

**A POLITICAL
ECONOMY OF
POLICING
IN NIGERIA**
VOLUME 2

Edited by:
Destiny Eze Agwanwo

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Email: abokiassociates@yahoo.com

abokiassociates@gmail.com

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CHAPTER FIVE

THE POLICE AND ORGANIZED CRIME IN NIGERIA

Aniekan, Brown

We are born in organizations, educated by organizations, and most of us spend much of our lives working for organizations. We spend much of our leisure time paying, playing, and praying in organizations ... will die in an organization, and when the time comes for burial, the largest organization of all - the state - must grant official permission (Etzioni, 1964:1).

The above quotation which is accredited to Presthus (1962) points to the fact that today's world is an organizational one. It is glaringly related to the increasingly specialized division of labour - a post industrial revolution reality. These organizational realities have taken their toll on populations and all facets of the world including the Nigerian society and crime. Therefore, since the present world is an organized world, crime and criminality have also taken an organized dimension - hence - organized crime.

Arguably, every society reacts to crime and criminality in various ways. Chief of such ways is policing which comes both in formal and informal dimensions, including democratic, human rights, community, and neighbouring dimensions (Brown, 2006). The relationship between crime and societal reactions to crime could be taken beyond the mere point of sentiment to an academic template. Thus, this chapter, in specific terms, is aimed at placing the Police in juxtaposition with organized crime in Nigeria, within the context of political economy. The approach is pedagogical with emphasis on identifying the essential

elements of the issues and problems from the domestic and global perspectives.

To this end, this chapter simply seeks to attempt to provide answers to the following questions:

- i. What is Police?
- ii. What is organized crime?
- iii. What is the nature of Police - Organized Crime interaction in Nigeria?
- iv. What is the possible political economy interpretation of such interaction?
- v. What is the role of the state in such interaction?
- vi. What is the way forward?

It is believed that a good attempt at providing answers to the above questions will stratify the demands of the crux of the work - *The Police and Organized Crime in Nigeria*.

Conceptualizing Police

Reacting to the question, "can we solve the problem of crime?" Schmallerger (1999) suggests that policing is one of the ways that societies respond to crime. A simplistic definition of Police presents it as a civil force of a government saddled with the responsibility of preventing and detecting crime as well as maintaining public order.

Writing on the basics behind effective Police operations, Hess and Wroblewski (2003) identify the Police structure, communication, operability within/of the law, patrol, ability to investigate, physical and mental issues, as well as liability and ethics in the legal and moral angles as the yardstick for the effective response and reactions to crime. In this light, Barlow (1996) posits that the Police needs very serious mention in studies of crime not just because it is a part of the official machinery of law, but more so because its personnel shape the crime scenes. The importance of the Police, therefore, is tangible in their roles as crime detectors, crime investigators, and crime preventers.

Historically, the Police in the contemporary sense is relatively new. Its modern origins are traced to the realities of the industrial revolution and population expansion experienced in Western Europe during the eighteenth and nineteenth centuries (Tonry and Morris, 1992). With an initial reluctance to accept the notion of the Police as an organized, professional, paramilitary outfit, Banton (1973) notes that with much commitment from someone like Patrick Colquhoun, the proposal of formal policing gradually gained acceptance. Barlow (1996) adds that in 1829, the British Parliament, under the leadership of Sir Robert Peel - the then Home Secretary, enacted the Metropolitan Police Act, hence the forerunner of the modern Police force had been born.

In Nigeria, formal policing began with a thirty-member consular guard which was formed in the Lagos Colony in 1861. Eighteen years later, a One Thousand, Two Hundred (1,200)-member armed Hausa Constabulary was formed. In 1894, the Niger Coast Constabulary was formed, and two years later, the Lagos Police was established. Worthy of note also is the fact that the Royal Niger Company had set up a Constabulary in 1888 in the Confluence town - Lokoja.

Upon the proclamation of the Northern and Southern Protectorates in Nigeria, the fragments of Constabularies constituted the nucleus of their Police systems. The two protectorates ran their different Police structures, even after the amalgamation of the two protectorates in 1914. In 1930, however, a merger of the two structures was effected; and the Nigeria Police Force was born with its headquarters in Lagos. It is however noted that the agency has experienced series of reorganizations which have seen it grow organizationally from the Police posts, and Divisional Stations, through Area and State Commands, to the Zones and the acme - the Force Headquarters. It has three departments, namely: Operations, Administration, and Logistics.

Inherent in the Nigeria Police System are the following: Force Criminal Investigation Department (FCID); the Police Mobile Force; and the Federal Investigation and Intelligence Bureau (FIIB). All these and their activities are supervised by the Police

Service Commission whose responsibility is to collaborate, cooperate, and work with all the stakeholders to improve the service delivery and productivity level of the Police in line with the challenges of the 21st century.

Interestingly, the Force Criminal Investigation Department - the highest investigation arm of the Nigeria Police, with the functions of investigating and prosecuting serious and complex criminal cases within and outside the country has the following sections: Administration, Anti - Fraud, The Central Criminal Registry (CCR), Special Anti - Robbery Squad (SARS), X - Squad, General Investigation, Special Fraud Unit (SFU), Legal Section, Forensic Science Laboratory, Interpol Liaison, Homicide, Anti - Human Trafficking Unit, Special Branches: Criminal Investigation Bureau (CIB) and Special Investigation Bureau (SIB), as well as Force CID Kaduna Annex.

The Force is plagued with issues bordering on finance, personnel strength, statistics, training, integrity, and discipline (Brown, 2006). Currently drawing its operational strength from Section 194 of the 1999 Constitution and Nigeria Police Acts, it has, to public knowledge, a total of Three Hundred And Seventy - One Thousand, Eight Hundred (371,800) members. When compared with the current population of the country which is estimated at One Hundred and Fifty Million (150m) people, the staff strength is grossly inadequate by the United Nations Organization's Standards. The United Nations notably recommends a minimum Police strength of Two Hundred and Twenty - Two (222) per One Hundred Thousand (100,000) people (INTERPOL, Nigeria, 2012).

As presented by Dempsey and Forst (2005), the police is organized by function or purpose, among other dimensions of organization. This is shown in the table below:

Table 1: Organizing Police Department by Function or Purpose

OPERATIONS	ADMINISTRATION	AUXILIARY SERVICES
Patrol	Personnel	Records
Traffic	Training	Communications
Criminal Investigation	Planning and Analysis	Property
Vice	Budget and Finance	Laboratory
Organized Crime	Legal Assistance	Detention
Juvenile Services	Public Information	Identification
Community Services	Clerical/Secretariat	Alcohol Testing
Crime Prevention	Inspections	Facilities
Community Relations	Internal Affairs	Equipment
	Intelligence	Supply
		Maintenance

Source: Sheehan and Cordner (1989)

The above table presents a description of the basic tasks of a typical Police Department in the United States. However, there is no such discrete mention made on organized crime in the schedule of functions of the Nigeria Police earlier stated. It may well suggest how inconsequential organized crime is considered by the Nigeria Police.

Beyond functions, Hickman and Reaves (2000) argued that there is the personal side of policing which is expressed in the recruitment process and job analysis. Pugh (1986) emphasizes Police role, goals, objectives, operational styles, and discretion as those with great importance. It would suggest that if the personal side of a Police officer is favourably disposed to these variables, then policing would be more effective. If the officers rank low in any of the variables, it would be strange to deem the Police as being effective. However, Walker (2003) places emphasis on the issues of culture and subculture of the Police. Brown (2001) agreeing with Walker, expatiates as he identifies clannishness, isolation from public, secrecy, honour, loyalty, and individuality as traits of the Police culture/subculture.

Police Operations

Dempsey &Forst (2005) in line with Hess &Wroblewski (2003) classified Police operations into two major approaches, namely: traditional and new approaches. While the traditional approach is characterized by random routine patrol, rapid response to calls by citizens, and retroactive investigation of past crimes by detectives (Sheehan and Cordner, 1989); the new approach involves (i) alternatives to random routine patrol such as Direct Patrol, Split Force Patrol, and Differential Response to calls for service (Sheehan, Shaw and Rogan, 1994); (ii) alternatives to Retroactive Investigation of past crimes such as: cold cases squads (Lewis, 2002); and (iii) Repeat Offender Programmes (Martin and Sherman, 1986).

In terms of new proactive tactics, Schack, Schell and Gay (1997) identified uniformed tactical operations as the key. As Boydston (1995) notes, it involves the use of traditional patrol operations in a more aggressive manner. Halper and Ku (1996) identify decoy operations. The decoy operations are intended to respond to opportunistic crimes (Bouza, 1990). Other styles in this category are: stake out and sting operations, civil liability and code enforcement team (Arreola and Kondracki, 1992); public and private underscore operations (Marx, 2000); and entrapment in which an individual is induced to commit a crime he or she did not contemplate, for the main objective of prosecuting the offender (Rush, 1994).

Another (and a more contemporaneous) aspect of Police operations is Community Policing. Emphasis here is on human relations, public opinion, public relations and community relations (Brown, 1992). Little wonder, Davis (2005:85 - 85) notes:

Initiating positive interaction with community generally results in increased citizen support, higher morale in the work force, protection against or insulation from many hostile external forces, and increased resources.

This, according to Cox and Fitzgerald (2006), enhances more efficient and effective policing realities and leads to an enhanced

criminal justice system, generally. This is best achieved when the multicultural realities of communities are taken into consideration (Bennett, 1995); and special populations (senior citizens, young people, the homeless, the victims, the physically challenged inclusive) are not taken for granted (Dempsey and Forst, 2005). Inherent in this are community crime prevention programmes and the involvement of corporate citizens at the instance of their Corporate Social Responsibilities (Moore and Trojanowicz, 2004). These issues of community and corporate citizens become very essential to this work as organized crimes occur in community and corporate spheres. This necessitates an appraisal of the Police and the Law.

The Police and the Nigerian Constitution

The legal basis for today's Nigeria is the 1999 Constitution of the Federal Republic as amended. With several sections, the Constitution is inspired by the solemn resolve of the people "to live in unity and harmony as one ... sovereign nation ... for the purpose of consolidating the unity of ... people" (The Constitution, 1999). To this end, Chapter VI, Part II supplemental, B in Sections 214, 215, and 216 provide for the Nigeria Police Force - its structure, functions, and organization. Specifically, Section 214 (2) C uncompellingly empowers the National Assembly to make provisions for branches of the Nigeria Police Force forming part of the armed forces of the Federation or for the protection of the nation's harbours, waterways, railways and air fields, within which organized crimes are committed. However, the National Assembly has not provided for any Department of the Nigeria Police Force to specifically tackle organized crimes.

Section 215 (1) - (5) expresses the structural values of the Force and her relationship with the executive arm of the Nigerian State as epitomized by the President and Governors. Sub-section 5 places a caveat on any possible inquest or probe on such executive dealings by any court. The Constitution is here presented in an authoritarian form.

There is also the Police Service Commission - a civilian oversight body established under the Nigerian power to appoint, promote, discipline and dismiss all erring officers of the Force except the Inspector General of Police. The main objective of the Commission is to build trust and confidence between the Police and the public rather than suspicion and indifference. The legal status of this body hinges on Section 153 of the Constitution of the Federal Republic of Nigeria (1999) and the Police Service Commission Establishments Act (2001). Notably, the vision of the Commission is to evolve a highly motivated, professional, disciplined and accountable service that upholds human rights. Inspiration of service delivery by promoting transparency and accountability forms the mission of the Force. (PSC, 2009).

In spite of the above vision and mission, Onyeozili (2005) snags that the combination of historical irresponsibility, inadequate training, deceptive imperial design, and sheer ineptitude indicate that the Nigeria Police Force is incapable of doing well. The Force has greatly fallen short of effectiveness, as well as lost public trust and confidence. It is not an all glooming situation because there are ways to tackle the sordid situation, including: the rethinking of ethical values (Pollock, 1998); guarding against discrimination in terms of gender and minorities (Schulz, 1995); promoting information and communication technology awareness (Ashcroft, 2001); and tacking head - on the specific mobile pursuits, hate, as well as civil and criminal liability (White, 2004).

Organized Crime: What and How?

Crime comes in various shades and sizes, including political, occupational, street, environmental, violent, corporate, victimless, while-collar, public order, cyber and technology crime to mention but a few. Seigel (2007) sees organized crime as a branch of enterprise crime which involves ongoing criminal enterprise groups whose ultimate goal is personal economic gain through illegitimate means. Hagan (2010) in a generic sense views organized crime as group crimes including many criminal behaviour systems as well as illicit (illegal) enterprises in which

occupational, corporate, or even conventional criminal behaviour is expressed. Ianni (1974) had earlier stated that it could be more than just a way of life, but also a viable and persistent institution within the society with its own symbols, beliefs, logic and means of transmitting such attributes systematically from one generation to another.

In this light, Kenny and Finckenauer (1995) add that violence or threat of violence may be a facilitator; but that it assumes the status of illicit entrepreneurship. Liddick (1999) identifies it as a sub - category of organized criminality running a kingdom - like system of relatively coordinated criminal activities as opposed to crimes committed by individuals. Succinctly, Shieh (2005) submits broadly that organized crime is a coordinated illegal activity among a group of actors. The US Department of Labour (2001) views it as activities carried out by groups with a formalized structure whose primary objective is to obtain money through illegal activities. Williams (2002) holds that it could be understood as an entity (groups or enterprise); activity (transactional in scope and ambition); as well as a set of methodologies (available to others of similar zest).

Granting it a British perspective, Galeotti (2009) presents organized crime as a continuing enterprise, apart from traditional and legal social structures, within which a number of persons work together under their own hierarchy to gain power and profit for their private gain, through illegal activities; and the South African perspective presents a picture of any serious crime which is systematically and persistently committed on a continuous basis or for a determined period by a consciously concerted organised criminal group of two or more persons or a criminal enterprise, in pursuit of undue financial or other material benefits (Lebeya, 2007).

More holistically, Giddens, Duneier, and Applebaum (2005) present organised crime as institutional forms of criminal activity, in which many of the characteristics of orthodox organizations appear but the activities engaged in are systematically illegal. Though Levi (1998) sees the concept of organized crime from the definitional perspective as problematic, Abadinsky (2007)

makes bold to assert that organized crime is a non-ideological enterprise involving a number of persons in close social interaction, organized on a hierarchical basis, on a kinship/ friendship/ territorial basis; without necessarily having direct political goals.

Sadly, a cursory search (even at the web) shows a variety of national, regional, and continental/global perspectives to the concept of organized crime. In Africa, perspectives are read from the South African and Tanzanian perspectives, but there is no script as yet from Nigeria. This suggests a paucity of data and studies on organized crime in Nigeria.

Given the above scenarios, the Report of the US President's Commission on Organized Crime (1986) as captured in Abadinsky (2007:413) advanced the following as a summary of the characteristics of organized crime:

- Organised crime is a conspirational activity, involving the coordination of numerous people in the planning and execution of illegal acts or in the pursuit of a legitimate objective by unlawful means. It also involves continuous commitment by primary members many of whom have specialized skills; and are usually structured along hierarchical lines.
- It has economic gain as its primary goal, although power, status, prestige and privileges may also be motivating factors.
- Activities are not just limited to providing illicit services.
- It employs predatory tactics, including: intimidation, violence and corruption, usually appealing to greed to accomplish its objectives and pressure gains.
- By experience, custom, and practice, its conspirational groups are usually very quick and effective in controlling and disciplining their members, associates, and victims.
- It is not synonymous with the mafia, which is a classical example. It follows that although several families in the mafia organization are important components of organized crime, they do not hold a monopoly on underworld activities.
- Organized crime does not include terrorists dedicated to

political change. Although violent acts are a major tactic of organized crime, the use of violence does not mean that a group is part of a confederacy of organized criminals.

In sum, organized crime has no political goals, is hierarchical, has a limited or exclusive membership, constitutes a unique sub-culture, perpetuates itself, exhibits a willingness to use illegal violence and regulations (Abadinsky, 2007). Thus, the United Nations (1990:5) concludes that organized crime refers to large-scale and complex criminal activities carried out by tightly or loosely organized associations and aimed at the establishment, supply and exploitation of illegal markets at the expense of society. Such operations are generally carried out with ruthless disregard for the law, and often involve offences against persons, including threats, intimidation and physical violence. Thus, Vold (1995) likens the development of organized crime to early capitalist enterprises: employing ruthless monopolistic tactics for the purpose of maximizing profits, being secretive and protective of its operations as well as being defensive against external infusions, thereby making its control very difficult. The Nigeria Police Force, therefore, is the worse for it.

Political Economy: An Interpretation

Political economy is the expression of an inter-play of economics, law, and politics in the context of socio-economic systems. In a sense, it is a post industrial revolution, colonialism and post-colonialism, as well as socio-economic formations and realities (Ake, 2002). It is a theory of industrial and capitalist society traceable basically to the work of the eighteenth century English economist, Adam Smith (Ritzer, 2011). The main thrust of the Smithian perspective is that an unseen hand grants shape to the market for goods and labour or services. Abrams (1968) was encouraged to argue that to the British sociologists, a problem like poverty was blamed on the negative virtues of the market system as well as the society as a whole. This points to the explanation of crime causation on the template of the social

structure. It suggests state apparatuses, structures and institutions contribute in fostering the prevalence of organized crime. As Padilla (1992) found out, the gang represents a viable and persistent business enterprise within an economy (society), with its own (sub) culture, logic, and systematic means of transmitting and reinforcing its fundamental business virtues. Schmallerger (1999), defined organized crime as the unlawful activities of the members of highly organized, disciplined association, engaged in supplying illegal goods and services, including gambling, prostitution, loan-sharking, narcotics, labour racketeering, etc.

To Kendall (1999), social structure has to do with statuses, roles, and institutions. In the perspective of Smithian political economy, the goals-means interaction is the unseen hand which regulates and shapes behaviour. Merton (1968), inspired by Emile Durkheim's sociology, maintained that legitimate goals such as power, wealth, status and prestige were deemed to be desirable for all; but the virtues of education, hard work, thriftiness, employment and other socially acceptable means to the goals are not evenly and equitably distributed. The differences in the opportunity structure, according to Cloward and Ohlin (1980), explain the realities of legitimate and illegitimate opportunity structure. Opportunity structures are basically paths to success. The illegitimate types are the sub-cultural pathways to success which are disapproved by the society. Hence, strain/anomic and opportunity structure are presented as a creation of the political economy. The way out is containment (Reckless, 1987) and stronger social bonds created through the process of socialization (Hirsch, 1989).

From the foregoing, it could be argued that organized criminality is a creation of the social structure. And that the contemporary capitalist political economy makes for cooperativeness and organization. As such, since the society has set goals for all but has not given equal opportunities to all for the achievement of such goals, the tendency for those not favoured in the opportunity structure to venture into crime becomes high.

It even becomes higher when the means of control (in this case, the Police) is passive. Hence, the rising rate of organized crime in Nigeria.

Political Economy, Nigeria Police and Organized Crime

The Nexus: In the light of the above, it could be argued that the state apparatuses, structures, and institutions contribute directly and indirectly to maligning the Force but enabling organized crime. This is evident in the resultant weaknesses in the state institutions, including the legal system; political incentives, and general low ebb of the value system. For instance, Brown (2013) opines that there is usually an upsurge in (violent) crime statistics just before, during, and after elections. The system encourages thuggery, corruption, ballot stuffing, etc. Other incentives for organized deviance exploit the situation and find a way of extracting economic benefits from the system. The Niger Delta militancy and the Boko Haram insurgency in the northern part of Nigeria (Akinboyo, 2014) are tangible examples.

It is common knowledge that there exists an uncanny relationship/collaboration between politicians that are favoured by the existing status quo and the police as played out in the questionable federal structure - the 2014 gubernatorial election in Ekiti State an example (Fashola, 2014). This is collaborated by Haruna (2014) as he adds, by implication, that the police in league with politicians collaborate to let off culprits through bribery, clientelism responsibility, and high level of connections of culprits with state crime control and prosecution agents and agencies. The case of James Ibori's clean bill in Nigeria but multiple count conviction in the United Kingdom remains an eloquent testimony.

Conclusion

The present world is that of organization and this has proven impetuous to organized crime. In a situation where the society approves both goals and means to people; but the means are so partially distributed, the under-favoured would usually device means of reaching the goals which would not be positively sanctioned by the society - hence, crime.

It has been noted that while other countries have had a national idea of organized crime, Nigeria is yet to. Worse still, there is no unit in the Nigeria Police Force that is saddled with the responsibility of combating organized crime. The State, therefore, has not considered organized crime as an issue that calls for attention. When acknowledged, the issues are politicized and the main issues are disregarded. This, undoubtedly, is dangerous.

There is, therefore, need for a national conference on organized crime in Nigeria and a legislation to restructure the Police for serious consideration on organized crime. The Police as an institution should reposition itself in order to build trust and confidence among the people, who at the instance of community policing will assist the Police in fighting organized crime.

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