

THE CONTROVERSY OVER THE CREATION OF STATE POLICE IN NIGERIA

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Abstract

This paper examines the controversy over the creation of state police in Nigeria. The debate is consequent upon the inability of the Nigeria Police to handle the myriad of security challenges facing the country. Such challenges include ethno-religious, farmers-herders clashes, communal conflicts, militancy and Boko Haram terrorism/insurgency to mention but a few. It interrogates the arguments for and against state police and notes that there are merits and demerits in both arguments. However, the paper opines that the argument against state police is more compelling in view of not only the vast land area of Nigeria but also its huge demography against the backdrop of the inability of the central government to attain the benchmark of the United Nations on policing. Arising from this, and using oral and written sources of information, the paper concludes that state police for the country is an imperative which, however, can come about after an appropriate legal instrument has been put in place. In the interim, a machinery may be initiated for the gradual decentralization of the operations of the Nigeria Police.

Key Words: Police, State Police, Policing, Community Policing and Security.

Introduction

Since the return to democratic rule in 1999, Nigeria has continued to face a myriad of low intensity conflicts which pose threats to national security. These conflicts include ethno-religious crises, farmer-herders clashes, communal conflicts, Boko Haram terrorism/insurgency which is now at a mop up stage, militancy in the Niger Delta to mention but a few. Government, at all levels, has been making attempts at addressing these conflicts some of which have proved intractable stretching the country's security apparatus, especially the Police Force to the limit. Alluding to this, the Inspector General of Police recently disclosed that the current 317,000 personnel in the Nigeria Police Force were inadequate to protect about 170 million citizens (*ThisDay*. 2016:18). This disclosure has heightened the clamour for State Police forces, with a subsisting federal force, as being practiced in the United States of America to ensure effective policing of the country.

However, there seems to be no consensus among stakeholders on how best to police the polity. While some favour the creation of state police as an appropriate response, others reject the creation of state police, arguing that what the country needs is to reposition the Nigeria Police to be more proactive in the discharge of its statutory duties. It is against this background that this article focuses on, the pros and cons of state police. To ensure a better understanding of the thrust of this paper, it would be helpful to clarify some of the basic concepts used in it.

Conceptual Clarification

This section clarifies the basic concepts applied in the analysis of the findings of this article. They include the police, policing, community policing and state police.

Police and Policing

Police refers to a socio-political and quasi-legal institution charged with the responsibility of enforcing criminal law and the maintenance of law and order. In other words, it is an agency of a community or government that is responsible for maintaining public order and preventing and detecting crime. The term is most commonly associated with police services of a sovereign state that are authorized to exercise the police power of that state within a defined legal or territorial area of responsibility (Akuul, 2011:16; Audu, 2017:6). The basic police mission to protect and secure, was the same in ancient societies as it is in modern sophisticated urban environments. Policing, on the other hand, entails measures and actions taken by a variety of institutions and groups (both formal and informal) in the society to maintain law and order as well as ensure conformity to the norms and values of society. It encompasses a wide range of powers, responsibilities and activities including, but not limited to the security of public safety and to guard which is a sub-set of control processes involving the creation of a system of surveillance coupled with the threat of sanction for discovered deviance (Tangban, 2014:198).

Worldwide today, police power, however, is no longer constrained by the borders of a nation, but has globalised. Hence, the terms international policing or global policing which describe forms of policing that transcend the boundaries of sovereign nations (Audu, 2017: 21). The creation of global organizations such as the International Police Organization (INTERPOL) is to counter the activities of trans-national terrorists and organized crime. This is made possible through the cooperation of local police agencies with their counterparts at national and foreign agencies sharing intelligence.

In Nigeria, the INTERPOL National Central Bureau (NCB) located in Abuja is the coordination and investigation office for international police enquiries linked to Nigeria. The NCBs key national security partners include the Nigeria Police Force, National Drug Law Enforcement Agency, Economic and Financial Crimes Commission, Nigeria Immigration Service, Nigeria Customs Service, National Agency for the Prohibition of Trafficking in Persons, and the National Agency for Foods, Drugs Administration and Control (Audu, 2017: 3).

Community Policing

Community Policing is policing that seeks to integrate officers into the local community in order to reduce crime rates and foster good community relations. Community policing broadens the nature and number of police functions compared with traditional policing. It emphasizes organizational change, active problem solving, and external partnerships to address issues that concern both the police and citizens. Community policing shifts the focus of policing by placing equal emphasis on crime control, order maintenance, and service provision (Okeke, 2013:312). It tasks the police to work with citizens and with other government agencies within a local environment in order to secure communities to increase overall quality of life.

Unexpectedly, the relationship between the Nigeria Police and the citizens appear to have been largely characterized by suspicion, prejudice, mutual disrespect, conflict and violence. Accordingly, one of the biggest impediments to the success of community policing in Nigeria seems to be the often-hostile relationship between the police and the informal policing machinery usually made up of some factions of ethnic militia groups in the country, some of which have designated themselves as "vigilante" (Guichaoua, 2006:20).

State Police

The practice of state policing is not uniform across the world and so its conceptualization is quite complex. State police is defined by Agwanwo as "policing in a federal system in which the state government employs police officers for the purpose of policing the state" (Agwanwo, 2014:166). This definition tends to imply that state police exists only in countries having a federal system of government, but this is not necessarily so. Egunjobi, taking Nigeria into consideration, is of the view that "state police is a kind of sub-national police formation which is established, organized, maintained and under the direct control and jurisdiction of a particular state (sub-national unit) government" (Egunjobi, 2016:2). While this is a broader definition, it does not take into consideration the fact that in some countries practicing state policing, such as the United States of America and Canada, the Counties and Municipalities also have their own autonomous police forces. This is captured by Aremu who opines that "State

policing operationally is when policing and all its operations and logistics are controlled by other governments other than the national or federal government" (Aremu, 2014:33). In essence, this means that the state police force is not a part of the national police but serves a sub-division of the nation such as a state, province and/or its smaller units. The most important issue, however, is not territoriality but that of decentralization of the police force.

Operations of the Nigeria Police Force

To place our discussion in this segment in proper perspectives, it would be pertinent to begin with a brief narrative of the evolution of the Nigeria Police Force. Much ink has been spilt on this subject that we need not discuss it in detail here. It suffices to highlight key features.

Although the various communities that constitute the present-day Nigeria had mechanisms in place to protect their societies, organized policing in the sense we know it today was a colonial creation. With the annexation of Lagos as a British Colony in 1861, it was only natural that the colonial masters would want to secure their lives, property and interests. Accordingly, Consul Foote, who was the head of the colonial government at the time of annexation, wasted no time in proposing the establishment of a consular guard to be stationed in Lagos. Although the request was turned down by the British Foreign Office for economic reasons, it was not long before the Acting Governor of Lagos Colony realized the indispensability of organized police in the conquered territory. Thus, before the end of 1861, McCaskey, who later became the Acting Governor, established a constabulary of 30 men which effectively led to the origin of modern policing in Nigeria (Adedeji, O. A., 2012) By 1862, the British government had increased the constabulary to 100 and by the following year, there were 600 men on the nominal role of the constabulary (Adedeji, O. A. 2012)

Personnel of the constabulary were drawn largely from Hausa ex-slaves from Sierra-Leone called *armed Hausa police* (Adedeji, 2012: 3). This strategy itself was deliberate because by deploying Hausa strangers to exercise coercive power in a largely Yoruba environment, the British government made no pretense that they were out to oppress their conquered territory. Governor Denton, in fact, corroborated this view in his valedictory speech he delivered on the occasion of his departure from Nigeria when he observed as follows:

In our Hausa Force we have a body of men dissociated from the countries immediately around Lagos both by birth and religion, and who are as a matter of fact the hereditary enemies of the Yorubas. This is such an enormous advantage in any interior complication that I should be sorry to see it abandoned if it be possible to obtain a supply of recruits in any other way. (Tamuno, 1970: 28)

And so, twice in 1865, the armed Hausa Police bared their fangs as agents of oppression when some of them attacked *Egba* and *Edinmo* villages for acts of insubordination against the colonialists (Tamuno, 1970:42). Another noticeable feature of early colonial police is that too much emphasis was placed on maintenance of law and order. Much emphasis was placed on suppression of riots to the detriment of prevention, detection and prosecution of crime. For this reason, no attention was paid to educational standard of the recruits, as police recruits were only needed to pass a test of physical fitness before being considered as fit and proper for recruitment into the police (Onoge, 1993:178). As the British control of the communities constituting the present Nigeria continued to expand, it became clear to the colonial masters that the Hausa Constabulary could no longer cope with the security demands.

To remedy the deficit in police personnel, the Niger Coast Constabulary was formed in Calabar in 1894, while Lagos Police was created in 1896 (Vide Ordinance 1895). In Northern Nigeria, the Royal Niger Company set up a constabulary in Lokoja (Vide Ordinance 1895). Subsequently, when the British government divided Nigeria into three administrative divisions namely, the Northern and Southern Protectorates and Lagos Colony, the Niger Coast Constabulary and Royal Niger Company Constabulary became the Southern and Northern Nigeria Police, respectively while the Lagos Colony Police continued to superintend Lagos security. In the year 1906, the Lagos Colony was merged with the Southern Protectorate to form the Colony and Protectorate of Southern Nigeria, thereby reducing the number of police formations in Nigeria to two (Adedeji, 2012:8). However, the amalgamation of the Southern and Northern protectorates to form Nigeria in 1914 did not follow a similar pattern. It was not until April 1, 1930 that the Nigeria Police became unified under the command of an Inspector-General whose office was at the Force Headquarters in Lagos (Adedeji, 2012:8).

As noted earlier, some form of organized policing was not new to the various communities constituting the present-day Nigeria. Among the *Yoruba*, for instance, the *Ilaris*, the *Emeses*, the *Agurens* (these are Yoruba names for different categories of security operatives) to mention but a few enforced native laws and customs, especially the collection of taxes (Rotimi, 2011:43). In the Northern part, there were *Dogaris* who not only served as bodyguard to the emirs (Smith, 1960:63; Nadama, 1977: 337&352), but also arrested and disciplined offenders (Fika, 1978:231).

The contact of the Yoruba with the colonial police must have greatly influenced them in organizing their traditional security outfit along the line of colonial security apparatus. Accordingly, the *Egba United Government* established an *Egba Police* on the 27th of July 1905 (Rotimi, 2011:43). The membership of this police was largely drawn from 'Ode' called native hunters and their original assignment was to combat the menace of armed robbers considered to be on the increase then. Ibadan and many other Yoruba towns subsequently copied the initiative of the Egba.

If the evolution of the native police among the *Yoruba* of the southern part of what became Nigeria could be viewed as an attempt by them to emulate the colonialists, the British themselves encouraged the evolution of native authority police in the northern part. Having realized that the institution of *emirship* was strong in the North, Lord Lugard, the then Governor of Northern Nigeria decided to strengthen the existing *Dogaris*. Initially, four objectives were identified for giving recognition to the native police in the North. These were the need to secure the loyalty of the *emirs* and the chiefs, build Native Administration, reduce cost of administration, and take side with the Hausa in battle for racial superiority with Southerners. However, as it later emerged, the Native Authority in the North was encouraged to allay the fear of domination by non-Northerners of the colonial police (Smith, 1960:63).

Whatever the means by which they came into existence, Native Authority Police in Nigeria was given recognition by the colonial authorities by Ordinance No.4 of 1916 which not only empowered Native Authorities to maintain law and order in their respective domains, but also allowed them to prevent crime and arrest offenders by employing any person to assist them in carrying out their police duties (Rotimi, 2011:43). With the coming into force of Ordinance 4, 1916, policing in colonial Nigeria legally became the responsibility of the colonial police and native police, the latter under the management of Native Authority. This practice was sustained up to independence and a few years after.

Nigeria gained independence from Britain on October 1, 1960 and until the termination of the democratic rule by the military on January 18, 1966, the politicians of the First Republic maintained the policing arrangement bequeathed to Nigeria on the eve of independence. For example, although the 1963 Constitution established a Police Force called Nigeria Police Force for Nigeria, it permitted regional legislatures to make provisions for the maintenance of native police. However, it would appear that the politicians of the newly independent Nigeria lacked the discipline needed to sustain multiple police forces. Traditional authorities and politicians deliberately or otherwise turned native police into agents of repression. By the time General Aguiyi-Ironsi took over the mantle of leadership of Nigeria following the overthrow of the first civilian administration, it had become apparent that native police was a problematic institution.

Consequently, one of the first actions taken by the Ironsi military-led government was to constitute a committee to examine the feasibility of the unification of the Nigeria Police and local government police as well as the unification of Prison Service in Nigeria (Adedeji, 2012:8). Although General Ironsi was no longer alive when the committee submitted its report, Lt Col Yakubu Gowon, who took over the mantle of leadership after the assassination of General Ironsi, accepted the recommendation of the committee that the Nigeria Police system be unified. Accordingly, native police forces ceased to exist in Nigeria in February 1968 while the existing personnel in several forces were enlisted in the Nigeria Police Force.

Nigeria has since 1999 returned to democratic government, maintaining the same single police system put in place by the administration of Lt Col Yakubu Gowon which was followed by subsequent Nigerian governments, military or civilian. However, there have been challenges which have necessitated the call for the restructuring of the Police. These calls predate the present administrations. For instance, General Ironsi in an address said:

There is need for a clarification of the general impression held in this country about the services provided by the department of police and prisons. You will therefore have to examine the factors which have contributed in producing a distorted image of the machinery for the police administration in the minds of Nigerian public and formulate concrete proposals for correcting any deficiencies. (Rotimi, 2011:44)

The above excerpt was part of the address of General Aguiyi-Ironsi to the Gobir Committee setup in the wake of the first military coup in Nigeria. Five decades after the above words were uttered, the Nigeria Police remains a problematic institution. Of all the problems facing the institution, none is more pronounced than that of corruption.

State Police and its Operations Globally

State police is present in a number of countries in the world. Countries like India, Mexico, Canada, United States of America, Spain and Brazil all operate state police of varying structure. Some examples of these state police are briefly examined here beginning with India.

India

This country operates a state police system where each state is responsible for establishing and managing its police (CHRI, 2018: 8-9; Bureau of Police Research and Development, 2009; Diaz, 1989:42-52; The Indian Police Act, 1861: Act No. V of 1861). In addition, each state decides the organization of its police and how it works based on the rules and regulations of the state. Every State is responsible for financing its police although the Central (Federal) Government supports them in various ways. One way is the provision of housing and equipment for the state police. The recruitment of officers of the rank of Superintendent of Police (SP) is the responsibility of the Central Government. These officers are recruited into the India Police Service (IPS) and then assigned to the various state police forces. Once posted, these officers come under the control of the States which decides their promotion and transfer. Each state is, however, responsible for the recruitment and training of its lower-level officers. The IPS is the police force of the Central Government. Although state police forces are independent of each other, they all share some commonalities because they are mostly structured based on the Police Act of 1861. Majority of the officers in the various state police forces come from the IPS. In addition, the major criminal laws are applicable in most parts of the country. Each state police force is headed by a Director General of Police (DGP). The state is divided into zones, each zone is divided into ranges, each range is divided into districts, each district into sub-division, and sub-division into circles and police stations.

Canada

The responsibility for policing in Canada is shared by the Federal, Provincial and Municipal governments (Council of Canadian Academies, 2014: 5-8; Roche, 2011:1; Sheptycki, 2004:107-134. Royal Canadian Mounted Police Act (R.S.C., 1985, c. R-10; Roth, 1998:707-719; Kelly & William, 1973:199-200). Each Province is responsible for providing its own police. In turn, some Municipalities under a Province are required to provide their own police. The federal government has its police called the Royal Canadian Mounted Police (RCMP). Therefore, instead of forming their own Police services many of the Provinces and Municipals simply opted for contracting the RCMP to be their police. Under this arrangement, the RCMP under contract is governed by the Provincial Police Act of the contracting province. This means that the roles of the police vary with jurisdiction. There are independent Provincial Police in Ontario and Quebec Provinces as well as in many Municipal police in services. Provinces and Municipals bear between 70 - 90 percent of the cost of policing while the Federal government bears the rest.

Spain

The constitution of Spain allows for the creation of police at the state, regional and municipal levels. Any municipality having more than 5000 people is given the power to create its own police and many have done so (*Policing in Federal Countries*, 2018:11-13; Kelling & Wycoff, 2002:88; Neocleous, 2004:93-94; Das & Otwin, 2000:17; Bayley, 1979:109-143; Walker, 1977:143; Charles Reith, 1943:207). At the regional level, the police shares responsibilities with the municipal and national police forces. In Catalonia, for instance, the major policing is provided by the *Mossos d'Esquadra* Force (MEF) while the national police only play minor roles in the region. In addition, over 180 municipalities in the region have their autonomous police that cater for their specific needs. The Catalan government is responsible for coordinating the activities of both the MEF and the various municipal police forces.

United States of America

Policing in the United States of America is the responsibility of states, counties and local/municipal governments (Mitrani, 2014:17; Roche, 2011:54; Das & Otwin, 2000:17; Walker, 1977:62). The Federal Government does not have a

police force but a number of law enforcement agencies, such as the Federal Bureau of Investigation (FBI) and Drug Enforcement Administration (DEA) which perform specific policing tasks at the national level. Each of the 52 States in the country has a police force which has full jurisdiction within its borders. However, under normal circumstances this jurisdiction is shared with County and Municipal police departments. The Counties in each State have their own small police led by the Sheriff although some bigger Counties operate larger police departments. The municipalities within each county also have their own police departments. Many of these Municipal police departments have only one officer while that of New York City has over 40,000 officers (Das & Otwin, 2000:17).

The Controversy over State Police in Nigeria

The issue of whether or not the federating states of Nigeria should have their own police forces has become a vexed one in recent times. While some insist that Nigeria is not ripe for multiple police forces, others are of the view that the solution to the security problem of Nigeria is an amendment to the constitution to permit the states to own their own police forces. In what follows, we will examine the arguments for and against state police beginning with the former.

Arguments in Favour of State Police

The argument often adduced in favour of the establishment of state police is that it accords with the principle of federalism Nigeria claims to operate (Aganwo, 2014:165). As a federalist state, Nigeria is divided between the central government called the Federal Government and the 36 states. Law making function at the centre is the responsibility of the National Assembly while the State Houses of Assembly perform similar function subject to the limit permissible by the legislative list contained in the second schedule to the constitution; an extension of the principle of federalism to which Federal and State courts exist. Thus, while there are federal courts with powers and jurisdiction as spelt out in the constitution, state courts are allowed to exist side by side with them, and their own jurisdiction clearly spelt out (Eme & Anyadike, 2012: 203). The executive powers of the federation are by virtue of section 5(1) vested in the president while that of the states are vested in the governors. The exercise of executive powers in both cases extend to the execution and maintenance of the constitution and all laws made by either the national or state assemblies, as maybe appropriate.

An analysis of the above constitutional provisions would clearly reveal that each of the federating states is meant to be a complete government of its own with powers to make laws, enforce them and punish offenders through the judicial arm. Yet, under the Nigeria legal system, the only institution saddled with the responsibility of enforcing laws is the Nigeria Police Force, a national outfit. As observed by Etanbi Alemika and Innocent Chukwuma, "the police are agents of the state, established for the maintenance of order and enforcement of law" (Alemika & Chukwuma, 2010:144). Without a coercive power, a state no matter how big or rich is just like any other organized society. It may be able to bark but it certainly cannot bite. Architects of the 1999 Constitution of Nigeria seemed to have appreciated the problems that were likely to be faced by the federating states operating without coercive powers when they inserted a clause allowing the government of a state to give any lawful directives to the commissioner of police in charge of a state with respect to the maintenance of public safety and order (Aganwo, 2014: 165).

However, the constitution makes no pretense as to who really, is the overall boss of the Nigeria Police. The provision in section 215(4) is unequivocal that a state commissioner of police shall be at liberty to refer a directive given by a state governor to the president before acting on it. In Nigeria where most government decisions are influenced by politics, a governor's directive to the state commissioner of police is prone to constant veto. A classic example of the usage of presidential power to undermine the state was the murder trial of Nigeria's former Senate majority leader, Teslim Folarin in 2011 (Aganwo, 2014: 165). Without waiting for the legal advice to issue on the murder charge brought against Teslim Folarin, the police, believed to be acting the script of the Federal Government of Nigeria, unilaterally withdrew the charge against the accused person. Another example of the powerlessness of the states in security matters was manifested in the unilateral disbandment of Bayelsa State security outfit by former President Goodluck Jonathan (Aganwo, 2014:165).

Advocates of state police also argue that it is illogical to ascribe the managerial capability of an institution like the Police to a particular tier of government (Aganwo, 2014: 165). They observe that the decision to completely cede policing to the federal authorities in Nigeria was premised on the wrong assumption that the federating states in Nigeria lack the power to maintain a disciplined force, especially against the backdrop of the experience of the First Republic earlier mentioned, and that experience has shown that the Federal Police are not insulated from the vices that afflicted the Native Police while it existed. Indeed, they argue that vices such as corruption, indiscipline,

oppression, extortion to mention but a few that contributed to the demise of the Native Police still hinder the Federal Police in the discharge of their constitutional role.

Pro-state Police agitators also draw attention to the issue of over-concentration of responsibilities on the federal government as a reason for the clamour for state police. 68 items on the exclusive legislative list to contend with, the Federal Government of Nigeria is already overburdened with responsibilities, they argue (Aganwo, 2014: 165; Eme & Anyadike, 2012: 203).

As a result, they note that security these days is seen as the protection of only Abuja, the seat of power alone and that it is the individual states that now spend heavily to supplement the operation of police personnel deployed to their domains to secure lives and property. If a state spends heavily on matters relating to security, then it should be able to exert some form of control, advocates of state police maintain (Aganwo, 2014: 165; Eme & Anyadike, 2012: 203).

On his part, Vice-President Osinbajo, arguing for state police, noted:

We cannot realistically police a country the size of Nigeria centrally from Abuja. State police and other community policing methods are clearly the way to go. The nature of our security challenges is complex and known. Securing Nigeria's over 900,000sq km and its 180 million people requires far more men and material than we have at the moment... It also requires a continuous reengineering of our security architecture and strategy. This has to be a dynamic process. For a country of our size to meet the 'one policeman to 400 persons' prescribed by the United Nations would require triple our current police force; far more funding of the police force and far more funding of our military and other security agencies. (Onyedi, 2018:53)

What seems clear from the Vice-President's remark is that Nigeria is too large for its security matters to be over-centralized. In a country that is usually bogged down by administrative bottlenecks, a lot of time is wasted on matters like the deployment of security operatives to quell insurrection. The efficacy of local militias like *Oodua People's Congress*, *Bakassi Boys*, *Egbesu Boys*, to mention but a few seem to lend credence to the believe by many that security is largely a local problem and only those who understand the terrain can manage it.

Arguments against State Police

Like advocates of state police, those opposing the establishment of state police have adduced a number of arguments in support of their own position. Firstly, they argue that the conditions that led to the demise of the Native Authority Police, the precursor of state police being clamoured for now still exist (Aleyomi, 2013: 21). They maintain that the Native Police of the First Republic was about the most abused public institution with local authorities exercising absolute powers which their political candidates deployed at will against their opponents.

In the South-west and the North, for instance, the use of political thugs in native police uniform by politicians led to the outbreak of operation *Wete* and the Tiv riots, respectively which were some of the remote causes of January 15, 1966 military take-over in Nigeria ((Aleyomi, 2013: 21). States and local governments might have been outlawed from creating state police, their recourse to ethnic militias like *Bakassi Boys*, *Egbesu Boys*, *the Oduduwa People's Congress* to mention but a few to wreaked havoc on political opponents is suggestive of how dangerous it would be to legally allow states to have police forces. They note that the revelation that members of the dreaded *Boko Haram* have sponsors among prominent politicians in Nigeria is a pointer to the possible negative use of state police by politicians (Alfred Olufemi, 2020:1; Premium Times, 2012:1).

There is also the issue of possible intra-police conflict between state and federal police being raised by those opposing the establishment of state police (Adebayo & Ojo, 2009: 70). Although the police as presently structured may be guilty of most if not all allegations leveled against it, those against state police are of the view that it is better for Nigeria to face the challenge of a single police instead of having to fight many battles at the same time by creating state police, noting that it is equally doubtful if Nigerian politicians have imbibed the culture of political maturity to be able to put in place a mechanism for resolving amicably likely jurisdictional problems that would arise from operating multiple police forces.

Yet another argument being put forward by opponents of state police relates to funding. They posit that with virtually all the states depending on allocation from the federation account, the creation of state police would worsen the already weak financial position of most states of the federation (Adebayo & Ojo, 2009: 70). They submit that even

a state like Lagos, for example, that has been giving huge financial support to the Nigeria Police Force in its area of jurisdiction has been doing so through a trust fund system dedicated to that purpose.

In addition, opponents of state police note that many states in Nigeria presently have some sort of unofficial 'police' carrying out a variety of duties including traffic control, sanitation, eradication of illegal trading, moping of major roads of abandoned, illegally and sometimes legally parked vehicles and so on and that the level of fraud and brutality with which these uncategorized set of people work is common knowledge (Muazu, 2004: 18; Adebayo & Ojo, 2009: 68). Some of them have even earned sobriquets owing to the manner with which they operate. They cite the "Ndi Mpiawa Azu" in Anambra State, for example (Muazu, 2004:18; Adebayo & Ojo, 2009: 68). Among these uncategorized people, you can hardly see a non-indigene among them in every State that has them, apart from most of them being persons of questionable character. Opponents of state police submit that their *modus operandi* is a pointer to what state police will look like if ever introduced (Muazu, 2004:18; Adebayo & Ojo, 2009: 69).

Also, those against state police express the fear that constant friction between State and Federal Police will be inevitable just as all these uncategorized groups often clash with the Police and sometimes the Army (Muazu, 2004:21; Adebayo & Ojo, 2009: 68). Furthermore, if Nigeria introduces police at the state level, division of duty between State and the Federal Police will be an interesting thing to follow, opponents of state police maintain.

An Assessment of the Pros and Cons of State Police

This segment assesses the arguments for and against state police beginning with the former. Proponents of state police base their arguments partly on the federalist structure which they believe should be extended to the Nigeria Police and partly on states intervention to the Police institution. On the former, there can be no doubt that the strand of argument makes a lot of sense. If Nigeria operates a federalist system, it is only logical to extend it to the Police establishment more so as the sprawling size of the country warrants such a move for more result-oriented policing. On the second strand of the argument which focuses on the occasional support by state governments to the Police, we may cite the example of Lagos State.

The Governor of Lagos State, Akinwumi Ambode's intervention, for example, consisted of 100 saloon cars, 55 Ford Ranger pick-up vans, 10 Toyota Land Cruiser pick-up vans, 115 power bikes, three helicopters, two gunboats, Isuzu Trucks, vehicular radio communication, security gadgets, bullet proof vests, siren and public address systems, helmets, handcuff, uniforms and kits (*The African Opinion*, 2018). He also floated an improved insurance and death benefit scheme. All this cost the Lagos State Government about ₦4,765 billion Naira (*The African Opinion*, 2018).

What the Lagos State Governor did is what almost all state governors are doing in varying degrees, an indication that the Federal Government is unable to equip the police properly to safeguard lives and property. The governor of any state is the chief executive officer of that state. He works with the state's Commissioner of Police (CP) to keep the state safe, yet he has no operational control over the CP. This power lies elsewhere. So why do states 'fund' a police force that they have no control over? It is because their people will hold the governor responsible in the event of security lapses in the state. It should be noted, however, that the gesture of goodwill to the Police Force by state governors is just an intervention and should be seen as such. Sustaining a Police Force entails much more than such periodic intervention as most if not all the states do.

Opponents of state police, on the other hand, maintain that state political leaders will use it to intimidate their political opponents. There is a hidden assumption in this argument that the Federal Government has more integrity than state governments. This is unproven. Indeed, the Federal Government had used the police force several times to intimidate its political opponents (*The African Opinion*, 2018:23). There is also another questionable assumption that the media, judiciary, labour unions, opposition parties and civil society groups would remain meekly silent while a state government rides roughshod over the citizens. This is unlikely to be the case because of the plurality of media ownership, civil society groups, the judiciary and the proactive stance of the civil population. All this could check the tendency towards oppression by a state chief executive deploying state police against opponents.

Another argument of opponents of state police is that only a few states would be able to fund state police. The present reality is that federal and state governments jointly meet the operational cost of the police in all the states. The state governments would only need to make some additional fund to what they are spending now on the Police Force. Also, if the revenue sharing formula is reviewed to enable the states to get more than they now do, it would be less burdensome for them to fund state police. There is also the view that there will be conflict in operational jurisdiction between the two police forces. Such conflicts, if and when they do arise, can be amicably resolved. After all, even now,

the Federal Police and Army do have clashes from time to time and no serious damage has been done to the reputation or the integrity of any of them.

The other argument of the opponents is that the establishment of state police would be a quick way of laying a foundation for the break-up of Nigeria. This argument is unsustainable because the Military would still remain the dominant coercive force in the country. However, the unity of any country entails not only having a coercive institution of government but also upholding the values of equity and justice.

There can be no doubt that the establishment of state police is desirable for the country for several reasons. One, state police is likely to do better intelligence work since they know the terrain and would be able to speak the local language better than non-indigenes. Two, there would be cooperation and partnership between the State and Federal Police in security matters since it is in the interest of both of them to cooperate for success. Besides, some of the state governments have their own vigilante groups or something akin to state police established by law. Where they are not established by law, the state governments still use them alongside the Federal Police. For example, *Hisbah* is the Sharia Police in Kano and it works hand in hand with the Federal Police. In the South west, there is the *Odua People Congress*; in the Southeast there are the *Bakassi Boys* and in the South, there are the *Egbesu Boys*. These informal semi-police outfits exist in various parts of the country. Their existence seems to suggest that there is a policing gap, which they, legally or illegally, are filling. If that is so, why not go the whole hog and allow the states to establish a police force of their own by law, which can be regulated and supervised by a Police Service Commission? At the moment, many of these security outfits are operating whimsically and arbitrarily.

Perhaps the most important argument for state police is that the country is seriously under-policed. The United Nations benchmark is one policeman to 400 persons. Nigeria has a population of about 180 million, which by the UN threshold should have at least 450, 000 police personnel (Kimani, 2009:10-11). At the moment, the staff strength of the Nigeria Police is about 371,800 implying a deficit of 78,200 police personnel (Dziedzic, 2002). In 2017, President Muhammadu Buhari approved the recruitment of 10,000 additional police personnel (Maciag, 2016). That is still a far cry from what is needed. Even with the present low figure, the Federal Government has not been able to take care of them adequately (*Premium Times*, 2019:4). Some police personnel go about their duties in torn uniform (Sunday, 2019:4). Some wear bathroom slippers to work; the rain drenches some because they have no raincoats (IWRP, 2019:4). Sometimes, they are owed salaries for months (IWRP, 2019). That is why police personnel have sometimes threatened to go on strike (Adepegba, 2019:8). If, however, the state governments establish their own police forces, this would shore up the total number from the two police forces and bolster the capacity of the police institution to fight crime more effectively. If, on the other hand, the government decides to maintain the status quo and meets the UN benchmark on policing, that may not meaningfully impact on the effectiveness of the police establishment partly because of its unified structure with attendant bottlenecks and the sheer size of the country. Add to this, the financial implication of meeting the UN benchmark on policing in the face of dwindling resources.

There is also the issue of how Nigeria would operate state police. As earlier indicated, there are different models of state police in the world. For example, India, Canada and the USA models. Each of these models appear to have been developed by countries taking into account the internal dynamics including population, size, financial capability and the like. A transplant of any of the already existing model to Nigeria without modification as it is the case with the Presidential System of government adopted by Nigeria may create more problems for the country than solving it. This of course, implies that if Nigeria is to borrow, which seems most likely, there is the need for a proper legal instrument to be put in place to govern the operations of the Federal and State Police. Such a legal instrument would need to address a number of issues including the relationship between the Federal and State Police, funding for Federal and State Police, the powers and limitations of both levels of Police in a manner that would ensure harmonious working relationship between them and of course, the Federal and State Governments within such a legal instrument. Any rush to establish state police without such a legal instrument in place may mean invitation to conflict and confusion between the Federal and the states.

Besides, there is the issue of attitude of not only the political class and police personnel which leaves much to be desired at the moment for the envisaged state police to take-off and serve the purpose intended. There is need for re-orientation for not only the political class but also members of the Police Force in a manner that ensures discipline among them in matters relating to security. Without this, if the status quo is maintained and the government goes ahead to establish state police, such an approach would be counter-productive. In the interim, there should be a move towards decentralization of the Nigeria Police as a prelude to the eventual emergence of state police when the enabling environment is put in place.

Conclusion

This paper has examined the controversy over state police. An attempt has been made to conceptualize police and policing, state police and community policing in order to aid understanding of the subject matter. The discussion also highlighted the operations of the police from the pre-colonial to the post-independence periods. Arguments for and against state police have been outlined and analyzed. Both arguments seem persuasive based as they are on the existing realities. However, all in all, state police are desirable and for it to serve the greater interest of Nigeria, appropriate infrastructure such as the right attitude to security matters on the part of key stakeholders, financial viability of federating states and good policy framework must be put in place.

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