

CREATION OF STATE POLICE AND ITS CONSTITUTIONALITY: AN IMPERATIVE FOR THE NIGERIAN STATE

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ABSTRACT

This paper makes a case for the creation of state police in Nigeria because of the country's ongoing security challenges. It states that the police force is under the control of the federal government. It addresses the Nigerian police's plethora of problems such as inadequate manpower among others which have resulted in their incapacity to maintain peace and order and safeguard people's lives and property. The case for the establishment of state police is justified and well-founded because states are closer to the people and will be able to prevent alleged violent criminal offences. The paper also draws inferences from the United States in supporting the creation of state police as it exists there and the police have been playing its role in maintaining law and order. It states that for state police to become a reality, the provisions of section 214 CFRN 1999 should be amended to accommodate it.

Keywords: Creation of state police, Constitution of Federal Republic of Nigeria 1999 as amended, centralized, security challenges, imperative.

INTRODUCTION

The term 'police' comes from the Greekⁱ word '*polis*'. Policing was once thought to be a non-ecclesiastical duty related to health care, safety, law and orderⁱⁱ, service and administration. These words refer to the artⁱⁱⁱ of administering and regulating society's welfare, security needs, peace and order for the general public's advantage. Although the contemporary police system^{iv} began in Greece, it was modernised by the Romans. In 1820, the Nigerian police force^v was founded. The Hausa Constabulary, a 1,200-strong armed paramilitary force was established in 1879. The Lagos Police Department was created in 1896. A comparable organization, the Niger Coast Constabulary was established^{vi} in Calabar in 1894 as part of the newly constituted Niger Coast Protectorate. In northern Nigeria, the Royal Niger Company Constabulary^{vii} was established, while in southern Nigeria, a component of the Niger Coast Constabulary was established. Most police formations were associated with local government during^{viii} the colonial period. However, these forces were regionalized during the first republic and later nationalized in the 1960s. The Nigerian experience showed that the 1960 and 1963 Constitutions allowed^{ix} for the existence of native authority (NA) police system in tandem with the national one. Since the military's entry into politics in 1966, there has been only one police organisation for the entire country, with the inspector general of police (IGP) in charge of the police and the commissioners of police (CP) in charge^x of each state's police force is under the command of the IGP. The aim^{xi} of such an arrangement is to shield the police force from misuse and political sway. However, Nigerians have continued^{xii} to criticize this, prompting calls for the establishment of state police to address state-specific issues alongside the national police, as Nigeria now ranks as the world's third most dangerous country.

As noted in item 45, part I of the second schedule of the 1999 CFRN, section 214 (1) CFRN establishes the management and control of the police in Nigeria an exclusive province of the federal government. The federal government's police authority is overly centralized, prompting calls for the establishment of state police. The government of Nigeria is on the verge^{xiii} of collapsing due to a series of armed robbery killings and a general outbreak of instability.

Succinctly, there is hardly^{xiv} a day that passes without sorry tales of the crimes of killings and kidnappings by Fulani herdsmen; political assassinations; armed robbery; pirates' activities; murders; armed banditry; cult clashes; communal crises and other forms of attacks nationwide.

As a result^{xv}, the urge for state police to be established as a solution to Nigeria's ongoing security problems has begun. Furthermore, these security concerns have continued^{xvi} to garner public attention and controversy, culminating in states' government's organizing their own security apparatus to address these security challenges.

In the light of the above, this paper is divided into seven sections, the first of which is the introduction. Part two examines the functions of the police as an institution, focusing on the constitutional responsibility of maintaining law and order and securing the nation's security through safeguarding people's lives and property, as well as the viewpoints of a various scholars. It acknowledges that the Nigerian police have been unable to restore peace and order due to growing mounting security concerns. The paper suggests that state police be established as a remedy to the situation. Part three looked at challenges that police officers face, such as lack of resources, acts of corruption, inadequate equipment, to name a few. The police's ability to maintain peace and order and safeguard people's lives and property has been affected as a result of these difficulties. Part four emphasizes that the police are unable to fully handle Nigeria's security issues. Regional security organizations such as *Amotekun*, *Ebubeagu* have been founded in the south west and south east to maintain peace and order and defend people's lives and property. Part five which attempts a comparative examination, discusses the existence of state police in the United States and merits for its over there. This is something Nigeria should learn from. Part six examines the pros and cons of the creation of state creation, its merits and drawbacks. Part seven concludes that the rationale for the establishment of state police is well-founded since it will contribute to national security stability because states will be closer to the people, allowing them to nip suspected violent criminal transgressions in the bud timeously. It further states that state police can only be established if section 214 (1) CFRN, which gives the federal government power over the police, is amended.

THE POLICE AS AN INSTITUTION IN MAINTAINING LAW AND ORDER IN SECURING THE STATE

Carey states that national security^{xvii} is frequently misinterpreted and is elusive. It's an odd occurrence since it's a subjective feeling and hence relational and relative, rather than an objective, see and handle able fact. Security is something you can only feel, not something

you can touch. National security is defined^{xxviii} as a country's ability to preserve its internal values from external dangers according to Braithwaite, using the encyclopedia of the social sciences. On its part, Morgenthau asserts that national security and national interests are inextricably^{xix} linked with the former viewed in terms of power and thus constituting the essence of politics. Imobigbe^{xx} refers to it as the state's defence and survival. According to Al-Mashat, national security is more than^{xxi} just territorial defence; it should address a society's and its members' physical, social and psychological well-being both at home and in the larger regional and global context. Security according to Okwori, is defined as a state's ability^{xxii} to maintain its national sovereignty against all actual or imagined threats, as well as acts of aggression by real or imagined adversaries. This is usually why states keep^{xxiii} a large army, the police and other intelligence outfits. In same vein, national security has been^{xxiv} described by Aja to include encompassing comprehensive security of life and property; security of the country's economy and economic resource sectors; security of the people's food and raw material resources, as well as their general health; national integrity; and preservation of all that a society finds precious, vital, and useful.

Ogbonnaya and Ehiagiamusoe, on their part, argue^{xxv} that the federal government's overall security strategy for Nigeria's defence and security consists of three components: total defence, diplomacy, and internal security. National security according to^{xxvi} Adabakin and Raimi is usually concerned with the protection, safety, protecting the state's and peoples' lives from damage, devastation, or other threats to human survival. Babangida believes that national security^{xxvii} entails the physical protection and defence of citizens, as well as the geographical sovereignty and integrity of a country. National security also ensures the advancement of people's living conditions and prosperity in a safe and secure environment,^{xxviii} which is vital for achieving a nation's national interests as well as those of other nationalities.

Furthermore, the issue of national security, according^{xxix} to Olewe and Anga is dependent on the police's efficiency in carrying out their statutory duties of maintaining law and order and securing people's lives and property under section 4 of the Police Act. He goes on to add that 'police' refers to a group of people who work together to maintain civil order and public safety, as well as to enforce the law and investigate criminal activity. To put it another way, the police are responsible for enforcing the law.

According to the authors, all societies^{xxx} need some means of maintaining order. The police play^{xxxvi} an ubiquitous role in society as they are primarily responsible for upholding law and order. As a result, the Nigerian police force is a formally organised group of personnel mandated^{xxxvii} by law to carry out police functions as defined by the Nigerian Constitution. The police according to Black, are the branch of government responsible for maintaining^{xxxviii} public order and serenity, as well as the promotion of public health, safety, and morals, as well as the prevention, detection, and punishment of crimes. His points are valid, yet the police do not prosecute criminals. This is the obligation of the courts. According to Van Maanen and Barley, the police are community personnel who are mostly uniformed and whose sole function is to guarantee^{xxxix} that the community's laws are followed. They have an exclusive domestic mandate and are frequently the first point of contact between citizens and law enforcement. Bunyard argues that the police's basic goals haven't altered much since they were^{xl} established. He claims^{xli} that the way the force has responded to these goals has changed.

Aina claims that the Nigerian police's responsibilities are^{xlii} statutory and that the police owe these responsibilities to Nigerians and other lawful residents of the country. In order^{xliiii} to^{xliiii} foster professionalism, the police are expected to follow the established regulations that regulate their activities while doing their jobs. No wonder, according to^{xl} Alemika, the coercive and/or ideological regimentation of social life by police and various state intelligence and security organizations with the goal of suppressing behaviour, acts, and views that threaten the current social order is known as policing. Klocker and Mastrofskisee state that the police are^{xli} institutions or persons who have been given broad authority by the state to use coercive force within the state's domestic territory.

Effectiveness according to Etzioni, illustrates the police's ability^{xliii} to achieve stated goals and effectively address problems. According to Odekunle, police effectiveness refers to the force's ability^{xliiii} to successfully carry out its constitutional responsibilities, whereas efficiency refers to the degree to which the force performs its functions with the least or limited input, taking into account, time, material, personnel, and public goodwill, among other factors. In this line, Skogan claims that an efficient police force is defined^{xliiii} by its ability to produce major results with little resources, such as fewer men, less materials and fewer trips. Tamuno maintains that the circumstances and the situations in which the police perform their duties^{xliiii} make evaluating

the entire process of law and order maintenance difficult. He opines^{xlvi} that a number of people may be^{xlvii} resentful of the police, but society as a whole is unable to assess the extent to which the police perform their duties effectively. The public has high expectations of the police, yet they are unprepared to meet those demands. The public has great expectations of the police, yet they are ill-equipped to meet them. He believes^{xlviii} that if people's attitudes toward cops alter, cops will achieve wonderful records and scores on their own. That solid public relations are required for police to be effective and result-oriented. Anderson argues that crime is^{xlix} inevitable and ineradicable in most societies. According to him, maintaining^l order and preventing crime would be a mammoth effort for an under-equipped police force, partially because a crime-free society would be prohibitively expensive in terms of resources and administrative overhead. Again, the role of crime^{li} detection involves a given probability that it will dissuade people from committing crimes and provide society with the opportunity as it deems fit to deal with the offenders, thereby helping to exonerate innocent persons, recover stolen property and satisfy a desire for revenge. The level of insecurity and public disturbance are used to assess^{lii} the efficacy of the police in terms of crime prevention and detection. Crimes that go undetected have a negative impact on society as a whole. Egunjobi, for one, believes^{liii} that the efficacy of police is linked to the practise of true federalism. As a result of sections 11(2) and 215(4) of the 1999 Constitution of the Federal Republic of Nigeria, he claims^{liv} that federalism requires federating units to be able to enforce their laws, fight crime and preserve law and order but the lack of state police to carry out these functions is a clear violation of federalism's fundamental concept.

From the aforementioned, scholars' assertions on national security^{lv} and the police's entire responsibilities. It is trite and obvious that national security is far too vital to be ignored^{lvi}. The role of a well-equipped police force is central and fundamental to a state's security as buttressed by the scholars views above. It's no surprise according to Olong and Agbonika that the president in Nigeria has^{lvii} ultimate control over the police. The commissioner of police in charge of a state command is responsible^{lviii} for ensuring security in the state and the state government may give the commissioner of police in charge^{lix} of that state any authorized instructions necessary to carry out that duty. The commissioner of police can either carry out^{lx} the order right away or seek approval from the president or the country's minister in charge of police affairs. This is to ensure that the federal government has complete control over the police

force. The security apparatus of a state determines its well-being in securing people's lives and property at all times. The Nigerian state is not well, it is not healthy, since the current security difficulties in Nigeria are worrisome and disastrous because they have highlighted the role of the police in preserving law and order and defending people's lives and property. As a result, state police are needed to decentralise the police force. As states as close to the people, they will be able to nip suspected violent criminal transgressions in the bud more quickly, resulting in national security stability.

SOME CHALLENGES BEING FACED BY THE NIGERIAN POLICE

One of the issues influencing the efficacy of the Nigerian police, according to Abdullahi is lack^{lxi} of cash to satisfy ever-increasing financial duties or to improve the police's operational capabilities to global standards. The second issue according to^{lxii} Nnoji and Ojiego is pervasive and systematic corruption. Mismanagement and outright corruption of police budgets resulting in^{lxiii} insufficient funding. According to sources,^{lxiv} the Nigerian police force is one of the most^{lxv} corrupt institutions in the country with evidence of^{lxvi} personnel of the police force being sacked for extreme indiscipline on multiple occasions. Nigerian corruption is systematic and police officers are affected by it since they are products of Nigerian society. Demanding and accepting bribes; aiding and abetting^{lxvii} criminals, such as leasing arms; unauthorised disclosure of sensitive security information; deployment of large numbers of police officers as attachés to political office holders depletes the police force's manpower; indiscriminate and illegal arrests of citizens and police brutality are all examples of police corruption. This issue affects^{lxviii} the management of police pension funds which have historically been grossly mismanaged. The use of sub-standard equipment such as communication devices, weapons and other crime-fighting hardware is a third obstacle. The employment of new equipment to battle current criminal trends is required; yet, the sort of outmoded crime fighting equipment used by Nigerian police is one of the causes for their poor operational effectiveness. There have been stories of police officers being beaten by armed robbers and kidnappers who were armed with more sophisticated firearms. The fourth issue is police officers' low pay which leads to low self-esteem and psychiatric issues. According to Adebola, some police officers are^{lxix} suffering from acute depression and other psychiatric difficulties which could be linked to low pay. This difficulty has resulted^{lxx} in some police officers behaving abnormally while on duty;

some cops have gone wild killing innocent civilians while others have slain their entire family and in extreme situations some have even committed suicide. The fifth issue is lack of proper training and retraining. The bulk of Nigerian police officers and women according to Onyeozili are not effectively trained^{lxxi} in battle readiness which adds to low operational effectiveness. For police personnel, specialised training is required in the safe handling of weapons, successful public relations, dispute resolution, citizen rights and privileges, contentment, information management, and other aspects of humanity. Ineffective recruitment methods are the sixth obstacle. The selection procedure for the Nigerian police force is not majorly based^{lxxii} on merit but ethnic, political, and religious factors play a large role in the process. As a result, the organisation eventually^{lxxiii} hires applicants that lack^{lxxiv} the requisite qualifications.

All of these circumstances have a negative impact on the police's ability to utilise their powers in the performance of their statutory obligations. Furthermore, the multiple obstacles that the Nigerian police encounter have had a significant impact on their efficiency in carrying out their duty in preserving peace and order. Furthermore, Nigeria's failure to embrace true federalism is harming the police's ability to deal with the country's rising security concerns. True federalism requires the federating entities, or states, to run their own government. In Nigeria, the federal government has total control over the police force. Since policing is difficult and cumbersome, the federal government should not have total control over it, real federalism requires each state to have a police force of its own. The federal and state government must act together to combat escalating security concerns. The nation's security will be more secured as state police is created, as states will be closer to the people and will be able to avoid alleged violent criminal breaches. As the chief executive officers of their states, governors are accountable to the people. It's puzzling and absurd that state's security matters are overseen by a chief executive officer who has no authority over the state's police force.

EMERGENCE OF REGIONAL SECURITY OUTFITS

It is common knowledge that the Nigerian police force is overwhelmed by current security challenges which has resulted^{lxxv} in the formation of regional security outfits under various aegis as a result of the police's inability to address mounting recurrent security challenges plaguing the Nigerian state as the people have lost faith in the government and its policing

apparatus. As a result, the call^{lxxvi} for the establishment of state police in Nigeria has grown louder.

As a result of the above, The O'dua People's Congress (OPC) was founded in 1994 by Dr. Frederick Fasehun as a nonviolent pan-Yoruba movement attempting to safeguard the Yoruba race's interests. It is not a legal entity. It performs community policing tasks in south west Nigeria, including preserving law and order and securing people's lives and property. In addition to this, state governors in Nigeria's south west have also taken the concept^{lxxvii} of local security a step further by creating a regional security outfit on January 9, 2020 known as *Amotekun* (Leopard), also known as the Western Nigeria Security Network, which has the blessing of traditional Yoruba authorities. .

But, according to^{lxxviii} Malami, the new security organization is illegal. In response, Agoro states that Operation Amotekun was founded in accordance^{lxxix} with section 14 (1) of the Federal Republic of Nigeria 1999 Constitution as amended, which states that the fundamental goal of government is to maintain the security and welfare of the people. He maintained that the need^{lxxx} to place a high value on human lives compelled the six governors to form a new security organization. In a similar vein, the threat^{lxxxi} posed by Fulani herdsmen in the form of kidnappings and murders in the south west recently brought to fore- light Chief Sunday Adeyemo, also known as "Sunday Igboho," who gave the Fulani herdsmen community in Igangan, Oyo State, a seven-day ultimatum to leave the state. He stated his support^{lxxxii} for the creation of Oduduwa republic.

Likewise, Nnamdi Kanu, the leader of the indigenous peoples of Biafra (IPOB), has stated that the eastern security network (ESN) arose from the incapacity of southeast governors to secure^{lxxxiii} the lives and property of Igbo people. Since the region's governors have failed^{lxxxiv} to do so, the southeast and south-south areas have resolved to defend their territory against terrorism and extrajudicial killings, according to Kanu. The governors of Nigeria's south-eastern states have^{lxxxv} declined to acknowledge ESN as a legitimate security group, in contrast to their counterparts in the south-west, which have been recognised legally by their respective state legislatures by enacting laws to that effect. Suffice to state that the five governors of the

south east area have formed *Ebubeagu*, which literally means "the pride of the lion," to tackle terrorism and other violent crimes.

These security groups, it is claimed have usurped the duty of the police in violation of section 215 (3) CFRN. More pertinent is the groups' operations which are mostly outside of police supervision, serve^{lxxxvi} as a reminder of the country's security system inadequacy. Some residents now regard them as the only hope for the common man's safety.

STATE POLICE IN UNITED STATES

Proponents of state police use the United States police as an example to illustrate^{lxxxvii} their argument. Individual state police exist in each of the United States' 50 states and they enforce state laws and rules and regulations with little interference from federal law enforcement, unless there is a special circumstance, such as the September 11, 2001 attack on the Pentagon and the World Trade Centre, in which the US federal government had to exercise^{lxxxviii} some supremacy. Criminal investigations and law enforcement activities are carried out by the state police on a statewide basis.^{lxxxix} Only Hawaii lacks a named state police/highway patrol force.^{xc} Instead, the Hawaii Department of Public Safety's Sheriff Division is in charge^{xcii} of state-wide law enforcement. In general, state police enforce^{xciii} traffic restrictions on roads and interstate expressways; security of the state capitol complex; protection of the governor; training new officers for local police forces (too small to maintain an academy); and technological and scientific support (with the exception of Vermont). The state police are^{xciii} fully authorized law enforcement agencies with statewide jurisdiction to patrol, to responds to calls for service and perform all of the above-mentioned duties.

CREATION OF STATE POLICE: AN IMPERATIVE FOR THE NIGERIAN STATE

The ineptitude, lackadaisical and lethargic attitude of the centrally controlled police force in Nigeria, the number of sophisticated crimes, frequent killings, kidnappings, banditry, and a few others have led to security challenges. This has rekindled calls for state police to be established.

Specifically, state police according to Agwanwo is a type^{xciv} of sub national policing in which security operations are devolved by the police between the country's federating states. Some states already have a plethora of quasi-security organisations that fulfill some policing functions. These quasi-security structures contribute^{xcv} to maintaining security in these states., According to Eme and Anyadike, creation of state police is seen^{xcvi} as a step towards actualizing the sustained campaign for community policing. As a result^{xcvii}, the request for state police in Nigeria is well-founded and should be supported. Furthermore, state police exist in the United States, a federalist country with a diverse political, cultural and religious heritage and a big population. Nigeria shares numerous similarities with the United States and state police should be developed as a result. The federal government's power over^{xcviii} the police is overly centralized, according to Nwabueze because the single-police system is incompatible with federalism, exposing the system to political manipulation by the party in power at the centre, making the temptation too great to be restrained if and when one's political ambition is on the line. According to Ehindero, state police would create^{xcix} a situation in which two rival institutions will have the same responsibilities and duties. Nonetheless, proponents^c of state police claim that establishing state police is the only option to fix Nigeria's security issues. We believe^{ci} that by working together, the federal and state police forces can achieve better results. After all, there are other government agencies that perform functions^{cii} previously performed solely by the police (for example, the Economic and Financial Crimes Commission (EFCC) and the Independent Corrupt Practices Commission (ICPC), but they work hand in hand with the police to bring sanity to the criminal justice system by investigating and prosecuting criminals.

In his contribution, Falana claims that in a federation, the problem^{ciii} of forming state police is necessary. Maintaining peace and order^{civ} in a state as well as defending people's lives and property must be regarded part of the state government's responsibilities. For example, section 11(2) of the 1999 Constitution recognizes^{cv} this fact and empowers state legislatures to enact legislation to maintain the preservation and security of public safety and order in their respective states. This supports^{cvi} the establishment of state police as opposed to section 215(4) of the CFRN which gives the federal government control of the police. The court in *Amushima v State*,^{cvii} held that the term 'government' as defined in section 14 (1) (b) of the CFRN covers both state and local government. As a result, the state as a government arm is unquestionably

qualified to establish state police. Bulus, a supporter of state police, sees the proviso in section 215 (4) of the Constitution as a clear^{cxviii} usurpation of state government authority. Since 1999, many state governors have had^{cxix} reason to doubt the constitutionality of such a provision, blaming the breakdown of law and order that led to conflicts in certain parts of their states on the police's inability to quickly address and arrest deteriorating conflict situations on the pretext that orders had to be sought from above before action could be taken. This is true even though the governor could have easily worked with the state commissioner of police to guarantee^{cx} that law and order was maintained in their respective states.^{cx}

Dauda recounts^{cxiii} how the federal government used its monopolistic control^{cxiii} of Nigeria's police force to impose its political preferences on the states. He claims that under the second republic, the federal government controlled^{cxiv} by the National Party of Nigeria (NPN) exploited specific provisions of the 1979 Constitution on police to destabilise states ruled by competing parties. The Nigerian police were among the instruments used to^{cxv} rig the 1983 gubernatorial and presidential elections in favour of NPN across the country. According to Ojeifo, a more intriguing scenario occurred in 2003, when certain individuals, with clear central government support, used the Nigeria police to arrest and force^{cxvi} a serving governor to resign illegally. AIG Ralph Ige, the police officer who led^{cxvii} the governor's kidnap was quietly retired with full benefits. Despite an order from^{cxviii} a competent court reinstating the governor (Dr. Chris Ngige) as the governor of Anambra state, the state commissioner of police for a long time refused to reinstate the governor's security details. Similarly, in six other cases where state governors were impeached, Nigerian police officers were deployed^{cxix} in large numbers to assist renegades and disgruntled lawmakers motivated primarily by sympathy for some godfathers with federal government support to illegally impeach state governors who were viewed as enemies by the wielders of federal power without recourse^{cxx} to the constitution. In his proposal for the establishment^{cxxi} of state police, Ochei argues that given Nigeria's current significant security concerns, state police development would be a definite way out of the labyrinth of insecurity and related challenges. His case is based^{cxxii} on 'repeated reports of police maltreatment in Nigeria,' as he puts it by those who currently manage and control the force. State police formations, he continues, would be more extensive, widespread and community-friendly. He underlined the fact that because state government currently bear a significant

portion of the platforms and other logistics factors for securing their respective states, it would only make sense for them to be allowed^{cxxiii} to fund and run state police under the Constitution. Furthermore, Olu-Adeyemi claims in his contribution that the creation^{cxxiv} of state police is a step toward reorganizing the country into a true federation. Federalism divides powers^{cxxv} between the central government and its constituent parts, preventing the national government from concentrating power. In this system, he proposes that power is shared^{cxxvi} in such a way that each receiving constituent has a separate existence and has relatively exclusive jurisdiction over a certain domain of state activity, ensuring a balance in theory. Proponents of state police, according to Igbuzor, believe that state-based police forces are a component^{cxxvii} of most federal systems. The United States of America, Australia, and India, for example, are all federal states with separate police forces. As currently being agitated for, Eme and Anyadike state that there is the need^{cxxviii} for community policing as it will allow community members to have a say in the way they are policed. The initiative is better actualized with the creation^{cxxix} of the state police structure. Familiar opinions are that the establishment of state police will be informed and influenced by the peculiarities of the security situation^{cxxx} in a given state. State police forces would be able to maintain^{cxxxi} law and order, ensure the safety and security of citizens and investments in the state.

On the other hand, Tamuno, one of the state police opponents, believes that if state government are allowed to create^{cxxxii} their own police force, the police will become politicised and used as a tool to victimise political opponents and parties in the state. It will be^{cxxxiii} utilized to keep themselves in power at the expense of the opposition; it is also expected that the creation^{cxxxiv} of state police will strengthen the ruling class's and its supporters' use of the police as an oppressive instrument to frighten and harass the general people. We state that this view is misconceived as most federal government millennium development agencies, ministries have state owned counterparts. This coheres with the practice of true federalism. A practical example is the independent national electoral commission (INEC) with state counterparts. The duplication will serve to ensure^{cxxxv} that states are well policed. Thus, according to Kehinde, the call^{cxxxvi} for state police is criticized as being a design by power-hungry state governors to create instruments of coercion with which to rule people in order to impose their will on others.

Fayemi on his part^{cxvii} states that poor training, recruitment of party thugs, corruption, partisan political use of the local police by traditional rulers and politicians are some of the reasons given for the condemnation of the local police forces. To Owen, he points that the federal government often fail to provide a corresponding increase^{cxviii} in funding to modernise, train, equip and manage the federal police force. How then can states that depend solely on revenue accruing^{cxix} from the federal government afford the monthly salary of state police officers? It is our submission that state police will only cater for the security needs of the state and not beyond. This means that it will not need the kind of huge funding required to fund the current wasteful federal police. Furthermore, the collection of revenue by states through sharing by the federal government is an indicator of the convoluted form of federalism practised in Nigeria. The Northern Governors' Forum (NGF), claims^{cxl} that while it does not support the creation of state police, it has pledged to push the federal government to reform the police. The establishment of state police, in our opinion, does not preclude police reforms. Alemika's concern is the possibility^{cxli} that state police could be used to suppress non-indigenes living in some states has prompted northern governors to raise concerns about the issue, calling for an amendment to section 215(2), which states that the Nigeria police force is under the command of the inspector-general of police, and any contingents of the Nigeria police force stationed in a state are under the command of the inspector-general of police. Federal officers implementing^{cxlii} state laws, prosecuting state offenders in state courts, and imprisoning state offenders in federal prisons is a legal absurdity.

CONCLUSION

Obviously, the argument for creation of state police is well founded based on all the views proposed on the subject matter. Its creation will bring stability to the Nigerian state thereby greatly reducing incessant security challenges plaguing it. Its creation is also long overdue. The existence of state police in states in the United States lends credence to this. This can only become a reality if section 214 (1) CFRN which gives the federal government control of the police force is amended to allow for the creation of state police in Nigeria.

ENDNOTES

ⁱCC Alozie ‘Critical Assessment of the Nigeria Police and National Security in Nigeria’s Fourth Republic’ (2019) 6 (5) *International Journal of Humanities Social Sciences and Education (IJHSSE)* 2.

ⁱⁱ CO Barnabas *Police, Law and your Rights; with Police Act and Regulation, Code of Conduct* (Lagos: Princeton and Associates, 2013) 12.

ⁱⁱⁱ*Ibid.*

^{iv}*Ibid.*

^vSee EEO Alemika ‘History, Context and Crisis of the Police in Nigeria. A Paper Presented at the Biennial Retreat of the Police Service Commission on the theme, ‘Repositioning the Nigeria Police to meet the Challenges of the Policing a Democratic Society in the Twenty-First Century and Beyond’ held at the Le Meridian Hotel, Uyo, Akwa Ibom State, November 1-4, 2010. Palace messengers, the *akodas* of the Yoruba kings were recognized and reformed as *olopas*, while in the Emirates of the North, the palace *dogara* also were recognized and reformed as *yan/dandoka*. In both cases, these traditional ‘police’ constituted the nucleus of local police forces of the colonial era.

^{vi}*Ibid.*

^{vii}*Ibid.*

^{viii}*Ibid.*

^{ix}EEO Alemika Colonialism, State and Policing in Nigeria *Crime Law and Social Change* 20 at 189-219. However, the contact of the Yorubas’ with the colonial police must have greatly influenced the Yorubas’ in organizing the local security men along that of colonialist. Accordingly, the Egba united government established an Egba police on 27 July 1905. The membership of this police was largely drawn from ‘*ode*’ called native hunters and their original assignment was to combat the menace of armed robbers considered to be on the increase then. Ibadan and many other Yoruba towns subsequently copied the initiatives of the Egbas.

^xC23 Laws of the Federation 2004. It shall be referred to as ‘CFRN 1999’. Presently, this is covered by section 215 (2) CFRN.

^{xi}*Ibid.*

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