



Research Article

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Received: 20 September 2024 / Accepted: 8 November 2024 / Published: 20 November 2024

Police Accountability and the Administration of Justice in Nigeria: A Case Study of Cross River State Command

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DOI: <https://doi.org/10.36941/mjss-2024-0050>

Abstract

The police are essential for maintaining law and order, yet they face frequent allegations of human rights violations in Nigeria. This study investigates the Cross River State Police Command, focusing on how their actions contribute to human rights abuses. Key objectives include exploring conditions in police custody, assessing the legal rights of suspects, and examining issues of unlawful arrests and detention. Utilizing Tom Tyler's Procedural Justice Theory (1990), the research employs a descriptive survey design, gathering qualitative data through interviews. Participants, including police officers, legal practitioners, and individuals who have experienced human rights violations in Cross River State, were selected through purposive and cluster sampling from three police stations across different senatorial districts. Data were transcribed and analyzed thematically. Findings reveal pervasive human rights abuses by the police, such as corruption, extortion, brutality, and excessive force, which have eroded public trust and impaired effective intelligence gathering. The study recommends enforcing accountability for corrupt practices and serious abuses like extrajudicial killings and torture, urging stringent legal consequences to dismantle the culture of impunity within the Nigeria Police Force.

Key words: Police accountability, administration of justice, legal rights of suspects, Police custody, Nigeria

1. Introduction

The police are fundamental to the criminal justice system (CJS), tasked with maintaining social control and upholding law and order, as emphasized by Akinsulore (2020) and Samuel (2020). In Africa, the role of the police is crucial, and in Nigeria, the Nigeria Police Force (NPF) serves as the primary law enforcement body as established by Section 214 of the 1999 Constitution (Iwuoha and Aniche, 2022). Operating across Nigeria's 36 states and the Federal Capital Territory (FCT), the NPF is led by the Inspector General of Police (IGP) and functions under the Constitution and the Police Act of 1990.

The NPF's responsibilities include crime prevention and detection, apprehension of offenders,

maintaining law and order, and protecting lives and property (Nigerian Police Force, 2021). In Cross River State, despite the police's crucial role in crime control, issues of human rights violations by some officers have compromised public trust and cooperation.

Kazeem (2017) highlights Nigeria's inadequate police-to-population ratio of 219 officers per 100,000 people, falling short of international standards. In 2016, the World Internal Security and Police Index ranked Nigeria's police force lowest among 127 countries, indicating significant trust and performance deficits. Trust in policing is markedly higher in countries such as Denmark, the Netherlands, and Sweden, while Nigeria, South Africa, and Mexico score lower (Statista Research Department, 2022).

The NPF's hierarchical structure, from the Force Headquarters to local police posts, supports its operational mandate. However, the effectiveness of the NPF is heavily reliant on public trust, as noted by the United Nations Office on Drugs and Crime (UNODC, 2023).

Established in 1861 as a 30-man consular guard in Lagos, the NPF evolved through various regional forces into a unified body under British colonial rule in 1930 (Dambazau, 2007; Iwarimie-Jaja, 2012). The administration of justice is a cornerstone of governance, ensuring that individuals with criminal tendencies are monitored and justice is served fairly. Integrity within the police service is crucial for public confidence and the just administration of the law (UNODC, 2023).

Despite the clear mandates in Section 214 (1) of the 1999 Constitution and the Police Act (2020), which outline duties including crime prevention, law and order maintenance, and protection of lives and property, the NPF faces criticism for human rights abuses, excessive force, torture, corruption, and misconduct. This study examines the role of the police in administering justice with a focus on the Cross River State Police Command.

2. Statement of the Problem

The police are integral to the criminal justice system, responsible for protecting lives, maintaining order, and preventing crime. However, the NPF has faced numerous allegations of excessive force, brutality, and human rights abuses. International human rights organizations, including Amnesty International and Human Rights Watch, have documented extensive police misconduct in Nigeria, such as extrajudicial killings, torture, abductions, and illegal detention (Campbell, 2019; Amnesty International, 2020; Cheatham and Maizland, 2022). The lack of accountability exacerbates the issue, with many victims unable to afford legal representation and cases of abuse going unpunished (Nguyen, 2017).

Additionally, the NPF is criticized for widespread corruption, with officers demanding bribes from citizens and high-ranking officials implicated in embezzling public funds (Guttschuss, 2010).

3. Research Questions

The study is guided by the following questions:

1. How do police actions contribute to human rights violations?
2. What are the conditions of detainees in police custody?
3. What legal rights do suspects have against unlawful arrest and detention?

4. Objectives of the Study

This study aims to examine the role of the police in administering justice, with a focus on the Cross River State Police Command. The specific objectives are:

1. To describe how police actions lead to human rights violations.
2. To examine the conditions of detainees in police custody.
3. To assess the legal rights of suspects against unlawful arrest and detention.

5. Literature Review

5.1 Administration of Justice

Garner (2004) defines the administration of justice as the state's application of force to uphold the rule of rights, involving legislative, executive, and judicial functions. This study focuses on the police's role within this system. Samuel (2020) explored the police's role in Nigeria's criminal justice system, revealing their critical role in law enforcement but also noting calls for support from other agencies like the Nigeria Security and Civil Defence Corps (NSCDC) due to rising crime rates.

5.2 Police Actions and Human Rights Violations

Aborisade and Obileye (2018) found that torture is commonly used in Ogun State to elicit confessions, highlighting a need for better training and professionalism within the NPF. Iwuoha and Aniche (2022) discussed the implications of police brutality during the #EndSARS protests, showing a significant trust deficit between the government and citizens. González and Prem (2022) observed that police violence in Chile led to reduced participation in street protests but increased support for non-violent forms of protest. Etim, Duke, Fatile, and Akah (2022) found that excessive force and lack of functional public complaint mechanisms during the #EndSARS protests escalated violence. Abimbade, Olayoku, and Herro (2022) demonstrated the role of youth-led activism in influencing government action against police brutality.

5.3 Conditions of Detainees in Police Custody

Arisukwu et al. (2022) and other studies have consistently shown that detainees in police custody face severe conditions, including overcrowding, inadequate medical care, and abuse. This reflects broader systemic issues within the NPF.

6. Theoretical Framework

This study is grounded in Tom Tyler's Procedural Justice Theory (PJT) (1990), which explains why individuals obey the law through two main factors: instrumental compliance (fear of punishment) and normative compliance (belief in the fairness of law enforcement). PJT emphasizes that perceived legitimacy of authority is a crucial determinant of compliance. In contexts where public trust in law enforcement is low, such as in Nigeria, achieving procedural justice is challenging. Research indicates that public obedience to law enforcement is closely tied to trust in police institutions and the perceived legitimacy of the justice system (Bolger & Walters, 2019; Cheng, 2020; Deuchar, Crichlow, & Fallik, 2020).

7. Methodology

A descriptive survey research design was used to collect qualitative data on participants' experiences and opinions. The study focused on the Cross River State Police Command, representing the state's three senatorial districts. A total of 35 participants, including police officers, legal practitioners, and victims of human rights abuses, were selected through purposive and cluster sampling from Akim Police Station (Southern District), Ikom Divisional Police Station (Central District), and the Area Command in Ogoja (Northern District). Data were gathered through in-depth interviews, recorded, and analyzed thematically. The fieldwork spanned from June 1st to June 30th, 2023.

8. Data Presentation and Analysis

The study collected data from 33 participants across three police stations in Cross River State.

Table 1: Below presents the distribution of participants based on their location and role:

| Study Site | Police Officers | Legal Practitioners | Victims of Human Rights Violations | Total |
|----------------------------------------------------|--------------------|---------------------|------------------------------------|------------------|
| Area Command, Ogoja (P1-P10) | 4 (12.12%) | 2 (6.06%) | 4 (12.12%) | 10 (30.30%) |
| Divisional Police Station, Ikom (P11-P19) | 3 (9.09%) | 2 (6.06%) | 4 (12.12%) | 9 (27.27%) |
| Divisional Police Station, Akim, Calabar (P20-P33) | 6 (18.18%) | 3 (9.09%) | 5 (15.15%) | 14 (42.42%) |
| Total | 13 (39.39%) | 7 (21.21%) | 13 (39.39%) | 33 (100%) |

The study revealed that police officers and victims of human rights violations together made up over 70% of the participants, with legal practitioners making up the remaining 21.21%.

Table 2: Provides an overview of the socio-demographic characteristics of the participants:

| Characteristics | Frequency | Percentage (%) |
|-------------------------------|-----------|----------------|
| Sex | | |
| Male | 18 | 54.55 |
| Female | 15 | 45.45 |
| Age | | |
| 26-35 | 8 | 24.24 |
| 36-45 | 12 | 36.36 |
| 46-55 | 10 | 30.30 |
| 56 and above | 3 | 9.09 |
| Marital Status | | |
| Married | 20 | 60.61 |
| Single | 11 | 33.33 |
| Widowed | 2 | 6.06 |
| Educational Attainment | | |
| Primary education | 5 | 15.15 |
| Secondary education | 20 | 60.61 |
| Tertiary education | 8 | 24.24 |

These data indicate that the participants varied widely in terms of gender, age, marital status, and educational attainment, contributing to a rich diversity of perspectives.

8.1 Conditions of Detainees in Police Custody

Findings reveal severe conditions in police custody, including poor sanitation, inadequate medical care, and abuse. Testimonies from participants confirm inhumane conditions, including overcrowding, poor hygiene, and lack of access to basic necessities.

8.2 Human Rights Violations by Police

Participants reported various human rights violations by police officers, including corruption, extortion, and torture. Several cases of unlawful detention, beatings, and extortion were documented, contributing to a general atmosphere of distrust and dissatisfaction among the public.

8.3 Challenges Facing the Police in Upholding Justice

Key challenges identified include inadequate training, low salaries, and systemic corruption. Officers frequently face ethical dilemmas, and the lack of effective oversight and accountability mechanisms exacerbates the problem.

9. Discussion of Findings

The study revealed pervasive issues within the Nigeria Police Force (NPF) related to human rights abuses, reflecting a troubling pattern of misconduct and systemic failures. These findings echo previous research that highlights similar concerns, illustrating a broader issue within Nigerian policing.

9.1 Human Rights Abuses

The study identified several critical human rights violations perpetrated by the NPF, including corruption, torture, and excessive use of force. These abuses align with the documented issues highlighted by Aborisade and Obileye (2018) and Iwuoha and Aniche (2022). The NPF's use of torture to extract confessions is a significant concern. This practice, documented extensively in the literature, undermines the integrity of the justice system and the fundamental human rights of suspects. The study's findings are particularly notable given the prevalence of torture as a coercive tool in police investigations, a practice that has been criticized by both domestic and international human rights organizations.

The use of excessive force, especially during protests such as the EndSARS protests of 2020, underscores the systemic nature of these violations. During these protests, the police were reported to have used live ammunition and other forms of lethal force, leading to numerous deaths and injuries. This response highlights a troubling trend of employing violence rather than engaging in peaceful resolution or dialogue, further alienating the public and eroding trust in law enforcement.

9.2 Conditions of Detention

The study also confirmed that police detention facilities in Cross River State are overcrowded, unhygienic, and inhumane. Detainees often face severe health challenges due to the deplorable conditions in these facilities. This observation aligns with the findings of Csete (2010) and Rekrut-Lapa and Lapa (2014), who reported similar conditions across Nigerian police detention centers. Overcrowding leads to insufficient space and resources, which exacerbates issues of sanitation and overall health. Detainees frequently suffer from physical ailments due to inadequate medical care and unsanitary conditions, as well as mental health issues resulting from prolonged and harsh confinement.

The inhumane conditions are compounded by the lack of access to necessary amenities, which further degrades the quality of life for detainees. Such conditions not only violate international human rights standards but also contravene Nigerian constitutional provisions designed to protect the rights of individuals in custody.

9.3 Legal Protections and Obstacles

Despite constitutional protections for suspects, the study found that many individuals are unable to effectively exercise their rights due to various obstacles. The Nigerian Constitution guarantees certain legal protections, including the right to be informed of charges, the right to legal representation, and the right to a fair trial. However, as observed in this study, numerous challenges prevent the realization of these rights.

The findings support the research of Oluwafemi (2021) and Ihedoro (2021), who highlighted significant barriers to justice for victims of unlawful detention. These barriers include financial constraints, which hinder access to legal representation and the ability to challenge unlawful detention effectively. Additionally, political interference and corruption within the system further complicate the pursuit of justice. Victims often encounter substantial difficulties in navigating the legal system, which is exacerbated by the lack of effective oversight and accountability mechanisms.

The study's findings reveal a troubling disconnect between the legal protections afforded by the Constitution and the practical realities faced by suspects and detainees. This gap underscores the need for comprehensive reforms to address the systemic issues within the NPF and the broader criminal justice system in Nigeria.

The study highlights critical issues within the NPF related to human rights abuses, detention conditions, and the practical challenges faced by suspects. The findings are consistent with existing literature, reflecting systemic problems that require urgent attention. Addressing these issues necessitates a multi-faceted approach, including improved training for officers, better detention conditions, and strengthened mechanisms for upholding legal rights and ensuring accountability.

10. Conclusion

This study examined the role of the police in the administration of justice in Cross River State, focusing on the Cross River State Police Command. The findings revealed significant human rights violations by the police, including excessive use of force, torture, extortion, and unlawful shootings. The conditions of police detention facilities were found to be substandard, falling short of the United Nations standards for humane treatment. Additionally, the study confirmed that suspects have the legal right to seek redress for unlawful arrest and detention, as protected by the Nigerian Constitution. This study contributes to the field of criminal justice, particularly within criminology, by highlighting the pressing need for reform within the Nigeria Police Force (NPF).

11. Recommendations

1. **Enhanced Training and Professionalism:** Implement comprehensive training programs focused on human rights and ethical conduct to improve police practices.
2. **Strengthening Accountability Mechanisms:** Establish robust mechanisms to investigate and address complaints against police misconduct, with strict penalties for proven abuses.
3. **Improving Custody Conditions:** Ensure humane conditions in police custody, including adequate medical care and proper sanitation facilities.
4. **Promoting Transparency and Public Engagement:** Foster transparency in police operations and engage with the community to build trust and cooperation.

Human Rights Violations: Complaints against police misconduct should be escalated to the Human Rights Department of the Police Service Commission (PSC), and offending officers must be

held accountable to break the culture of impunity. Corrupt practices, including bribery, extortion, extrajudicial killings, and sexual assault, should be addressed swiftly.

Detention Facility Conditions: The NPF should urgently assess police station facilities nationwide to ensure compliance with standards that protect detainees' health and human rights. No suspect should face inhumane treatment, regardless of the offense.

Legal Recourse for Victims: Victims of unlawful arrest or detention should pursue justice through the Federal or State High Courts, the National Human Rights Commission (NHRC), or the Public Complaints Commission (PCC), which have the power to address and rectify police misconduct.

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