparative result. The fight to be effective must be taken on an operational and policy level.

14. Operationally, in the Nigeria Police a Section known as 'X' Squad exists to combat corruption within the police. It has of course, to rely on

information principally from within the force to achieve any significant impact. Over the years, there have been a few instances recorded as successes but, by and large it has been a failure for two principal reasons. First, police officers are extremely reluctant to inform on one another as this in itself is seen as a form of “betrayal”, and secondly, the ‘X’ Squad officers who themselves are somewhat derided, are reluctant to make perceptions amongst their colleagues worst. Besides which they are not immune from suspicion themselves. The lack of success of this section though lends itself to an interpretation which inevitably cast aspersions on the leadership of the force. The section needs strengthening, capacity building and the full backing of the organisation in order to come out of ‘hiding’ and meet the expectations of its existence.

15. On a policy level the police must in principle have an organisation committed fully to openness, transparency and impartiality in the conduct of its business. To enhance transparency and ensure consistency in policy guidelines on staff, administrative and operational matters, a manual or circulars must be created, updated and brought to the attention of all police officers. The guidelines should cover amongst others:

- Staff recruitment, promotion and posting procedures
- Job description/schedule of each post
- Keeping and checking attendance registers
- Performance appraisals
- Staff complaints
- Investigations
- Operational procedures, and
- Disciplinary procedures to mention a few.

Similarly, a Code of Conduct for police officers needs to be developed for the consumption of all ranks to ensure that officers are committed to ethical

practices in the discharge of their duties. A breach of the code should attract stringent disciplinary action. The code should cover these key elements:

- Corporate governance and the mission statement
- Rules on the acceptance of advantages
- Guidelines on conflict of interest and, procedures to declare conflicts and to handle such declarations
- Rules on the acceptance of entertainment
- Handling of proprietary information
- Use of organisational resources

16. Corruption within the police like crime within society is unlikely to be eradicated. It can however be controlled by the organisation but with the assistance and support of society. The perception that some get on the corruption bus, while others run alongside it and precious few stand in front of it needs change. At the organisational level controlling corruption requires strong and determined leadership, because corruption occurs at the very top as well as the bottom and all points in between in the hierarchy. The top brass must make it clear that corruption in all its forms will not be tolerated and furthermore will be severely punished. If the opportunity presents itself then administrators should make a decisive example. If concerted and stringent action is not taken against corrupt activity, the message down the ranks will be that of tolerance which will only serve to increase corruption within the organisation.

17. Additionally, in training institutions ethical behaviour and decision should be rewarded, promoted and applauded because failing to make officers aware of the consequences of corruption only serves to encourage it. Regardless of the present efficacy of sections such as the 'X' Squad, it should be strengthened and encouraged as its existence serves as a deterrent. The Public Relations department of the force should highlight educational

programmes within communities that touch on the negative effects of police corruption. Communities must realise that even the most basic form of corruption – gratification – only acts as a catalyst to more sinister forms of misdeeds. One further point, perhaps it is time that officers who have been proven to have known of corruption amongst their colleagues but remain silent should be sanctioned by the organisation or the law.

18. Between ICPC and the Nigeria Police a “partnership” should be forged to fight corruption. The two bodies should consider establishing several channels of communication at different levels aimed at cooperation and mutual understanding on operational and corruption preventive measures. The top hierarchy of both institutions should meet regularly to exchange information about cases, discuss corruption trends, hold briefing sessions with field officers, review operational procedures and improve communication channels. ICPC on its part would then be better placed to conduct a review of police procedures and practices as it relates to corruption, and produce reports and proposals to minimise the opportunities for corruption in general crime investigation, the handling of informants, covert operations and administrative arrangement for promotion and procurement as examples. On the part of the police, consultations can be made with ICPC on new initiatives or procedures with the aim of avoiding pitfalls to corruption.

19. Police management needs to encourage regular anti graft educational talks and seminars in which its officers participate. These talks should be integrated in training programmes for all cadres from the Training Schools to the Academy through to the Staff College. The training session would cover anti-graft legislation, the effects of corruption, and the problems caused by conflict of interest and indebtedness as a beginning. Case studies of different scenarios involving police work would be used to stimulate discussion among

officers on the ethical dilemmas they may face. Ultimately through these sessions police officers will acquire the basic knowledge and skills to guard against the temptations of corruption, while senior officers gain knowledge in managing staff integrity.

20. ICPC does not pretend to have all the answers to this complex problem, but has gained quite a bit of experience in tackling the hydra-head monster named corruption. Our approach is multi-faceted and we often advise similar methods by agencies afflicted with this problem. Most importantly, we see a partnership as more useful than individual efforts as this eases suspicions, ensures understanding and addresses issues from the perspective of the partners.

21. Once again, we thank the Chairman PSC and his management team for their foresight on this crucial subject matter which has direct implications for the Nigerian economy and the security of every Nigerian, and hope that we will share further ideas and rejoice together in the success in the fight against corruption soon.

22. Thank you and God bless.