

AN INSIGHT INTO THE LEGAL EFFECTS OF THE ESTABLISHMENT OF STATE POLICE ON EXTANT POLICE LAWS AND POLICING IN NIGERIA*

Abstract

For some decades now, numerous calls have been made for the establishment of state police in Nigeria. These calls are usually made in most cases, without directing them to any specific authority or institution and without any cognizance to the legal framework and the institutions of police. The calls are also made as if government can by fiat proclaim the establishment of state police without recourse to the existing laws that established and regulates police in Nigeria, which includes the ground norm; the Constitution. The doctrinal research method was adopted in this work involving the analysis of primary sources such Statutes and case law and secondary sources including journal articles and textbooks. It is found that, since the calls for state police started, none of the agitators had made any move as to the making of any laws or the amendment of the existing ones so as to pave way for the establishment of state police. It was recently that the House of Representatives is making efforts to pass a bill into law to that effect. That the laws that created the Nigeria Police are explicit on the prohibition of the establishment of any other police force beside the Nigeria Police force, hence the need for a study on the legal effects of the establishment of state police on existing laws on policing. This article shall examine the extant laws, the expected amendments and the creation of new laws, where the need arises that will be in place before state police can be established. It is among others, recommended that, the first step to be taken in the creation of state police is putting the necessary legal and institutional framework on ground.

Keywords: State Police, Amendment, Police Laws, Policing.

1. Introduction

The Nigeria Police was established by laws such as the Constitution of the Federal Republic of Nigeria 1999 as amended and the Police Act. There are however some other laws such as the Criminal Code Act, the Criminal Procedure Act and the Public Order Act which have provisions on Policing in Nigeria. These laws did not contemplate the existence or establishment of State Police in Nigeria and never made provision for same. The Laws even prohibit State Police,¹ hence for there to be State Police in Nigeria, there must be some amendment of the existing laws and the making of new laws to that effect.

2. Amendment of the Constitution of the Federal Republic of Nigeria 1999

Section 214(1) of the 1999 Constitution established the Nigeria Police and prohibits the establishment of any other Police in Nigeria or any other parts thereof.² Section 214(1) provides: ‘There shall be a Police force for Nigeria which shall be known as the Nigeria Police force and subject to the provisions of this section, no other Police force shall be established for the Federation or any part thereof’. Section 3 of the Police Act makes similar provision as contained in Section 214 of the Constitution 1999. It provides: ‘There shall be established for Nigeria a Police Force to be known as the Nigeria Police Force (in this Act referred to as ‘the Force’).³ The National Assembly has exclusive powers to make laws for the organization and administration of the Police.⁴ The Constitution also gave the National Assembly exclusive powers to make provisions for the establishment of branches of the Nigeria Police that would form part of the armed forces of the federation or for the protection of harbours, waterways, railways and air fields.⁵ The State Houses of Assemblies have no such powers.⁶ The Police Regulatory bodies in Nigeria such as the Ministry of Police Affairs, the Police Council and the Police Service Commission are all federal bodies.⁷ The States have no powers⁸ or bodies that can regulate the duties,

* By O. I. USANG, LL.M, B.L, Lecturer, Department of Commercial and Property Law, Faculty of Law, Nnamdi Azikiwe University, Awka. Phone: 08030874935, 09039497916. E-mails: usangikiobongha@gmail.com; oi.usang@unizik.edu.ng. This Article is an improved and updated part of LL.M Dissertation of the Author, at the Faculty of Law, Abia State University, Uturu on the topic: ‘An Appraisal of the Legal Implications of the Calls for State Police in Nigeria (2017).

¹See the *Constitution of the Federal Republic of Nigeria 1999* (hereinafter referred to as *CFRN*)(as amended) s 214 (1)and the *Police Act*, s 3

²There are serious arguments from public commentators that *Hisbar*, *Amotekun*, vigilante, Eastern Security Network (ESN) the *Bakassi* Boys and of recent, *Abubeagu* etc are all forms of States Police. See generally, Ike Ekweremadu “Policing and National Security in Nigeria: The Choices Before us” *Annual Lecture of Nnamdi Azikiwe University, Awka*, 2013.

³*Police Act* s 3 did not expressly prohibit the establishment or operation of any other Police in Nigeria or any part thereof as done by s 214(1) of the *CFRN 1999* (as amended)

⁴ See *CFRN 1999* (as amended) s 214(a).

⁵ See generally *CFRN 1999*(as amended) s 214.

⁶ See *CFRN 1999* (as amended) s 152(i) & (m).

⁷ See *CFRN 1999* (as amended) s 4.

⁸ *Ibid*

appointments, working conditions and discipline of members of the Police.⁹ The calls for the establishment of State Police cannot be actualized without the amendment of the above mentioned sections and parts of the Constitution. These amendments would give the States in Nigeria the power to establish and operate their own Police formations, and the State Houses of Assemblies have the powers to make laws on Police.

3. Amendment of the Police Act and Regulations

For there to be a decentralized Police in Nigeria, the Nigeria Police Act and Regulations needs some amendments, and the enactment of State Police laws to take care of the State Police. Sections 1, 2, 3, 4, 5 and 6 of the Police Act dealing with the short title,¹⁰ the interpretation section, the establishment of the Police, the general duties of the Police, constitution of the Police and command of the Police respectively would require some amendments.¹¹ Every State would require its own police laws which may be in conflict with the Federal Police Act if not adequately amended to take care of the new police structure as the case may be. The police regulations under the Police Act divided the country into convenient divisions for its administration and organization; from the Force Headquarters, Zonal and States Commands, Area Commands, Police Divisions, Police Districts, Police Stations, Police Posts to Village Posts.¹² This arrangement also does not give room for the existence of any other police in Nigeria as the Nigeria Police has completely, by that formation, covered the whole Federation.

4. Amendment of the Criminal Code Act

The Criminal Code Act¹³ is a Federal Law in Nigeria with provisions against Criminal offences to be enforced by the Police. The provisions of the Criminal Code Act shall have effect subject to the provisions of the Penal Code (Northern States) Federal Provisions Act.¹⁴ However, all States in Nigeria have their respective Criminal Code Laws and their provisions also enforced by the same central Police. The Act was made bearing in mind the existence of a single Police formation in Nigeria hence such law cannot continue to exist where other tiers of Police come into existence. Section 2 (1) of the Criminal Code Act made provision recognizing and designating some provision in it as 'State Laws'. It provides; 'The provision contained in the Code of Criminal Law set forth in the schedule to this Act, and hereinafter called 'the Code' shall except to the extent specified in subsection (2) be State Laws with respect to several matters therein dealt with'. If such a provision is retained, since the laws are State Laws, its enforcement shall be by the State Police and not by the federal Police. Section 2(3) of the Criminal Code Act made provision that included State Laws in its. It is our opinion that when State Police is put in place to enforce State Laws, all such Laws would be enforced by State Police. Sections 12 A (1) & (2), 13 A & 14A of the Criminal Code also made provision for the enforcement of State Laws by the Police. These sections would also in our opinion be amended on creation of State Police to allow State enforce such law.

5. Powers of the State Legislatures to make Laws on Policing

The establishment of State Police would necessary come with the need for State Houses of Assembly to have the Powers to make laws on State Police. The present position of the law¹⁵ strictly prohibits State Houses of Assembly from making law on Police.¹⁶ The establishment of State Police in Nigeria would require the amendment of section 4(2) of the Constitution of Nigeria 1999 which gave exclusive powers to the National Assembly to make laws for the peace, order and good governance of the federation with respect to any matter included in the Exclusive Legislative List, which include Police. The Exclusive Legislative List would also need amendment to remove Police from it and place it on the Concurrent List so that the state legislature would have the powers to make laws on Police.

6. Appointment, Control and Discipline of Officers and Men of the Police

Section 214 (2) (a) of the CFRN 1999, gave the National Assembly the exclusive powers to make laws for the organization and administration of the Nigeria police as may be prescribed by an Act of the National Assembly. The prescribed provisions in the Police Act, include regulation of the appointment, control and discipline of

⁹ Ibid and see also the *Police Act*, ss. 1,5,6,7,8,9,10,11&12 and *CFRN 1999* (as amended) s 153(i) & (m)

¹⁰The short title of the Police Act which refers to the Act as the Police Act may be amended to include "Federal" or whatever name the Police at that level may bear, to differentiate it from other levels of Police.

¹¹These sections made provision with a nationwide application which would not be the case if the Nigeria Police is decentralized as agitated.

¹² See the *Police Regulations*, ss 11,12,13,14,15,16,17 & 18

¹³ *Chapter C 38 LFN 2004* (hereinafter referred to as the *Criminal Code Act*).

¹⁴Though the Nigeria Police remains the main enforcer of the Criminal Code, other law enforcement agencies such as the Nigeria Security and Civil Defence Corps, equally enforces same sections of the Criminal Code. See the *Criminal Code Acts* s 10(a)(i)

¹⁵ See *CFRN 1999* (as amended) ss 2,27,28,29,153,214,21&216.

¹⁶ See *CFRN 1999* (as amended) ss 4(1) (2) (5) & (6) and *Item 45 pt. 1, Second Schedule of the Exclusive List*.

officers and men of the Police.¹⁷ The Nigerian Police shall have such powers and duties as may be conferred upon them by law.¹⁸ The Inspector-General of Police shall subject to section 216 (2) of the CFRN, 1999 be appointed by the President on the advice of the Nigeria Police Council from among serving members of the Nigeria Police. At the State Commands of the Police, the Commissioners of Police are appointed by the Police Service Commission. The Commissioner of Police of a State is answerable to the Inspector-General of Police and he is not under any obligation to comply with the directives of the State Governor.¹⁹ This arrangement would not remain the same on the establishment of State Police in Nigeria. Every State would at that time be at liberty to structure its police system to suit its needs, purposes and strategies. The Regulatory bodies of the Nigeria Police would also change. The States would have their regulatory bodies different from the Police Council and the Police Service Commission.²⁰

7. Conflict in State Police and Federal Institutions and Laws

Nigeria is a federation where the federal government has its presence by way of institutions, and laws throughout the federation. Issues such as; what the position of officers and men of the State Police would be if they found somebody violating federal laws? What would State Policemen do if a federal institution is involved in a criminal or lawless activity in the State of their jurisdiction or when an officer of a federal institution located in a State is found committing a crime, would the State policemen stand by and watch offender perpetrate his criminal activities without apprehending him because he is a federal officer or institution? Can the State Policemen have the powers to arrest such criminals? Under what law would they have such powers if as State Policemen, they have to enforce only State laws and guard State institutions? What court, federal or state would such offender be taken to? There would be conflicts in these areas between the State and Federal Police. The situation would even be more conflicting where both levels of the Police are to enforce all laws and in all institutions whether State, or federal. This is the reason why some public commentators²¹ argue that, the call for the establishment of State Police in Nigeria is a call for anarchy.²² State institutions such as, the law courts, the ministry of justice, and the judiciary would only be accessed and used by the State Police while Federal Police have their activities carried out in similar federal institutions and where both operate in all the institutions, conflict must ensue.

8. Conflict in Federal Police and State Institutions and Laws

In Nigeria, States are not independent as federating units. Most laws relating to the essential facets of the nation's economy and politics are under the exclusive legislative list under the federal government²³ hence the existence of the strong dependency of the States on the federal government. The Federal Police would also have its own laws and institutions to operate. The questions now are; since the federal Police would have the jurisdiction to enforce federal laws and under federal institutions that cut across the entire country, what would be the position of federal policemen operating in a State where State laws they do not have powers to enforce are violated in their presence or to their knowledge? Would there be any difference between federal and State offences, so that a federal policeman would be able to identify when a federal law is violated? Can a federal Policeman arrest a person violating a State law? These are the obvious challenges State Police would come with and they need some consideration and resolve before the establishment of state police,

9. Misuse of Police Powers

In Nigeria, misuse and misapplication of both the Police personnel and Police powers are of common occurrence.²⁴ Many policemen are used by politicians and the powers that be for unlawful and illegal activities, thereby, abandoning their primary and all important duty of protection of lives and property.²⁵ It is also of common knowledge that, most Nigeria policemen hardly act within the provisions of the law when on duty. They infringe on the rights of citizens leading to illegal and unlawful arrests and detention in most cases of

¹⁷ See the *Police Act ss 3 & 30* and of the *Police Regulations ss 3 & 92*.

¹⁸ See *CFRN 1999 (as amended) s214(2)*

¹⁹The Police Service Commission is one of the Federal Executive bodies established by s. 153 of the *CFRN, 1999*. See also *CFRN 1999 (as amended) s 29(a) & (5)* and S A N Nweke, *Law Enforcement in a Democratic Society (Nigeria in Focus)* (Enugu, De Santity Communication 2004) p. 169.

²⁰ See *third schedule part 1 of the CFRN 1999 (as amended), ss 27,28 & 29*.

²¹See W A Geller and N Morris, *Relation Between Federal and Local Police (1982)* cited in N Tonry and N Morris (eds) *Morden Policing*, (Chicago Press,1999)p.233, *The Daily Champion Newspapers* Tuesday, February 6, 2001 p. 11 and A K Umah, op cit p. 105 and This day, Sunday, October 1 2000 pp. 69-70

²² Ibid and see *Guardian Newspapers* Wednesday August 15, 2012 p.4 and *Sunday Sun Newspaper* August 5, 2012 p. 34.

²³ Ibid

²⁴See B Okoli, *Nigeria 'Abuse of power by the Police'* at <http://www.allafrica.com/.../2011204919/html> visited 9/5/13 and S W Cooper, 'Abuse of Police Power' at <http://www.deadanarchist.org/cooper.html> visited 9/5/13.

²⁵ Ibid and *The Punch Newspaper* of Monday February 4, 2013

innocent persons and extra judicial killings.²⁶ In the case of *Udosen v. State*²⁷ the accused Police officer shot and killed one Eunice Ikezuagu while on duty with other Policemen along Umulolo-Okigwe/Enugu express road. During the trial of the case, one of the defenses put up by the accused was that he was acting on the order of his Superior Officer, a defense the Supreme Court condemned and rejected. While unfortunately discharging and acquitting the accused because of lack of evidence, the Supreme Court on appeal, after the accused was found guilty by the trial High Court and Judgment affirmed by the Court of Appeal, per Ogbuagu JSC stated; ‘The question I or one may ask is, is a junior Police officer bound to obey an order from his superior officer even if such an order is manifestly unlawful?’ To answer the above question, the Honourable Justice decided to use the pronouncement in an old case decided in 1900 on this subject matter and held:

In the case of *R. v. Smith* (1900) 17SC R. p. 561... it was held that a soldier is responsible by military and civil law and it is monstrous to suppose that a soldier could be protected when the order is grossly and manifestly illegal. Of course, there is the other proposition that a soldier is only bound to obey lawful orders and be responsible if he obeys an order not strictly lawful.²⁸

The learned justices decided to make use of the case of *R.V. Smith* whose decision was based on extra-judicial killing and misuse of power by the army²⁹ to make his decision, so that the Police themselves would appreciate how bad it is to kill or abuse powers given to them by law in the name of obeying orders from a superior officer.

10. Control of Firearms and Ammunition

Arms and ammunitions are some of the essential operational equipment of Police as they are confronted daily with challenges that necessarily require the use of firearms and ammunitions to protect lives and property of the people.³⁰ Arms, ammunitions and explosives are under the exclusive legislative list in the Nigeria Constitution.³¹ This simply means that States have no powers to make laws relating to firearms and ammunitions and that being the case, States government or any of its agencies also have no powers to acquire, possess or deal on firearms and ammunitions of the kinds use by the police.³² The principal legislature on firearms and ammunitions also gives exclusive powers to the President and the Inspector General of Police to regulate, permit the use of and dealing on the types of firearms and ammunitions the Police needs in their operations.³³ Therefore, both the Constitution and the firearms and ammunitions laws, must be amended to allow States governments provide firearms and ammunitions to State police when created.³⁴

11. Paralegal Issues arising from State Police

Security

The essence of every Police formation in any country is the provision of security for both human and material resources of the country.³⁵ Also the desire for the establishment of State Police or decentralization of Police in any country is to provide security for its people and property.³⁶ Before the advent of the *Boko Haram* insurgency in Nigeria, the calls for the establishment of State Police were sparingly made by few Nigerians. Every caller for the establishment of State Police in Nigeria, believe that, its establishment would end the incessant attacks of the *Boko Haram*, armed robbery and kidnapping in the country.³⁷ That Nigeria Police is not only in need of facilities, equipment and good working conditions, it also seems to be in need of more personnel even when it is reported that, police-to-citizen ratio is more than meet the UN recommended number of Policemen to a number

²⁶See the *Christian Science Monitor Weekly*, Digital Edition wherein the new Police Chief, IGP Abubakar vowed to crackdown on corrupt Policemen in Nigeria.

²⁷ (2007) 29 NSCQR P. 646 at 654-655 R. 14.

²⁸The learned justices went on to explain that whether an order is or is not manifestly unlawful must be a question of law. And it is settled therefore that if the order is manifestly unlawful, then any obedience to it, is not protected under the law.

²⁹The Judge also decided to use a decision condemning an act of extra-judicial killing by the army to send the message that no one including the army is allowed to act outside the provisions of the laws. See also O Nwankwo *the Police, The Road User and the Law*. (Enugu Fourth Dimension Publishing Co Ltd 2000) Pp 5 and 8 cited by E A Udu, *Human Rights in Africa* (Lagos, Mbeyi & Associates (Nig) Ltd 2011) p105.the *Daily Champion Newspaper* Tuesday, February 6, 2001 p. 110.

³⁰ See *CFRN 1999 (as amended) s 214(2) (a) & (b) and the Police Act SS 19,20,21,22,23,24,25,26*

³¹ See *CFRN 1999 (as amended) second schedule pt. 1, item 2.*

³² *Ibid*

³³ See *Firearms Act, Cap F28 LFN 2004 ss 3 and 4* also known as Prohibited and Personal Firearms

³⁴ Sections of the *CFRN and Police Act* listed in footnotes 14, 15 & 7 shall be amended.

³⁵ See *Police Act, s 4* where the duties of the Police include the protection of life and property among others are listed.

³⁶See O Folabi, ‘State Police: To be or not to be?’ In *Sunday Sun Newspaper*, August 5, 20012, p 34 where the Senate President, David Mark spoke in support of the creation of State Police because of the present insecurity in Nigeria.

³⁷ See O Folabi Op cit and *Daily Sun Newspaper* Wednesday September 19, 2012 p.7.

of citizens which is one Policeman to 450 persons.³⁸ It is obvious that when State Police is established in Nigeria, the number of policemen would increase remarkably because each State would have the powers to build its Police formation and recruit new officers and men into the police. It has been argued that the increase in number of police personnel in Nigeria would result in an improvement in the security situation in the country since policemen would be found everywhere on duty.³⁹ Against the above argument, it has been argued that instead of increasing the tiers of police, the present central police should be given necessary equipment and attention, which in our opinion is also a commendable step to improving the security situation in Nigeria.

Federal-State Conflict in Police Operations

Most State laws in Nigeria do not have clear differences with federal laws. The question then is how would State Policemen know the laws of the State they are working for? How would the State Policeman know when a person is violating a state law so that he can arrest him? How would a federal Policeman know a federal or state law and property to protect? There will surely be conflicts in the operations of the two levels of Police if each has to enforce its own laws or both enforcing all the laws together.

Inter-States Conflicts in Police Operations

The establishment of State Police in Nigeria would likely come with the problem of conflicts in operations among the various State Police formations.⁴⁰ Some States in Nigeria do not know the exact territorial boundaries of their States.⁴¹ These States are in disputes with each other over the extent of their territories. Some have gone to war with their neighbours over this issue and lives and properties destroyed in the process.⁴² It is without saying that when these States establish their various Police, the Police would also be in conflict with each other on the extent of their territorial jurisdictions, and the result would be, each State using its Police in the fight over boundary disputes. Some States in Nigeria are entirely made up of a particular ethnic group quite different from their neighbouring States. When the state Police is established and each State recruit its indigenes as their Policemen and a conflict arises, as it is frequently the case in Nigeria, between these States, and where a particular ethnic group residing in a State has problems with the indigenes of the State, most likely the indigenous Policemen would work in favour of their State and people that employed them and are paying them and who can also terminate their appointments.⁴³

Promotion of Investment

It is the opinion of those calling for the establishment of State Police that it would seriously improve the security of Nigeria and as a result increase both local and foreign investment in the country.⁴⁴ Good security condition in a country is a catalyst for business and investment growth.⁴⁵ Efforts by the Federal Government to woo Foreign Direct Investment (DFI) into the country suffered a major setback due to the unsafe business environment caused by the insecurity in the country.⁴⁶ Many foreign investors are scared of investing in the country.⁴⁷

Creation of Employment Opportunities

Job creation had been given as a good reason for the calls for the establishment of State Police in Nigeria.⁴⁸ Agitators have argued that with State Police, the young and energetic men and women who are unemployed in the States, would

³⁸ See K Omeje and Mwangi, *The challenges of State Police in Kenya Peace Conflict Review*

³⁹ Ibid. see also Ike Ekweremadu, op cit.

⁴⁰ See W A Gelle and N Morris Op cit, *The Daily Champion Newspaper* Tuesday, February 6, 2001 p. 110 and A K Umah Op cit.

⁴¹ For instance Cross river, *Ebonyi, Akwa Ibom, Kogi, Benue* etc have one boundary problem or the other which are yet to be resolved.

⁴² Recently the people of Adadama in Abi Local Government of Cross river State are in war with the Ebonyi State neighbours in Ikwo Local Government Area over boundary dispute and many lives and property were destroyed in the was

⁴³ See Okechukwu Eme's comment in *Daily Champion Newspaper* Tuesday February 6, 2001 p.16.

⁴⁴ See M O Unegbu Lecture Note on Comparative Constitutional Law, LLM, Abia State University, Uturu 2012, Op cit, E Onwubiko Op cit, Paul Adujie Op cit and *Sunday Sun Newspaper* August 5, 2012 p. 34 and *the Nation Newspaper* Friday August 17, 2012 p.6 and *Daily Sun Newspaper* Wednesday September 19, 2012 p.7.

⁴⁵ See Omankhanale et.al *Security Investment in Nigeria* at <http://www.tribune.com.ng/index.php/completeness> 11/5/13 and A Chiejina *Nigeria business ground under throes of mounting insecurity at* <http://www.businessdayonline.com>analysis>features> visited 11/5/13

⁴⁶ D Oriakhi and P Osemgwengie, *Impact of National Security on Foreign Direct Investment in Nigeria. An empirical Analysis.* at <http://www.iiste.org>home>vol3No123> (2012)>oriakhi. Visited 11/5/13.

⁴⁷ Ibid.

⁴⁸ Ibid and see generally W Igwe and I C Ovat 'Human Rights, Trade and Investment' in M O Unegbu and I Okoronye (2009) *Legal Development in the New World Order, Essays on International, Comparative and Public Law, in Honour of Prof. U O Umzurike(OON).* (Jite Books Port Hacourt 2009) Pp 53-78 and E C Ngwakwe 'Relevance of Conceptual Difference of Human Rights to Peace and Development' in M O Unegbu and I Okoronye op cit Pp. 153-177 and N Ugwunna, *Politicization of State Police Creation* at <http://www.nigeriapilot.com/politicizationofstatecreation> visited 11/5/13 and M O Unegbu (2012) Op cit.

be gainfully employed as they would be recruited into the State Police.⁴⁹ The problem here is that, most state governments have since placed embargo on employment into their states' work force because the workers in their pay rolls cannot get prompt and adequate payment of their salaries and allowances.

National Development

Public commentators have argued that the establishment of State Police would promote national development.⁵⁰ This can be true where State Police is established in a place where it would work. It would provide good security for the people and their property; increase local and foreign investment,⁵¹ provide job opportunities for the teeming unemployed youths and make life more meaningful for the citizens.

A combination of all the above mentioned benefits derivable from the creation of State Police would unarguably lead to national development, growth and stability.⁵²

Corruption

This is one term that is notorious with the Nigeria Police.⁵³ Corruption was found to be one of the problems hindering the effective and smooth operation of the Nigeria Police in particular and other security agencies in Nigeria as a whole.⁵⁴ From the bottom to the top, the goal of most Policemen is how to make money by whatever means. The present Inspector-General of Police, Abubakar, like his predecessors in office, admitted this fact and promised to fight the monster to a standstill.⁵⁵ That being the case, it is likely that the present level of corruption in Nigeria in general and the Police in particular would increase if State Police is created and there is increase in the number of Police formations and Police personnel in Nigeria.

Problem of Funding

Every tier of government, Ministry, Department, Parastatal and Agency in Nigeria including the law enforcement agencies have complaints of poor funding or lack of funds to perform their statutory duties.⁵⁶ The complaints of the Nigeria Police are most persistent and obvious.⁵⁷ Even the federal government who is in charge of sharing the nation's wealth, is part of this complaints despite the fact that, a lot of public office holders are living in intimidating affluence among very poor masses. Complaints from the States of lack of funds to provide essential amenities are loudest and persistent. They now go after the funds meant for the Local Government, making that tier of government almost non-existent.⁵⁸ The reality on ground is that all the tiers of government in Nigeria lack the funds or money to operate different tiers of Police probably due to misappropriation of funds allocated to these tiers of government and to a large extent internal corruption in the system.

12. Conclusion

The calls for State Police in Nigeria are always made without cognizance to the fact that the Nigeria Police Force is a creation of law including the Constitution that expressly prohibit the creation of any other police force in Nigeria or any of its parts. No bill had ever been presented to the National Assembly for the amendment of these laws to pave way for the creation of State Police until recently when the House of Representatives is making attempts to pass a law for the creation of state police. The calls start and end at the media, academic gatherings and political forum. The creation of State Police needs an in-depth planning, total amendment of the aspects of the Constitution and other laws relating to Police and reorganization of the police as a whole.

⁴⁹Ibid and see also D S P Alamiyeseiga, *Thoughts on Federalism, South South and Resource Control* (Yenegoa: Treasure Communication Ltd, 2005) Pp 34-67

⁵⁰ Ibid and see also *Why we need State Police* at <http://www.blueprinting.com/2012/10> accessed 11th May, 2021.

⁵¹Ibid and see A A Naim 'The Incremental Success of African Constitutionalism and the Challenges of Consolidation and Maturity' in D Adekunle op cit, p 35

⁵²Ibid and see further O W Igwe and I C Ovat, 'Human Rights, Trade and Investment' in M.O. Unegbu and I Okoronye (eds) op cit Pp 153-177.

⁵³See M D Yusuf, Presidential Committee on Police Reform 2008, Annual Report on the Nigeria Police force (ARNPF) in T N Tamuno *The Police in Modern Nigeria 1861-1961, Origin, Development and Role* (1970 197) (Ibadan University Press 1970) p 152 and the Report of the 2012 Presidential Committee on Police Reform, headed by DIGP, Paddy Osayande and M C Ubesi 'Accounting implication of Privatizing the Nigeria Police Force' in *The Enterprise, International Research Journal for Development* (September – December, 2006) Pp.28-30.

⁵⁴See Alhaji M D Abubakar admission of the destructive level of corruption in the Nigeria Police which he is the head in Chuks Nwanne in *Guardian Newspaper*, 2012 Pp 1&2.

⁵⁵ See Chuks Nwanne op cit.

⁵⁶See E Onwubiko op cit Pp. 455-457 on the topic 'In search of a Civilian Constitution, Confab. Doing the last thing first?' S S Sakyii 'Legislature and Accountability in Government under the 1989 Constitution of Nigeria' in *Current Jos Law Journal* vol 2, No 2 (1996) pp.76-83.

⁵⁷See the report of the DIGP Paddy Osayande led Presidential Committee on Police Reform 2012, and *seeking better funding for Nigeria Police* at <http://www.nigeriapilot.com/seekingbetterfundingfornigeriapolice> accessed 12/5/2013

⁵⁸See M U Okoli, *Local Government Administrative System: An Introductory and Comparative Approach* (2005 Onitsha, Abbot Books Ltd) Pp. 25-66, E Malami, *the Nigeria Constitutional Law*. (Lagos Princeton Publishing Company 2006) Pp. 136-139 and B O Nwabueze 'Constitutionalism in Emerging State', (London C. Hurst & co. Ltd 1977). p. 13.