

**THE DILEMMA OF HUMAN SECURITY AND SYSTEMIC BRUTALITY BY
THE NIGERIAN POLICE IN METROPOLITAN BENIN.**

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Abstract

The media is replete and awash with reports of unlawful killings and torture of suspects/accused persons in police custody across the country and it would appear that the end is not in sight. This study therefore sought to investigate the dilemma of systemic police brutality and what it portends for human security. The study anchored its theoretical basis on Tyler's (2003) procedural justice theory. A cross sectional research design which employed both quantitative and qualitative techniques was used to gather data from 850 respondents from the 12 wards that make up metropolitan Benin. Findings from the study reveal that police brutality exists and that the educational level of the policemen, the need to extract information by all means and greed were some factors that accounted for police brutality and torture of civilians in their custody. Based on the findings of the study, it is suggested that the police should be retrained to appreciate and apply the rule of law in their treatment of those in their custody while senior police officers should be alive to their responsibilities vis – a- vis checking and curbing the excesses of its overzealous men.

Key words: Brutality, human security, Nigerian police, rule of law, torture.

Introduction

It was Rousseau (1712 -1778) who explained social contract viz; that human beings in any given society come together in accordance with an understanding that laws, morals and political rules of behaviour and the state is to ensure the happiness of the greater number of its citizens. This implies that the state is irrelevant if it cannot protect the weak from the strong. In Nigeria, like in other jurisdictions the world over, the police are statutorily empowered to protect the weak from the strong by crime prevention, detection, apprehension and persecution of offenders. (Manning, 1978 & Arisukwu, 2012)

The Nigerian police can be said to have evolved due to communal initiative to maintain order and protect goods such as farmlands and their produce. As observed by Marenin & Reisig (1995) after the civil war, other crime that were violent in nature surfaced and the police was saddled with the responsibility of curbing them, and in a bit to succeed, little force was initially needed but sadly, use of force and brutality in quelling uprising and in handily suspected offenders has now become the order of the day in the country with no respite. Interestingly, the police which was supposed to be impartial, command some form of respect and loyalty from the public has lost its credibility as it is linked with extra judicial killings and extortions of “yahoo boys”. The people cannot forget in a hurry the End SARS protest across the entire country which started as a call for the disbandment of its special anti-robbery squad (SARS). Until its recent disbandment, it was a unit of the police noted and feared by all for its brutality and abuse of citizens’ rights. This incidence in a way revealed that the statutory provisions of equal rights of all citizens is but only in theory due to the viciousness and partiality of the police. It is equally stated here that successive governments have always emphasized on the doctrine of equality and the rule of law, but their manifesto action as portrayed by its alter ego - the police – indicates disheartening and wide spread contradictions. This contradiction can easily be related to the senseless killing of Mohamed Yusuf, the leader of the Boko Haram sect in 2002, and the unprovoked shooting of a young boy in Delta State, Nigeria in 2020, which triggered the end SARS protest. Regrettably, even though Constanzo & Gerrity (2009) believe that torture is an indispensable interrogation mechanism for gathering intelligence, evidence exists to the effect that it has enduring negative implications on the victims (Egede, 2007).

Statement of Problem

Section 191, (1) and Section 214 of the Constitution of the Federal Republic of Nigeria (1999), create the Nigerian Police Force as a federal institution with the entire country as its exclusive jurisdiction. The primary functions which are well laid out in the constitution and the Police Act (1990) include prevention and detection of crime, apprehending criminals, preserving law and order, as well as protecting the lives and properties of its citizens. In carrying out its primary functions, the law allows or permits the police to use reasonable force as may be necessary, but unfortunately, in pursuance of this authority, they have lashed to this provision to wreak havoc on the ordinary citizens by torturing, maiming and extra judicially killing some. Alemika (1993), observed that these inexcusable killing and torturing of victims is usually carried out by junior officers to the knowledge of senior officers and as a result of this, they have been epitomized by the public as brutal, reckless and agents of the ruling class who are used to carry out their (ruling class) policies in the society (Segun, 2016).

The rate at which the police intentionally uses excessive force towards citizens have been attributed to a number of factors; Amnesty international, (2009) reveals that non-graduates who are employed into the police force tend to develop inferiority complex and are quick to not only raising their voice but also their fists. Tamuno, (1970) & Rotimi, (1993, Ake, (1996) have maintained that the Nigerian police was a creation of the colonial powers whose desire was to protect its interest and sower put in place in response to rioting and disorder directed against the colonial masters. It implies therefore that the use of violence and force in advancing the interest of a class that stands in sharp contrast with the rest of

the society was the foundational bases of the Nigerian police force. Little wonder that the police is still even in the 20st century following its foundational bases to the letters. Documented evidence abound to show that serious cases of police brutality of the Nigerian citizens does not only exist but is on the increase (Aborishade & Obileye (2015) despite the sustained cry of the public and Article 5 of the Code of Conducts for law enforcement officials adopted by the general assembly of the United Nation (1979) which specifically states that no law enforcement officer may inflict, torture or carry inhumane and degrading treatment on the citizens. A progressive trend in the police force today is that graduates are constantly being recruited into its work force, as well as the exposure of its men and officers to overseas courses and peace mission outside the country. With this development, expectations of Nigerians is that police brutality ought to be on the decline while the observance of the rule of law by the police should be on a steady increase; unfortunately, this is not the case. This study therefore, seeks to fill in this lacuna by examining the continuing dilemma of human security and systemic brutality by the police

Research Questions

This study was guided by two research questions;

1. Is police brutality on the increase in metropolitan Benin.?
2. What are the predisposing factors in police brutality in metropolitan Benin.?

Objective of Study

This research sought to investigate the dilemma of human security and systematic brutality by the Nigeria police in metropolitan Benin, Southern Nigeria. Its specific objectives include:

1. to examine if police brutality is on the increase in metropolitan Benin.
2. to highlight the predisposing factors in police brutality in metropolitan Benin..

Literature Review

Origin and Structure of the Nigerian Police

The Nigerian police was established in 1820 with initial constabulary in the northern part of the country and subsequently in the south. These constabularies were saddled with the responsibility of maintaining internal security and over time metamorphosed into the Nigerian police force (Alemika (1993), Alemika & Chukwuma (2001). The Nigerian police force is being maintained by a three-tier administrative structure of departments, zonal and state commands with its entire activities supervised and overseen by the Police Service Commission, The Nigerian Police Council and the Ministry of Interior (Igbinovia, 1980). Recruitment into the police force is with a minimum qualification of secondary education, some physical attributes and not less than seventeen years of age. Newly recruited officers are made to undergo a mandatory six months training course in any of the various police colleges across the country, where they are taught police ordinances and regulations, criminal law, law of evidence, motor traffic ordinances, police and station duties, fingerprinting, statement taking, report preparation, crime or accident scene sketches and more importantly, good human relationship (Igbinovia, 1982).

Albeit that the police force is supposed to be generally seen as a dignified career, its several endemic issues have resulted in low level of public confidence in its ability to protect lives

and properties (Igbinoia, 2000). There has always been wrongful use of police power even in the colonial era as the philosophy of “hit first and ask questions later” has always abounded within the policemen in Nigeria. Overtime, there has been widespread dishonesty and corruption in the police force which has resulted in dehumanizing, maiming and even killing of the civilians they are employed to protect (Igbinoia, 1988; Edo & Sagay, 2012). Between January, 2017 and May, 2020, Amnesty International recorded 82 cases of abuse and unlawful killings by the Nigerian police (Amnesty International, 2020). Civilians are unnecessarily detained and are more often than not, denied access to legal representation and even medical attention for those who get injured during arrest. Lately, the police have developed the habit of terrorizing young civilians especially the young wealthy-looking with flashy cars and gadgets. The several cases of civilians who have been assaulted, injured or even killed as a result of stray bullets and sometimes mistaken identities, over time, has led to an increasing feeling of mistrust as cases like this keep reoccurring

Incidence and Prevalence of Police Brutality

In 1992, The Nigerian government introduced a special anti-robbery squad (SARS) to curb the alarming rise in armed robbery and street crime; no sooner had they begun operation when they started acting with impunity and targeting wealthy-looking youth with flashy cars and expensive gadget (Amnesty International, 2020). Youth were being maltreated, extorted, assaulted, raped, tortured and murdered by those supposedly put in place to protect them (Edo and Sagay, 2012). For over a decade, citizens and human rights organizations accused the special anti-robbery squad of inhumane treatment without getting any response from the government until in October, 2020 when the youth united and staged a nationwide protest tagged “End SARS” which ended in more police brutality with the government still not looking into the issue of police brutality (Amnesty International, 2020).

In January 2021, channels news reported the case of Mr. Onyema, a man who was physically assaulted by policemen of the Criminal Investigation Department in Benin City for refusing to settle out of court with a pedophile who raped his 6 years old daughter. Also, in 2021, Mr. Monday, a bus driver was shot and murdered in cold blood along Third East Circular Road, Benin City by policemen when he refused to give them 100 naira which was a usual unofficial daily extortion from bus drivers in Benin metropolis by men of the Nigerian police. The youth in Benin City in their hundreds took to the streets in protest to which the police under the guise of maintaining order, unleashed more terror on them.

Police brutality and other inhumane abuses of civilians’ fundamental human right have consistently been a major defect of the police force. This has drawn the attention and censure of both the Nigerian public and international bodies (Ogunode, 2015). Although torture is sometimes considered as an interrogation process for gathering strategic information in the Nigerian police force (Constanzo & Gerrity, (2009), studies have revealed that it is ineffective in getting reliable information (Egede, 2007, Aborishade & Obileye, 2015).

Reasons for Police Brutality Corruption

In their studies, Obarisaigbon & Oimage (2018), Obarisiagbon & Aderito (2019) canvassed the view that the Nigerian police is riddled with corruption they see any case incidented in their station as an avenue for making money. Bail bond, foolscap sheets for writing statement, case files to mention but a few, are some of the items corruptly used to extort money from both complainants and the accused persons. Regrettable, the accused persons who do not fall in line are treated as enemies and thus brutalized at the slighted provocation. There has been reported cases of police shooting motorists over refusal to pay the usual unofficial daily extortion from commercial drivers. The immediate factor that triggered the sporadic EndSARS protest in the alleged refusal of a young boy in Delta State to give money to the police which eventually led to his being shot and murdered in cold blood. This implies therefore that the corrupt practices of the men and officers of the police force in Nigeria is a major cause of police brutality of civilians.

Police Authority, Self-control and Inferiority Complex.

It is a truism that the police has enormous power in the discharge of its duties, the problem has always been the ability of the police to manage its power in line with the rule of law. Unfortunately, Osariemen (2019) is of the view that some of the lower ranked officers are not mature, not well read and so, suffer from inferiority complex. Coming from this background, they tend to regard undergraduates, graduates and responsible persons in the society as unnecessary rivals as these people know their rights and do not easily give in to police abuse. This is the trajectory that has constantly befallen the public

Policemen in Nigeria perceive that citizens acceptance of their authority is fundamental to effective and efficient policing, thus, persons who question or oppose their authority are viewed as a hindrance to effective policing, are met with physical force and sometimes deadly violence by the police to elicit civilian concordance. Suffice to say that the police has the authority and discretion to determine who get arrested, how he/she is treated in custody and which of the numerous cases get charged to court or settled out of court. (Arisukwu, 2012)

Poverty a Susceptibility to Police Brutality.

The police in Nigeria usually judges the social values of citizens as it is their view that certain members of the public are considered deserving of physical abuse because they are "nobodies", thus, they prey on low income citizens (Amnesty International, 2020). "Police is your friend" is the inscription that welcomes you into any police station in Nigeria, but the attitude of police officers and ill-treatment of citizens greatly contrast the inscription. The Nigerian police force just like in every other parts of the world, is charged with the responsibility of protecting its citizens, and like most people who holds a great deal of authority, this authority and power are most times abused.

Impatience of the police to deal with perceived criminal issues

There is a conservative tendency by the decision-making police officers and superiors to defending the use of violence as a means of rapid problem-solving (Lundman, 1980). To Alang, McAlphine, McCreedy, & Handeman, (2017), this results in the common man, especially the youth being regarded and treated as if they are at fault even before investigation or trial. The Nigerian police force as a formal organization is guided by laid

down protocols which also makes it plausible for them to use discretionary power in some circumstances which invariably means they can neglect the rules sometimes in the course of carrying out their duties (Arisukwu, 2012). Thus, it is not just enough to legislate and enact laws, but how these laws are interpreted by the law enforcement agencies is of huge importance to the attainment of a just society (Aborishade & Obileye, 2015).

Theoretical framework

This study adopts the procedural justice theory as propounded by Tyler (2003). This theory as it relates to police brutality lays emphasis on transparency, explanation of policing actions and responding to public concern. When fully applied, it has a way of reducing the disrespectful treatment or the unjust use of force by the police on the public. Studies indicate that distrust of the police is common and has implication for human security (Obarisiagbon & Oimage 2018). The procedural justice model of policing has been identified as a means of reducing complaints and harmful policing practices, thus, building legitimacy. In Nigeria, there is a popular saying that the police is your friend, but in reality is the police really your friend? These authors are of the opinion that the behaviour and perception of the public vis a vis the police is sharpened by how fair they were treated by the police. What is the relationship between peaceful protesters and the police? How civil are the police officers towards accused person and even complainants in their stations? This determines to a large extent, police legitimacy. In fact, in Nigeria, it would appear as though legitimacy which ought to be how the police wade their power in public trust and to ensure social order has gradually shifted to protecting those at the corridor of policy making and the affluent in the society. As aptly put by Alang et al (2017), the common man, more particularly the youth are often seen and treated by the police as if they are at fault even before investigation or trial.

In relation to the topic under focus, the procedural justice theory sees the down trodden as the one that suffers more than the affluent as they do not have money to bribe their way through. In a way, the application of this theory brings to fore why most police cells usually house the poor members of the society and ironically, white collar crime and corrupt practices which are mainly committed by the affluent and educated members of the society goes uninvestigated and processed by the police.

Methods and Materials

The study employed the descriptive cross-sectional design and relied on both quantitative and qualitative techniques to elicit information from 800 selected participants from 25 police stations and the magistrate courts in metropolitan Benin. The study was conducted in metropolitan Benin which is made up of three local government areas. The choice was informed by the fact that it is the hub of commercial activities in Edo State which is its capital. Metropolitan Benin is seen by many as a microcosm of the Nigerian nation, considering its metropolitan nature.

The non-probability convenient sampling technique was used in selecting the research participants. The instruments for data collection were a self-designed questionnaire and interview guide. The questionnaire which was divided into two sections were administered with the assistance of two trained research assistants in order to eliminate bias. Of the 800 questionnaires administered on the respondents, 792 were retrieved, found valid and used

for the data analysis of the study. Descriptive statistics such as frequencies and percentages were employed to summarize the variables contained in the study. Recorded in-depth interview sessions of judicial officers, policemen and defense counsels were transcribed verbatim. The transcriptions were then analyzed thematically using content analysis.

Results and Discussion

The information gathered from the research survey are presented, interpreted and analysed below. The data were presented schematically in line with the objectives of the study. Socio-demographic characteristics of participants: the bio-data of the participants and their socio-demographic and economic characteristics are summarized in the table below.

Data Presentation and Analysis

Table 1: Demographic Characteristics of Respondents

	Frequency	Percentage (%)
Sex		
Male	492	62
Female	300	38
Total	792	100
Age		
25-34	120	15
35-44	360	45
45-54	220	28
55 and above	92	12
Total	792	100
Religion		
Christianity	700	88
Islam	50	7
A.T.R.	42	5
Total	792	100
Educational status		
Primary	100	13
Secondary	300	38
Tertiary	392	49
Total	792	100
Marital status		
Married	650	82
Single	100	13
Divorced	40	5
Separated	-	-
Total	792	100

Source: Field survey, 2022

Table 1 indicates that there were 492 (62%) male respondents while the number of female respondents was 300 (38%). This implies that there were more male respondents than female in the study area. The table also reveals that respondents within the ages of 25-34 years were 120 (15%), those between 35-44 years were 360 (45%), while those within the ages of 45-54 years were 228 (12%) and those who were 55 years and above were 92 (12%). This indicates that majority of the respondents were between the ages of 35-44 years. On religion, 700 (88%) of the participants were Christians, 50 (7%) were Muslims

and 42 (5%) practiced African traditional religion. On educational status, 100 (13%) of the participants had primary education, 380 (41%) had secondary education while 392 (42%) had tertiary education. This shows that majority of the respondents had secondary education. For marital status, 650 (82%) of the participants were married, 100 (13%) were single, 40 (5%) were divorced and none of them were separated. This means that majority of the respondents were single.

Research Question One

Is police brutality on the increase?

Table 2: Percentage Score of Police brutality

Question	Response	Frequency	Percentage (%)
Is police brutality on the increase?	Yes	692	87
	No	100	13
	Total	792	100

Source: Field survey, 2022

Table 2 shows that 87% of the participants affirmed that police brutality is on the increase, while 13% were negative in their reply.

Research Question Two

What are the reasons for police brutality?

Table 3: Percentage Score of Reasons for Increased Police Brutality

Causes of Police Brutality	Frequency	Percentage (%)
Corruption	92	12
Inferiority complex	80	10
Low educational attainment	70	9
Greed	50	6
Lack of self-control	50	6
All of the above	450	57
None of the above	-	-
Total	792	100

Source: Field survey, 2022

Table 3 indicates that 12% of the surveyed participants affirmed that corruption is a reason for increased police brutality, 10% mentioned inferiority complex as a reason, while low educational attainment accounted for 9%, greed 6%, lack of self-control was 6% and 57% highlighted all the above reasons.

Discussion of Findings

Research question one revealed that police brutality is increasingly becoming a notorious fact in Nigeria as hardly a week goes by without its occurrence. There appear to be an increase in police extra-judicial killings in metropolitan Benin which is very unfortunate and sad. This finding validates the works of Aborishade & Obileye (2015), where they noted that documented evidence exists to show that there are serious cases of police brutality in Nigerian citizens. does not only Documented evidence from the work of

Osariemen (2019) which chronicled the prevalence and incidence of police unlawful killings of citizens further validates the result of this research. The view of one of the interviewees in away gave credence to this result when he noted that:

The police cannot deny the fact that they frequently use extra-judicial means to extract information from accused persons in their custody during investigation of matters. I would say that this is a daily occurrence which appears to have defied remedies (IDI, Male, Private legal practitioner, High Court, Benin City, 2022)

Another interviewee simply noted:

It is now becoming a daily occurrence in the court for persons to deny writing the statement sought to be tendered through the investigating police officer by the prosecution. Accused persons often say that they were tortured during investigation and forced to sign prepared statements

(IDI, Female defence counsel, Magistrate court, Benin City, 2022)

Research question two identified corruption, greed, low educational attainment, inferiority complex as predisposing factors in police brutality within metropolitan Benin. This finding is supported by the works of Obarisaigbon & Omege (2018), Obarisiagbon & Aderito (2019) who have canvassed the view that the Nigerian police is riddled with corruption as they use any case incidented in their stations as an avenue for making money. Bail bond, foolscap sheets for writing statement, case files to mention but a few, are some of the items used corruptly extort money from both complainants and the accused persons. Regrettably, the accused persons who do not fall in line are treated as enemies and thus brutalized at the slightest provocation.

The study of Osariemen (2019) further lends credence to this research finding. He is of the view that some of the lower ranked officers are not mature, not well read and suffer from inferiority complex. Coming from this background, they tend to see undergraduates, graduates and responsible persons in the society as unnecessary rivals to them because this set of people know their rights and do not easily give in to their abuse. This is also corroborated by the comments of some interviewees:

I personally see the issue of police brutality as a case of inferiority complex in which the policemen feel that they are not good enough compared to more educated person and to square up, they tend to harass, shout and at the slightest provocation use their fists on innocent motorists

(IDI, Male, Medical doctor, Ogida Police Station, Benin City, 2022)

Another interviewee who simply and proudly introduced himself as 'yahoo boy' stated:

I have had series of encounters with policemen who without any provocation resort to using the butt of their guns to hit innocent persons. For me, I see their actions as coming from the lack of tertiary education and poor exposure. A graduate or an educated person will not just ask a fellow human being to start rolling in the mud (IDI, Male yahoo boy, New Benin Police Station, Benin City, 2022)

One of the participants summed the situation up thus:

I think that corruption and greed are the main reasons for police use of extra-judicial means. My son was asked by a policeman to give him “pure water”, unfortunately my son had only five hundred naira (₦500) on him which the policeman refused, insisting that it must be five thousand naira (₦5, 000). Without shame, I was asked to bail him with fifty thousand naira (₦50, 000). Honestly, I had to cough out that much when I saw the marks on my son’s body. These guys are really corrupt and terrible (IDI,

Female, Lecturer, Aideyan Police Station, Benin City, 2022)

Conclusion and Recommendations

Police brutality also commonly referred to as unlawful killing, torture and maiming of innocent civilians has become a cause of concern to both those at the corridor of policy making and civil right organizations in Nigeria. The outcry and wide acceptance of the EndSARS riot in 2020 is a clear attestation that indeed policemen in Nigeria are brutal, wicked, arrogant, and inhumane violators of the rule of law and their rule of engagement. It further buttresses the widely held opinion that their colonial foundation still influences their attitude and behaviour towards the public.

Based on the findings of this study, the following recommendations were put forth

- There is the need to embark on training and retraining of men and officers of the Nigerian police in line with international best policing practices.
- There is equally the need to involve the Nigeria chartered institute of public relation, as well as members of the Nigerian Bar Association in specifically exposing them to public relations, and the fundamentals of the rule of law
- It is also important that the Inspector General of police and appropriate police authorities to step up their game in relation to ensuring that corruption and brutality is reduced to its barest minimum
- These authors are of the strong opinion that the minimum educational requirement for recruitment into the Nigerian police force should be a university degree, and such officers should also pass the periodic psychiatric and psychological test

- The police community relations committee should be remodeled with frequent interactive sessions held with commercial motorist, traders and students in the tertiary institutions.
- It is believed that when public enlightenment are taken to stake holders, it will help to reduce the acrimonious tendencies of the men and officers of the Nigerian police force, and then the axiom “the police is your friend” will really be true

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