

Policyweekly

Policy Reflections on the Problematic Areas of State Policing



Policy Recommendations

- 1** There should be stakeholder consultations across the country on the nature, powers, design, funding and relationships of the proposed state policing system with other security institutions and the citizens.
- 2** There is a need for the removal of policing from the exclusive list in the constitution.
- 3** There is a need to spell out in law areas of jurisdiction to avoid unnecessary duplication of functions and clashes about competencies.
- 4** The sources of funding for state police and how they are to be sustained should be spelt out.
- 5** Communities in each state should elect their security committee and police chief without interference from the governors.
- 6** The extent of involvement of the state police in electioneering functions and management of religious and ethnic conflicts must be clearly defined and be made a content of their training.
- 7** There is a need for a police force to be ethically and professionally well-trained to respond to citizens' needs and be well-paid to avoid the reproduction of a corrupt law enforcement unit.

Introduction

Nigeria's Federal Executive Council recently approved state policing in response to the intractable security decline of the country. The bill for enacting State police into Nigerian law has passed the second reading. It is highly likely to pass the third reading and proceed to be passed as a law of the Federation. The legislation would be a significant win for several advocates of state police in Nigeria, especially state Governors who complain against the hollow title of chief security officer of their states without being in charge of the security apparatus and citizens who consider the federal police disconnected from their needs.

As the two-tier policing is imminent, it is fitting to consider some issue areas that deserve caution and proactive reflection so it does not end as a costly, futile venture that complicates Nigeria's security dilemma. Some anticipated problems include issues of constitutional jurisdiction of the state police, coordination with the Federal Police and other security agencies, funding, political interference by governors and party politicians, and policing of the sensitive areas of religion and ethnic tensions. In this edition of the Nextier SPD Policy Weekly, we engage these issues as an essential policy contribution in preparation for state policing in Nigeria.

The Rationale for State Police and Areas of Caution

The proliferation of security challenges in Nigeria, which ranges from terrorism to farmer-herder clashes, kidnapping, communal violence, armed robbery, internet crimes and other crimes, has inevitably overwhelmed the regular police, which numbers only around [370,000](#) for a population of about 215,000,000. Although the government recently approved recruiting [30,000](#) police officers yearly, the current police personnel size represents a significant deficit to the UN standard ratio of 1 to 450 citizens. Unable to cope with the poverty of police size and security lapses, Nigerians are increasingly resorting to self-help security designs, mainly in the form of neighbourhood watches and vigilantes. As a fallback option, vigilantism has only made a minor overall contribution to mitigating insecurity. Indeed, it comes with its problems because some of them operate as special militias for ethnic groups such as the Yan Sakai and Yan Bindiga or political terror machines like the erstwhile [Bakassi Boys](#) vigilante in Anambra state, which assassinated the former chairman of Nigerian Bar Association, Onitsha branch and his wife on September 2, 2002. Besides, the state governors have been accused of using them as private militias against political adversaries. Such accusation of using vigilantes for official oppression is why the [Ebubeagu](#) vigilante group was banned in Ebonyi state. Also, the law does not permit the vigilantes to carry assault weapons, whereas they operate in terrains where criminals like kidnapers and terrorists use dangerous assault weapons. Overall, kidnappings have continued on Nigerian highways, with the most recent in [the Abuja-Kaduna expressway](#), [Lagos-Abuja highway](#), and [Lagos-Ibadan highway](#). Also, domestic kidnapping crept into [Abuja](#), a continuation of large-scale carnage by suspected Fulani herders, with the recent being the 2023 Christmas Eve [massacre of 200 in Plateau state](#), as well as other sundry local crimes. These degenerative security conditions would have made the Federal Government yield to the long-term pressure for state police in Nigeria.

Now that the state police is about to start in Nigeria, there is a need to be mindful of the main issues around it. First, policing is a constitutional matter, and it is within the list of items in the exclusive list within the sole competence of the Federal Government. If state policing is passed into law, then item 45 of the Exclusive list in the amended 1999 constitution has to be altered to recognise the competence of state governments

to organise their police force.

One central matter that could trail this concurrent federal and state policing is the problem of areas of jurisdiction. Recalling that at the origin of state police in [Pennsylvania](#) in 1905 in the United States, its mandate was to fight rural crime, such early history of state police points to the need for focus. But this should be in line with contextual conditions. The absence of constitutional clarity about who does what and where each level of policing should exercise power is a possible area of challenge to the police forces. What complicates the situation in Nigeria is that the security problems in the country revolve around high crimes like kidnapping, murder, cattle-rusting (stealing), terrorism and more. If the two levels of policing are allowed to have equal powers in tackling these crimes, there would be occasions of conflict between them. Yet, if the level of police required to handle a matter is persistently lax, it could undermine the morale of a more vibrant group.

Equally worthy of attention is how to harmonise the security operations of the state police with those of other security agencies to minimise operational overlaps, whether with the federal police, Civil Defence Corps, the military, or other law enforcement agencies. This harmonisation should contain follow-up systems regarding the state and fate of cases they have referred to any law enforcement agency as a system of checking against laxity and for crime record purposes.

The next issue that must worry any stakeholder is the source and sustainability of funding for the state police. With the current revenue-sharing formula, the states receive 26.72 per cent. In comparison, the Federal Government gets 52.68 per cent, [12 Nigerian states](#) owed workers for several months in 2022, while in 2023, state governments borrowed [46.17 billion](#) Naira to pay salaries from January to June, and many state governments are yet to implement the 30,000 naira minimum wage. There is no evidence that states have achieved substantial economic improvement to be capable of incurring the overhead that state policing would entail for them both for personnel, training, equipment and other recurrent security issues. State policing argument stands on a firm logic, but a corresponding firm argument about its funding is yet to be seen.

It is also common for partisan politicians to embrace the state's security institutions for their manipulations that serve partisan political interests, such as during elections. Often, security

personnel supervise the impunity of political parties during elections. [Police complicity in electoral fraud](#) ranges from direct participation in rigging to indifference to open election thuggery and falsification of results by the electoral institution. Governors from opposition parties may not have the opportunity to use the police as quickly as those in the ruling party at the federal level. Hence, the state police is a potential electoral militia for such governors. If the recruitment process is not handled professionally, thugs of the ruling party of each state might as well become the police officers of such states. The other component of political control, which is an essential point of consideration, is who appoints the police chief in the state and who controls its funding. These factors make the governors central to the process, yet their political interests largely conflict with neutral and professional policing.

A further concern is how state police would treat sensitive religious matters. Twelve Nigerian states have adopted the Sharia legal system in the past. They used it to violate people's rights, such as in the infamous case [of Bello Garki Zangebi](#), who was amputated for stealing. State governments with populist inclinations may resort to the use of state police for enforcing extreme religious tenets that breach people's fundamental rights. Related to this is the possibility of biases by state police during ethnic conflicts. Religion and ethnicity are highly sensitive issues in Nigeria, and public officials are not known to treat them with a formalistic, neutral disposition. Incidentally, security challenges around these elements or a combination are common and ongoing. Handling such likely partisanship is a matter of deep reflection before we commence state policing.

Recommendations

Based on the issues raised above, we proffer the following recommendations:

1. There should be stakeholder consultations across the country on the nature, powers, design, funding and relationships of the proposed state policing system with other security institutions and the citizens. This exercise should not be left in the hands of the federal and state governments but should be led by the civil society comprising civil society organisations, consulting firms and think tanks, academic institutions and development partners, etc.
2. One of the initial steps for the take-off of state police is the creation of its legal framework, which requires the removal of policing from the exclusive list in the constitution.
3. The areas of focus or jurisdiction of the state police should be spelt out in law to avoid unnecessary duplication of functions and clashes about competencies. In areas where the state police collaborate with other law enforcement agencies, the scope of each agency's task must be defined by the law. Also, principles of harmonisation of functions where they jointly engage in security or law enforcement must be detailed. Transferred cases to other agencies must be recorded and followed up to the point of conclusive prosecution and duly recorded.
4. The sources of funding for state police and how they are to be sustained should be spelt out. States that cannot fund a police force on a sustainable basis should not embark on one. It is to this end that we suggest an evaluation of the financial capability of states. Where the majority lack the capacity for financial viability and capacity to fund a security outfit, the model of regional policing may be considered. On that note, each geopolitical zone may pull resources together and set up joint police, which they maintain with pooled resources. A citizen security fund should be established and transparently managed by citizens who jointly and accountably cooperate with the government to oversee police funding and operations at each subnational level (states or geopolitical zones).
5. Communities in each state should elect their security committee. An electoral college should be drawn from such a committee to elect the police chief of the state from among the qualified candidates. If the option of regional police is adopted, then the police chief's office rotates among the states in each region. Governors should not appoint the police chief for their state. They have to be elected based on competence. Each community should elect security committees at the lower level based on competence and character.
6. The extent of involvement of the state police in electioneering functions and management of religious and ethnic conflicts must be clearly defined and be made a content of their training. Of course, their entire training must aim at the highest possible professionalism with attention to sound education and

reasonable computer literacy.

7. As a police force that originates from citizens' aspirations, the officers must be ethically and professionally well-trained to respond to the citizen's needs and be well-paid to avoid the reproduction of a corrupt law enforcement unit.

Conclusion

As the stage is almost set for a two-tier policing in Nigeria, security experts must engage in rigorous thinking on how to create a new order of policing to restore law and order in Nigeria. Originating directly from the citizens warrants the creation of a citizen-oriented law enforcement regime by properly considering constitutional and societal issues.

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