

Prevalence and Effects of Police Brutality in Nigeria

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Abstract

This paper examined the prevalence and effects of police brutality in Nigeria. Police brutality is the use of torture, violence as an interrogative technique and other wanton abuses of human rights such as extortion, unlawful arrest and violence meted out to citizens by members of the police. It was deduced that police brutality is prevalent and evident in Nigeria and was traced from the days of the colonial era to the current democratic dispensation with evidences of this brutality been witnessed during the ENDSARS protest, the unlawful arrest of youths and also the incessant extortion by the members of the police on the highways. The paper anchored on conflict theory and general strain theory as framework in explaining the prevalence of police brutality in Nigeria. This paper strongly recommends that technology such as body cam should be integrated as part of the kits of the Nigerian police officers, which should be reviewed on a daily or weekly basis; this will help keep the behaviors of the police officers in check. Also, the salaries, benefits and allowances of the police officers should be reviewed to capture the economic realities and situations in Nigeria. In addition, periodic mental and psychological examination should be included in the scheme of the Nigerian police to ascertain the mental fitness of the officers.

Keywords: Extortion, human rights abuse, Nigerian Police Force, police brutality, policing

Introduction

It is a common saying that the police is your friend, but in Nigeria, it is safe to say that the opposite is the case. It is common knowledge that the ordinary citizen thinks that the police is anything negative not a friend (Omalina, 2019). According to Leonard (2021), in a democratic society, the police are guardians of public safety and are accountable to the public in the execution of their tasks. The police all over the world are state authorities vested with the responsibility of law enforcement and maintenance of order in the society. In order to carry out their responsibility effectively, the police may be authorized to use a reasonable amount of force when the need arises. The constitution of the Federal Republic of Nigeria, the Police Act, international conventions, professional ethics and other statutes, regulate as well as constrain the use of force by police in discharging their statutory

functions (Taiwo, 2018). Despite these regulations, the police in many societies resort to using extreme force beyond limits as permitted by law in discharging their duties and in the process grossly disregard of the rule of law and resorted to killings extra-judicially, torture and subject civilians or citizens to all sorts of inhumane and ill-treatment; unfortunately, the same citizens that they earlier sworn to protect (Segun, 2016). Empirical studies have shown that torture and other forms of violent abuse can have enduring negative effects on both survivors and perpetrators, and is ineffective for obtaining reliable information in interrogation (Constanzo & Gerrity, 2009).

Police brutality, which is the use of torture, violence as an interrogative technique and other wanton abuses of human rights remain some of the flaws of the Nigeria Police Force (Ogunode, 2015). The act of Nigerian police brutality are against international human rights treaties and the police as an institution are meant to be guided at the national and international level by conventions. However, some of the actions of the Nigerian Police Force are against the specific provisions of human rights which include freedom of thought, conscience and religion; freedom of opinion and expression, the right against torture and other cruel, inhuman or degrading treatments and the right to peaceful assembly. Overtime, the increasing number of reported videos of police brutality and extortion on citizens on social media has drawn national attention to law enforcement procedures and police misconduct. According to Amnesty International (2021), this growing number of recorded cases of police brutality, human rights violation and abuse of power has contributed mainly to the growing incidence of citizens' resort to self help and other informal methods of airing grievances, which was displayed during the ENDSARS protest of 2020. In view of the aforementioned problems, this study examines the prevalence and effects of police brutality in Nigeria.

Concept of Police Brutality

There has been a long history of police brutality in Nigeria and other African states (Abati, 2020). Police brutality or excessive use of force by police can be seen as a civil rights violation, where officers exercise due force against a subject. Thompson (2004) termed police brutality as any instance in which a police officer uses unnecessary or excessive

force to or while interacting with members of the public while performing his or her duties. These brutalities take two forms which are physical and non-physical; physical includes action such as killing someone while non-physical includes verbally abusing the public. According to Cao (2003), police brutality refers to any practice that degrades citizen status, that restricts their freedom and that annoys or harasses them, or that uses unnecessary and unwarranted physical force. The term police brutality is most times used to refer to various human rights violations by the police. Brutality, described as one of the most extreme forms of violence, resulting to both psychological and physical consequences is sometimes considered as an indispensable interrogation mechanism for gathering strategic intelligence (Makwewerere, Tafadzwa & Musorowegomo, 2012). In any given society, policing is fundamental for both law enforcement and criminal justice. The police have a wide-ranging mandate to protect internal security, control riots and engage with communities to reinforce friendly relations and public trust. Alongside this broad mandate, the respect of human rights, communal relations, and upholding the rule of law are key policing values (Osimen, 2021). However, the use of the police by the strong to change the course of justice against the weak is rampant (Aina, 2013). The police are too ready to be used for various illegal or questionable enforcement procedures. The use of the police by repressive governments especially during the military era further shows the negative use of police powers.

Nevertheless, Ulo (2021) opined that the use of force to be the core of the police role and most scholars and experts on policing agree. However, scholars and police do distinguish between necessary and unnecessary force, excessive force and brutality. Necessary force is that force which is required to effectuate an arrest or perform official duties of policing. Unnecessary force is generally seen as a use of force when the situation does not require it or of more force than necessary. Excessive force is the use of more force than necessary and overlaps with brutality which is a conscious and venal act by officers who usually take great pains to conceal their misconduct (Ulo, 2021). Human Rights Watch (2010) defined police brutality as a civil right violation, where policemen as law enforcement officers exercise undue or excessive force against humanity. This makes the concept of police brutality a human rights violation concern both at the national and international level.

Consequently, the police brutality evident in Nigeria has instigated bitter relationship between the police and the people which has further heightened the security dilemma in all ramifications. Following suit, police brutality and corruption hinder the state and threaten the rule of law that can result in the channeling of state resources from public use to private groups that distorts the duties of police officers to act in these interests (Voorhoeve, 2017). Lives of several young and adult Nigerians; students, private and commercial drivers and some other innocent citizens have been cut short in the name of policing the country.

Theoretical Orientation

The paper is anchored on conflict theory and the general strain theory. These two theories are relevant in explaining the prevalence of police brutality in Nigeria. They were adopted as the framework for this paper on the basis that one complements the other to give a broad perspective to the understanding of police brutality in Nigeria.

The conflict theory which sprang from the Marxist theory was propounded by Lersch (1998) and it postulates that the state functions as an instrument of the dominant class such as race, economic class and ethnic groups. Government institutions which include police force are the product of political processes which reveal the interests of the powerful in the society. As postulated by the theory, the main function of the police is to preserve the status quo of inequality and assist the powerful to exploit the powerless in order to prevent their resistance to the exploitation that they suffer. Also, consequent on the analysis of formal analysis made by Lersch (1998), he discovered that the economically marginalized and politically powerless were more likely to experience serious acts of police brutality and file complaints than those with greater power and more resources. Supporting this school of thought, which originated from Marxist tradition, is documented evidence on the establishment of the Nigerian Police Force by colonialists to crush civilian opposition (Aborisade & Fayemi, 2015). In relating this theory to the phenomenon at hand, in the present democratic Nigeria, it is evident that classes and groups that have dominant economic power equally control decision making which include the enactment of criminal law by the legislature, its enforcement and interpretation by the police and judiciary respectively. There are differentials in police treatment of high profile and low profile

offenders. The respect of human rights is often extended to rich arrestees as against the poor that are often subjected to different forms of abuses, violations and brutality. Hence there is a common belief that the law that governs the affluent is significantly different from the law of the poor (Ogunode, 2015). In corroborating this postulation, Human Rights Watch (2010), stated that the police as an institution is often regarded as an instrument of oppression by the ruling class and bureaucrats. They are willing tools in the hands of the state rulers and bourgeoisie to secure them from any uprising from the oppressed (Egede, 2007). This shows why the October 2020 ENDSARS protest ended with so much brutality and human rights violations of all kinds which include loss of lives. According to Ogunode (2015), the rights of the rich are more protected over and above that of the poor within the society, this is evident in every sector and institution in Nigeria. Lersch's conflict theory failed to take into account the socio-economic factors of the members of the police force as a factor that might trigger frustration and anger which is most likely to resort to gross misconduct in the quest to discharge their duties, even without the command of the elites, the members of the police force are likely to engage in extortion and other intimidation tactics and brutality in an attempt to source for another stream of income especially if and when the officers are underpaid.

General strain theory was developed by Agnew (2006) to provide a richer understanding of criminal and violent behavior. Agnew echoed the idea that crime and strain are positively related but most importantly he claimed that such a relationship is mediated by the negative emotions that result from strain. General strain theory posits that strain causes an individual to experience negative emotions; these negative emotions might lead to criminal behavior. The theorist concurred that the inability to achieve a goal was certainly one source of strain. It is a fact that the police officers work and live in harsh and unfavorable conditions due to the fact that they are underpaid. They are unable to afford the living conditions they so desire and this has become a source of strain to the members of the force, this strain advances the opportunity or tendency for the officers to engage in all forms of brutality especially when such strain is perceived as unjust. The theory sees violence as a possible response to strain especially when one is in dire need of money to improve his living condition. This explains the incessant extortion by the members of the

Nigerian Police on the high ways as well as the brutality and unlawful arrest of citizens where the citizens are intimidated to pay some amount of money as condition for their release. The theory has been criticized for failing to explain why the members of the force who occupy the top positions and cadres and relatively belong to the high social class also engage in police violence and brutality.

Review of Related Literature

Prevalence of Police Brutality in Nigeria

Human right abuse and police brutality across the globe has attracted world condemnation and has drawn attention of the international communities such as United Nations, the Common Wealth, African Union, European Union and so many other international organizations. Abati (2020) argues that the prevalence of police brutality in Africa is a function of political leadership failure rather than colonial legacy. This statement is not far from the truth as the human rights violations by the police in Nigeria have been reported over the years, most importantly since 2000 and renewed in 2001 and early 2002, especially extrajudicial executions, excessive use of force, torture and other cruel, inhuman and degrading treatment, and on occasions, death in custody (Amnesty international, 2013).

Cases of torture and cruel, inhuman and degrading treatment are often linked to attempts to extract confessions of armed robbers or murderers, which would help to imprison the suspect, even if the police are eventually unable to produce sufficient evidence to prosecute the arrested person. In a study carried out by the Nigerian Human Rights Commission and the Nigerian NGO, Centre for Law Enforcement Education (CLEEN) in 2015, over 77% of inmates in Nigerian correctional facilities claim to have been beaten by the police, threatened with weapons and tortured in police cells. An Amnesty International delegation visited several correctional centers throughout Nigeria in March 2012. The delegation collected over thirty allegations of torture and cruel treatment received in police detention centers made by inmates who claimed to have reported their allegations to either a Magistrate or to the correctional center authorities.

The activities of the (SARS) Special Anti-Robbery Squad which is a unit of the Nigerian police from the onset has been fraught with issues of corruption, misconduct and gross abuse of human rights (Human Rights Watch, 2010). They torture and kill innocent Nigerians under the guise of interrogation and suspicion of being a criminal without any meaningful action from the government. According to Amnesty International (2014), the coming of civilian rule was thought to bring an end to their activities based on the principles of democracy that thrive on respect for human rights and the tenets of the Constitution being the principle upon which society rests, especially as it pertains to the guaranteeing of human rights. Sometimes, the police are also used to carry out dirty works of intimidation of innocent masses by torturing, bullying and harassing them into submission especially during election times. They are the very instrument used to subdue the masses into submission to the whims and caprices of government when the masses try to challenge any of government policies (Wolfe & Piquero, 2011). The pattern of assembling police forces to protect the government over the people, to prey on local communities and suppress dissents continued well into the 21st century. This has become the practice well into the return of democracy and the abuse of human rights and killing of innocent citizens that have become occurrences that are now part and parcel of daily living in Nigeria (The Washington Post, 2020).

Effects of Police Brutality

Police brutality just like every other social problem evident in the society has its implications and effects. According to Geller and Toch (2020), police brutality affects public safety and leads to loss of public confidence. Police brutality has led to loss of several lives, torture, exploitation, extortion and other inhuman treatment meted out on the victims (Nwosu, 2020). Onwunyirimadu (2022) argues that police brutality is a result of poor hiring practices and another element that encourages police violence is the failure of the Nigerian government and Police Commission to prosecute members of the Nigeria Police Force who violate people's rights.

The acts of the Nigerian Police Force are as irksome as it is characterized by lengthy pre-trial detention which remains a serious problem of human right abuse in Nigeria.

According to the constitution, persons charged with offenses have the right to expedition trials, however, in practice these rights were not respected, serious back logs, endemic corruption and undue political influence continued to hamper the judicial system. The National Human Right Commission (2018) urged the courts, the Ministry of Justice and the police to expedite cases awaiting trial. Human Rights Watch (2018) reported the arrest of hundreds of members of the Movement for the Actualization of the Sovereign State of Biafra (MASSOB) and detained many without charges. Their leader, Ralph Uwazuruike was also arrested and detained without trial on several occasions. This is one out of many cases of detaining without trial and gross misconduct by the police.

These habits of human rights violation and consistent brutality by the police have been evident from the days of the colonial rule and have spanned to the democratic era. This anomaly has left the citizens with a sense of distrust as the police are now seen as anything but a friend, an evidence of this can be traced to the ENDSARS protest of 2020. Nigerians now resort to other unofficial means to protect and safeguard their properties and surroundings, which is why a complete reform of the police force is not only necessary but should be speedily implemented as well.

The violent attitude and the violation of human rights by some members of the police force has affected police-civilian relationship, citizens no longer feel safe with the policemen, most people have developed lack of confidence in the Nigerian police and by so doing unwilling to share some vital information that could help the police in fighting crimes for the fear of being victimized (Nwakanma & Amaugo, 2021; Onwunyirimadu, 2022). According to Paoline, Terill and Ingram (2021), the Nigerian police force over the years have been ranked as one of the worst police force when compared to the best global practices on policing and respect for human rights. This has led to perceived belief that the police no longer protect the interest of the masses neither do they care about public safety. Youths now resort to community policing through the vigilantes in order to curb criminal activities in their various communities especially in the south eastern part of the country. Onwunyirimadu (2022), reechoes this sentiment when he stated that police violence has led to insatiable feeling of distrust as cases of police brutality keep reoccurring, as a result,

the relationship between Nigerians and the Nigerian police is characterized by suspicion, prejudice, brutality and violence.

The constant intimidation and extortion on Nigerian youths by the police either due to their choice of dressing and hairstyle has led to further discord between the two parties, most have resorted to violence in a bid to make known their anger and the most recent example are the incidences that occurred during and after the ENDSARS protest as well as the activities of the unknown gunmen in the southeast Nigeria.

Nwosu (2020) agreed to this school of thought when he stated that the various attacks against police installations in southeast are citizens' expression of their anger against the police because of their extrajudicial activities in the area. According to Ohia and Salawu (2020), the negative perception of police brutality has made the agency ineffective in the discharge of their duties because members of the public are finding it difficult to cooperate with them.

Conclusion

Police brutality as a form of human rights abuse is not peculiar to Nigeria as it is witnessed in many other countries, but its incessant manifestation in Nigeria is alarming. The issue of police brutality in Nigeria has been a part and parcel of the police operation. However, the police involvement in corruption, coercion, brutality and other maladies has led to loss of several lives, torture of suspects, rape, blackmail, extortion of suspects etc, this has made policing efforts ineffective and inefficient as police over the years have attracted public distrust, the implication of this is that citizens will not likely cooperate with the police to solve crimes for fear of being victimized especially as several complaints and evidences leveled against some officers have been faced with no major sanctions and prosecutions with victims of the brutality of the police not well compensated.

Recommendations

To prevent and eradicate police brutality in Nigeria, the study recommends the following;

1. There should be a proper police reform and this should not be a mere change of name and uniform as it has been in the past but a total overhaul of the Nigerian Police Force which will include periodic mental and psychological examination to ascertain the mental fitness of the officers.
2. Technology such as body cam should be integrated as part of the kits of the police officers, which should be reviewed on a daily or weekly basis; this will help keep the behaviors of the police officers in check. Knowing that their actions are prerecorded and would be reviewed afterwards will most likely induce conformity of the human rights among officers of the police force.
3. University graduates should be considered as the minimum and prioritized during the recruitment process as the educational expulsion of the officers plays a key role in determining how they discharge their duties.
4. The salaries, benefits and allowances of the police officers should be reviewed to capture the economic realities and situations in Nigeria, an upward review of their salaries would eradicate the need for extortion and bribery in the course of discharging their duties.
5. The Nigerian Police Commission should strictly investigate and sanction erring officers as this would serve as a deterrent to other officers and re-emphasize the need to adhere to the law and guidelines of the Police Act as enshrined in the Constitution.
6. Nigeria as a matter of urgency should decentralize the police institution, as long as policing in Nigeria is centralized, effective and efficient policing would be a hard feat to achieve in all states of the federation. The removal of police in the exclusive list as it was done in the United States would help in curbing the prevalence of police brutality and help in proper policing in Nigeria.

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