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A CRITICAL ANALYSIS OF THE SCOPE OF POLICE POWERS OF LAW ENFORCEMENT IN NIGERIA

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ABSTRACT

Since the creation of the Nigerian police force, a lot of legislation has conferred duties on the Nigerian Police Force. With their duties come the powers to carry out the duties. It is often said that the powers of the Nigerian Police force is as expansive as their duties. There is hardly any penal legislation in Nigeria that does not in one way or the other confer a duty on the Nigerian Police Force. Because of that there appears to be no unanimity as to the exact scope of police powers in Nigeria. The scope of the powers appears open-ended and fluid. In reality, that is not the case. There are limitations as each enactment conferring power on the police equally delimits the enforcement power of the Police. This paper set to look at the sources of police power briefly. Its main aim is to take a critical overview of the scope of Nigeria police powers, and make brief recommendations on ways to prevent abuse of power by the police in the enforcement regime.

Keywords: Policing, Law, Constitution, Nigeria.

1. INTRODUCTION

The Nigerian Police Force is a creation of the constitution.³ It has a unitary structure even though Nigeria is a Federation.⁴ The powers and duties are conferred on it by the constitution⁵ and by other enactments.⁶ In relation to the Nigerian Constitution it provides:

The members of the Nigerian Police Force shall have such powers and duties as may be conferred on them by law⁷

By the above provisions, constitutional validity is given to such enactments as the Police Act⁸ and other laws like the Criminal

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³ See S.214 of the 1999 Constitution (hereinafter referred to as the constitution)

⁴ S. 214 (1) of the Constitution provides for a single police force to be known as “The Nigerian Police Force”, and subject to the provisions of this section, “no police force can be established for the federation or any part thereof”

⁵ S. 214 (2) (b) of the Constitution

⁶ There are many laws from the Federal, states and even local government by laws conferring enforcement powers on the Nigeria Police Force.

⁷ S.214 (b) Ibid

⁸ Cap P 19 Laws of the Federation of Nigeria 2004 (LFN 2004)

Code,⁹ Penal Code,¹⁰ Prevention of Crime Act,¹¹ Criminal Procedure Act,¹² Administration of Criminal Justice Act,¹³ Child Rights Act,¹⁴ Federal Highway Act,¹⁵ Electoral Act,¹⁶ Firearms Act,¹⁷ Liquor Laws,¹⁸ Road Traffic Laws,¹⁹ Coroners Law,²⁰ which have all conferred enforcement powers on the Police force. It should be noted that the list above is not exhaustive as there are still other numerous Federal and State enactments that have vested the police with the power of enforcement.

It is germane to note that the constitution as the ground norm does not make or go into details. It merely states the general guidelines and leaves the details to the enabling laws made pursuant to the constitutional provision. In Nigeria, the principal Act that provides for detailed powers and duties of the police is the Police Act.²¹ The Act²² provides generally the duties of the Police as follows:

The Police shall be employed for the prevention and detection of crime, the apprehension of offenders, the preservation of law and order, the protection of life and property and the due enforcement of all laws and regulations with which they are directly charged and shall

perform such military duties within and without Nigeria as may be required by them by this or any other Act.²³

The above provisions of the Police Act encapsulate in a nutshell, the duties or functions of the Nigerian Police. It is pertinent to note that all the numerous enactments that confer enforcement powers and duties on the Nigerian police are geared toward the attainment of a law and order society. That is to say that, the laws that give police powers to perform certain duties have in mind the maintenance of public order and safety as the ends of such laws; the police merely being the means to attain such ends.

2. THE SCOPE OF POLICE POWERS AND DUTIES IN NIGERIA

By scope of police powers and duties we mean the range²⁴ or the limit,²⁵ the extent²⁶ of the jurisdictional competence of their powers and duties. In this segment of the discourse, we shall attempt to look at questions such as what is the limit, the extent or the range of police powers and duties?

In other words, how are the powers to be exercised? Can the powers be abused? These are some of the questions we would be endeavoring to answer in this paper.

It could be safely said that the Police Act is the principal source but not the only source of Police powers. There are other sources of police powers. As pointed out earlier, the duties of the police are spelt out in the Police Act²⁷ and other enabling laws²⁸ on that behalf. Similarly, because of the symbiotic relationship between powers and duties, the same laws that entrust duties on the Police also vest them with the powers with which to carry

⁹ Cap C. 38 Ibid

¹⁰ Cap P 3 Ibid

¹¹ Cap P.27 Ibid

¹² Cap C41 Ibid

¹³ Administration of Criminal Justice Act 2015 (hereinafter called ACJA)

¹⁴ Cap C.50 LFN 2004

¹⁵ Cap F.13 Ibid

¹⁶ Cap E 16 Ibid

¹⁷ Cap F. 28 Ibid

¹⁸ Various Liquor laws of the states confer police powers to enforce their provisions

¹⁹ All the states in Nigeria vest power on the police to control and regulate traffic on the state roads. Though this power is exercised by the police in conjunction with other law enforcement agents like the Federal Road Safety Corps, Vehicle Inspection Officers, etc

²⁰ An example is the Coroners Law of Rivers State Cap 34 Laws of Rivers state of Nigeria 1999

²¹ Cap P.19 Ibid

²² Ibid

²³ Ibid S.4

²⁴ Oxford Dictionary

²⁵ Websters Dictionary

²⁶ Blacks Law Dictionary

²⁷ Ibid S4

²⁸ Criminal Code (CC), Penal Code (PC), ACJA, etc all have varied provisions conferring jurisdiction or powers on the Nigeria Police to enable them carry out their statutory duties

out those duties. The major powers of the Police are as follows:

- i. Power to conduct prosecution²⁹
- ii. Power to arrest³⁰ with or without warrant³¹
- iii. Power to serve summons³²
- iv. Power to grant bail³³
- v. Power to search suspected premises³⁴
- vi. Power to detain and search suspected persons³⁵
- vii. Power to take fingerprints³⁶
- viii. Power to conduct identification parade³⁷
- ix. Power to conduct investigation and to question anybody in relation to a crime committed.³⁸
- x. Power to prevent crime³⁹
- xi. Power to control and regulate traffic⁴⁰
- xii. Power to regulate public procession and assemblies.⁴¹
- xiii. Power to disperse unlawful procession and assemblies⁴²
- xiv. Power to use force and firearms.⁴³

It should be noted that the above list of powers of the police is not exhaustive as police powers are as expansive as their duties. It is intended to treat police powers as enumerated above seriatim.

²⁹ Police Act S.23

³⁰ Ibid S.24

³¹ Ibid S.25

³² Ibid S.26

³³ Ibid S.27

³⁴ Ibid S.28

³⁵ Ibid S.29

³⁶ Ibid S.30 and Reg 12 of Prevention of Crime Act Cap P 27 LFN 2011

³⁷ It is a Police practice but not statutorily provided for.

³⁸ Judges Rules made by Judges of the Kings Bench to act as guide to investigating Police officers when endeavoring to discover the author of a crime.

³⁹ S.53 CPA Cap C

⁴⁰ See various states Road Traffic Laws and Regulations. Confer power on the All Police to control and regulate traffic on states roads.

⁴¹ S.1 Public Order Act Cap P42 LFN 2011

⁴² S.2 *ibid*

⁴³ S.33(2) Const; S.786 CC, also SS65-67 P.C of Northern States.

a) Power of arrest and detention

In order for the Police to carry out its duty of maintaining law and order, public safety and tranquil, the Police Act and other laws has given the Police the power to arrest without warrant “any person he finds committing any felony, misdemeanor or simple offence or whom he reasonably suspects of having committed or of being about to commit any felony, misdemeanor or breach of the peace”.⁴⁴

This section confers on the Police in addition to the powers conferred on them by section 10 of the CPA,⁴⁵ the powers to arrest without warrant.⁴⁶ Where a warrant of arrest has been issued by a Court the issue of whether the Police has power to arrest does not arise at all as the police are duty bound to carry out orders of the Courts. Notwithstanding that the law has given the Nigeria Police very wide powers of arrest, they are supposed to act reasonably in that regard. Any whimsical or capricious exhibition of power drunk shall be visited with consequence.⁴⁷

⁴⁴ S.24 (2)(a) Police Act

⁴⁵ Under S.18(1) ACTA (formerly S. 10 CPA), Police has power to without warrant or order of Court arrest any person whom he suspects on reasonable ground of having committed an offence against a written law: any person who commits an offence in his presence; any person who obstructs a Police Officer in execution of his duty; any person in possession of suspected stolen property; any person suspected to be a deserter from the armed forces; any person he suspects on reasonable ground of having done something which is an offence outside of Nigeria and which is done in Nigeria would be an offence; any person in possession of burglary implements; any person who believes a warrant of arrest has been issued against him; any person with no ostensible means of subsistence and can't give a good account of himself; any person taking refuge or precaution to conceal himself in a state with view to commit offence; The foregoing powers are very expansive and has been abused severally.

⁴⁶ S.18(2) ACJA (S.10 (2) CPA). See also S112 of the Criminal Procedure Code Law (CPCL) of the Northern States.

⁴⁷ *Ekanem v A.I.G.P (2008) 5NWLR (Pt1079) 97, also Obinna v. COP (2007) 11 NWLR (pt1045)411.n Obolo v COP (1989)5 NWLR (pt 120) BO and Chukwuma v. COP (1965) NWLR*

One important aspect worthy of note is the issue of the meaning and mode of arrest. What is an arrest? Arrest is not defined in the statutes conferring power on the police to arrest. Arrest is the deprivation of a person of his/her liberty. It is the beginning of imprisonment.⁴⁸ It is the first step towards bringing to justice any person suspected to have or to be about to commit crime.⁴⁹ Any arrest carried out which is outside the ambit of the law is unlawful.⁵⁰

In Nigeria, the law requires that the person making an arrest i.e. the police officer or any person making the arrest "...must actually touch or confine the body of the person to be arrested, unless there is submission to custody by word or action."⁵¹

The practice whereby police officers drop invitation for an arrestee to report at a station on a named date is not a statutory requirement. Prof Amadi has said that the procedure is a device to circumvent the law on arrest and thus illegal.⁵² With due respect to the learned scholar, that view cannot be sustained since the invitation itself is not an arrest or summons, but a mere notice to the arrestee to honour, or he may not honour it as the procedure has not been given any legal backing. Secondly, it is only when the person invited appears before the Police that he can be arrested formally, else before then, he is not under arrest even after receiving the invitation letter. Again, unless the person is caught committing the offence, the person making the arrest must inform the person arrested the reasons for his/her arrest.⁵³ The arrested person

21 P25 where the Courts laid emphasis on the reasonability of the suspicion by Police before arrest.

⁴⁸ *Christy v. Leachinsky (1947) Ac 573 P600*

⁴⁹ G.O.S Amadi Op cit P31

⁵⁰ *Ikonne v COP (1986) 2 NSCC 1130 P1145, edo v COP(1962) All NWLR 92. See also the English case of Dumbell v Roberts (1944)1 All ER 326 at P311 where the English Court of Appeal emphasized on the need to comply with statutory provisions in order to qualify an arrest as lawful*

⁵¹ S 4 ACJA 2015, (S 3 CPA) ibid

⁵² GOS Amadi. Op Cit P.35

⁵³ S.35 (3) Constitution.

must be informed in writing within 24 hours (and in a language he/she understands) of the facts and grounds for his arrest.⁵⁴ The person arrested has the right to remain silent until he consults a lawyer or a person of his choice.⁵⁵ Such an arrested person must be taken to a Court within a reasonable time.⁵⁶

From the foregoing, it could be safely said in conclusion that in exercising their power of arrest and detention, the Police must act not only legally but bonafide as to act otherwise would attract unpleasant consequences to the officer concerned and the Nigeria Police Force in general. This is more so when there is a Constitutional provision that:

Any person who is unlawfully arrested or detained shall be entitled to compensation and public apology from the appropriate authority or person specified by law."⁵⁷

(b) Power to Search Persons and Premises⁵⁸

The purpose of the power to search and seizure of property on persons or premises is to enable an arrest of the suspect;⁵⁹ or of taking into custody the items or properties which may be used for the purposes of commission of an offence.⁶⁰ It should be borne in mind that in the situation contemplated anon, only property or articles found on the suspect or which is in the possession of the suspect can be taken into custody by the arresting police officer(s)

⁵⁴ Ibid

⁵⁵ Ibid S.35(2)

⁵⁶ Ibid S.35(4) reasonable time where there is Court competent Court is 24 hours or 48hours or such circumstance as the Court may consider to be reasonable

⁵⁷ *Newswatch v. I.G.P (unreported) but contained in Guidance Newspaper of 10-12-86, where the then I.G.P Etim Inyang had to tender a public apology to Newswatch Publication and it's four Editors of Dele Giwa, Ray Ekpu, Dan Agbese and Yakubu Mohammed as ordered by the Court.*

⁵⁸ S.28, and S.29 of Police Act.

⁵⁹ S.12(D) ACJA

⁶⁰ S.9 ACJA

without a search warrant.⁶¹ This is so because, all other property can be taken into custody on the authority of execution of search warrant⁶² granted by the Court. Similar power to grant a special search warrant⁶³ can be granted in limited cases by superior police officers.⁶⁴

Another source of seizure by the Police of suspected stolen articles or property, or incriminating items is traceable to Police power of Stop and Search. The Police are authorized to stop and search any person whom they reasonably suspects of having in his possession or conveying in any manner anything which he believes to have been stolen or otherwise unlawfully obtained.⁶⁵ The section gives the Police power to mount road blocks, stop and search points, flash points, pin down points etc.⁶⁶ Secondly, the operative guiding phrase is “reasonably suspects of” having in his possession or conveying in any manner.

Therefore in order to justify Police use of its power under the law of stop and search, the suspicion must be reasonable and not capricious or whimsical.⁶⁷ Again such evidence of reasonable suspicion must be produced before the Court.⁶⁸

b) Power to Detain and to Grant Bail

The power of the Police to detain suspects in their custody is derived from both the Constitution⁶⁹ and the Police Act.⁷⁰ The Nigeria Constitution authorize detention of suspects: “For purpose of bringing him before a Court...upon reasonable suspicion of having committed a criminal offence, or to such extent

as may be reasonably necessary to prevent his committing a criminal offence.”⁷¹

Similarly, the Police Act empowers an Officer in charge a Police station to grant bail to a suspect where the case does not appear to him to be of a serious nature,⁷² or where the investigation cannot be completed forthwith.⁷³

Note that Police detention is regulated by law. For example, constitutionally Nigeria Police detention should not be more than one day,⁷⁴ or 48 hours as the case may be;⁷⁵ or such longer period as may be reasonable.⁷⁶ Adeyemi posits that it is incumbent upon the Police to respect the right of the suspect to bail or charge him to Court within 24 to 72 hours if he is to be detained, as otherwise, his right to the presumption of innocence will be seriously eroded and his detention may become unlawful with the attendant consequences.⁷⁷ It should be noted that:

The law is that the Police should provide bail for a detained citizen but they are not further enjoined to help the citizen find the person to take him on bail...They have no duty to help the person find a surety or meet the conditions for bail, and any further stay in detention by the person until he meets the conditions will not be unlawful.⁷⁸

The Court’s pronouncement is very clear and need no further elucidation. But refusal by

⁶¹ S.9 ACJA

⁶² SS.143-157 formerly SS.107-117(d) CPA and SS 76-86CPC

⁶³ S.28(1)PA

⁶⁴ Ibid S.28(3)

⁶⁵ Ibid S.29 P.A

⁶⁶ These are all terms used by the Police to create points where they can stand and conduct stop and search on our roads.

⁶⁷ See *Chukwura v COP, OP cit and Obolo v COP Ondo State; OP cit.*

⁶⁸ *Ladan v. Zaria N.A(1962) NNLR 53*

⁶⁹ S.35(1)(c) 1999 Constitution.

⁷⁰ S.27(a) P.A. Ibid; Cf S.129 CPCL.

⁷¹ S.35(1) (c) Constitution

⁷² S.27(a) PA

⁷³ Ibid S.27

⁷⁴ S.35(5) Constitution (a) evinces a situation where there is a Court within 40 kilometers radius.

⁷⁵ Ibid S.35(5) (b) Here it is the Court that determined the reasonableness or otherwise of the length of time of the detention.

⁷⁶ Ibid

⁷⁷ A.A Adeyemi “Police and Human Rights in a Democratic Nigeria: challenges for the Twenty-first century” in S.G Ehindero and E.E.O Alemika (Eds), Human Rights and Law Enforcement in Nigeria (2005 NPF Abuja) PP37-8

⁷⁸ *Ekpu v. A.G. Federation (1998) 1 HRLRA 421*

the Police to grant bail on the guise that investigation is not completed yet, is wrong, because bail “is a constitutional privilege which (an accused person) is entitled to under the constitution⁷⁹ otherwise the presumption of innocence constitutionally granted an accused person would be rendered nugatory as it would lose its meaning and force⁸⁰. Again, admittance of guilt is no ground for refusing bail except the police are of the view that there is strong likelihood of the accused absconding from trial.⁸¹

The Courts frown at the practice of the Police treating accused or suspects as if they have been convicted of the crime with which they are detained. The present judicial attitude is that:

The Court is always prepared and will be quick to give relief against an improper use of power by any member of the Executive, the Police or any other person which results in the unlawful detention of a citizen.⁸²

c) Power to Serve Summons⁸³ and Execute Warrants

Police are empowered to serve summons issued by the Court at any time of the daylight.⁸⁴ In the exercise of this power, there is no controversy at all as they are merely carrying out judicial orders. They are also empowered to execute warrants of all kinds issued by the Courts. Both the constitution⁸⁵ and the Police Act⁸⁶ contain provisions to that

effect. In this, there is no much controversy only that if the police in carrying out the judicial order contained in the warrant uses excessive force, they may be liable to the extent of the excess.⁸⁷

d) Power to conduct investigation and take finger prints

The power to investigate cases is vested on the Police by the various enactments conferring a duty on the police to perform. The laws are just too numerous to be specifically cited.⁸⁸ But be it noted that the power to investigate entails a lot of things like observance, noting of scene, suspecting and interrogating persons profiling criminals etc. For example the Judges Rules⁸⁹ empower the Police in the course of trying to discover the author of a crime to question any person whom he feels useful information could be obtained.⁹⁰ A person charged may have something to say, in which case the Police are duty bound to caution the person thus:

Do you wish to say anything?
You are not obliged to say anything unless you wish to do so but whatever you say will be taken down in writing and may be given as evidence.”⁹¹

The Police must at all times while questioning a suspect inform him/her that he or she has the constitutional right to remain silent until he/she consults with a lawyer of his choice or any person of his choosing⁹². Refusing to grant bail because the person

⁷⁹ *Obekpa v COP (1980) INNLR 113 per Idoko J as he then was*

⁸⁰ *Ibid.* also *Saidu v. The State (1992) INCR 49 at P67 as per Obaseki JSC; Dogo v COP (1980) INCR 14 per Okadigbo J.*

⁸¹ Per Egbunna J. in *State v. Okafor & 14 Ors.* (1964) ENLR 96

⁸² *Enwere v COP(1993) 6 NWLR 534*

⁸³ S.26 P.A

⁸⁴ Daylight or daytime is defined as the period between 630am and 630pm

⁸⁵ S.35(1) (a) (b) and (c) 1999 Constitution

⁸⁶ S.25 PA

⁸⁷ Force Order 353; and Force C.I.D Circular No. 12

⁸⁸ The PA, CC, CPCL, ACJA etc. contains sufficient provisions conferring Police powers to investigate cases.

⁸⁹ Judges Rules issued by Judges of 1912 and 1916 of the Kings Bench Division to guide investigating Police Officers (IPOs) when taking statements from suspects or interrogating suspects who have made confessional statements for ease of admissibility in Courts.

⁹⁰ Judges Rule No.1

⁹¹ Judges Rule No.II

⁹² S.35(2) 1999 Constitution

refused to say something or make statement is unlawful.

Similarly torturing or using strong arm tactics to obtain confessional statements from a suspect is unlawful as the statement will be rendered not only inadmissible but the Police could be sued and made to pay compensation and offer public apology to the victim of such Police torture or brutality⁹³. This is why only intelligent, morally upright and professional personnels should be posted or assigned to investigate cases in the Nigeria Police.

Again investigation of cases entails identification and fingerprinting the suspects. Identification includes physical identification of the suspect(s) by the victim(s)/witness(es); or through photographic identification⁹⁴ in which case many photographs are placed and the witness/victim asked to identify the role actor or suspect; identification parade⁹⁵ where six or more persons with similar physical feature are lined up and the witness/victim asked to identify the suspect by placing his/her hand on the identified person/suspect.

In relation to fingerprinting, the Police Act⁹⁶ and the Prevention of Crime Act⁹⁷ provides the Police the power to take finger prints of suspects, and even those of some witnesses yet to be charged for a criminal offence. The process is called dactyloscopy. Fingerprint identification is one of the most unique means of identification. Until the advent of DNA test, fingerprint was the best scientific means to identify a suspect or author of a crime. DNA isolation and serializing is the most unique scientific identification today. Their use obviates the resort to strong arm tactics in interrogation and or investigation, and thus observance of human rights by the

⁹³ *Bassey v. the state (1993) 7 NWLR Pt 306 P 467; Ransome Kuti v A.G Federation, Supra; Apo Six Fate etc.*

⁹⁴ Force Order 353; and Force C.I.D circular No 12

⁹⁵ Identification parade is not provided for in our laws but originated as a Rule of common practice by English Police which was transferred to Nigeria Police by reason of our colonial appendage to England (Britain)

⁹⁶ S.30 PA

⁹⁷ S.18 Prevention of Crime Act

Police and other law enforcement agencies⁹⁸ of government is thereby enhanced.

e) Power to Prosecute Cases

The Police are empowered to prosecute⁹⁹ cases in our Courts. This power is subject only to the overriding power of the Attorney General of the Federation¹⁰⁰ or the Attorney General of the State¹⁰¹ concerned in relation to their power to institute, take over prosecution and discontinue criminal prosecution.¹⁰² There is no controversy in the duty to prosecute cases by Police.

The only area that generated controversy was as in which Court that the Police were deemed to be empowered to prosecute. There were those who held the opinion that the police can only prosecute in inferior Courts and that such power to prosecute do not extend to superior Courts of records like the High Court, Appeal or Supreme Court.¹⁰³ The police themselves shied away from those superior Courts and enforced their prosecutorial powers in only Magistrates and Area Courts, until when *Olusemo v. C.O.P*¹⁰⁴ was decided by the Court of Appeal. The brief facts of the case were that, the appellant was at the time of arrest, the Accountant General of the Federation. He was charged to Magistrate Court Abuja. Counsel to appellant demanded for proof of evidence when the charge was read to the appellant. The magistrate over ruled the appellant counsel. The appellant counsel appealed the decision of the magistrate over

⁹⁸ Other Agencies like the SSS, NDLEA, NNDCDC etc are involved in interrogation of suspects too.

⁹⁹ S.23 PA; see also *George Osagbon v I.G.P* (see note 103)

¹⁰⁰ S.174(1) 1999 Constitution

¹⁰¹ S.211(1) Ibid

¹⁰² In the exercise of the power to discontinue the prosecution of any case, the AG is enjoined to have regard to public interest, interest of justice and the need to prevent abuse of legal process.

¹⁰³ This school of thought did not advert their minds, with due respect to the provisions of the S.23 of the Police Acts; SS 160 and 191 of the Constitution 1979 Constitution(now SS.174 and 211 1999 Constitution) and other enabling Acts like SS560157 for Federal High Court.

¹⁰⁴ (1998) 11 NWLR (pt 575) 547

ruling him to the High Court. At the High Court, appellant counsel opposed or objected the appearance of Mr. S.G. Ehindero, a lawyer and commissioner of police who represented the prosecution on ground that the police cannot prosecute in the high Court and other superior Courts. The High Court ruled that the police had power to prosecute in the High Court.

The Appellant appealed against the decision to the Court of Appeal who equally ruled that by virtue of S.23 of the Police Act, the police has power to prosecute in the High Court.

While the fire was still raging, the supreme Court dealt a final blow to the antagonists of police prosecuting in superior Court in Nigeria in the celebrated case of *Federal Republic of Nigeria v. Osahon & 7 Ors*¹⁰⁵ where the Supreme Court held that the power of the police to prosecute in any Court in Nigeria was unquestionable, but only subject to the power of the Attorney General of the Federation or of the state to institute, take over and discontinue prosecution. The Supreme Court further held that any police officer whether qualified as a lawyer or not could prosecute criminal cases in any Court. This case has thus laid to rest the hitherto controversy of whether or not the police could appear in superior Court to prosecute criminal cases. The position is now very clear subject to the power of the Attorney General of the Federation or of the State, the police can prosecute in all Courts in Nigeria.

f) Power to Prevent Crime (Powers of Preventive Justice)

Under the Police Act, the Police are employed first and foremost “for the

prevention of crime...”¹⁰⁶. This duty of the Police is very necessary in order that we may have a law and order society where peace and tranquil would reign supreme. It therefore means that as a concomitant of the above duty of preventing crime, the Police must be given the necessary power to carry out this onerous duty of crime prevention.

The Police have therefore been empowered to take preemptive and preventive measures to ensure that crime is not committed. The preventive measures are the forerunner of arrest. That is to say; before the police exercises their power of arrest, they must have taken steps to prevent the commission of crime or must have done all that is humanly possible to make it impossible for the crime to even be attempted by the criminal. This the Police does by their effective presence in every neighborhood which sends signal down the spine of any would be criminal that in case of any attempt to commit their nefarious acts that they shall be caught and brought to justice. Police effective presence is exemplified by their patrols¹⁰⁷ of the various neighborhoods in any locality.

Section 50-52 of the Administration of Criminal Justice Act 2015 (ACJA) and many other laws, have given the Police power to prevent crime. The power is given thus: 50(1) A police officer may intervene for the purpose of preventing, and shall to the best of his ability prevent the commission of an offence.¹⁰⁸ (2) A police officer may of his authority interpose to prevent an injury attempted to be committed in his presence to any public property, whether movable or immoveable, or the removal of or injury to any landmark or buoy or other mark used for navigation.¹⁰⁹

¹⁰⁵ (2006) 5 NWLR (pt 973) 361. This was a decision of the full Court of the Supreme Court made up of seven Justices as it was a Constitutional matter. Five of the Justices held that the Police has power to prosecute in any Court whether qualified as Lawyers or not; while two (Katsina –Alu and Musdapher JJSC) dissented. The opinion of the majority Justices of the Supreme Court is the present state of the Law.

¹⁰⁶ Ibid S.4 P.A

¹⁰⁷ This Police Patrols include foot patrol, vehicle patrol, static beat system, discretionary and semi discretionary beat system, e.t.c.

¹⁰⁸ Secs. S.53 (1) of the CPA (Supra) and S112 of the CPC (Supra) which has identical provisions like the ACJA

¹⁰⁹ See S.50 ACJA (formerly S.53 (2) CPA). There is no equivalent provision in the CPCL but suffice it to say that S.112 covers all situations.

The first arm of the section evince a situation where the police would preempt the criminal by effective presence; and the second limb of the section envisages a situation whereby a criminal has started putting his intention into execution by manifesting his evil intentions by the consummation of his illegality against public property, in which case the police must necessarily confront him or her in order to forestall the furtherance of his/her evil intentions. The police can do this by arresting the criminal, and if there is resistance to the arrest, to use all reasonable force to overcome the resistance.

S.51 A Police Officer receiving information of a desire to commit any offence shall communicate the information to the police officer to whom he is subordinate, and to any other officer whose duty is to prevent or take cognizance of the commission of the offence.¹¹⁰ The above duty is on a junior police officer on being aware that a crime is about to be committed to immediately inform his senior in rank in order that preparation can be made by way of sufficient personnel and logistics before they could strike.

Lastly even where the offence stipulate that the offender can't be arrested without warrant and the police officer in reasonable suspicion of a design to commit an offence, the police officer is empowered to arrest the officer even without a warrant of arrest in order to forestall his successful committing of the offence¹¹¹. The reason is that if the police officer should wait until he procures a warrant, the criminal would have successfully accomplished his evil designs.

¹¹⁰ See S.51 ACJA. Also the case of *R. V. Okoye(1950) 19 NLR 103*, where the accused person having designed to commit an offence of burglary and breaking into railway strong room approached a two junior Policemen for their cooperation while they carry out their nefarious act undisturbed. The police man played along and reported to their boss who arranged, and on the night and time of their breaking in, they (criminals) were caught and brought to justice. The court rejected the argument that the policemen were accomplices whose evidence needed corroboration.

¹¹¹ S.52 ACJA.

It should be noted that the power of preventive justice bestowed on the Police is not only in relation to the above sections of the ACJA and CPCL quoted above, but the powers straddles all penal enactments in which the Police are to so act to stem the commission of offences.

g) Power to Control and Regulate Traffic on Nigerian Roads

The Police come in contact with members of the public mostly through the performance of their duties as contained in the Federal High Ways Act¹¹² and the various states Road Traffic Laws.¹¹³ The reason for this frequent constant contact between members of the Public and the Police is because in the control and regulation of traffic, the Police are directly empowered to control and regulate the movement of human traffic, vehicles and other means of transportation on our roads.¹¹⁴

In controlling and regulating traffic on our roads, many offences have been created by the various road enactments¹¹⁵ in which the Police are empowered to enforce. The Police and members of the Public are always clashing over road matters. The reasons are legion.

¹¹² Federal Highways Act Cap F 13 LFN 2010 which deals on issues of traffic control and management on Federal roads only.

¹¹³ Since road traffic matters falls within the concurrent Legislative List in our Constitution right from Independence Constitution, the former Road Traffic Act enacted for Lagos Federal Capital was copied by then Regional Government, and on creation of State, it was repeated and enacted by various States as their Roads Traffic Laws

¹¹⁴ Traffic on our roads include motor vehicles, motorcycles, pedestrians, hand pull trolleys, animals e.t.c

¹¹⁵ For example the Federal Highways Act has SS5-20 containing offences such as causing death by reckless and dangerous driving; reckless driving; careless and inconsiderate driving; Driving under the influence of alcohol; Driving vehicle on the road without being qualified; Driving motor without owner's authority; Failure to report accident; Failure to supply information lawfully demanded by the Police; overloading e.t.c. Similar offences provisions are contained in the various State Road Traffic Laws.

Firstly, members of the Public have free access to the roads as it is a public place. They are constantly using the roads and tends to have the belief that it is their private right of way where they can do anything or use it as they like. They forget that in order to avoid chaos on the roads, there are existing rules which must be complied with voluntarily or must be enforced by the Police and other Law Enforcement Agents¹¹⁶.

Secondly, traffic offences are wrongly perceived by members of the public as private affair, and that the police should not interfere in their enjoyment of their right of way. If chaos on the roads is to be avoided, there must be minimum standard of decorum that must be maintained. It is on this basis that the Police and other Law Enforcements Agents are empowered to enforce traffic Laws and Regulations. And in enforcing the rules of the road, the Police are seen by members of the Public ignorantly as being mere busy bodies interfering in matters that do not concern them.

Thirdly, akin to the foregoing is the pervasive illiteracy of members of the Public on road matters. Even some literate members of the public are equally ignorant of the rules of the road and the powers given to the Police and other Law Enforcement Agents to maintain sanity and decency on our roads. They forget to realize that without the Police and other Law Enforcement Agents on our roads, the rule of the road would have been that of might in contradistinction to the rule of law. Anarchy or chaos would have been the order of the day on the roads.

It should be noted that Road Traffic Laws of all the States and the Federal Highways Act's main purview is the control and regulation of principally three categories of traffic namely; vehicles¹¹⁷ traffic, human traffic

and animal traffic. This makes Police enforcement techniques to impact on all classes of members of the Public who uses the roads. It is because of that there is wide and loud criticisms against the Police coming from all segments of the citizenry. Be that as it may, using the Rivers State Road Traffic Law as beacon, we shall briefly enumerate the powers of the Police as it relates to road traffic control and regulations:

h) Power to arrest without warrant¹¹⁸

This power is exercisable when any of the following offences is committed namely: causing death by reckless or dangerous driving,¹¹⁹ Reckless or negligent or dangerous driving;¹²⁰ and Reckless and Inconsiderate driving;¹²¹ any person having committed an offence under the law in the presence of the police and who refuses to give his name and address or gives a name and address which is false; or if he drives a vehicle without the prescribed identification mark.¹²²

i) Power to Retain Driving License in Certain Circumstances.¹²³

The power to retain driving license arises when the person within his view commits or whom he reasonably suspects of having committed an offence under the Road Traffic Law and he (the Policeman) feels that it would be difficult to serve him, summons. Having retained the licence, the Police are to issue the offender a written note directing the offender to report within three days to be served with a summons.¹²⁴

¹¹⁶ Other Law Enforcement Agents include the Federal Roads Safety Commission(FRSC); VIOs e.t.c

¹¹⁷ For example, the Rivers State Road Traffic Law 113 Laws of Rivers State of Nigeria 1999 defines vehicles in S.15 to "include carriages, wagons, carts, motor vehicles, bicycles, tricycles, vans, trailers, lorries, handcarts, sledges, trucks, barrows, and all other machines for the carriage of goods or persons". Similar

definitions are contained in other States Road Traffic Laws (eg S.10 of Lagos State Road Traffic Law of 1973).

¹¹⁸ S.27 RTL Cap 113 of RVS 1999

¹¹⁹ Ibid S.23

¹²⁰ Ibid S.24

¹²¹ Ibid S.25

¹²² Ibid S.32

¹²³ Ibid S.33(1)

¹²⁴ Ibid S.33(3)

j) Power to Remove Vehicle from Highway:¹²⁵

power is exercisable when a police officer is of reasonable belief that the presence of the vehicle is in contravention of the RTL, or that its position is such as to cause obstruction and constitute danger to other road users or that it has been abandoned on the road. Note that the law authorizes the police to use such force as is reasonably necessary to cause the removal of such vehicles from the highways.¹²⁶ The Police are empowered to give instructions to the owner or a person entitled to custody of the vehicle to remove forthwith such vehicle from the highway.

k) Power to Inspect Vehicle and Detain Vehicle:¹²⁷

The Police are empowered to inspect any vehicle with a view to ascertaining whether any provision of the RTL or its regulations has been breached. And where there is such a breach, the police officer may by order in writing prohibit the further use of the said vehicle until the said provisions have been complied with to his satisfaction, and any person who uses or permit the use of vehicle in contravention of any such order from the Police commits an offence.¹²⁸ Similarly the Police are vested with the power to stop any vehicle to ascertain whether or not it is being used for purposes other than that in which it was registered, and to impound same to the Police Station.¹²⁹

l) Power to Investigate Accident Cases

Where there is accident or any serious incident on the road, the Federal Road Safety Corps are expected to intimate the Police immediately, to enable the Police carry out their investigation and possible prosecution.¹³⁰

¹²⁵ Regulation 91 of RTL RVS 1999

¹²⁶ Ibid Reg. 91(2)

¹²⁷ Ibid Reg. 110

¹²⁸ Ibid

¹²⁹ Ibid 110(2)

¹³⁰ Federal Highways Act S.11 (5) (f)

The Police are equally enjoined on the basis of inter-service cooperation to furnish the FRSC with monthly accident statistics to enable FRSC conduct its research and implement safety measures on our highways. The synergy displayed by the Police and FRSC has led to a reduction of carnage on our roads.

m) Power to Regulate Public Processions and Assemblies

This Power is conferred on the Police by the Public Order Act¹³¹. The Act repealed all States public order laws and replaced them with a Federal Act for the purposes of maintaining public order and to prohibit the formation of quasi-military organizations, regulates the use of uniforms etc. The power to administer the Act is vested on the Governor of a State but which power is deemed delegated to the Commissioner of Police or the Divisional Police Officer¹³² mutatis mutandis.

Secondly, any police officer not below the rank of an Inspector of Police and above, may stop an assembly, meeting, or procession which no licence has been issued or which violates any of the conditions stipulated in the licence.¹³³ Thirdly, any police officer not below the rank of an Inspector of Police and above, may order such assembly, meeting or procession which has violated any of such conditions stipulated in the licence to disperse immediately.¹³⁴ Also, where the Police are of the view that the security situation in their locality is not conducive for any public procession or assembly, the Police would issue a proclamation to that effect prohibiting the holding of such meeting, procession or assembly.¹³⁵

¹³¹ Cap P.42 LFN 2010

¹³² The power deemed to have been delegated to the Commissioner of Police and Officers under him such as the Area Commanders and Divisional Police Officers who are the ones in actual practice wielding the power as they could refuse to grant permits for security considerations.

¹³³ S.2 Cap P42 LFN 2010

¹³⁴ Ibid

¹³⁵ Ibid S.4

Fourthly, the police has power to prohibit the operation of certain quasi military organization, and also to prohibit flags and certain uniforms by members of an association who in the opinion of the Commissioner of Police, the wearing of such uniform could provoke the breach of the peace.¹³⁶

Lastly, the Police are empowered to apart from dispersing unlawful assemblies or procession authorized to arrest without warrant any person who acts in breach of the Public Order Act.¹³⁷ It is pertinent to note that the Public Order Act has been held by the Court of Appeal¹³⁸ to be unconstitutional so far as “it affects the right to assemble freely and associate with others, the sum of which is the right to hold rallies or procession or demonstration as an aberration to a democratic society, it is inconsistent with the provision of section 40 of the 1999 constitution.” It therefore held that SS.2, 3, 4, 5 and 6 (2)(3) and (4) are inconsistent with the fundamental rights provisions of the 1999 Constitution and to the extent of their inconsistency with S.40 of 1999 Constitution void.¹³⁹

However, the Police position is not helpless as the Police can still enforce other provisions of the Public Order Act not inconsistent with the Constitution; Secondly, the Police could have recourse to both the Criminal Code¹⁴⁰ and Penal Code¹⁴¹ as there are sufficient penal provisions to deal with disorderly assemblies, meetings or processions when the need arises. What the police can do is to be present and regulate the route of the procession or provide security coverage for such peaceful meeting or processions.

n) Power to use Force and Fire Arms

This segment of the topic is divided into two parts, namely:

¹³⁶ Ibid SS.6 and 7

¹³⁷ Ibid S.9.

¹³⁸ *I.G.P v. All Nigeria Peoples Party & Ors (2007) 18 NWLR 457*

¹³⁹ Ibid

¹⁴⁰ SS 70-77 and SS 88-88A of C.C Cap C.38 LFN 2010

¹⁴¹ Penal Code Law of the Northern States SS 100-114

- i) power to use force per se, and
- ii) power to use firearms. The use of force arises whenever a Policeman or other persons are making an arrest. The law stipulates that the “Police officer or any other person making the arrest shall actually touch or confine the body”¹⁴² of the arrestee except there is submission to custody by word or action.

Secondly a person arrested shall only be handcuffed or restrained if there is reasonable apprehension of violence or an attempt to escape; or the restraint is considered necessary for the safety of the arrestee; or if the Court so orders.¹⁴³ Thirdly, the law demands that the person arrested be treated humanely having regards to his right to dignity of human person; and that the arrestee shall not be subjected to any form of torture, cruel or inhuman or degrading treatment¹⁴⁴. Therefore any person who acts against the foregoing extant provision of the law is acting in contravention of the law.

Fourthly, the law authorizes the Police or any person making an arrest to break out of any house or place in order to liberate himself or any person who having lawfully entered for the purpose of making an arrest, is detained therein.¹⁴⁵ Fifthly, the Nigerian Police must always observe the United Nations Code of Conduct for Law Enforcement Officials which stipulates that: “Law enforcement Officials may use force only when strictly necessary and to the extent required by the performance of

¹⁴² S.4 of the Administration of Criminal Justice Act 2015. See also S.31 CPCL.

¹⁴³ S.5 ACJA; see also S.37 CPCL, where an arrested person shall not be subject to more restraint than is necessary to prevent his escape. Cf S.261 of the Criminal Code (C.C) which stipulates that “it is lawful for a person who...in making arrest, and for any person lawfully assisting him; to use such force as may be reasonably necessary to overcome any force used in resisting such arrest”.

¹⁴⁴ S.34 1999 constitution; S.8ACJA. This is a novel provision by the ACJA as there is no equivalent provision in the CPA and CPC.

¹⁴⁵ S.13 ACJA: (S.8CPA)

their duty”¹⁴⁶ Going by the foregoing sections of the various enactments discussed above, we are of the view that the law is now recondite on the issue of the use of force in law enforcement generally and in particular when making an arrest, namely: that both Nigerian, and International Law does not permit the unnecessary use of force by the Police and other law enforcement agents.

(ii) Power to use fire arms(when to use firearms)

The use of firearms by the Police and other law enforcement officers appears to be inferentially scattered in different enactments.¹⁴⁷ It must be borne in mind that firearm is very lethal and so the law has stipulated stringent conditions for the use of firearms in law enforcement duty. This is so because upon the ammunition leaving the muzzle of a gun of any type, its direction can't be dictated with any arithmetical accuracy. Secondly, the law and the constitution recognizes the inviolability of human life.¹⁴⁸ Thirdly, the use of firearms can always occasion permanent injury or death (which conditions are irreversible).The constitution therefore provides that:

¹⁴⁶ Article 3 of Code of Conduct for laws enforcement Officers was adopted by General Assembly Resolution 34/169 of 17th December 1979. Similarly, Article 5 provides that no Laws enforcement Officials may inflict, instigate or tolerate any act of torture or other cruel, inhuman or degrading treatment or punishment, nor may any Law enforcement Official invoke superior orders or exceptional circumstances such as a justification of torture or other cruel, inhuman or degrading treatment or punishment . it seems very clear that the innovation introduced by the ACJA of 2015 in its S.13 is a domestication of the UN Resolution/Article 5 of Code of Conduct for law Enforcement Officers of 1979.

¹⁴⁷ Generally SS.271-273 CC, SS 282, 286 and 287 of C.C. See also R.V.Ebi (1936) 3 WACA 36 for the justification by even a private person to kill in defense of his dwelling house. And the views of Prof C.O Okonkwo and Naish in okonkwo and Naish on Criminal Law in Nigeria PP 225-226 (2nd edition).

¹⁴⁸ S.33 of the 1999 Constitution

Every person shall have a right to life and no one shall be deprived intentionally of his life, save in execution of the sentence of a Court in respect of a criminal offence of which he has been found guilty in Nigeria. The Constitution goes further to provide situations where a life could be taken. It stipulates thus:

A person shall not be regarded as having been deprived of his life in contravention of this section if he dies as a result of the use, to such extent and such circumstances as are permitted by law, of such force as is reasonably necessary –
For the defense of any person from unlawful violence or for the defense of property;
In order to effect a lawful arrest or to prevent the escape of a person lawfully detained; or
For the purpose of suppressing a riot, insurrection or mutiny.

From the provisions of the Constitution quoted anon, it is very evident that the Police and other Law Enforcement agents have been vested with wide latitude of discretion in the use of lethal force while enforcing penal laws. But in order not to allow irrational officers act in excess of the wide discretion offered, the Police authority came out with guidelines on the use of firearms to guide the use of firearms by Police Officers while performing their duty. These guidelines is what is popularly called Force Order 237.¹⁴⁹ It provides as follows:

A Police Officer may use firearms under the following circumstances:

- a. When attacked and his life is in danger and there is no other way of saving his life.
- b. When defending a person who is attacked and he believes on reasonable grounds that he cannot

¹⁴⁹ F.O 237 is merely reenactment of S1.33 Const; S135, 271, 272-273, 282, 286 and 287 C.C

otherwise protect that person attacked from death.

- c. When necessary to disperse rioters or to prevent them from committing serious offences against life and property (provided 12 or more persons are still riotously gathered after words of proclamation for them to disperse has been made)
- d. If he cannot by any other means arrest the person who being in lawful custody escaped and takes to flight in order to avoid arrest; provided the offence with which he is charged or have been convicted is a felony or misdemeanor;
- e. If he cannot by any other means arrest a person who takes to flight in order to avoid arrest; provided the offence is such that the offender may be punished with death or imprisonment for 7 years or more.

Similar stringent conditions for use of firearms by the Police and other Law Enforcements Agents is provided for in the “Basic Principles for the Use of Force and Firearms by Law Enforcement Official” issued by the “8th U.N Congress on the Prevention of Crime and Treatment of Offenders” which was held in Havana Cuba on the 27th August to the 7th day of December 1990.¹⁵⁰

¹⁵⁰ The principles enjoins law enforcement officers while carrying out their duties to as far as possible, apply non violent means before resorting to the use of firearms. And that where use of firearms is inevitable, the law enforcement Officers shall exercise restraint by minimizing injury and preserving human life. It enjoins domestic governments to ensure that arbitrary use of firearms by law enforcement officers is punished as criminal offence under their law. Principles 23 and 23 enjoins Domestic (national) governments and Law enforcements agencies to set up review or effective reporting procedure in case of injury or death as a result of the use of firearms, and to provide access to an independent process including a judicial one to determine or subject and make appropriate recommendations.

Since Nigeria is signatory to the above U.N Convention/Treaty/Agreement, it behooves on every Nigeria Police officer to observe the rules religiously. Any Police Officer who uses lethal force without due regards to the domestic and international rules, shall have himself to blame as he shall be held to account.¹⁵¹ Therefore the use of lethal force is highly circumscribed and our law enforcement must at all times observe the rules for the use of firearms particularly at Road blocks, Pin Down, Black Spot or Patrol duties, as the Courts have consistently held that, for a driver of a vehicle to refuse to stop for search is not one of the grounds for using firearms as the life of the policeman was not in danger as of the time he fired at the vehicle which refused to stop when it was flagged down.¹⁵²

But a different view could be reached if it is borne in evidence that the occupants of the vehicle which refused to stop when flagged down was found to have simultaneously fired at the Police when asked to stop. Secondly, if the use of firearm was a result of hot pursuit of armed robbers, kidnappers or murderers (hired assassins) who on credible information were alleged to have struck somewhere and were using the route police were conducting stop and search as escape route. In that situation, Police use of firearms could be explained within the realm of the Force Orders 237, the constitutional provisions and other enabling Laws.

It could be said in conclusion that while the law to use firearms may appear to have given the Police and other Law Enforcement Agents a wide discretion, in practice, the guidelines from the Police Force (F.O 237) and the UN Rules on the use of firearms has taken

¹⁵¹ *Ibe v. The State (1993)7 NWLR (pt 304) 185; Nwankwo v. the State Urng No FCA/8283 delivered on 29/3/8 CA Enugu Div in GOS Amadi Op cit; Okpa v. State (2017) 13 NWLR (pt 1587) 1. In all these cases, the accused Policemen were on road block/pin down point duty when they fired at the vehicles for which the deceased were on ground that the driver refused to stop on being flagged down. They were all convicted of murder and manslaughter as the case may be.*

¹⁵² See foot note 147

away the sail from the wings of the Police in the use of firearms. Therefore the use of firearms must be supported by cogent and empirical facts in order that any policeman may be justified or excused for using his firearm.

3. RECOMMENDATIONS

In order that Police do not abuse their expansive powers, the Government, Police Institutions and the citizenry have a role to play. It is therefore recommended that the Government should only choose persons with a track record of service as the Inspector General of Police (IGP), Deputy Inspector General (DIG's), Assistant Inspector General (AIG's) of Police, State Commissioners of Police and their Management Teams. When the heads of the above various offices are qualified morally, operationally and administratively, they could bring sanity to bear in the use of Police powers by their sub-ordinates. Choosing and promoting officers to strategic management and tactical commands position using quota, religion, nepotism or tribal consideration is like putting square pegs in round holes, and that has accounted for 50% of the decay in the Police today.

Government should improve the welfare of Police personnel. A well cared for policeman will be able to serve the people better. This accounts for why the Nigerian Police performs so well in United Nation Peace Keeping assignments outside the shores of Nigeria.

Government should up the educational qualification for entry into the Nigerian Police force. This would reduce ignorance in relation to the use of power by Semi-illiterate policemen. The Police Institution itself should endeavour through able and competent leadership to enforce to the letter all ethnics of policing as contained in the UN Rules Guidelines for Law Enforcement Officers.

- a) There should be effective checks and supervision of the junior cadre of the Police Force. Experience has shown that the juniors are always, and often guilty of the misuse of power.

- b) There should be training and retraining of Police men and women. During Police courses, Fundamental Human Right Rights should be made a compulsory course for career progression in the Police.
- c) To prevent touts, thugs and criminal from gaining employment into the Police Force, the Police authority must screen out undesirable elements during recruitment and training exercises at Police colleges.
- d) Police should stop the habit of indiscriminate posting and transfer of persons with different cultures to other cultures in order to avoid cultural shock and the concomitant hatred and disdain for the indigenous population by native alien officers.
- e) Community policing and intelligence-led policing should be enforced.
- f) State and Local Government Police should be established by Government
- g) The Police Department must observe the Rule of Law in its enforcement regime at all time.
- h) Any Police personnel who goes beyond his power should be made to face justice to the extent of his violating another person's right.
- i) Citizens should treat their Police force with respect and the Police in turn should Court the confidence and trust of the citizens by rendering quality service delivery to the citizenry. There should be a symbioticism in their relationship. This would curb wrongful exercise of power by the Police against the citizens.
- j) Finally, an effective Judiciary, quick in the dispensation of justice is a guarantee or sine qua non against the misuse of Police powers in Nigeria.

4. CONCLUDING REMARKS

From the foregoing treatise of this article, there is no doubt that the Nigerian Police force being an essential institution or body for the existence of law, order and public tranquility has been saddled with so much duty with corresponding powers which power it must wield within the bound of the laws.

Nigeria Police Powers are as wide as the numerous duties entrusted on it to perform by various laws of the Federal, State or Local Government.

There is no unanimity as to the exact extent or scope of Police powers in Nigeria. The best guard against the misuse of Police powers therefore is for the implementation of the few recommendations just proffered. Particularly, good and effective leadership at all Police levels, training and retraining of Police personnel, effective supervision of junior personnel by their immediate bosses who themselves must be above board, and holding to account any Police personnel who goes outside the ambit of the law in the exercise of his/her power in the course of their duty are immediate measures that can be used to check police misuse of power.

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