

BEHIND THE UNIFORM: POLICE VIOLENCE AND ABUSE BEFORE ENDSARS PROTESTS IN NIGERIA (1999-2020)

Abstract

This study explores the violence and abuse by personnel of the Nigeria Police before the EndSARS protests in Nigeria in October, 2020. Adopting the library research method, the study made use of documentary evidence from reports of reputable organizations, journals, working papers and newspaper articles to highlight that despite the existence of the constitution, international conventions, Police Codes, etc which are instituted and deployed to regulate the conduct of Nigeria Police, police violence and abuse of citizen's rights were rampant and widespread before the EndSARS protests. It was found that while it may be considered that poor governance and poor funding contributed to Police violence and abuse in Nigeria, the root cause is situated in the history of having served as the instrument by which colonialists perpetrated the culture exploitation of Nigeria through violence, brutality, abuse and gross violation. It recommends the adoption of strategic police reforms that will emphasize re-orientation of the police in Nigeria through concerted training and re-training programs to wean it of the colonial vestiges of class inequalities and contradictions in the exercise of its powers. This will vitiate the usual resort to gross violation, the culture that encourages violence and rights abuse and make the Nigeria Police not just an efficient and effective body, but also a trusted and affective partner in security and nation building.

Keywords: Violence, Uniform, Human Rights, Police, Abuse, EndSARS, Nigeria

Introduction

After almost two decades of uninterrupted rule by men in uniform, Nigerians once again celebrated the return to democratic governance on 29th May, 1999. Citizens were euphoric that the return to democracy would herald an end to the violence and abuse that characterized the tenure of the men in uniform and catalyze the endorsement and observance of the universal declaration of human rights. It was not surprising therefore that the twilight of the 20th century birthed a dawn of increased advocacy by citizens for genuine freedom, justice and equity from the newly elected leaders. This advocacy was rooted in the belief that the practice of democratic governance would ensure that those entrusted with exercising authority over the affairs of the citizens would exercise such authority in a way that will ensure that such rights are assured and protected while justice, fairness, safety and the protection of citizens will thrive.

However, two decades after the transition from rule by men in uniform to leadership by elected civilians and the immediate endorsement of universal declaration of human rights charter, Nigerians became increasingly confronted by violence and human rights abuse from the men in uniform (Adetoro and Omiyefa, 2014; Biereenu-Nnabugwu and Chukwujama, 2014; Lere and Luqman, 2018). Nigerians continued to experience violence and violations of their rights by the personnel of the Nigeria Army, Nigeria Navy, Nigeria Airforce, Nigeria Police as well as from members of the paramilitary establishments. Among the men in uniform, the members of the Nigeria Police appeared the most committed to continuing to emphasize their inclination for harassment, extortion, brutality, torture and in the extreme, extrajudicial killings (Amnesty International, 2014; Ogunode, 2015; Orunbon, 2020). As such, police violence and rights abuse attained dangerous dimensions. The threat to the non-uniformed in Nigeria became hugely amplified by the ubiquitous recurrence of violence and abuse to the detriment of ordinary citizens prior to the EndSARS protests in 2020. Nigerians became frightened and at the same time incensed considering that it is this same police that is entrusted with the maintenance of law and

order and therefore the guardians of the rules and norms that the society agreed to live by (Transparency International, 2012).

Interestingly, in order to protect citizens from violence and abuse from the police, the constitution, national police codes, oversight institutions, international conventions and other institutional and structural mechanisms were instituted and deployed to regulate the conduct of Nigeria Police in the course of maintaining public law and order (Lere and Luqman, 2018). Despite these institutional and structural mechanisms, incidences and reports of police violence and rights abuse, including extrajudicial killings, became a recurring phenomenon all over Nigeria (Olong and Agbonika, 2013; Obidimma and Obidimma, 2015; Odeyemi and Obiyan, 2018). These incidences of police violence and rights abuse became very opprobrious, stimulated intense public debates and ultimately resulted in spontaneous protests across Nigeria in 2020. Prior studies did not adequately present a comprehensive understanding of the antecedents to police violence in Nigeria as a trigger to the EndSARS protests in 2020. This study begins to fill this gap by exploring the phenomenon of colonialism as a fillip for incidences of the violence and human rights abuse recorded against the personnel of the Nigeria Police and why they have persisted under a democracy in Nigeria.

Background of the Nigeria Police

All over the world, the relevance of the police institution has been acknowledged. This acknowledgement is predicated on the need to secure a society's interests in terms of rights, duties, and obligations which are the different facets of the contractual nature of the human society (Smah, 2012; Zems, 2013). Usually, the police is primarily established to fulfill the core responsibilities of securing lives and properties, and the promotion of harmony among citizens. This is in line with Oluwaniyi's (2011) assertion that the police force is the major institution charged with the responsibilities of preventing crime, protecting life and property, enforcing law and order, maintaining peace and order and carrying out other regulatory activities. This is usually achieved through the enforcement of law.

In the course of its service to the people, it is expected that the police will not only protect the citizens from harm but must also help to preserve their fundamental human rights at all cost. The question therefore arises as to why violence, human rights violations and abuse by the police have continued to be reported in Nigeria over the years. This violence and abuse has not been limited to excessive use of force, torture and other cruel, inhuman and degrading treatment. On occasions, extrajudicial executions and death in custody have been reported (Obidimma and Obidimma, 2015; Odeyemi and Obiyan, 2018). An indepth review reveals that the answer is situated in the origin of the Nigeria police. This claim can be gleaned from Alemika's (1997) contention that:

History of the police forces in the country [Nigeria] indicates that the various forces were established, organized and maintained by colonial and post-colonial governments primarily for order maintenance that engenders repression, a culture of impunity, corruption, incivility, brutality, lack of transparency and accountability.

Alemika's assertion highlights that the colonial state exhibited a predatory character with Nigerians as its preys and established a police force which it used as a means of solely enforcing its will rather than for the protection the colonial subjects. The colonial state was deemed to be above the law and had a monopoly of deadly arms and force which it applied at will to crush and criminalize all forms of dissent. Any form of resistance to the state's violence was immediately construed by the colonial government and its agents as illegitimate and deserving of immediate retribution (Falola, 2009) with the police as the enforcer. It is this operational outlook that was transferred to the newly independent Nigeria in 1960. With regards to this, Osha (2020) observed that:

The police was never a force created to protect locals and foster harmonious community relations. Instead, it had been formed as an occupation force for a narrow and specific reason: to maintain the power of the state even if the state is illegitimate. Unfortunately, this operational outlook has hardly changed and certainly did not at the dawn of independence. So rather than viewing citizens as deserving of protection, the Nigeria Police Force views them primarily as adversaries, as established in the mandates of the colonial state. This lack of transformation in its outlook is almost extraordinary in its grotesqueness.

From the foregoing, it can be said that from inception, the police in Nigeria was not put in place to fundamentally protect the interest and wellbeing of the people (Dambazau, 2004). It was rather borne out of the desire by the colonialists' to protect and perpetrate themselves, their interests and their trade. As such, the argument that the Nigeria Police is an outcome of the attempt by colonialism to perpetuate itself is of importance to understanding the character and manifestations of the Nigeria Police at present. It is the brainchild of the British colonial government dating back to 1861 after Lagos became annexed. Despite claims to the contrary, the colonialists actually created the Lagos Police Force in their quest to ensure that obstacles to the security of their selves, their interests and their investments were kept at bay. It was also armed in their attempt to perpetuate themselves. The Lagos Police Force became merged with Hausa Constabulary to form the Nigeria Police in 1930 (Tamuno, 1970). When political power was ceded to indigenous people at independence in 1960, the new set of leaders adopted the colonial methods to continue the perpetuation of the practice of ensuring that obstacles to the security of their selves, their interests and their investments were kept at bay. Therefore, an adequate analysis of the nature of the police in Nigeria should start with the appreciation of the history and dynamics of its development to appreciate that the present repressive character of the Nigeria Police derives from its colonial history (Mkhize and Madumi, 2016).

The Police and Human Rights in Nigeria

In 1999 when Nigeria returned to democratic rule, one of the major challenges of the civilian government which came to power then was how to ensure the protection of human rights. This became critical as several reports had laid responsibility for numerous human rights violations during the just ended era of military dictatorship on the Nigerian Armed Forces and the Nigeria Police. The nascent democratic government wanted to reassure its citizens that it was willing to create a democratic society founded upon freedom, justice and the good treatment of all citizens by the state; and that it will create an ordered and stable society, one infused with the spirit of liberty, justice and the rule of law and order (Preshstore, 2013). It was therefore quick to emphasize and endorse the protection of fundamental human rights in Nigeria. Despite this endorsement, citizens continued to be subjected to violence and abuse by the Nigeria Police who were empowered to ensure its observance to a large extent. Cases of violence and abuse, detention without trial, kidnappings, brutality and accidental discharges continued to manifest and appeared to be replacing the existing meager level of order and stability in the country. The situation became such that the Nigerian experience became a pointer to the level at which a peoples' integrity and dignity were not respected and protected (Adetoro and Omiyefa, 2014) by the Nigeria Police.

From the return to democratic rule in 1999 to the last quarter of 2020, it was expected that the changing social landscape, several reorganization and reformation programmes, rapid technological advancement in crime fighting and increased job roles arising from advent and upsurge of domestic terrorism and sophisticated crime waves, and continued democratic governance would have translated to the total abrogation of the colonial orientations which had afflicted the Nigeria Police. Unfortunately, the reverse was revealed to be the case as violence and human rights abuse by the police gained further

notoriety and became endemic in the country (Amnesty International, 2020). Alemika (1988) attributes such unwanted situation to the prevailing undemocratic political system in which there was to be found widespread cases of corruption among top government officials and those who control the economic sectors, inadequate funding of the police, poor management of available resources by police leadership, poor conditions of service, inadequate resources for police work and pervasive effects of the nation's socio-economic order. Indeed, these are actually manifestations of the fundamental challenge in which the police continued to be used more by those that inherited political power as a choice weapon of intimidation and maltreatment than as an agent of the protection of the citizenry and facilitation of development (Ihonvbere, 2003).

Nigerians had expected that independence would translate to an overhaul of the police structure set up by the colonial masters and a translation to a people-oriented police geared towards treating citizens with dignity. Yecho (2015:23) rightly observes that "these expectations were however dashed as the post-colonial government merely inherited the form and content of the colonial administration with more emphasis on the law and order approach of its predecessor". Emphasizing further on Yecho's observation, Biereenu-Nnabugwu and Chukwujama (2014:35) assert that "there was STRUCTURAL transfer of the Nigeria Police from the British without FUNCTIONAL reform". What this meant is that the orientation and character of the post independence police in Nigeria continued to manifest its colonial heritage long after independence. As the new leaders continued to treat Nigeria and its people as resources to be controlled and plundered, the Nigeria Police found its self tangled in violence leading to debilitating alienation from the masses and increasing disrespect for human rights.

Therefore, within the timeframe of this study, the culture of violence and human rights abuse did not abate but took on more shocking levels and manifestations which continued to alienate the police from the civil society. Highlighting an example of the negative operational outlook which the police exhibited towards Nigerians, Osha (2020) asserted that:

It became an outlook the infamous SARS took to an even more brutal level. Young men merely walking on the streets were stopped, frisked and dispossessed of their phones to view the contents. SARS operatives invariably demanded bribes and those who failed to comply were beaten and humiliated in public. Women, even the elderly among them, were not exempt from the terror of SARS in the form of beatings and torture.

There were manifested shocking levels of violence and abuse by the police. Routine stops and checks became excuses for extortion. Torture and various forms of excessive ill treatment began and continued to routinely take the place of proper investigation and stories of people missing or dying while in custody of police officers began to appear. Where women were arrested, accusations of rape were leveled against the police. Amnesty International and Human Rights Watch listed some of these infringements to include extrajudicial execution, torture, rape, physical assault, harassment, extortion, excessive use of force, abduction, unlawful arrest, illegal detention, and other numerous forms of human rights abuses. (Campbell, 2019; Amnesty International, 2020; Human Rights Watch, 2000). All these pointed at an absolute disregard for international human rights laws and standards. The citizens therefore became outraged by the systemic human rights violations perpetrated by the police and began to perceive them as continuing the tyranny of the ruling elite rather than protecting them, their properties and their human rights.

The Police: Violence and Abuse in Nigeria Before EdnSARS Protests

There is no disputing that the Nigeria Police had a reputation for brutality, extortion, abuse and harassment before the EndSARS protests. Quite understandably, attempts had been made by the police to ensure that the relationship between its personnel and the citizens is made cordial in the course of

fulfilling its responsibility of enforcing the law and maintaining order in the society. As such, the refrain that 'THE POLICE IS YOUR FRIEND' was continuously emphasized on the walls of several police stations and bodies of police operational vehicles across the country. Despite these attempts, the personnel of the Nigeria Police continued to be viewed by the citizens more as predators than protectors and the Nigeria Police became a symbol of unfettered corruption, mismanagement and abuse (Orunbon, 2020). This symbolism was reinforced by mutual disrespect, prejudice and suspicion which had characterized the relationship between Nigerians and the police before independence and which continued to subsist after independence. This is because the strong negative historical records attributed to the Nigeria Police, as it relates to corruption, abuse of power, criminal conduct and the use of excessive force (Hills, 2008), neither vitiated in its manifestations after independence nor become tamed after the return to civil governance in 1999.

Indeed, Nigeria is a signatory to various international treaties among which include the International Covenant on Civil and Political Rights (ICCPR), the United Nation's Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT) and the African Charter on Human and Peoples Rights (Amnesty International, 2020). Under these international treaties, Nigeria is obliged to take a wide array of measures against torture and other ill-treatment including its prohibition in law, ensuring that complaints are investigated, bringing perpetrators of violence and abuse to justice and providing reparations to victims. Yet, despite her status as a signatory to these laudable treaties, its police continued to use force beyond the limit permissible by law, blatantly infringe on the rights of innocent civilians and cause a lot of harm and pain to the ordinary Nigerians. This development continued to emphasize the perception that the police was continuing to protect the tyranny of the ruling elite to that in which it was also beginning to see itself as a sub-class that needs to protect its own interests too. This aligns with Dambazu (1999) and Akinlabi's (2013) observations that the police in Nigeria would rather devote time and energy in pursuing graft rather than the fulfillment of their responsibilities to the society. This negligence became a part of what led to the myriad of violence and human rights abuses committed by the police ranging from arbitrary arrest and unlawful detention to threats and acts of violence, including physical and mental assault, torture, and even extrajudicial killings (Orunbon, 2020).

As an outcome of the predatory nature of the Nigeria Police, the reality of being a Nigerian became having nothing but fear and disdain of law enforcement agents who employed every opportunity to perpetuate the extortion and exploitation of unfortunate citizens. Violence, brutality and abuse became trademark outcomes of police interactions with Nigerians especially those who were brave enough to attempt to resist the exploitation, the struggling populace. These trademark outcomes manifested in the forms of improvisation, summary punishments not based on law, torture of suspects from whom false evidence were extracted, extrajudicial killings, framing suspects, collecting bribes and engaging in other sundry unprofessional acts (Higazi, 2016; Igbo, 2017; Owen, 2016; Tiwari, 2017). With regards to the situation, Orunbon (2020) opines thus:

Countless Nigerians attempting to make precarious ends meet are accosted on a daily basis by armed police officers who demand bribes and commit human rights abuses against them as a means of extorting money. Those who fail to pay are frequently threatened with arrest and physical harm. Far too often, these threats are carried out.

The assertion above is an indictment that the police, which is entrusted with protecting lives and property, continued to oppress and take advantage of the people rather than serve them prior to the EndSARS protests. Its reputation of violence, brutality and abuse grew so much and became a serious challenge to Nigerians.

As the police continued to infringe on the rights of innocent civilians, a lot of citizens continued to be exposed to intimidation, harm and pain. Cases of accidents caused by police through checkpoints leading to severe injuries and deaths were recorded. Injuries and deaths from claims of 'accidental discharge' and 'stray bullet' by the police increased geometrically. These became so widespread that M. D Abubakar, on taking over as the Inspector General of the Nigeria Police, stated that the Nigeria Police has fallen to its lowest level and has indeed become a subject of ridicule within the law enforcement community and among members of the enlarged public (Owen, 2014:9). He added further that:

Police duties have become commercialized... Our men are deployed to rich individuals and corporate entities such that we lack manpower to provide security for the common man. Our investigations departments cannot equitably handle matters unless those involved have money to part with. Complainants suddenly become suspects at different investigation levels following spurious petitions filed with the connivance of police officers. Our police stations, State CID and operations offices have become business centers and collection points for rendering returns from all kinds of Squads and Teams set up for the benefit of superior officers. Our Special Anti Robbery Squads (SARS) have become killer teams, engaging in deals for land speculators and debt collection. Toll stations in the name of check-points adorn our highways with policemen shamelessly collecting money from motorists in the full glare of the public.

All these further widened the estrangement between the police and the citizens who continued to perceive the police as their enemy.

Hence, the police in Nigeria cannot be said to have stopped focusing its energy on protecting the interest of the ruling class and undermining its primary responsibility of protecting Nigerian citizens at any time prior to the EndSARS protests. Rather, two decades after the return to civilian rule, democratic governance and the endorsement of the universal declaration of human rights charter, Nigerians continued to experience widespread violence and abuse by a police which had also perfected new ways of preying on them for economic gain. These series of violence and abuse on the citizens, especially the youth, culminated into a spontaneous outpouring into the streets with a call on the government to disband a particular abusive police unit known as the Special Anti-Robbery Squad (SARS) and to put an end to every other form of violence and abuse in a protest tagged #EndSARS in October 2020. A few days after the protests began, security forces responded with excessive force, including gunfire, which resulted in deaths and serious injuries. This unfortunate incident was aptly captured by George (2020) when he opined that in a darkness broken only by the blue light of cell phone screens, the sound of gunshots rang out as the army and police fired into a crowd of young people who had gathered at Lagos's Lekki toll gate to protest against the Special Anti-Robbery Squad (SARS), a notoriously abusive arm of the police. The reaction of the police, and the military, could be therefore be said to signify the total commitment of the Nigeria Police to continuing their inclination for harassment, extortion, brutality, torture and in the extreme, extrajudicial killings against Nigerians.

Ehon (2003) observes that the police no longer believe in hard work and have thrown the values of the society into the dustbin. This further widened the estrangement and suspicion clothing the relationship between the police and the citizens. Zems (2016) appropriately captured this situation in his assertion that the police have become disliked instead of liked and distrusted instead of trusted. It must also be highlighted that it is the economically marginalized and politically powerless that usually experience these serious acts of misconduct than those with greater power and more resources (Lersch, 1998). In view of the assertions above, Odum (2014:25) concludes thus:

Judging from the manner they operate, it appears that the law-enforcement agents in Nigeria have the general belief that they are not meant to serve the common man; not

meant to serve the weak and defenseless citizens. Hence, it is not uncommon to see law-enforcement agents intimidating, harassing, oppressing, terrorizing, brutalizing, and trampling upon the rights of defenseless individuals. They appear to enforce the law in a manner that is skewed against the ordinary citizens. For instance, it is a common occurrence for police officers to capitalize on the ignorance, state of illiteracy, or defenselessness of some citizens to arrest, detain, and extort money from them.

In other words, these set of 'disadvantaged' citizens suffer disproportionately for breaking, or assumed to have broken, the same law than the rich. The clarification of this situation is important, particularly, when it has been established that there are disparities between the rich and the poor in the police treatment patterns (Alemika and Chukwuma, 2000).

Conclusion

The Nigerian Police was borne out of the need of the erstwhile colonial masters to perpetuate colonial power, acquire and siphon the economic benefits that underlined their intent in the colonies. By using the police to achieve this effectively, there resulted an acrimonious relationship which developed between the police and Nigerians in which violence, suppression, duplicity and impunity were merged to enforce the colonial whims and caprices. Therefore, the history of the police in Nigeria shows that it was never a force created to protect locals and foster harmonious community relations. Instead, it was formed as an occupation force for a narrow and specific reason: to maintain the power of the state even if the state is illegitimate. In the two decades after the return to democracy in Nigeria, the relationship between the Nigeria Police and the citizens become more estranged than before and after independence. This is because violence and abuse by the police became worse and appeared largely unabated. Police personnel were ubiquitously found wanton in their responsibility to be respectful and accountable to the citizens. Their use of power was bereft of responsibility and their overall service to Nigerians manifested without integrity and honesty.

The above observation further placed the citizens in a situation in which they found themselves feeling deprived of a sense of belonging and dignity. To reverse the obnoxious trend, several attempts were made to introduce a culture of mutual trust and support in the police but such attempts ended in futility as the fundamentals underlining the estrangement continued to subsist and influence the nature of the relationship between the police and Nigerians. This relationship was skewered to the detriment of the citizens as the ruling class continued to perceive the achievement of mutual trust and support as a threat to their narrow accumulation interests. This also engendered the culture of monetization and the tendency to get rich quick among members of the police force (Ehon, 2003) which also affected their relationship with the citizens prior to the EndSARS protests.

It is quite apt therefore, to conclude that the police, as an outcome of colonial exploitation and suppression, continued to be violent, abusive and repressive. The legacies of political authoritarianism and social exploitation continued to reinforce police violence and abuse which in turn stunted democratic practice and impeded social justice. Since the culture of exploitation and quasi totalitarianism continued to propagate an unjust relationship system in Nigeria, the police continued to exist as an instrument of oppression. In addition, in the length of time that the culture of exploitation has continued to promote oppression and injustice to protect the interests of the ruling class and the powerful in the society, the Nigeria Police have continued to be used to secure, preserve and fortify such socio-economic and political interests to the detriment of the citizens. The EndSARS protests therefore, were an attempt by the people of Nigeria to unchain themselves from violence and abuse by those behind the uniform.

Recommendations

The Nigeria Police is still largely influenced by the colonial vestiges of class inequalities and contradictions in the exercise of its powers. This calls for a re-orientation of the police in Nigeria through concerted training and re-training programs to wean them of the usual resort to violence and abuse. This will contribute in no small measure to the birth of qualitative policing strategies shorn of authoritarianism and exploitation. What this means is that the recommended re-orientation should be such that the protection of the lives, properties and interests of Nigerians should become the primary focus and goal of every policing initiative. This will improve the existing policing ethics, further the observance and respect of the rule of law and catalyze adherence to the dictates of the Nigeria constitution. Out of this will emanate a professional police able to discharge its civic duties according to and with utmost observance of the institutional and structural mechanisms instituted and deployed to regulate its conduct.

To achieve the above will also demand a re-orientation of the Nigerian society directed towards equity in the distribution of socio-economic and political resources. The political cum economic class should enact and implement legislations that reduce the inequality gap between the social classes in Nigeria. Such legislations must also abhor corruption and influence peddling. Reduction in inequality gap will contribute immensely in reversing the present situation in which the Nigeria Police has continued to employ violence, duplicity, impunity and suppression to maintain the relationship of exploitation between the social classes in the Nigerian society. It is anticipated that it will also create the requisite environment that will enable the transformation of the Nigeria Police to an institution that is able to protect citizens and engender harmonious relationship between the classes in the society. Abhorrence of corruption and influence peddling will on its part vitiate the tendency of the police to act as investigator, prosecutor, judge and executioner which is contrary to its actual mandate.

Lastly, the pay package of the police deserves urgent review. Lean salaries make it quite difficult for police officers to shun violence and abuse by which they unlawfully make extra earnings. No meaningful reform can be instituted successfully when the personnel of the police for whom it is intended are unable to satisfy their fundamental and basic needs. Until this is done, all existing and proposed reforms will exist purely in the abstract with little impact on several commitment and effort to end the violence, abuse, torture, unlawful detention, extortion, extrajudicial execution and other violations that police officers have been known for across Nigeria.

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Authors have declared that they have no known competing financial interests OR non-financial interests OR personal relationships that could have appeared to influence the work reported in this paper.

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