

POLICE CORRUPTION AND ADMINISTRATION OF CRIMINAL JUSTICE SYSTEM IN NIGERIA*

Abstract

The words 'corruption' and 'Nigerian factor' are used interchangeably to mean the same thing in this paper. There is no gainsaying that corruption in the police system leaves much to be worried. The position which the Nigeria Police occupied is beyond mere protection of lives and property of the citizens. They are indeed considered as one of the major stakeholders in our criminal justice system. Under the law, they are conferred with powers relating to the administration of criminal justice system such as power to arrest, investigate, arraign and other ancillary issues thereto. However, these seem to be abused due to the influence of social evils such as corruption, favouritism, dishonesty, fraud, tribalism, ethnicity and even villagism. These social problems are not peculiar to the Nigeria Police alone. They are universal tendencies that existed in Nigeria but what causes worry is the degree to which this phenomena are being perpetrated in an organization considered ordinarily as a friend to citizens and due to this the citizens begin to lose hope and have no confidence in the system any more. In the light of these therefore, this paper x-rayed the powers of police relating to the administration of criminal justice system. This paper also discussed generally the state of criminal justice in Nigeria vis-à-vis the statutory duties of Nigeria Police cum the extent of how corruption manifests therein. The point is that our policing system needs to be reformed with a view to restoring the dignity of the Nigerian Police Force (NPF) in the eyes of the public.

Keywords: Nigerian Factor, corruption, Nigeria Police, administration, criminal justice

1. Introduction

It is obvious that the powers of Police in relation to the administration of criminal justice are very enormous and is one cardinal area which Nigerian police are often criticized bitterly. They have statutory powers to arrest suspects, investigate and prosecute suspect from the inferior courts up to supreme courts. However what is worrisome is the fact that the Police powers toward these roles seems to be thwarted or abused and is not unconnected to the peculiar characteristics identifiable as Nigerians, which strives to ensure things and issues are handled in the negative ways,¹ referred to as 'the concept of Nigerian factor'. This concept is traceable since late 1980's during the Government of General Ibrahim Badamasi Babangida. It was first used by the then Military Vice President, Admiral Augustine Aikhomu in reference to the difficulties arising from non-workability of the economic reform measures introduced by the IBB's Government². The concept covers the unhealthy and unsavory conduct as corruption, dishonesty, fraud, favouritism, ethnicity, tribalism and even villagism³. It has come to mean unfortunately, corruption, nepotism, dishonesty, fraud and even anything that is negative in our national life⁴. Although, corruption and dishonesty are universal tendencies that have always existed in every land and clime, what gives cause for worry is the degree to which they are practiced by Nigerian in every sphere of lives and our openness and indiscretion in doing so. It is now a common feature that for

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¹ NS Okogbule, 'The Nigerian Factor and the Criminal Justice System' available at <http://www.Nigerianlawguru.com/./-criminal%20law%20andprocedure/>

² NS Okogbule (n-1)

³ OF Odekunle, 'Illustration of Types, Patterns and Avenues of Corruption in Nigeria: A Typology' cited in NS Okogbule (n-2)

⁴ M. Jibril, 'The Nigerian Factor and the Nigerian Condition' *The Guardian*, Thursday, October 2, 2003 8, 10 cited in NS Okogbule (n-3)

someone who could hardly eke out a living with members of his family but who find himself in the corridors of power either as Minister, Commissioner or even member of any of the legislative Houses to literally swim in money soon after his appointment or election. How he acquired unmerited money is not the problem of Nigerians. On the contrary, such a person would be hailed or extolled as having made it by behaving as a true Nigerian⁵. Our cultural heritage has been perverted and certain practices that were regarded as taboo in our culture are gradually phasing out. Morality is no longer something worthy of consideration in our society as it has fell to its lowest ebb. There is a perceptible lowering of the public's threshold in its tolerance to corruption and ill-gotten wealth. In the past many communities are frown at, sometimes with serious consequence, any of its members that became rich suddenly and without genuine source of income. Stealing was regarded as heinous crime and taboo in African culture.

However, there is increasing passivity of our culture toward persons who looted public treasury; such persons are regarded as illustrious sons and daughters of the community. The communities encourage the use of public office for private purposes. The highest chieftaincy titles and even national awards are conveniently conferred on persons with questionable characters who made their money through dubious means⁶. The spate of chieftaincy titles being awarded to some States Governors and other politicians underscores this point. Indeed it is also part of the Nigerian factor that leads to slow movement of files in offices, police extortion at tollgates and slow traffic on the highways, port congestion, queues at passport offices and gas station, erratic and epileptic power supply, ghost workers syndrome, election malpractices, unmerited admission and result from schools, tribalism, favouritism, among others. The concept has obviously become part of our cultural practices. It is indeed regarded as a way of life in the police, armed forces, custom, civil service, private sector and in fact even in the judiciary. In view of the notoriety of this evil-sounded word called corruption, the court has taken judicial notice of it in *A. G., Ondo State v A. G., Federation*⁷. Thus, Uwais CJN, (as he then was) succinctly posits that:

...corrupt practices and abuse of power spread across and eaten into the every segment of the society. These vices are not limited only to certain sections of the society. It is a lame argument to say that private individuals or persons do not corrupt official or get them abuse their power. It is right that ever one involved in corrupt practices and abuse of power should be made to face the law in our effort to eradicate this cankerworm...

2. Police powers relating to the administration of criminal justice

Far before the advent of colonial administration in Nigeria, Islamic and customary laws and practices were in existence. Our various communities ensured the protection of lives and properties, maintenance of law and orders and the adherence of ethical values of the societies using their local courts. What was also in existence was the traditional and customary policing system vigorously working most bravely than the present day police system. It is no doubt that the role of police in the administration of criminal justice system is enormous. This is because there is need to live in peace and our lives and properties be protected by the government through it armed machineries. In as much as there is a need to live in peace and others, there is also a need to have the Police force to deal with individuals with criminal tendencies by putting them under close checks and have their activities monitored. And if and where their activities offend against the social norms and the codified law, criminal law must intervene to do justice to all and sundry involved the criminal deviant, the victim and the society at large⁸. Therefore to enhance this, the police is the very first machinery of the government that criminal suspect comes in

⁵ NS Okogbule (n-4)

⁶ JE Aloba, *Corruption in the Rock* (josim Publishing House, 2006) p.51-52

⁷ (2002) 9 NWLR (Pt. 772) p. 222

⁸ D Peters, 'Public Prosecution and the Concept of Restorative Justice in Nigeria (2005) *Fountain Quarterly Law Journal*, vol.2 No.1

contact with⁹. Whether or not the suspect will get justice depends on how the police go about its duty. It is not disputable that one area that Nigeria police are being criticized most often is the criminal justice system. Indeed, Nigeria has a failing criminal justice system and the police, courts and prison institutions have their various shares of blame¹⁰. In addition to this, lack of political will of the government to finance and embark on policies that will develop these institutions have much to be worried and is one of the reasons behind the failure in our criminal justice system. Though, the reasons are myriad considering the conditions of service of the Nigeria Police. Their conditions of service need to be improved to cater for the general needs of the police in terms of welfare and what a view for it is difficult to fight corruption when what the officers are earning is not something to write home about.

It is certain that the enormity of the powers of the Nigerian police is what placed it as one of the major stakeholders in the administration of criminal justice system. It is pertinent to state here that the creation of Nigeria Police has its constitutional backing in the grand norm of the Country. It says thus: 'There shall be a police force for Nigeria which shall be styled the Nigeria Police Force and subject to the provision of this section; no other police force shall be established for the federation or any part thereof'. The members of the Nigeria Police Force shall have such powers and duties as may be conferred upon them by law¹¹.

Pursuant to this, the Police Act CAP P.19 Laws of the Federation of Nigeria, 2004 came into being which confers powers and duties to the Nigeria Police (s.4 Police Act). The Nigeria Police Force was established¹² pursuant to the Constitution of the Federal Republic of Nigeria, 1999 (as amended). Its general duties are the prevention and detection of crime, the apprehension of offenders, the preservation of law and order, protection of life and property and due enforcement of all laws and regulation. All these are roles relating to administration of criminal justice.

Power to arrest and investigate

The negative influence of Nigerian factor has permeated among this power of the Police. As a mandatory requirement, once an offence is alleged to have been committed, the Complainant has to report to the Police who have the duty of investigating the alleged offences¹³. Based on this statutory requirement, the Court has consistently maintained that once there is an allegation of the commission of an offence, complaint must be lodged with the Police. The position still remains that even in civil cases, once there is an allegation of commission of an offence, the Police has to investigate and be tried by criminal court¹⁴. In practice however, this dangerous concept of Nigerian Factor usually creeps into this process. Thus when a complaint is lodged, the commitment to be attached to the investigation of the case depends on the complainant's ability and willingness to grease the palm of the Police¹⁵. Where the complainant is so impecunious or stingy or unwilling to part with any reasonable sum of money, that complainant will certainly have the matter not investigated or not properly investigated. The reason always given to this state of affairs is not far from the fact that, they need logistic support¹⁶ to aid or facilitate the work. Though, the work is certainly a herculean task, but the question is that what happens

⁹ A Agbakoba & W Mamah, 'Toward a People Constitution in Nigeria': A Civil Education Manual for Legal Community, (The Human Right Law Services)

¹⁰ A Agbakoba & W Mamah (n-9)

¹¹ Constitution of the Federal Republic of Nigeria, 1999 (As amended); s. 214 (1)

¹² Police Act CAP P.19 Laws of Federation of Nigeria, 2004; s.3

¹³ Police Act CAP P. 19 Laws of the Federation of Nigeria, 2004; s. 24; Criminal Procedure Act; s. 10

¹⁴ *Olarewaju v Afriland Nigeria PLC* (2001) 7 NSQR, 22

¹⁵ NS Okogbule (n-5)

¹⁶ NS Okogbule (n-15)

to the huge allocation given to the police? It is no doubt the government is being allocating huge sum of money to take care of incidental expenses to be incurred by police in the course of investigation of cases. But however, the funds are mismanaged or embezzled by the few Police superiors thereby turning the junior officers to beggars in the hands of the complainants. The Policemen in discharging this duty may need to move from one place to another which entails making use vehicles, boats, motorcycle and other means of mobility depending on where to carry out the investigation or arrest. The Police Management inability to provide the necessary movement tools compelled the Investigation Police Officers (IPO) to rely on his Informant to grease his palm before his complaint is investigated.

Thus, as a requirement in the Police job, complaints and report must be written, an Investigating Police Officer (IPO) in a bid to carry out this usually request for necessary mobilization from his Informant to enable him buy stationary materials like biro, full scarf and others for effectively investigation. The result is that where a complainant fails to, is unable or refuses to provide these basic tools of movement, his complaint will be dumped aside. Failure of the Complainant to rob the Police Palm by giving him money for investigation that complainant would be called with all sorts of names and cast in a mood of somebody not behaving like a Nigerian¹⁷. This phenomenon discourages aggrieved individuals to report cases to Police. What is more worrisome is the fact that the attitude of Police toward handling cases for investigation gives impression to the public that he who comes to report first couple with his ability to grease police palms gets justice at the detriment of the other, a justice that is called one-sided justice against the background that justice is a three way traffic. Justice has become property auctions to a highest bidder.

Another worrisome aspect under which Nigerian factor plays a significant role is where a complainant eventually becomes a suspect and it most often happens as phenomenon that manifests after water has passed under the bridge between the initial suspect and the investigation police officer (IPO) who sometimes acted upon instruction of the superior police officer or officers. Although in law there is nothing wrong for this to happen upon findings during investigation but most often than not this happen where the suspect is richer or more influential than the complainant and is able to release enough money or his influence to suppress the other side of the matter. The way of their behaviour is similar to that of ant who knows none. The police in some cases, especially where the offences alleged are of monetary nature or serious ones like culpable homicide, armed robbery etc. negotiate to lessen the offences for the suspect to enable him secured bail by the court upon payment of certain amount of money or depending on who the suspect is in life. Cases a bound where Police officers undertake proceedings of monetary nature where a suspect lodged same in their office. In such a case, police always exhibit diligence and seriousness while conducting investigation in consideration of their share of percentage in event of their ability to quiz and squeeze the suspect to pay the money being the subject matter of the complaint. Cases of monetary nature such as debt or loan that are purely civil in nature, police always assume jurisdiction to arrest, investigate and prosecute the suspect hiding under their power to frame criminal charges such as criminal breach of trust and cheating¹⁸.

Power to grant bail

Nigerian factor or corruption comes to play it role while a suspect apply to get his liberty from the police. It is well known and settled position of the law that bail is a constitutional guaranteed right of a suspect/accused and is anchored on the position that an accused/ suspect is presumed to be innocent

¹⁷ NS Okogbule (n-16)

¹⁸ Penal Code; ss. 323 and 312

until contrary is proved¹⁹. However, this position seems to be thwarted as issue of grant of bail either by the Police or Courts became one of the avenues in which policemen or Courts' staff demand kola nut from the suspects/accused persons before they could secure their liberty. It is not by coincidence that the law conferred power to the police to grant bail pending investigation or pending arraignment. It is well known fact that the rationale behind giving such power to them is to ensure if the suspect is granted bail be made available at any time he is required in the course of the investigation or trial. Except the offence or offences are capital in nature, the police under the law is empowered to grant bail to the suspect or otherwise take the him to court within a reasonable period of time²⁰. While it is not disputable that the police has such right by law to grant bail but the question or issue centers on the extent of the abuse of this power by the police.

While by law bail is required to be free, in practice it is usually granted on condition of payment of sums of money. In most cities in Nigeria, the rate of police bail varies from division to division; sometimes depends on the nature and gravity of the alleged offence or offences. The minimum amount they could receive ranges from the bargaining power of the suspect minimum could either be ₦2, 000 and upward. Sometimes they have to bargain with the suspect and his capacity to pay high stand the better opportunity to be released on bail. If the complaint is that of liquidated money which the complainant gave to the suspect in the course of any contractual obligations, police turns that to criminal case vide criminal breach of trust and cheating and that requires the suspect to bail himself with huge amount of money and further expect a share from the complainant out of the money, the subject matter of the complaint. These unholy and illegal practices take place even where notices are conspicuously written and pasted at the police station that bail is free. To deceive the public, in some police stations the expression 'bail is free' is written boldly in vernacular and that gives an impression to the public that bail is granted free in the police stations. Should a suspect or his relations insist on being released or releasing the relation free, such a suspect stand the risk of spending more time than is necessary as police will implore one delay tactics or the other, resulting in the suspect spending more days in detention; of course, the preconceived motive for this is to compel him to pay and have his freedom. The usual excuse could be lack of bail forms, absence of the approving officers, that investigation is still going on or that some of the suspects are still at large. However, in Nigerian fashion, as soon as the suspect or his relations comply with the demand, these contrived and well-oiled justifications disappear or pale into insignificance and bail is immediately granted²¹.

Police power to arraign and prosecute in court of law

It is the practice that once police are carrying on or have completed the investigation, the suspect would be charge to court which could be High Court or Magistrate Court, Sharia Court, Customary or Area Courts²² depending on the jurisdiction of the Court to entertain such a case. The police by law have power to prosecute suspect up to Supreme Court²³. At this level also the scourge of Nigerian factor manifest to a highest magnitude. At this stage, the suspect sometimes through his lawyer has to negotiate with the Police Prosecutor not to oppose an application for bail before he may be granted bail by the court. Although this ugly trend is not only peculiar to the Nigeria Police as our courts especially the inferior courts do engage in this phenomenon. After the grant of bail to the accused by a presiding

¹⁹ Constitution of the Federal Republic of Nigeria, 1999 (as amended); s. 36 (5)

²⁰ Constitution of the Federal Republic of Nigeria, 1999 (as amended); s. 36 (4). For the meaning of reasonable period of time, see s. 36 (5)

²¹ NS Okugbule (n-17)

²² Under our various penal legislations the High Court, Magistrate Court, Sharia Court, Customary and Area Courts can try offences according to their jurisdiction.

²³ FRN v Osahon (2006) 5 NWLR (Pt. 973) 361

magistrate, the requisite processes to facilitate his bail commence. Forms copied with less than ₦10 would now be sold to the accused or his relations for ₦500 or more by the court's clerks depending on the bargaining powers of the accused or his relations²⁴. Upon the completion of the form by the court clerk, another round of bargaining will commence as the police prosecutor will demand money from the suspect before signing the bail form and sometimes liaise with the court clerks to fix bail fee which if the accused refuses stands the risk of going to jail. Most a time this ugly trend hardly is brought to the knowledge of the Magistrate or judge. However, in some cases the Magistrate or Judge is aware and under this auspices use the court clerks to insist that money be paid before he signs the bail form and this has become the habit of some of the Magistrates or judges in Nigeria using their clerks as tools of extorting money from litigants.

Surprisingly nowadays, our Magistrates and other judicial officers are too corrupt that can engage in unethical agency relationship with lawyers to avert the course of justice. They send clients to lawyers and get their percentage and he gets his shares paid before and after judgment. This is a judicial corruption of a highest order with every propensity of destroying the justice sector. Our judicial officers engage in various forms of corruption like bribe taking, gratification, granting of injunction against the principle governing the grant, assumption of jurisdiction where there is none, tampering with exhibits, succumbing to peer influence from peers and superiors, making derisive comment about litigants and their counsel, general abuse of judicial immunity among others²⁵. Another unholy practice is that the police prosecutor negotiates with the nominal complainant as to what he will give him for his appearance in court. In fact even the investigation police officer demand the nominal complainant to sponsor his up and doing to court before he could come to court and testify for the commissioner of police. Should the nominal complainant fail to sponsor the prosecutor and the investigation police officer; he certainly finds his case at the risk of being struck out for lack of diligent prosecution. Basically, it is this attitude that sometimes causes the nominal complainant to do two things. He employs the service of a lawyer to hold watching brief or use his lawyer to apply for fiat to the Attorney General to enable his lawyer or the Attorney General's Chambers take over the proceedings.

The deteriorating nature of the administration of criminal justice system cannot as a matter of fact be attributed to the Nigeria police alone. To be fair, the judges, state counsels in the Attorney General's Chambers have their shares of blame; in fact even the private legal practitioners have now partnered with these officers in endangering our criminal justice system. In practice, where offence or offences in which the suspect is alleged are capital in nature, say, culpable homicide, armed robbery or related offences the police preferred the charges or information straight to the Court of competent jurisdiction, which is the High Court then transmits the case file to the Ministry of Justice for further prosecution. However, in states where holding charge exists, the normal practice is that the suspect will be charged to Chief Magistrate Court by the Police then require the advice of the Director Public Prosecutions (DPP) first to determine the culpability or otherwise of the suspect. This procedure which is premised on a very solid foundation is designed to enable the DPP to critically examine the proofs of evidence to ascertain whether the accused person should actually face the charge or information preferred against him or not²⁶. Where the DPP advises that the charge cannot be sustained, the accused person would be discharged at that stage. On the contrary, if the advice is that the charge can be sustained as presently constituted or in an altered manner; he drafts the proper charge and send the matter to the appropriate

²⁴ NS Okugbule (n-21)

²⁵IB Lawal, 'Judicial Corruption in Nigeria: A Revisit' (2005) *Journal of Public and International Law*, Igbinedion University, Okada, vol. 1 No. 1

²⁶ NS Okugbule (n-24)

court. As laudable as this procedure is, it has turned out again to be enmeshed in this phenomenon of Nigerian factor²⁷. In practice, the length of time a matter remain in the office of the DPP as well as the eventual outcome of same depend on how far the relations of the accused person can go, and their contact with the appropriate Law officers assigned to handle the matter in the Ministry of Justice. This entails not only using relations, friends and/or influence to urge the officer to attenuate the tenor of the advice but also ensuring that this is done through financial inducement²⁸. It is not uncommon therefore for these matters to linger for years as the advice would usually not be ready. Whereas for those that have moved, and made the necessary financial sacrifice the advice can be given in a matter of weeks, and usually in a pre-determined manner²⁹.

While at the trial and the accused person need a bail, the phenomenon also comes to the fore as the accused has to use his counsel to persuade the law officer in charge not to oppose his application for bail and this entails giving money to the officer otherwise his bail would be opposed with utmost seriousness. Sometimes it is the law officers or their agents that approach the accused person's relations or his lawyer to bargain on what should be paid otherwise the accused person will continue to be languished in the prison till judgment except where court out of its discretion sees reason to grant the bail judicially and judiciously. It is not in doubt that even in the process of trial proper, the unholy trend of corruption manifest it ugly face due to the shortfalls of our criminal justice system. This entails reckoning with the attendant delays in the trial process, the manipulation and antics of legal practitioners and of course the attitude of the presiding judge or Magistrate³⁰. It is in Nigeria that a simple matter that could be decided expeditiously lasts long owing to application of frivolous adjournment by lawyers especially where they are not prepared to go on or not been settled their professional fee. Thus, it is a principle of law that adjournment are not granted as a matter of right but however the courts very often oblige lawyers when they apply for adjournment of cases even on very flimsy or peripheral reasons. The cumulative effect of this is that, litigants continue to groan under this debilitating scenario of undue delays in the dispensation of justice³¹. Alluding to this, Aguda viewed that 'slow motion judicial process has adverse effect on the quest for the quick dispensation of justice'³².

The Police prosecutors who are not lawyers have learnt from this indiscriminate practice of unmerited adjournment by lawyers in our courts. They adjourn their cases on very flimsy grounds that the witnesses they intend to call are nowhere to be found or the IPO has been assigned duties somewhere etc. They have learnt the ploys lawyers implore to delay cases in courts. Once you see that it entails a hidden interest from the police prosecutor possibly because he is expecting kola from the nominal complainant or that they planned such a trick to create ways to the accused person's counsel to strike out the case. In some cases police are paid to distort or change an information or statement given by the suspect. The police in Nigeria have an authority under the constitution³³ to prosecute any criminal case either through its legally qualified officers or through any counsel they may engage for that purpose. By virtue of section 33 of the Police Act, the police have the power to conduct in person all prosecutions

²⁷ NS Okogbule (n-26)

²⁸ NS Okogbule (n-27)

²⁹ NS Okogbule (n-28)

³⁰ NS Okogbule (n-29)

³¹ NS Okogbule (n-30)

³² TA Aguda, 'The Challenge of Nigerian Law and the Nigerian Lawyers in the Twenty- First Century', Nigerian National Merit Award Winners' lecture delivered on Wednesday, September 14, 1988, p. 20 cited in NS Okogbule (n-31)

³³ Constitution of the Federal Republic of Nigeria, 1999 (as amended); s. 214 (1); see also *FRN v Osahon* (supra)

before any court of competent jurisdiction. The exercise of such power is subject to the overriding powers accorded to Attorneys- General under the Constitution of the Federal Republic of Nigeria³⁴.

It is no doubt that the constitutional roles of police in Nigeria are restricted only to issues of criminal nature³⁵. However, due to corruption these roles illegally expanded their jurisdiction to matters of civil nature. Nigeria Police have turned to be debt or loan collectors. The police are not a collecting organization and should not in any way be used as debt or levy collectors or in the resolution of disputes amongst people. The attitudinal disposition to use police as debt collectors is to say the least despicable and reprehensible. The police have no business in enforcement of debt or debt settlements or receiving of civil debt for Banks or individual. They allowed themselves to be used as machineries for debt recovery or settlement thereby abandoning their constitutional duties. Monetary cases that are of purely civil nature are entertained by the police using the technical terms of the criminal law called breach of trust or cheating. Cases of this aspect ought to have been done through civil litigation but the police in expectation of their certain agreed shares could turn same and entertained it by way of criminal litigation as to them that will be the simplest method to recover the money from the suspect. Thus, the court in *Ibiyeye & Ors v Gold & Ors*³⁶ had to scream as follows:

I have to add that the resort to the police by parties for recovery of debt outstanding under contractual relationship has been repeatedly deprecated by the Court. The police have also been condemned and rebuked several times for abandoning its primary duties of crime detection, prevention and control to dabbling in enforcement or settlement of debts and contract between quarrelling parties, and for using its coercive powers to breach citizen's rights and or promote legalities and oppression. Unfortunately, despite all the decided cases on this issue, the problem at the root of many fundamental rights breaches in our court.

Similarly, the Court in *A. C (O. A. O.) Ltd v Umanah*³⁷ held thus: 'A civil arrangement is not a matter for the police. The Police are not a debt collecting organization. In any community of civilized people, the Police are not and should not be used as debt or levy collectors or in the resolution of settlement of civil disputes among people...'

The level of police corruption in Nigeria is dangerously increasing day by day. It is in view of this that many individuals and organizations have cause to lament on it. Recently the National Bureau for Statistic (NBS) have released a report which tagged the police officers, judges and prosecutors as the most corrupt public officials in Nigeria. The 2017 National corruption Survey revealed that 46.4 percent of Nigerian Citizens have had bribery contact with police officers, 33 percent with prosecutors and 31.5 percent with judges/Magistrates³⁸. Police and judicial corruptions are in essence the major factors confronting the administration of criminal justice system. They are indeed Siamese twin that cause serious havoc to our justice sector. Our police and judicial officers receives bribe under the auspices of gift or gratification. It is circumvented on the point that the money is given based on charitable and altruistic considerations. Bribery and gift are distinctively two different things. The latter is corrupt practice while the former is not. The difference was succinctly provided as follows:

³⁴ Constitution of the Federal Republic of Nigeria, 1999 (as amended); ss. 174 and 211

³⁵ Police Act, CAP P19 LFN, 2004; s. 24; Criminal Procedure Act, s.10

³⁶ Appeal No. CA/1C/M.95/210 delivered on 7/12/2011; see also *A. C (O.A. O.) Ltd v Umanah* (2013) 4 NWLR (Pt. 1344) p. 323 at 341, 350-351

³⁷ (2013) 4 NWLR (Pt. 1344) p. 323 at 340, 350-351

³⁸ AI Francis & J Abbas, 'Police officers, Judges most corrupt in Nigeria' (2017) being a Report by NBS published on 7th August, 2017, 3: 10 am available at <http://www.pinterest.com/29836354405588647/>

Payment, whether in money or in kind, can be characterized along two dimensions. First, does an explicit quid pro quo exist? If so the transaction can be labeled sale even if there is a long time lag between payment and receipt of benefit. Both market sales and bribes involve reciprocal obligations. Gift to charities or loved ones do not explicit involve reciprocity, although many do generate implicit obligations. The second dimension is the institutional positions of payers and payees. Are they agents or principals? A restaurant bill is paid to the owner, a tip to the waiter. A speed ticket is paid to the state, a bribe to the police officer. Employers, sales agents and customers can pay agents. Bosses give Christmas gift to their employees, sales representatives give gifts to purchasing agents and customers tip sales people for favourable service.

From the above one sees that whatever is given to police officers, judge or any judicial officer in the course of his official assignment is called bribe and not gift. Gift is money or anything given as gift on charitable or altruistic considerations without expecting any result from the payee (public officer). While in the case of a bribe, the payer is expecting a result from the payee. Conversely however, suspects and litigants have their shares of blame of partaking in corruption for, they strive to know the addresses of the Superior Police officer in charge and if the case reaches the Court they themselves or through their friends, relations, wives, husbands or use their influences to avert the course of justice. Though, some good ones among the Police and judicial officers use to warn suspects or litigants to desist from coming to their houses.

3. Conclusion and Recommendation

Corruption has been a cankerworm underpinning the entity called Nigeria and several governments made series of efforts to curb the menace yet it goes unabated even with the establishment of the two anti-graft bodies, the ICPC and EFCC. Corruption fight is one of the focal points of the present leadership of the federal government and it seems somehow effective in its fight against corruption. This social evil called corruption is not peculiar to a particular sector in Nigeria. Its cut across everywhere, Nigeria Police is not an exception. It was revealed in this work that 46.4 percent of the citizens have had bribery contact with police and 33 percent with prosecutors while 35.5 percent with Judges/Magistrates thereby rating the police Judges and Magistrates the most corrupt public officers as according to the 2017 National Corruption Survey. It is no doubt that the roles of Nigerian police in the justice sector cannot be over emphasized. They are indeed strong pillar that cannot be dispensed with in the spheres of our lives or pursuit of a workable criminal justice system. Their statutory roles are indeed onerous and such needs some other vital components to complement their efforts in the criminal justice system and they are the judges and the lawyers. Each plays a role different from the other in a complementary manner. However, it is obvious from the practice that police sees lawyers as enemies not a partner in administration of criminal justice; while lawyers see police as enemies in progress of the administration of criminal justice. Lawyers always ensure things are done in the right way; though there are corrupt ones just like we have good ones in the police service but the level of corruption in the police system has taken ugly direction which could ditch the country in a hole. As a result of this, the dignity of the Nigerian Police seems to be falling day by day. Many have withdrawn their confidence from them due to corruption.

It is clearly my own opinion that the Nigerian Police need not be blamed alone. The government should also have its own share of blame especially of its failure to improve the condition of service of the Nigeria Police. The condition of service of the Nigerian Police if compared to other jurisdictions is such that they need to be pitied with. What the officers are taken home as their salaries is nothing to write

home about. To curb the menace of corruption in the Nigerian Police, their take home must be improved to be able to withstand the global realities and as well compete with their counterparts in terms of effectiveness and efficiency in policing. Corruption cannot be fought if workers are poorly paid. The federal government therefore should increase the monthly subvention of the Nigeria Police Force so that their condition of service will be improved. Apart from this, one major cause of police corruption is the oppression of the ranks and files in terms of their allowances and other financial benefits due to them. The superior officers hold their allowances and divert same to their selfish use thereby starving them to corruption. In this regard, you expect the ranks and files to be corrupt because all monies due to them are withheld by the superior officers and any attempt to complain is considered as an act of insubordination. In this regard therefore, the two anti-graft agencies (i.e. ICPC and EFCC) should create an avenue or platform where these ranks and files will ventilate or channel their grievances freely without any threat of punishment or dismissal from the service. Though they seem to have unit in the MDAs which is not effective in real sense; therefore, these anti-graft agencies should cause the unit to be effective to aid the effort of the federal government in fighting the menace of corruption in Nigeria. Aside this, the Nigeria Police Force should to establish a unit or department called Nigeria Police Anti-Corruption Unit where civilians will lodge complaint of corruption practice by the police and further set up Police Anti-Corruption Surveillance Team who should be patrolling our high ways and ensure money are not extorted from motorists. To restore the dignity of the Nigerian Police, it is the writer's view that the federal government need to embark on the holistic reform of the Nigerian policing system in terms of structures, roles, emolument and welfare, rules of engagement, training and retraining etc. the reform of this system will help in no small measure in restoring the dignity of the Nigerian Police. Though really, some police officers are ignorant of their constitutional duties, likewise some citizens are not unaware of their constitutional rights and as well the duties of the police. The police in this regard need to be educated and trained on their statutory duties as embedded under the law. The Nigeria Police Force should also create a platform through media where the general public will be enlightened on their rights as well as the duties of the police.